



March 11, 2013

Ms. Gina Bartlett

Dear Ms. Bartlett:

The Owens Valley Committee (OVC) has been an Owens Lake Master Plan Planning Committee member since 2010. The Owens Lake Master Plan (OLMP) was to “initiate a framework that identified broadly supported goals and objectives to enhance the Owens Lakebed.” During the Planning Committee meeting on January 28, 2013, Los Angeles Department of Water and Power (LADWP) shared a letter with the committee which stated that they would be able to continue with the OLMP only if a list of “must have” items were included in the plan. As an outcome of that letter, the facilitator asked each of the Planning Committee members to list their “bottom lines” for moving forward without “drawing lines in the sand.” Please find below OVC’s response to that request.

#### **OVC Concern Over Misuse of Master Plan Process by LADWP**

The Master Planning process is a tool to help develop a framework for creating solutions at Owens Lake to reduce dust, increase habitat values and decrease the amount of water spread on the lake. This process brought to the table many different organizations and individuals with diverse interests regarding Owens Lake. The Planning Committee sought to keep unity in moving forward with a Master Plan and determined that certain objectives be agreed to in order to create a Master Plan for Owens Lake. As a result, the Planning Committee approved a list of objectives shared within a vision statement on October 21, 2010. One of the objectives agreed to by the Planning Committee was to “control dust on Owens Lakebed to obtain good air quality and reduce the dust related public health risk. The positive future of Owens Lakebed is dependent on dust being controlled to meet public health and air quality standards so that it can be enjoyed by all.”

LADWP does not agree with Ted Schade, Air Quality Control Officer, or the Great Basin Unified Air Pollution Control District on dust controls they deem necessary to protect public health and has initiated a lawsuit against them and other agencies. OVC does not challenge the right of LADWP to initiate lawsuits against other parties; however, in written and video materials being released by LADWP, the Owens Lake Planning Committee is being used in attacks on Ted Schade and GBAPCD. For instance, a question and answer document on the LADWP website states that “many other leaders at the federal, state and local level, along with several environmental groups agreed with [LADWP] and offered to help create a multi-party

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process (called the Master Plan process) to help build consensus around new, innovative approaches that will protect the environment, conserve scarce water, and be more cost effective for customers. Unfortunately, one essential party – the Great Basin Unified Air Pollution Control District – refused to participate in this process in any useful way”. The question and answer document, as well as video posted on the LADWP website constantly share the same message. LADWP is using the Planning Committee to display dissension rather than unity in a way that is very misleading. Ted Schade and GBUAPCD have been a collaborative partner in the master plan process while consistently sharing that air quality standards must be upheld. The Planning Committee agreed that meeting air quality criteria was to be an objective in the plan so it is LADWP who has abused this master plan process by using it as a weapon against others. Therefore, the use of Master Plan negotiations in these attacks must cease. Specifically, the video at (<http://www.youtube.com/watch?v=IX10dorQBTc>) should be promptly edited or removed, as well as the question and answer document at ([https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-water/a-w-losangelesaqueduct/a-w-laa-owenslake?\\_adf.ctrl-state=1adri1mvuy\\_4&\\_afLoop=7409005209000](https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-water/a-w-losangelesaqueduct/a-w-laa-owenslake?_adf.ctrl-state=1adri1mvuy_4&_afLoop=7409005209000)), and any similar material that is publicly available.

### **OVC Response to LADWP “Must Have” List**

#### *#1 LADWP Must Have – Habitat Protection and Improvement*

The first “must have” for LADWP is one that the Planning Committee has already agreed to do and OVC has no issue moving forward with it.

#### *#2 LADWP Must Have – 50% Reduction in Aqueduct Water For Dust Control*

The “at least 50%” reduction in diversions of aqueduct water sought by LADWP should be expressed as a goal, not a requirement. It is not yet clear whether a reduction in aqueduct diversions of this magnitude would be compatible with habitat protection goals.

In addition to a water reduction goal, OVC requests a goal that a portion of the water no longer being placed on the lakebed to be used in Owens Valley. Ranchers in Owens Valley no longer are able to irrigate lands as they have in the past. We suggest a goal of using 50% of the saved water for aquifer recharge and ranch irrigation. This goal is consistent with the vision statement which listed multiple uses for water in both Owens Valley and the State of California as a whole.

#### *#3 LADWP Must Have – 45 Square Mile Limit for Dust Controls*

The spatial extent of LADWP's area of responsibility for dust mitigation is controlled by state and federal law, and State Implementation Plans (SIP), and is currently the subject of litigation initiated by LADWP. OVC cannot accept a statement in the Master Plan limiting LADWP's area of responsibility until the lawsuit initiated by LADWP is settled.

#### *#4 LADWP Must Have – Approval of New Waterless Dust Control Methods*

There is an established procedure for getting approval of dust mitigation techniques through regulatory means. Approval of new techniques is outside the scope of the authority of the Planning Committee and, as such, cannot be included within the Master Planning document.

*#5 LADWP Must Have – Dust Control Conversion Transition Periods Without Penalties*

If LADWP wishes to negotiate a new SIP with different terms regarding conversion from one dust mitigation technique to another, that is an issue for LADWP and Great Basin Unified Air Pollution Control District. The Planning Committee does not have the authority to grant this request and it cannot be included within the Master Planning document.

*#6 LADWP Must Have – Permanent Easement on Owens Lakebed*

If LADWP wishes to obtain permanent rights to the lakebed, that is an issue to be negotiated between LADWP and the people of California. The Planning Committee does not have the authority to grant this request and it cannot be included within the Master Planning document.

*#7 LADWP Must Have – Groundwater Pumping on Lakebed*

Groundwater pumping on the lakebed does not meet any of the objectives agreed to by the Planning Committee in the vision statement for the Master Plan. The Planning Committee's vision includes sustainable wildlife habitat as well as protection of sensitive plant communities that surround the Lakebed such as springs, seeps, and alkali meadows. Analyses by two different LADWP consultants have concluded that proposals for groundwater pumping under the lakebed will affect private wells, groundwater dependent ecosystems, and spring flows. At public meetings in 1999 the Inyo County public found these types of impacts to be unacceptable. OVC concurs with the Inyo County public. The impacts of groundwater pumping on the lakebed are not acceptable to OVC and OVC asserts that the Master Plan should not include any statements pertaining to use of groundwater.

In conclusion, many of LADWP's list of "must haves" are beyond the authority of the Planning Committee. LADWP should negotiate with the agencies who do have the authority to act on these "must haves" instead of the Planning Committee.

Sincerely,  
Alan Bacock  
President  
Owens Valley Committee