

'Water-watchers' have a go at own public meeting

OVC hosts well-attended forum to share views on groundwater & vegetation, LADWP and its consultants

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Players in the ongoing Owens Valley water drama got to perform a little role reversal last week.

The Owens Valley Committee presented a public program to offer its views on the relationship between

groundwater and vegetation and discuss the long-stalled Lower Owens River Project. The program was partially in response to two public forums hosted by the Los Angeles Department of Water and Power which presented vegetation information and views crafted by LADWP's consultants, Montgomery Watson Harza. At both of those presentations, citizens and members of OVC questioned and criticized both the specifics and general direction of MWH's work.

Members of the citizens' group had the water tables turned on them Wednesday night, however, when representatives from LADWP and

See OVC, page A-5

Continued from front page
MWH "splashed the party" and questioned some of the information, opinions and conclusions presented by the OVC.

One thing both sides agreed with was the assertion that no one is happy with the current on/off protocols that regulate individual wells and whether they can run or not. But of course, there wasn't much agreement on how to fix that "problem."

However, several of OVC's main points and complaints about water management in the Owens Valley were not questioned.

One of those "big issues" was that LADWP has avoided hundreds of millions of dollars in costs over the past 17 years because of its groundwater pumping program and by delaying implementation of the LORP.

The second point, which drew only a slight rebuttal, was that it takes lawsuits, not negotiations and agreements, to get LADWP moving on big projects and completing them on time.

Money always talks, and according to OVC President Carla Scheidlinger, the record over the past 17 years literally screams when it comes to the monetary motives driving LADWP's groundwater pumping plan.

Starting in 1987, two years before the Inyo-LA Long Term Water Agreement was crafted, OVC calculated that LADWP had averaged 25,000 acre-feet of "excess pumping" a year. Multiply all that water by \$400 an a.f., the cost of buying water from other sources, and OVC contended that in the past 17 years LADWP had "saved" \$170 million, thanks to "excessive pumping." Scheidlinger said "excessive pumping" in the example was pumping that was "greater than recommended by the LTWA methods."

The \$170 million is "a pretty serious incentive" for LADWP to pump as much water as it can get away with, Scheidlinger noted.

On a smaller scale, not getting the LORP completed by the first deadline, June 2003, with implementation not slated until at least 2006, has "saved" LADWP \$15 million in construction costs and at least 45,000 a.f. of water.

Whether the recent court ruling by Judge Lee Cooper will result in sanctions that would erase those "savings" won't be known until those sanctions are levied.

However, Scheidlinger said the recent ruling validated one of the OVC's oft-cited positions that LADWP would rather stage courtroom dramas than actually complete projects.

Cooper, in a scathing decision, ruled that LADWP had no excuses for missing the latest, court-imposed LORP deadline. Cooper

ruled LADWP had intentionally stalled the project, "piddled around trying to play bureaucratic games," and then top LADWP officials "bragged about the

Gewe as saying, "litigation is cheaper than water."

To which Scheidlinger added "consultants are even cheaper than litigation."



Carla Scheidlinger (l), president of the Owens Valley Committee, and Mark Bagley of the Sierra Club listen to comments from LADWP consultant Dave Ebersold during a Wednesday meeting hosted by OVC.
Photo by Jon Klusmire

amount of money and water DWP has saved by litigation delay."

The sentence in Cooper's ruling singled out by Scheidlinger was brutally direct: "It appears that DWP needs the threat of immediate sanctions before it gets busy on the LORP."

The judge's opinion was "validating," said Scheidlinger. "That's what OVC has been saying for years, so it was nice to hear it from a judge."

Scheidlinger also pointed out that in some cases, such as the Owens Dry Lake project, LADWP has done "excellent work ... and met all deadlines," but that only occurred after the agency was facing court orders and rulings, and the threat of sanctions.

Though not mentioned, the same could be said of the legal effort that forced LADWP to provide more water for Mono Lake, which has resulted in a revival of the once-dying body of water.

Everyone in the room seemed to agree that the on/off protocols that determine whether a pump can run or not need work. The protocols "are not working as designed or hoped to work," said Mark Bagley of the Sierra Club. Gene Coufal, manager of LADWP's aqueduct business group, agreed there were problems with the on/off protocols, and said LADWP and the county, with help from MWH, would be working to improve those protocols.

Mike Prather, an OVC member, quoted former LADWP Water Division President Gerald

Ebersold said MWH did take into account when groundwater was in contact with root zones, and when it was below root zones. "We did look at rooting zone issues," he said.

To the claim that groundwater pumping is the primary factor that can be controlled and managed, unlike rainfall, for example, Ebersold replied that pumping "is only one lever, and no matter how hard you pull" that lever, it might not be the whole answer to the vegetation question.

Ebersold also undercut the historic view of the valley's vegetation, which featured quotes, maps and observations from 1859 to 1960 that painted a picture of a lush valley, full of springs and marshes, and loaded with vegetation that was supported by groundwater.

He noted that "dramatic ... wholesale changes" to the valley and its vegetation - specifically the construction of the aqueduct, loss of irrigated land and the diversion of streams and creeks - was part of the "big picture" regarding past loss of vegetation and had little to do with current, "smaller changes in wellfields."

Scheidlinger said that it seemed in all the discussions, "the baseline data seems to have disappeared." That data, collected in the mid-1980s, came from 1,700 parcels in the valley, and should be considered and factored into any work tracking changes in both the amount and type of vegetation in the valley.

Brian Tillemans, of LADWP,

said he performed much of that baseline data collection, but maintained the work was more of "a mapping effort," which is "different than a management tool," since the effort was not exactly a scientific, precise study or documentation of vegetation. He said "thousands and thousands of transects" were performed (a "transect" involves drawing a line and then observing the kind, amount and health of plant species under that line). But there was also plenty of discretion by the mappers. He said when studying a parcel, he would randomly perform additional transects "to try and get all the species" spotted on the parcel.

He added that it would be almost impossible to go back to the exact transects and measure them again.

Ebersold added that the variation in those transects and data was just one additional factor that needed to be considered when studying vegetation in the valley.

Coufal said that LADWP's record wasn't as bad as portrayed when it came to completing enhancement and mitigation projects. He noted the LTWA contained "two-three dozen projects," and now "there are only five or six" that haven't been completed.

The OVC presentation repeatedly pointed out that the LTWA mandated that water and groundwater pumping was supposed to be managed to "avoid impacts." Just a look at the declines in vegetation and the changes in vegetation should make it clear that has not been the case, OVC said.

Coufal said when it comes to "avoidance, we do take it seriously."

The problem is, "we don't know where avoidance is," Coufal said, and that's why MWH has been hired to help the county and LADWP come to some sort of agreement on that question.

Speaking of money, Coufal said "it would be foolish to create impacts" that LADWP would have to then fix or mitigate; "that would cost too much money."

He added that LADWP considers "groundwater a great resource for the city and the valley," and that it would make no sense to permanently harm that resource.

Ebersold, whose first comment at the meeting was, "I don't expect anyone's going to trust me," did ask the group to trust his and his firm's reputation. When asked, point-blank, whether his firm was hired to concoct a scenario that would allow LADWP to pump "its full entitlement," he first said MWH is a "big, global firm, so it doesn't do us any good to provide bad data."

He added that he was assured by Coufal that LADWP would follow his firm's recommendations, even if those recommendations were to lower groundwater pumping. "If that's the right thing to do for the valley, that's what we'll do," Ebersold quoted Coufal.

Although that dramatic statement brought the curtain down on the meeting, it drew snickers, not applause from the crowd.