



BOARD OF SUPERVISORS COUNTY OF INYO

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January 17, 2012

Owens Lakebed Planning Committee
City of Los Angeles Department of Water and Power
111 North Hope Street
Los Angeles, CA 90012

RE: Draft Owens Lakebed Master Plan

Members of the Owens Lakebed Planning Committee:

On behalf of the Inyo County Board of Supervisors, I wish to relay to you, the Department of Water and Power (DWP), and the City of Los Angeles our continued support for dust mitigation efforts on Owens Lake. Based upon our review of the draft Master Plan and our previous input, we offer the following comments:

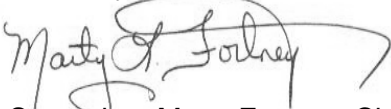
1. The Master Plan should include a goal to work to provide water for areas of the Owens Valley that historically received water that has been diverted to the Lake. The ecosystem of the Owens Valley as a whole should not be compromised for the Lake micro-ecosystem. We suggest that this goal be included with priority on page 1-8 and 1-9 (Section 1.4.2), as well as discussed in more detail in pages 2-1 through 2-3 (Section 2.1) and Chapter 5 (pages 5-1 through 5-8, and particularly Section 5-2 on page 5-6).
2. The Master Plan should acknowledge the County's General Plan, Zoning Ordinance, Renewable Energy Ordinance, and other relevant planning policies and regulations within and adjacent to the Plan boundary. We suggest a new section or chapter to address relevant plans, regulations, and policies more broadly. Possible locations include a new section in Chapter 1 (pages 1-1 through 1-9) or a new chapter describing the regulatory background between existing draft Chapters 2 and 3. Reference to the Renewable Energy Ordinance should be included in Section 7.4 (pages 7-24 through 7-26). (Please see attachment).
3. The Master Plan should provide additional background regarding the Long-term Water Agreement (LTWA) between the County and the City of Los Angeles. We suggest that this issue be elaborated in Chapter 5 (particularly in Section 5.3 on page 5-7) and/or in a new section or chapter regarding the regulatory background described above (Please see attachment). The Master Plan should not conflict with the Long-term Water Agreement.
4. The Master Plan should address public services, utilities, and infrastructure to provide for development of master plan components. We suggest a new section or chapter to discuss these and other relevant issues, such as within Chapter 7 (pages 7-1 through 7-28) or in a new chapter between existing Chapters 7 and 8. (Please see attachment).

5. The Master Plan should provide for vector control, such as for mosquito control, for communities bordering the planning area. These issues have been kept under control by extensive monitoring and control programs of the Inyo/Mono Agriculture Commissioner, and require continuing attention to avoid public health and ecological harm. The Plan should address these potentially negative impacts resulting from it. We suggest discussing these topics in Chapter 6 in a new section or integrated into Sections 6.5.2 and 6.6 (pages 6-35 through 6-40). Additionally, section 8.6 should include a section specific to the potential of unforeseen mosquito and biting insect problems arising from management actions. These issues may present undue strain on local jurisdictions and present significant health-related issues to surrounding populations. Some mention of the potential of these species to diminish public trust resources, such as recreation, access to recreation, and agricultural use, should exist. We suggest including this in sections 7.1 and 7.5.
6. The Master Plan should contain further specifics with regard to invasive species, including:
 - a. The Master Plan should note in section 3.4 that invasive plant species have been discovered within the planning area previously, and continue to pose a threat within the planning area. Indeed, a recent presentation by a scientist during an Owens Lake Committee gathering emphasized the potential for invasive plant colonization. The scientist expressed surprise that invasive plant species were not already a problem.
 - b. The Master Plan should provide for invasive species management within the planning area. Funding for invasive species management and eradication is being reduced, and the Plan may result in impacts from invasive species to nearby lands that will increase costs to the County and/or other entities, such as within the Lower Owens River Plan area. We suggest discussing these topics in Chapter 6 in a new section or integrated into sections 6.5.3 or 6.6 (pages 6-36 through 6-40). Table 6-9, Vegetation Structure and Vegetation Richness row, Potential Management column, should be rephrased "Add *native* plant species to increase structural diversity w/in current compliance criteria".
 - c. Some mention of the potential of these species to diminish public trust resources, such as recreation, access to recreation, wildlife habitat, agricultural use, and scenic amenities should exist. We suggest including this in sections 3.4, 7.1, 7.2, and 7.5.
7. The Master Plan should include financial feasibility analyses and identify funding opportunities. We suggest a new section in Chapter 8 to address financial feasibility and/or expanding Section 8.5 (pages 8-8 and 8-9).
8. Lands within the Lower Owens River Project (LORP) should continue to be excluded from the plan. They should, however, be recognized and any existing plans and/or regulations pertaining to them, such as the Inyo County, City of Los Angeles, Long Term Water Agreement, should be followed. We suggest clarifying these points on pages 1-5 and 1-6 (Sections 1.3.1- 1.3.2 and Figure 1-3).
9. While we previously indicated that the County's property should not be included within the plan, we now believe that the inclusion of this property may be appropriate and wish to analyze the issue further. We are concerned that the Plan may impact biological and/or other resources on our property, and believe that these issues need to be clarified.

10. The plan should encourage economic vitality on the Lakebed, including for current and future uses. We suggest expanding the fourth bullet on page 1-9 (lines 6 and 7, Section 1.4.2) as well as the discussion in Sections 7.5 and 7.6 (pages 7-26 through 7-28). (Please see attachment).

Thank you. We look forward to continue working with you as we move forward with this important planning effort for the Owens Lake, and commend your diligence and hard work. Please contact the County Administrative Officer, Kevin Carunchio, at (760) 878-0292 if you have any questions.

Sincerely,



Supervisor Marty Fortney, Chairperson
Inyo County Board of Supervisors

Attachment

cc: Board of Supervisors
Kevin Carunchio, CAO
Randy Keller, County Counsel
Honorable Mayor of Los Angeles, Antonio Villaraigosa
Ron Nichols, DWP General Manager
City of Los Angeles Board of Water and Power Commissioners
James B. McDaniel, DWP
Martin L. Adams, PE, DWP
Gina Bartlett, Center for Collaborative Policy
Board of the Great Basin Unified Air Pollution Control District
State Lands Commission
Curtis Fossum, State Lands Commission

Attachment
(Numbers correspond to numbering in letter)

2. Inyo County has several relevant plans, accompanying policies and regulations that are geographically within or adjacent to the Owen's Lake Master Plan (OLMP) Area. These include the County's General Plan and Zoning and Renewable Energy Ordinances, the Lower Owens River Plan, the Inyo County City of Los Angeles, Long Term Water Agreement, as well as, programs relating to agriculture and pest control. The OLMP efforts should not conflict or compete with these already established plans, regulations and programs.

- Inyo County General Plan. The OLMP area includes General Plan designations of: State and Federal Lands (SFL); Rural Protection (RP); Natural Resources (NR); Agriculture (A) and Residential Rural High Density (RRH). General Plan land use designations are the roadmap to the County's vision of how it wants to develop and they were vetted through a full public process. Major deviations from this vision, by promoting activities that do not agree with the general plan designations, could change the character of the County envisioned by its citizens.

The County's General Plan also contains policies related to Economic Development, Conservation/Open Space, Biological Resources and Public Safety that relate to activities recommended in the OLMP.

- Economic Development: the General Plan goals for economic development emphasize the County's many opportunities for tourism. The OLMP goals should help to promote the Lake and surrounding area as a visitor destination. Dust mitigation activities should be conducted in a way that does not make the lake, or areas surrounding the lake, undesirable to visitors.
- Conservation/Open Space (Agriculture): the General Plan establishes goals to encourage and protect agricultural activities in the County. The OLMP should not include program elements that might prohibit current, or limit future, agriculture practices.
- Conservation/Open Space (Water): the General Plan establishes goals for sustainable ground water withdrawal and maintaining water resolutions. Water that is used to implement the goals of the OLMP must follow the intent and specific regulations pertaining to water use in Inyo County.
- Biological Resources: the General Plan has a specific goal to work to restore the Owen's River channel. Dust mitigation programs for the lake, identified in the OLMP, need to work in conjunction with current and future river restoration programs.

- Public Safety (Air Quality): the general plan establishes goals to reduce emissions from the lake. The County supports the efforts of the OLMP in dust mitigation programs and encourages the OLMP to incorporate the activities listed on Table 9-1 in the General Plan.
- Inyo County Zoning Ordinance. The OLMP area includes Zoning Designations of: Open Space, with a minimum 40-acres (OS-40) and Rural Residential (RR). The County's zoning designations are the tools to implement the vision established by the General Plan. Deviating from the land uses designated by the zoning ordinance could change the character of the County envisioned by its citizens.
- Inyo County's Renewable Energy Ordinance. The OLMP includes the use of renewable energy facilities as a possible dust mitigation measure. At the end of chapter 7.4, the County's Renewable Energy Ordinance - Title 21 should be introduced. Language in the OLMP that encourages renewable energy development as a means to dust mitigation should follow Title 21.

3. Recognition of the Long Term Water Agreement between Inyo County and the City of Los Angeles is necessary for any water used for mitigation suggested in the OLMP. Some recommended language for additional information pertaining to the Long Term Water Agreement follows:

The extensive water resources of the Eastern Sierra attracted engineers from the City of Los Angeles to Inyo County in the early 1900's. Shortly thereafter, Los Angeles began land purchases to acquire water rights, and in 1913 the Los Angeles Aqueduct was completed to export water from the Owens Valley. This led to the long standing dispute between L.A. and local residents over the impacts of exporting surface and groundwater on the valley's environment and economy. In 1970, L.A. completed a second aqueduct to increase water export primarily by increasing surface water diversion in Owens River and Mono Lake watersheds, increasing groundwater pumping in the Owens Valley, and reducing the amount of agricultural land supplied with water for irrigation. Concern about the detrimental effects of the project prompted Inyo County to sue L.A. for failing to comply with CEQA. In 1991, Inyo County and Los Angeles attempted to settle the litigation by developing a long term groundwater management plan for the Owens Valley referred to as the Inyo/Los Angeles Long Term Water Agreement. The Water Agreement includes provisions to jointly manage groundwater pumping, to maintain irrigated agriculture, and to implement numerous mitigation projects. The goal for pumping management was to prevent adverse changes to groundwater-dependent vegetation in the Owens Valley while providing a reliable water supply for use in the County and for export to Los Angeles. The Water Agreement also includes provisions for financial assistance to the County, mechanisms for dispute resolution, and restrictions on the future expansion of the Los Angeles Aqueduct capacity. The Water Agreement was finalized by the courts in 1997.

4. The OLMP needs to include language that addresses public services and infrastructure needs to implement the plan components. An analysis of how much additional service obligations Inyo County will have as a result of the OLMP activities needs to be included. For example: will the use of County roads to implement plan elements lead to their degradation, and if so, will there be opportunities for compensation to the County? Will the increase of activities on the lake create a need for more emergency responders, and if so, will there be opportunities for compensation to the County? The OLMP calls for an increase of visitors to the lake: will any part of the cost for amenities for visitors, such as parking, trails, restroom facilities and etc. be expected to be shared by the County?

9. Promote economic development in the area that includes, but is not limited to tourism, public access and educational opportunities. Traditional economic drivers that have historically existed on the lake, such as mining and agriculture practices, primarily grazing, should also be encouraged.