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## Owens Valley Agriculture – The Squeeze is On

By the OVC Team

Agriculture is an important part of the Owens Valley economy and environment. Managing the landscape for food production sustained and nourished the native Paiute people as well as the more recent settlers of the 19th and early 20th centuries. Fed by snow-melt streams, verdant meadows fringed the alluvial fans. The Paiute people actively managed and increased these irrigated areas by an extensive system of irrigation ditches. After 1860, other people discovered the Owens Valley – including Chileans, Mexicans, Chinese, Canadians, Italians, and Basque shepherders. Miners extracted minerals from the surrounding mountains, and a farming and ranching economy grew to supply the miners with meats, fruits, and vegetables.

After the construction of the Los Angeles Aqueduct in 1913, agricultural acreage dropped from 74,958 acres in 1920 to 23,625 acres in 1940 because of LADWP's purchase of farms and ranches and refusal to guarantee a water supply to land leases. Since then, a tense balancing act has characterized Owens Valley's need for agricultural water and the water demands of the City of Los Angeles. As the Southern California population grew thanks to a steady supply of Owens Valley water, more water export ensued. In 1970, Los Angeles enlarged the capacity of its aqueduct system by more than 50%, and dramatically increased groundwater pumping in the Owens Valley to fill it. This led to extensive environmental damage and loss of 10,200 more acres of irrigated agricultural lands.

In response, Inyo County and its citizens, including ranchers, pulled together to challenge LADWP's arrogant presumption that the Owens Valley ecosystem and the livelihoods of ranchers and small business owners could be sacrificed to growth in Los Angeles. In 1997, after 27 years of legal battles and a review by the courts, the 1991 EIR and Water Agreement were approved. These agreements are supposed to provide certainty to ranchers and farmers about the amount of irrigated lands and the quantity of water to be supplied to each parcel—at least 5 acre feet, and enough to continue the water-related uses of these lands as made during the 1981-82 runoff year.

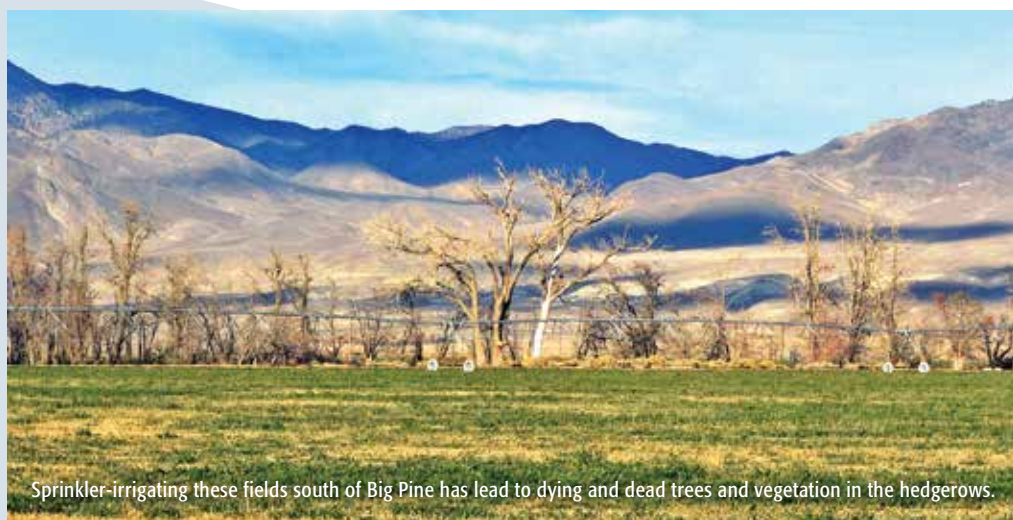
Using this guaranteed water, ranchers have been able to spread water via ditches, creating hedgerows and meadows that support native plants and wildlife, as well as livestock. Ranchers are required to keep the land healthy without overgrazing by operating according to the Owens Valley Land Management Plan. Because ranchers are out on the land in order to spread water and manage livestock, they are familiar with the specific conditions on their leased parcels.

Now, once again, Owens Valley agriculture is being squeezed. LADWP has long seen ranch water as a waste. Over the last several years, they have attempted to coerce ranchers and farmers to reduce water use by financial incentives, and have successfully petitioned the County to agree to reduce irrigation duty to 3 acre feet by the use of sprinklers on some parcels. "Water conservation" has become a euphemism for "exporting more water to Los Angeles." "Saving" ranch water isn't a good thing in the Owens Valley. When a rancher irrigates with ditches, riparian habitat is formed, not only along the ditch, but through "tail water," or water at the end of the ditch that extends beyond the official irrigated parcel. Conversion to sprinklers eliminates the tail water and destroys riparian and meadow habitat that has been irrigated for decades, as well as killing the tree and shrub hedgerows between fields. An example of this can be seen in fields south of Big Pine. Deepening ditches is another tactic

DWP uses to move water to the aqueduct quickly without supporting streamside vegetation.

Now ranchers are being pushed to accept new lease terms that change how water allocations are calculated for parcels. "Wet leases" receive water for two purposes: first, for direct irrigation to the land; and second, as water for animals, which is called stockwater. The City is now proposing to cut off stockwater during the irrigation season, effectively reducing the amount of water ranchers receive, which will negatively affect environmental conditions on ranch leases. This change in management is in violation of the Long Term Water Agreement and provisions of the 1991 EIR. DWP is also trying to reduce water to some leases by creating a cap of 5 acre feet rather than continuing to provide water to the lease in the amount of the 1981-82 year. Some leases have historically received more water than 5 acre feet due to the specific topography and soil type of their lease. Further affecting the historic stockwater allocations is the threat by DWP to make ranchers pay for "excess" stockwater, even though the Water Agreement protects ranchers against changes in lease or water charges. Threatening to charge ranchers for stockwater use will have the effect of reducing water applied to leases, which is in direct opposition to the goals and provisions of the Water Agreement.

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Sprinkler-irrigating these fields south of Big Pine has led to dying and dead trees and vegetation in the hedgerows.

*continued from page 1* The LADWP also is attempting to establish unilateral authority for reduction in water supplies to agricultural leases by changing ranch lease language. However, the Water Agreement provides that during times of drought, the Inyo County Board of Supervisors and LADWP must act together to reduce water supplies to agricultural lands.

All of these efforts by the DWP are part of its ongoing attempts to cut water use incrementally throughout the Owens Valley, to the detriment of the environment and the economy, despite the legal protections of the Water

Agreement and the 1991 EIR. An Owens Valley without agriculture is diminished culturally, economically and environmentally.

In March 2014, the Inyo County Water Department wrote a letter formally objecting to DWP's violations of the Water Agreement found in its proposed new ranch leases. The Owens Valley Committee wrote Inyo County Supervisors in June 2014, asking the Board to agendize a discussion of this problem. As of December 2014, we have not received a response to our request.

Ranchers and farmers are important contributors to

Inyo County's economy, as well as stewards of the land. According to the 2013 Crop and Livestock Report issued by the Inyo and Mono Agricultural Commissioner's Office, farmers and ranchers produced crops valued at \$25,647,988, providing a stable economic base for the County. Despite the promises of the EIR and Agreement, the ranchers and farmers are taking the hit again, as they did when the second aqueduct began operation in 1970. This is unfair and wrong. They are our friends and neighbors, and their entire livelihood is at risk if they don't receive the water that the Agreement and EIR promise.

## Bishop Turning Brown

Early maps depict the area where Bishop now stands as almost a swamp. Groundwater pumping has dried out many areas, but much greenery remains in and around the City in the form of fields and trees. Much of the greenery now depends on surface water diverted from Bishop Creek via a complex network of ditches, some of which date back to the original Paiute irrigation system. Bishop's greenery is now threatened as never before by a combination of factors: changed management practices by DWP in response to the drought, excessive DWP groundwater pumping, and the drought itself.

Bishop Creek is regulated by the Chandler Decree, a 1922 court decision which attempts to reconcile upstream water storage for hydroelectric production with needs of downstream irrigators. The downstream irrigators now include about 900 Bishop property owners, though one of them, DWP, holds the largest acreage by far.

The Chandler decree attempted to protect irrigators by stipulating minimum flows down Bishop Creek during the irrigation season. In close-to-normal years this works fine, but in very dry years, complying with the minimum flow requirements precludes storage of water at South Lake and Lake Sabrina. With no

water stored in these lakes during peak runoff, by late summer of very dry years there isn't sufficient water flowing down Bishop Creek to irrigate all the properties protected by the Chandler Decree.

Historically there was a simple solution. According to the Inyo Register, DWP granted informal "variances" from Chandler Decree minimum flow requirements to Southern California Edison (SCE). With these variances SCE stored water in Lake Sabrina and South Lake at peak runoff in order to have enough water to keep at least some water flowing through ditches the entire irrigation season.

During the 2013 runoff year DWP changed its longstanding practice and refused to grant a variance. Without a variance, SCE, bound by Chandler Decree flow requirements, stored little water during peak runoff in South Lake and Lake Sabrina. Late in the season the lakes dried up, leading to unprecedented drying of Bishop ditches during the 2013 irrigation season. A short time later, numerous residential wells in the southwest Bishop area dried up. The drying was attributed by the Inyo County Water Department to lack of recharge, due largely to dry ditches. Water Department data also showed the problem was exacerbated by increased pumping from DWP wells

after their enlargement in 2000.

As the 2014 irrigation season started, another problem developed. While some wells remained dry, basements not far away flooded as groundwater unexpectedly rose higher than ever. At the June 2014 Bishop Creek Water Association meeting, this hydrological havoc was attributed directly to the 2013 ditch desiccation followed by the spring 2014 re-saturation. At the same meeting it was disclosed that in 2014 ditches would again dry up unless water were to be stored immediately. Once again, DWP did not grant a variance, and SCE was unable to store water.

In June, the Owens Valley Committee wrote an urgent letter to the Inyo-LA Technical Group calling for it to modify management immediately to avoid a recurrence of last year's drying of ditches. We also asked for mitigation for parties and land already affected by DWP's changed surface water management practice. The impacts experienced in southwest Bishop are what the Inyo-LA Long Term Water Agreement is intended to prevent. Four months after we sent our letter, the Technical Group has yet even to discuss the problem much less take any action. Ditches in Bishop are now dry, as predicted.

### OVC News

#### NEW LOOK FOR OVC

This summer the OVC board solicited proposals for a re-design of our website. Although the existing website has served us well, having adopted a new logo, mission, and vision statements, the Board decided now would be an appropriate time for a website makeover as well. Watch for our new website in early 2015. Our next newsletter will also have a brand new look.

#### BOARD MEMBERS

Longtime OVC board members Mark Bagley and Connie Spenger resigned from the board in October 2013, and August 2014, respectively. We thank them both for their years of service. Rose Masters joined the board in April 2014.

#### WHITE MOUNTAIN BIKE RIDE

Several OVC Board Members handed out special OVC "goodie bags" at the Bishop City Park on September 12th. OVC helped sponsor the challenging White Mountain Bike Ride this year (NdZONE.com). Over 100 riders received bags that included our latest newsletter and a couple of delicious lemon cookies from Great Basin Bakery. This activity is part of OVC's efforts to make people outside of our area aware of the challenges we face in the Owens Valley.

# OVC Adopts New Mission Statement

In March 2014 the OVC Board adopted a new mission statement and, for the first time, a vision statement:

*OVC seeks just and sustainable management of Owens Valley land and water resources. We envision a valley in which existing open space is protected, historic uses sustained, and depleted ground water reserves and surface water flows are restored as Los Angeles phases out its dependence on Owens Valley water.*

The new mission statement is both simpler and broader than its predecessor. An important addition is the concept of justice. In Owens Valley, issues of environmental protection are inseparable from issues of justice. Inyo County Supervisors realized this years ago when they created a video to promote the Inyo-LA Long Term Water Agreement. The video was titled “A Search for Justice,” not “A Search for Environmental Protection.” The original video may be viewed at [https://archive.org/details/cini\\_00002](https://archive.org/details/cini_00002) thanks to the Inyo County Free Library and the California Audiovisual Preservation Project (CAVPP).

Linking justice with sustainability places our environmental protection work in the larger historical context of Los Angeles’ unjust acquisition of the valley. It also invites collaboration with others whose concerns transcend the sometimes narrow focus of environmental law. By omitting reference to the Inyo-LA Long Term Water Agreement (LTWA) the mission statement implies that enforcement of the Long Term Water Agreement and MOU — OVC’s traditional focus — is a means to a greater end, not an end itself.

We envision Los Angeles phasing out its dependence on Owens Valley water, because that is a prerequisite for just and sustainable management. Over two decades of observing the failure of the LTWA suggests that so long as Los Angeles requires Owens Valley water, the temptation for exploitative management will be irresistible, regardless of management agreements. We envision protection of open space and historic land uses in recognition of the fact that as Los Angeles phases out its dependence on Owens Valley water, it will be tempted to open land to development. Attaining just and sustainable management of water is pointless if

the valley fills with suburban sprawl or industrial-scale development.

Carrying out our mission and realizing our vision will be difficult, but not impossible. Under Mayor Hahn, in 2004 Los Angeles proposed protecting open space on DWP holdings in Owens Valley via conservation easements, only to discover opposition in Owens Valley. Now that DWP is seeking to turn the valley into a solar colony, some who opposed Mayor Hahn’s conservation easements are re-considering. And in this year of extreme drought, DWP reports that Owens Valley may supply only 7% of the city’s water. There are people and organizations in Los Angeles who understand the city must wean itself from its addiction to Owens Valley resources and OVC is seeking to make common cause with them.

OVC was founded as a defensive response to threats to the valley. By putting forward this positive vision, in addition to continuing our defense of the valley, the Owens Valley Committee will remain a strong and effective organization, looking toward the future.

## OWENS VALLEY WATER NEWS By Sally Manning

Pretty wildflowers appeared in Owens Valley this spring despite meager winter precipitation. This is possible when there is about an inch of rainfall all at once, even if the cumulative seasonal amount is less than average. While the bit of precipitation was enough to bring up flowers, it did little to raise water tables throughout the Owens Valley. In parts of Owens Valley wellfields, water tables have been below the Inyo/LA Water Agreement’s mid-1980s baseline for the past 25 years due to heavy pumping by DWP. Groundwater dependent vegetation is seriously degraded near Laws, Big Pine, Aberdeen, Blackrock Hatchery, and from Independence to south of Manzanar; all of these are areas where pumping has far exceeded recharge to the groundwater aquifer. The amount of pumping DWP has planned for 2014-15 will exceed the ability of runoff and recharge to raise water levels this year.

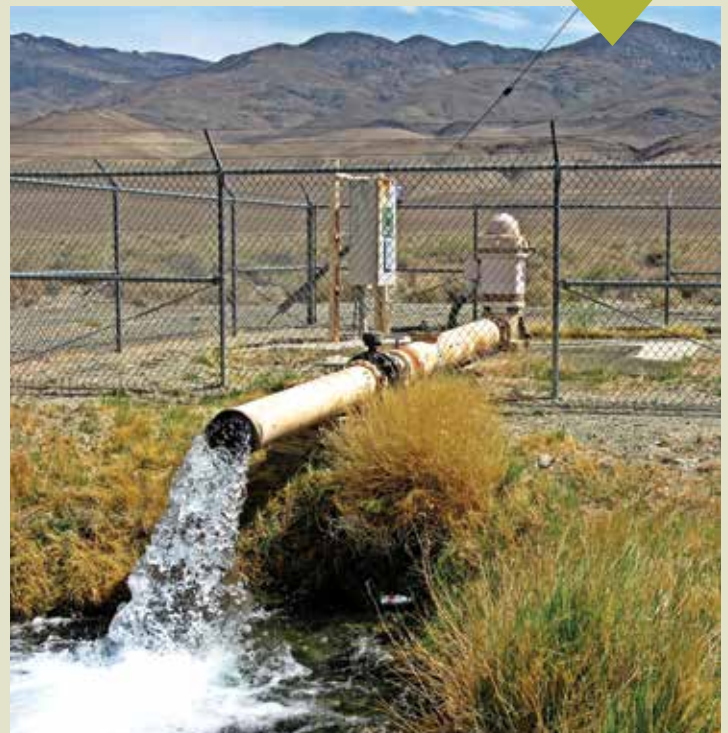
DWP snow surveys predicted 30% of normal snowpack, on average, in the Sierra Nevada, but they expected 50% of normal runoff. This means that in addition to snow, melting glaciers and other stored “base flow” will contribute significantly to flows descending to DWP lands in the Valley.

DWP’s pumping program anticipates somewhat less valley-wide pumping this year compared with previous recent years. During the last runoff year

(April 2013-March 2014), LADWP pumped an Owens Valley-wide total of 78,880 acre-feet. This year they plan to continue with high pumping from Big Pine, and they are planning a slight reduction in pumping from the Thibaut Sawmill wellfield. Because of dry conditions, the Water Agreement allows DWP to plan for only six months at a time. In the first six months of this runoff year, DWP pumped 43,866 acre-feet. The year total is estimated at 69,246 acre-feet.

Each year, DWP anticipates using 95,000 acre-feet of water to control dust at Owens Lake. In 2012, their data show they used 75,450 acre-feet at the lake, the most ever applied to the lake in one year. In 2013, they report to have used less: 67,900 acre-feet.

In the 2013-14 runoff year, about 60,000 acre-feet



of Eastern Sierra water flowed to Los Angeles in the 100-year-old aqueduct. This constituted about 10% of LA’s total water supply. For the current runoff year, DWP anticipates even less Owens Valley water flowing to LA, only 7% of their total supply.

# Who Speaks for the Trees?

Trees in Independence and Lone Pine are dying at an alarming rate. These small towns are located at the bottom of the drainages of Independence and Lone Pine Creeks. The early settlers of these towns planted trees that supplemented the naturally occurring native trees, like cottonwood and willow. Their roots easily reached the water table. The Inyo Independent of October 17, 1874 reminded readers that there was a County Ordinance on the books encouraging people to plant trees.

Today we have a situation where water rates and attitudes have doomed many of these historic trees. There are entire blocks where the street trees have died.

The Water Systems in Lone Pine, Independence and Laws are like no others in the State because they are included in the 1991 EIR and Water Agreement as mitigation for the cumulative effects of groundwater pumping in and around these towns. Inyo County operates these Water Systems. The Supervisors have raised the water rates, and continue discussing raising them even more. Because these Water Systems are a mitigation measure, and CEQA prohibits a mitigation measure from causing further harm to the environment, raising the water rates to the point where people quit watering is contrary to the goals of the Agreement. In fact, mitigation has not been achieved. The vegetation in both Independence and Lone Pine is no longer at the historic levels of the 1981-82 year, as required by the Water Agreement.

DWP's groundwater pumping has guaranteed that tree roots can no longer reach the water table. The only way

to keep these trees alive is by the application of surface water. Most tree roots "drink" from the first 18" of soil surface and they need to be irrigated several feet beyond their canopy. Before DWP's headquarters moved to Bishop, many upper management people lived in Independence. One row of houses is called "Foreman's Row," reflecting the "company town" nature of Independence, Inyo County's seat. DWP and Inyo County used to water the street trees. That is no longer happening. To make matters even worse, several big trees and other vegetation around the DWP's Independence shop have been allowed to die because they have turned off sprinklers for the past couple of years.



Looking south on Hwy. 395 in Independence, c1940.

In Lone Pine Park, a stream that ran through the Park and on in to the community was unilaterally transformed by DWP into a recirculating ditch, cutting off water to trees outside the Park and along the historic stream.

Another concern in Lone Pine and Independence are the tree lots that DWP planted as mitigation measures prescribed in the 1991 EIR. These tree lots provide habitat for hawks, bobcats, and many other species. In recent years, the tree lots have had many trees removed and appear to be suffering from a reduced water supply.

Although California is in the third year of a drought, L.A. continues to pump in the Owens Valley. Any water saved here goes south in the L.A. Aqueduct, and the Los Angeles swimming pools are still full. The Owens Valley Committee, like the Lorax in Dr. Seuss' book, will continue to speak for the trees of Owens Valley.

## Northland Power Independence Solar Project

Immediately north of the location of DWP's proposed SOVSR is the site of another proposed industrial-scale solar project called "Northland" or, more recently, "Independence Solar Farms, LLC." Its scale, amount of energy production, and impact to the Owens Valley is nearly equal to SOVSR. County Supervisors have approved a contract to initiate review of Northland under the California Environmental Quality Act.

The same objections to SOVSR apply to Northland. OVC and our allies will do all we can to prevent its approval. At present, the project's feasibility is questionable. The only available power line is owned by DWP and has approximately 250 MW of available capacity. If DWP builds SOVSR, there will be no capacity left for Northland. On the other hand, if DWP decides not to build SOVSR, it seems unlikely it would agree to allow another company to use the capacity it covets in its own power line, unless mandated to do so.

Northland's proposed developer is CPG (Clean Power Group) Independence, LLC. They sent a letter to the Inyo County Planning Department. In this letter they allege, "The views of the Sierra Nevada and Into [sic] Mountains are not impacted in any way from the addition of solar within the Owens Valley 5 miles east of Highway 395." As we know, this claim is completely false.

While the LA Board of Water and Power Commissioners would be the certifying body for SOVSR's EIR, Inyo County Board of Supervisors would be the certifying body for Northland. Just as the Owens Valley Committee shall continue to urge the LA Board of Water and Power Commissioners not to approve SOVSR, OVC urges the Inyo County Supervisors to deny CPG Independence, LLC the right to develop any large scale industrial solar project in the Owens Valley.

## Slake Project Update



The first video produced for the Slake project premiered at the OVC fundraiser in March of 2014. It was met with enthusiasm and praise from the audience. The filmmakers, Jenna Cavelle, Ryan Christensen, Bryan Kostors, and Chris Morrow, were present to answer questions. The video has been playing on the local Sierra Wave TV Channel. It is also available to view online at: <https://vimeo.com/89778671>.

The filmmakers are currently working on the second video for the Slake project, with the goal of presenting it at the next OVC fundraiser in March 2015. The second video, simply titled Slake, will focus on the environmental and cultural damage that has occurred in Owens Valley due to water extraction by the City of Los Angeles. Once released, it will be available online and will be shared with the larger world through film festival submissions.



# Larger LORP Pumpback Station?

Longtime OVC members may think the above headline is a mistake. They may remember over a decade ago DWP asserted its right to build the LORP pumping station with a capacity exceeding the ceiling specified in the 1991 Inyo-LA Long Term Water Agreement. They may also remember DWP lost decisively in court after being sued by OVC and the Sierra Club.

Unfortunately, the headline is not a mistake. Early this year the DWP LORP consultants released a report arguing that there are water quality problems in the LORP and that the problems might be solved by increasing the volume of water flowing down the river during what naturally would have been fluctuating seasonal flows. DWP stated that if there are increased flows down the river it should be allowed to increase the capacity of the pumpback station. DWP's consultants advocated accepting DWP's linkage of increased flows with increasing the capacity of the pumpback station.

The OVC sees several problems with this rationale. First, it conflates an alleged ecological problem (poor water quality) with a political/legal issue. The capacity of the pumping station has nothing to do with water quality in the Owens River. The pumpback station's sole purpose is to capture Lower Owens River water for the LA Aqueduct.

Another concern is that the existence of the alleged water quality problem has yet to be convincingly demonstrated. At the LORP Summit, attendees asked for water quality data and the Inyo County Water Department agreed to provide it. A review of these data shows that with the exception of dissolved oxygen, monitoring of most water quality attributes has been too inconsistent to make meaningful statements. Dissolved oxygen is necessary to support aquatic life. For dissolved oxygen the County observed upward trends during

both base flows and seasonal habitat flows relative to pre-project conditions.

Much more water quality data needs to be gathered to understand what is the reality in the Lower Owens River. If there is a water quality problem, increasing the pumpback station will not resolve it. Again, the pumpback merely removes water from the river to the aqueduct.

Finally, it has not been shown that increasing flows is

Lower Owens River project calls for putting water back into approximately 60 miles of the Owens River channel that DWP dried up in 1913, and allows DWP to build a station to pump water from the river channel up to the aqueduct just before the water would reach Owens Lake.

The LTWA limits the capacity of the pumpback station to 50 cfs (cubic feet/second). In the early 2000's, DWP attempted to ignore this ceiling and build a much larger pumpback station but lawsuits by the OVC and Sierra Club forced adherence to the terms of the LTWA.

Existing DWP wellfields are upslope (west) of the aqueduct, and pumped groundwater flows from the wellfields down to the aqueduct by gravity.

The capacity to pump water from Owens River (by means of the pumpback station) up to the aqueduct opens the possibility of developing wells in a large area downslope (east) of the aqueduct. Pumped water from new wellfields could drain into Owens River, be captured by the pumpback

station, then pumped up to the aqueduct, effectively converting the LORP from a mitigation project to the third barrel of the aqueduct. This is the principal reason OVC and Sierra Club fought so hard to insure DWP complies with the 50 cfs ceiling. The LORP minimum flow requirement (40 cfs) is only slightly lower than the ceiling of the pumping capacity, leaving little unused pumping capacity which could be used for new groundwater pumping.

DWP is always looking ahead. They may not have immediate plans to use the LORP as another means to transport water down the aqueduct. But as population pressure and climate change increases the demand for our water resources, the Owens Valley Committee wants to guarantee that for now and in the future the Lower Owens River will not become the third barrel of the aqueduct.



Photo courtesy Courtney Smith.

the only feasible solution to the alleged water quality problem. For that matter, it has not been shown that increasing flows will solve the alleged problem at all.

Rather than allowing an enlargement of the pumpback station, OVC has proposed several alternative strategies to address water quality problems. The complete version of OVC's comments and suggestions for adaptive management of the LORP are on the website at [www.ovcweb.org](http://www.ovcweb.org).

Why is the LORP Pumpback Station Capacity so Important?

The Lower Owens River Project (LORP) is the largest single mitigation project associated with the 1991 Inyo-LA Long Term Water Agreement (LTWA) and 1997 MOU. It is compensatory mitigation for seeps and springs that were destroyed by groundwater pumping after the second aqueduct was built. The

# OVC Attends LORP Summit

LADWP and Inyo County organized a Lower Owens River Project Summit on July 29-31, 2014 to present information on trends and conditions since the project's initiation. OVC is committed to the successful implementation of the LORP and is a party to the 1997 MOU (which describes the LORP). Four OVC representatives attended the summit.

Prior to the Summit, the OVC attempted to persuade LADWP and Inyo County to allow the public to observe the LORP Summit. After all, this important mitigation project arose out of the California Environmental Quality Act (CEQA), which was enacted by the legislature but is enforced by the public. Because of this, the Lower Owens River Project truly belongs to the people. Yet the LORP Summit remained closed.

OVC views this as a missed opportunity to inform interested members of the public about current project conditions. MOU party representatives, consultants, lessees, Inyo and LA staff, and an Inyo County Water Commissioner were in attendance. No justification of the public exclusion was ever given by LADWP or any other MOU party. OVC will insist that future meetings regarding the LORP be open to the public.

Summit attendees heard talks about conditions of vegetation and habitat, tule growth, flows and water gains and losses, recruitment of woody species, fish, birds, and water quality. The group also took a field trip to view and discuss aspects of the project.

After listening to the presentations and attending the field trip, OVC's assessment is as follows:

- **LADWP is meeting MOU flow requirements.**
- **Wetland and riparian habitat have been created.**
- **Fish and birds are thriving.**
- **Woody species are germinating and some are surviving.**
- **Water quality data is sparse, as we mention elsewhere in this newsletter.**
- **Tules (bulrushes and cattails) are quite abundant. The abundance of tules, coupled with beaver activity, has created blockages which obstruct flows in places. These obstructions, in turn, encourage the growth of more tules as the water spreads.**

The LORP Summit could have been structured differently to tap the expertise of Summit participants and collectively develop steps for improved management. Immediately after the presentations on LORP trends and conditions and before collaborative problem solving was able to occur, LADWP consultants began promoting a plan which had the

goal of raising the pumping limit of the pumpback station to 72 cfs (or perhaps even 110 cfs). For a discussion of this proposal see the article titled "Larger Pumpback Station?"

After attending the LORP summit, OVC submitted the following suggestions to MOU parties regarding LORP management.

## OVC LORP General Suggestions

OVC suggests these be implemented as soon as possible:

- **Use reasonable measures to remove tules and beaver dams that block water flow. Methods include manual—but more likely mechanical—removal of emergent vegetation and dams, and judicious earth-moving to the extent necessary to allow flows.**
- **Monitor and record data on birds more thoroughly and more often.**
- **Start gathering comprehensive data on water quality. (These data should have been gathered beginning with the initiation of the project.)**
- **Install a network of piezometers (shallow monitoring wells) throughout the LORP management area and check them at least monthly.**
- **Acquire remotely sensed data for the entire LORP at least once per year in late August, and professionally evaluate the data to present vegetation conditions and land surface elevation changes. In addition, periodically collect and analyze Lidar data (remote sensing technology).**

## OVC Suggestions for LORP Adaptive Management:

These are considerations OVC would be interested in discussing at future LORP meetings.

1. **Consider reallocating funds currently used for the current consultants. The consultants have been involved with this project for two decades, and they account for about 20% or more of the nearly million dollar LORP budget. It is not apparent to OVC that products received from the consultants justify the expenses. The consultants did not make any scientific presentations at the LORP Summit. Inyo and LADWP staffs do the fieldwork and reporting. The MOU parties may consider options for directing the saved money into scientific research and data collection and analysis, and OVC suggests this be done as a cooperative effort. These post-implementation costs associated with the LORP are equally shared by LADWP and Inyo County.**
2. **Allow the tules to "live out their time" on the LORP, because they may be successional**

**to the next wave of dominant vegetation. OVC concurs with an observation presented by a LADWP staff member that the more choked parts of the project are likely to aggrade. In fact, this prediction was correct: on the field trip, we saw water had backed up and spilled into an old channel at the east side of the "Island" reach.**

3. **As an alternative to (2), initiate studies of LORP tules. There is at least one reason for the proliferation of tules throughout the LORP, but no data were presented at the LORP Summit to explain the extent of tule cover, and only anecdotes were presented regarding patterns of encroachment and persistence.**
4. **Regardless of (1) or (2) above, OVC does not concur with the strategy mentioned at the LORP Summit that increasing the amount (flows) of the same-quality water into tule-infested reaches may control tules by lodging them or hampering their spread. Significant pressure would be needed, and there is not enough gradient in the LORP to achieve flows sufficient to blast them out.**
5. **Consider enlarging the forebay (pond from which the pumpback station sucks up the water). A larger pond would provide greater flow management flexibility in that water can be stored if desired (as opposed to overflowing to the delta), then pumped back as pipe capacity allows.**
6. **Consider removing Yellow-billed Cuckoo from the Habitat Indicator species list, if this can be agreed upon by all MOU signatories. This change would necessitate providing additional habitat in other more suitable locations on LA-owned lands, such as Baker and Hogback creeks and the riparian forest north of Tinnemaha Reservoir.**
7. **Consider reducing flows to below 40 cfs during certain times of the year, such as September – December. OVC views this as a reasonable means of varying flows throughout the year but staying within the 50 cfs pumpback limit.**
8. **Consider delivering water of higher quality (fewer nutrients and dissolved solids and cooler temperatures) to the LORP. This may entail directing creek water from the southern Owens Valley directly into the Lower Owens River. Test water quality frequently or continuously in some places. Consider cleaning the water through novel means such as filtering, aeration, or passing it through wetlands before introducing it to the LORP.**

The Owens Valley Committee recognizes that some of the above suggestions would entail modifications to existing agreements and court orders.

## OVC Annual Fundraiser Brings In \$28,000!

On March 22, 2014, OVC held its annual fundraiser at Mountain Light Gallery in Bishop. The event was an enormous success: more than 150 people attended and \$28,000 in cash and in-kind donations were raised.

The featured speaker was Bill Powers, a San Diego engineer and partner in Solar Done Right ([www.soldoneright.org](http://www.soldoneright.org)). Mr. Powers discussed the economics of distributed, locally sourced solar power generation relative to the conventional model of industrial-scale facilities with long-distance transmission. He pointed out that Owens Valley could easily become self-sufficient in electric power simply by exploiting existing rooftops and parking lots. He also pointed out some reasons it would be more cost effective for DWP to invest in distributed solar in Los Angeles than build its proposed Southern Owens Valley Solar Ranch (SOVSR) near Manzanar in the Owens Valley. Given the public outcry regarding SOVSR and the Inyo County Planning Department's proposed general plan amendments to facilitate industrial-scale solar (see "Solar Roundup"), the timing of his talk could not have been better.

Noting the importance of the moment and OVC's critical role in seeking appropriate land use, the Metabolic Studio generously committed to match all contributions to the event.

The OVC Board of Directors is developing a comprehensive plan to insure our education, organizing, communications, and legal work will be conducted in the most effective way possible. We thank all who attended and/or donated for your generous support of our work toward just and sustainable management of our land and water resources.

We offer our particular thanks to the following people and organizations, whose support was essential to the event's success:

**Foundations:** Metabolic Studio, for generously matching all donations.

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### BLM Must "De-designate" the Owens Valley as a Transmission Corridor for the WVEC

An environmental problem and scenic eyesore, transmission lines convey an even greater threat of mega-solar and wind installations clustering around them. Therefore, OVC and their allies turned out once again to an Inyo County Supervisors' workshop to remind the Supervisors to oppose any transmission schemes that would go through the Owens Valley.

The State of Nevada is reportedly interested in constructing two transmission lines through Owens Valley. One would come from over Montgomery Pass, and the other over Westgard Pass. The Inyo County Planning Department has already received another grant from the California Energy Commission to gather data to plan for these lines.

The two transmission efforts through the Owens Valley are:

#### 1. The Federal West-Wide Energy Corridor, (WVEC)

#### 2. A proposal to construct transmission lines from Nevada through Montgomery Pass or Westgard Pass.

Successful implementation of either of these would remove obstacles to building more industrial scale solar or wind generation facilities in the Owens Valley or anywhere these lines are built. That is, the present "cap" of 250 MW on the Rinaldi Line would not be an impediment anymore.

Although the Federal WVEC through the Owens Valley is listed as a "corridor of concern" due to the the efforts of the Wilderness Society, it may still become an issue.

The Owens Valley Committee supports "de-designating" the Federal Energy Transmission Corridor through the Owens Valley. We urge continued vigilance by our members with this issue.

## News in Brief

### BLACKROCK SETTLEMENT

Inyo County and DWP finally settled their long-standing dispute over management of Blackrock 94. Inyo had formally initiated a dispute several years ago and after much delay and legal wrangling, DWP and the County signed an agreement before arbitrators handed down a final decision. DWP accepted no responsibility for the groundwater drawdown and resulting meadow degradation, but agreed to reduce pumping for the Blackrock fish hatchery from current levels (almost 13,000 af/yr) to about 8000 af/yr, the estimated flow of the former Blackrock Springs. Hydrological models suggest the reduction in pumping will allow the water table to rise. The Blackrock meadows are severely damaged, and it is uncertain what amount of recovery will occur.

### STATE GROUNDWATER LAW APPROVED

Groundwater will be regulated for the first time by the State of California under a set of bills recently signed into law by Governor Brown. The laws are intended to foster local control and require development of watershed-scale management plans. However, while the bills were debated in Sacramento, Inyo County and DWP staff persuaded the bills' sponsors to add an amendment to exempt lands affected by the Inyo-LA Water Agreement. The public was not informed that the amendment was being negotiated and so had no opportunity to debate its merits. The County's position is that the existing Inyo-LA Long Term Water Agreement (LTWA) is a "model," arguing that its standards are higher than those of the new state groundwater law hence the exemption is justified. The OVC, however, recognizes that the LTWA suffers from some serious deficits, as well as lack of built in enforcement. Some feel that the LTWA is a failure. The new groundwater law may have offered Inyo County an opportunity to break DWP's stranglehold on management.

It is important to note, that regardless of this exemption, there are privately held parcels that abut the DWP lands and are subject to the new State Groundwater Legislation. Groundwater knows no boundaries, and there will be interesting consequences arising from these kinds of exemptions that were written into the bills.

This Legislation is certain to be litigated, and the Owens Valley Committee will be following the developments closely.

# Southern Owens Valley Solar “Ranch” Delayed

The Fall 2013 issue of the Rainshadow was largely devoted to a discussion of DWP’s proposed Southern Owens Valley Solar Ranch (SOVSR). A year later we are happy to report that the project has been delayed and it is not clear when or if DWP will pursue it. The final EIR, originally planned for last spring/summer, has yet to be released. Below is a brief review of the remarkable political campaign the OVC helped organize to oppose the project.

When the OVC first learned of the project last fall we worked on documenting the numerous and serious deficiencies of the draft Environmental Impact Report and encouraging people to comment. Board member Nancy Masters deserves principal credit for writing and assembling OVC’s lengthy, detailed comments (available at the OVC website, [www.ovcweb.org](http://www.ovcweb.org)).

However, the OVC board recognized that merely documenting inadequacies in an EIR would not stop the project. We decided the only hope lay in educating the LA Board of Water and Power Commissioners about the project’s unmitigable impacts, inconsistency with the MOU to the 1991 Inyo-LA Long Term Water Agreement, and the fact that it is unnecessary due to enormous untapped solar resources in Los Angeles itself.

We had no illusions this would be easy. In fact, a January 2014 letter to the Inyo Register told us to give up because we are “fighting city hall and have no chance of being successful.”

In spite of the apparent hopelessness of the situation, OVC persevered, and surprising things began to happen. First, a seemingly endless stream of

letters denouncing the project appeared in local media. Initially they were written by the “usual suspects” -- people who often write letters to the editor. However, as time passed, the letters kept being written and came from people who don’t normally participate in public political discourse. Ultimately the editor of the Inyo Register herself wrote an editorial in opposition to the project. The breadth of the political opposition was unlike anything observed in Owens Valley since LA built the second barrel of the aqueduct. However, public opinion in Owens Valley means little to

special hearing in LA to allow Japanese Americans living in Los Angeles to comment on the project. An indication of the importance of this hearing is the fact that the General Manager of DWP attended, even though it was held on a Saturday. The hearing was also noteworthy because several Owens Valley Paiutes made the trip to LA and their comments, alongside those of the Japanese Americans, reportedly made a powerful impression. Just as in hearings in the Owens Valley, none of the numerous speakers spoke in favor of the proposed project.



Hikers on the Winnedumah trail. The proposed site of SOVSR would be clearly visible from this iconic hike.

DWP -- what happens in Los Angeles is what gets DWP’s attention.

When force of public opinion opposing SOVSR began to come also from those within the City of Los Angeles, DWP really started paying attention. Outspoken opposition to the project was organized by the Manzanar Committee, a group of activists who had put together the campaign to create Manzanar National Historic Site in 1992. They viewed the project as a threat to Manzanar because it would impinge upon the viewshed and destroy the overwhelming isolation that internees had experienced. Due to the Manzanar Committee’s efforts, DWP held a

maker in Los Angeles offered to make a short video to help publicize the issue. The video, “Saving Payahuupu,” can be viewed through a link on the OVC website ([www.ovcweb.org](http://www.ovcweb.org)).

In late April members of our alliance met with Mel Levine, chairman of the Board of Water and Power Commissioners. Levine served 10 years in the US Congress before becoming chairman of the Board of Water and Power Commissioners. One of his achievements was carrying the legislation (opposed by DWP) which established Manzanar National Historic Site. Eloquent testimony by members of the Manzanar Committee clearly had an impact on Mr. Levine at the meeting. He promised he would

Meanwhile, at the suggestion of tireless volunteer Jane McDonald, OVC had joined an informal alliance with the Manzanar Committee and Owens Valley Paiutes to implement our idea of educating political leaders in Los Angeles. This alliance first bore fruit in the form of meetings with four LA City Councilmen in late January 2014. Three of the Councilmen were supportive of our cause. In arranging these meetings an experienced LA political consultant offered to help us (without charging a fee), and a Native American film-



not make a final decision before coming to the Owens Valley and visiting the site, and promised to keep in touch with us.

As we have repeatedly pointed out, the project is unnecessary. Untapped solar resources in Los Angeles far exceed the capacity of the proposed SOVSR in the Owens Valley. Furthermore, the price of distributed solar systems and battery storage continues to decline, calling into question the economics of the project. It is simply a question of LA political leaders summoning the political will to do the right thing by developing their own resources in their own city. We can help them develop this will by continuing to make our voices heard through emails, letters, and phone calls. Success is by no means certain, but it is within our grasp. To help, please contact Mel Levine and LA Mayor Eric Garcetti. Contact information and content suggestions are at the OVC website at [www.ovcweb.org](http://www.ovcweb.org).

## Inyo County Renewable Energy General Plan Amendment (REGPA)

While the OVC and its allies were engaged in the fight against DWP's proposed Southern Owens Valley Solar Ranch (see above), the Inyo County Planning Department (ICPD) held a series of meetings to seek public input regarding modification of the Inyo County General Plan to facilitate development of renewable (solar and wind) energy. The ICPD had a grant from the California Energy Commission (CEC) to identify and circumscribe portions of the county appropriate for industrial-scale renewable energy projects (such as the SOVSR). The circumscribed areas, known as Renewable Energy Development Areas (REDAs) would be part of a set of Renewable Energy General Plan Amendments (REGPA). The CEC's overall goal is to identify areas suitable for industrial-scale solar and wind facilities where there are few resource conflicts and permitting can be streamlined. ICPD explained that unless it circumscribes some REDAs and makes some provision for industrial-scale solar

in the Inyo County General Plan, such facilities could be proposed anywhere in the county and the county would have no control over them at all. The REDAs and REGPA were justified as a defensive measure, to protect Inyo County.

The proposed REDAs and REGPA failed to accomplish this defensive objective and, instead, identified sensitive areas of Inyo County for industrial development. Many of the areas the ICPD proposed for the REDAs had serious resource conflicts and were precisely areas people want



to see protected from the kind of development being proposed.

For example, all three of the ICPD's proposed alternatives included a huge REDA east of the Owens River from Independence to Lone Pine. This area (the Owens Valley REDA) is not only rich in cultural, historical, and scenic resources; it also happens to include the site of DWP's proposed SOVSR. The ICPD thus claimed to be protecting Owens Valley from inappropriate development while proposing to facilitate the SOVSR.

The proposed plan was presented to the Inyo County Planning Commission on February 26, 2014. There was an overflow crowd and 32 members of the public voiced a variety of objections to the proposed REDAs and REGPA, while only one person spoke up in favor of the plan. In the discussion it was clear that several planning commissioners didn't understand basic concepts regarding renewable energy, and some freely admitted not adequately understanding the REDAs/REGPA. Some stated they didn't even understand why members of the Manzanar Committee had traveled all the way up from Los Angeles to voice their opposition to the

Owens Valley REDA. Instead of directing staff to address the numerous public objections to the plan, or seeking answers to their numerous questions, the Planning Commission voted 4-1 to send it on to the Inyo County Board of Supervisors.

As a result of that meeting, and to give people an opportunity to express their displeasure with that decision, Bryan Kostors developed a website, [www.deepestvalley.com](http://www.deepestvalley.com). The result was that over 1,000 people signed a petition opposing the REDAs/REGPA. Many wrote powerful letters

declaiming this move toward industrial development in the Owens Valley and Inyo County. The petition and signatures were presented at the Board of Supervisors meeting on March 18, 2014.

At that same Board meeting, the proposed REDAs/REGPA was agendized. 42 members of the public spoke against it and one person (the same

person who had supported it before the ICPD) spoke in favor of it. At a second Supervisors meeting (April 8, 2014) at least 35 people spoke against it. At the final (May 6, 2014) meeting the Supervisors directed staff to proceed to develop a Programmatic EIR with a greatly reduced number of REDAs, as a direct response to public opposition expressed in previous meetings. The draft of the PEIR is expected to be released in Fall 2014.

While the reduction in number of REDAs was a victory, the victory was more apparent than real. The Planning Department has received another grant from the CEC for identifying appropriate sites for industrial-scale solar specifically in the Owens Valley. Unless there is continued public vigilance, the Owens Valley REDA could be brought back to life in this new planning initiative. The Owens Valley Committee will continue to pay close attention to this issue.

The Renewable Energy General Plan Amendment is available for review on the Inyo County Planning Department's website, or in Inyo County Free Library branches. All comments are due by January 14, 2015.

# The Owens Valley Committee Needs Your Help!

Please renew your membership or consider making an additional donation. Just use the attached donation envelope, or send it to:

**Owens Valley Committee**  
**PO Box 77**  
**Bishop, CA 93515**

You can also donate on our website, [www.ovcweb.org](http://www.ovcweb.org).

## OVC Mission

OVC seeks just and sustainable management of Owens Valley land and water resources. We envision a valley in which existing open space is protected, historic uses sustained, and depleted ground water reserves and surface water flows are restored as Los Angeles phases out its dependence on Owens Valley water.

The Rainshadow is printed on 60% recycled paper.



Flowering lupine in the Bairs Creek drainage.



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## the RAINSHADOW

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. This is the combined Spring/Fall 2014 edition of The Rainshadow. Contact us with any suggestions or corrections on our website, [www.ovcweb.org](http://www.ovcweb.org).

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