

# the RAINSHADOW

*we watch the water*



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The Rainshadow is the newsletter of the Owens Valley Committee.

OVC is a non-profit citizen's action group dedicated to the protection, restoration and sustainable management of water and land resources affecting the Owens Valley.

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## **President's Message**

**T**he first 6 months of 2005 have been ones of increased visibility and dramatic successes. The OVCF Visitor Center in Lone Pine, at 143 E. Bush St., opened in February, and has been a focus for activities in the southern part of the county, receiving visitors from out of town and providing a meeting and resource facility for the entire community.

The mitigation measures for the Yellow Billed Cuckoo and for Hines Spring and other wetlands are in the final planning phases, thanks to relentless pressure on LADWP by the OVC and its associates.

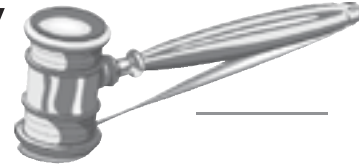
But most dramatically, the Lower Owens River Project (LORP) is on a progress trajectory that is certain to result in river flows by January 25, 2007. The certainty behind this schedule is due to a ruling by Judge Cooper on July 25, 2005 that requires LADWP to implement the LORP by that date or lose the use of its Second Aqueduct! Combined with fines of \$5,000 per day starting on September 5, 2005 and continuing until the LORP flows commence, limited groundwater pumping until the LORP is implemented, and the requirement for groundwater recharge until the project is on line, we finally have confidence that LADWP will have a viable incentive to get this project moving. This ruling represents a substantial victory for the OVC, and we express heart-felt gratitude to all our supporters during the long fight for this important mitigation measure.

But we're not done. Stay in touch, and help us see the LORP to its final conclusion!

*The certainty behind this schedule is due to a ruling by Judge Cooper on July 25, 2005 that requires LADWP to implement the LORP by that date or lose the use of its Second Aqueduct!*

**Carla Scheidlinger**  
President  
Owens Valley Committee

# Stunning Owens Valley Legal Victory



Following a three day evidentiary hearing in April and a strong ruling in June, Inyo County Superior Court Judge Lee Cooper on July 25, 2005 brought out the 'big stick'



**Pumping groundwater in Big Pine**

and thumped the Los Angeles Department of Water and Power (LADWP) for its chronic delays in implementing the re-watering of 62 miles of Lower Owens River in Inyo County. Legal action brought by the Sierra Club (led by the Toiyabe and Angeles chapters), the Owens Valley Committee and the California Attorney General's Office requested assistance from the court in the form of monetary punishments and reductions in groundwater pumping in order to provide LADWP with an incentive to complete the Lower Owens River Project (LORP) as soon as possible.

The Lower Owens River Project (LORP) is a huge mitigation for the tremendous destruction of springs and wetlands from LADWP groundwater pumping between 1970 and 1990. Massive pumping begun in 1970 to fill the 'second' Los Angeles aqueduct lowered water tables in the Owens Valley causing the death of large springs and wetlands. A dry river since the first Los Angeles aqueduct was finished in 1913, the project's goals call for the creation of 62 miles of riparian habitat and a warm water fishery. Extensive willow-cottonwood stands as well as marshes and meadows have been anticipated; however, flows in the river, agreed to by LADWP in 1997, which were to have begun in June of 2003, have not occurred.

Re-watering on this scale in the American

arid west is as rare as the occurrence of rain. It is nearly as rare as a judge who will help water find its way back into a dry river. "This case has gone on long enough," spoke Judge Cooper. "LADWP has been out of compliance with the California Environmental Quality Act (CEQA) since 1973. This mitigation should have been accomplished years ago. This can't be tolerated. No deadlines have been properly met. It's time it stops."

Cooper's order was a strong and severe one. He ordered that Los Angeles be denied the use of its 'second' aqueduct unless his list of conditions is met. If these conditions are not met then the order to shut off the second aqueduct will be made permanent. Initial flows in the

river must begin by January 25, 2007. Full flows must be underway within six months after that. Groundwater pumping will be reduced from 90,000 acre-feet per year (AF/yr) to 57,412 AF/yr until the Lower Owens River Project is completed. Los

Angeles is ordered to spread 16,694AF/yr of surface water to recharge lowered water tables (water tables are from two feet to twenty feet below the 1985 baseline levels in all well fields in the Owens Valley). Currently the 16,694 AF are filling the McNally Canals near Laws west of Bishop that were unilaterally dried up by LADWP several years ago after having flowed for more than 100 years. Beginning September 5, 2005 Los Angeles will be fined \$5,000 per day until the project is complete. From the fines the California Department of Fish and Game receives \$100,000 for future monitoring of the project. And Inyo County receives the remainder for partial coverage of

its portion of the LORP expense.

So now it appears that the Lower Owens River has a real chance to begin flowing in January 2007 and to be complete by June 2007. Four years late, but thanks to Judge Cooper and his list of conditions, there are impressive incentives for the Los Angeles Department of Water and Power to truly honor its commitments. "Even the mighty DWP has to obey the law," said California Attorney General Bill Lockyer. The Los Angeles Times in a July 30, 2005 editorial stated, "Mayor Antonio Villaraigosa,...should charge the commission (new LADWP Commission) with changing an old-boy culture of arrogance and disregard."



**The Owens River Near Lone Pine**

The champagne will be chilled and ready for the initial flows. Be ready to join all of us in the Owens Valley for celebrations in the future. Come and explore the rich riparian corridor of the Lower Owens River below the crest of the High Sierra in Mary Austin's Land of Little Rain.

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# Measuring Our Restoration Successes or Shortfalls:

## Why Bird Monitoring is Important

Sacha Heath, Eastern Sierra Program Director, PRBO Conservation Science

What is the ten-letter dirty word sure to clear a cocktail party and scare off funders from even the best written proposal? M.O.N.I.T.O.R.I.N.G. Yes, monitoring, and long-term monitoring in particular, is not sexy. However, second to putting water back into a dry stream, replanting those seedlings that could not regenerate on their own, or restoring natural processes to a damaged system, biological monitoring is the most important component of any stream restoration or habitat enhancement project.

Here in the Owens Valley, we are on the verge of a unique and extremely exciting opportunity to observe water return to 60 miles of the Lower Owens River. Through returned flow and land management, the goal of the Lower Owens River Project (LORP) is to create a “healthy, functioning Lower Owens River riverine / riparian ecosystem.” Due to the foresight of several entities involved, we are in a unique position to monitor the response of riparian breeding birds to these restoration and management activities, and to provide one measure of the success of reaching this goal. PRBO Conservation Science (PRBO), with generous support from California Audubon, Dmarlou Foundation, Los Angeles Department of Water and Power, National Fish and Wildlife Foundation, Owens Valley Committee and White Mountain Research Station, has collected three years of baseline songbird and vegetation data along the whole stretch of the LORP area.

We know from historical records that the Owens River once supported a host of riparian obligate or near-obligate bird species during the breeding season. These included the Willow Flycatcher, Bell’s Vireo, Yellow-billed Cuckoo, Yellow-breasted Chat, Yellow Warbler, Song Sparrow, Common Yellowthroat

and Blue Grosbeak to name a few. PRBO’s 2002 – 2005 baseline monitoring effort found that of these, only the Song Sparrow, Common Yellowthroat and Blue Grosbeak remain as breeders below the Los Angeles Aqueduct intake. The good news is that several other species (Yellow Warbler, Willow Flycatcher, Yellow-billed Cuckoo, Yellow-breasted Chat) continue to breed in other areas of the Owens Valley, thereby potentially providing source populations which could recolonize the LORP once riparian habitat begins to regenerate. And there are a host of other species (e.g. Marsh Wren, Ash-throated Flycatcher, Western Kingbird, Nuttall’s Woodpecker) that are currently breeding in the riparian vegetation that the Lower Owens River currently supports.

Birds are excellent indicators of restoration success or shortfall. Species such as Yellow Warbler and Song Sparrow respond very quickly to early stages of restoration – provided that early successional forbs and shrubs are available to provide nesting sites and cover from predators. As restoration progresses and the riparian system begins to mature, we would expect overall bird diversity to increase as canopy and cavity nesting species such as Bullock’s Oriole and Nuttall’s Woodpecker begin to occupy the site. We expect to see this linear progression of vegetation growth to occur on the currently dry reaches of the LORP. However on reaches that have main-

tained some water over the years, decadent canopy trees have remained but understory plants and vigorous canopies are somewhat lacking. In this scenario, we expect canopy, shrub and forb nesters to augment an already existing array of cavity nesters. As fields of bulrush and cattails are flushed out and replaced with flowing river water and streamside willows and forbs, birds such as Marsh Wren and Common Yellowthroat will probably decrease and be replaced by other species.

Restoration efforts in California’s Great Central Valley and on the tributaries of Mono Lake have resulted in an increase in the abundance of several riparian bird species and in the recovery of a few sensitive species which for decades were locally extirpated from those locations. Without monitoring programs in place, these successes would have gone unnoticed, and we might have asked ourselves: what was the point of all that money, time and effort? Were we successful? We would never be so careless with our own teeth, car, or schooling so why would we be with our restoration goals and dollars?

Once the LORP is implemented, we will be in place to compare future bird monitoring data to our existing three years of baseline data. By repeating our methods consistently over the long term, we will be able to provide the LORP process with one measure of how successful the rewatering and proposed land management activities are in reaching project goals. And in the same way that monitoring our health, our teeth, our cars and our education assists us in reaching our personal goals, the Lower Owens River and the birds that reside there will probably be better off for it.



Owens Valley Checker Mallow

Mike Prather



Common Yellowthroat

Peter Knapp

## Volunteer Opportunities

- Tamarisk removal work parties (Volunteer to become a "Taminator")
- Leaders for field trips (birds, flora, history, geology, photography, etc.)
- Program presenters – slide show or Power Point (travel opportunity)
- Adopt-a-Highway crew (every even month). Check web site for dates.
- OVC Visitor Center volunteers
- Spring and Fall shorebird surveys at Owens Lake

**Call 760.876.1845**

## Nine More Miles For Owens Lake?

By December 31, 2006 Los Angeles must have met the Clean Air Act PM-10 dust particle standard at Owens Lake or face penalties. However, the Great Basin Unified Air Pollution Control District has found that an additional nine square miles of the lake's surface may need to be treated to control the dust hazard. By the end of 2006 nearly 26 square miles of the lake will be shallow flooded, which not only reduces dust, but attracts thousands of migrating shore-

birds once again. Another 3.5 square miles are covered with managed vegetation (native salt grass). The potential benefit for wildlife of nine more miles of shallow flooding can't be overstated.



*Mike Prather*

**Snowy Plover tracks in the Owens Dry Lake**

The spring 2005 Snowy Plover survey found nearly 600 adult birds using the habitats created as a result of dust control flooding.

# MONO BASIN SCIENCE COMMITTEE MEETS WITH OVC

The Owens Valley Committee recently led a field trip to Owens Lake and the Lower Owens River for the Mono Basin Science Committee (MBSC). Another half day was spent discussing conservation biology questions associated with the restoration of riparian habitat along the 62 miles of river slated for re-watering, the wildlife returning to Owens Lake attracted by shallow flooding for dust control as well as the loss of Owens Valley grasslands as a result of ground water pumping by the Los Angeles Department of Water and Power.

Intensive monitoring of the riparian strip along the river is needed before and after flows begin. Plant species diversity, density, age classes and wildlife populations will respond in various ways to the flows that will start by January 2007. Bird transect data has now been collected for three seasons. Regular surveys of bird species as well as the vegetation associated with them will take place over the years to come. There are gaps in data such as for grassland bird species. Nearly two-thirds of the alkali meadow grasslands that remain in California occur in the Owens Valley. They are being replaced

by shrub communities due to the lowering of water tables caused by groundwater pumping for export to Los Angeles. What are the effects of this change on plant and animal species? Can this change be slowed, stopped or reversed?

At Owens Lake, an Audubon Nationally Significant Important Bird Area, the issues revolved around how to ensure protection of the large numbers of migrating shorebirds that are once again stopping at Owens Lake during spring and fall. Owens Lake is the largest inland California nesting location for the Snowy Plover. How much of the shallow flood dust control areas should be designated for the dual uses of dust control AND birds? What water quality is needed for healthy algae and brine fly growth which comprise the food sources for bird populations? Should there be some form of formal wildlife designation and management at Owens Lake by the State of California?

OVC will continue working with the MBSC in order to raise questions, plan science projects to answer those questions and to seek full understanding of the Owens Valley ecosystems.

## Tamo-bashing in the Owens River Delta

The Owens Valley Committee continues its volunteer work to remove Tamarisk, the invasive, water-wasting salt cedar shrub, from the river delta. In September OVC weed warriors from Salinas, Paso Robles, San Jose, San Diego and Riverside volunteered over 80 hours cutting Tamarisk. In addition, Westridge High School from Pasadena also donated 24 hours. Control of this aggressive plant in the grasslands and meadows allows these declining plant communities to remain healthy and to even recover. Many plant species and wildlife of all kinds benefit from the 'kindness of



strangers'. OVC and the Owens River need more volunteers and project leaders. Please volunteer by contacting us at [outreach@ovcweb.org](mailto:outreach@ovcweb.org).

# Bishop Mural Controversy



John Pugh's Bishop mural *Drain*

A local Bishop businessman incurred the wrath of the local LADWP office this fall when the mural that he commissioned was unveiled.

Painted by nationally known muralist John Pugh, the mural entitled 'Drain' depicts an earlier Owens Valley landscape of flowering orchards and a flowing river, but in its center the colors are absent

and they appear to have drained into a large rusty pipe that has LADWP inscribed on its surface. For the complete tale and to view the mural please visit the OVC homepage at [www.ovcweb.org](http://www.ovcweb.org).

## New LA Mayor and LADWP Board of Commissioners

Newly elected LA Mayor Antonio Villaraigosa and his appointed LADWP Board of Commissioners have stated publicly that they plan to work with the Owens Valley communities to solve current problems and to reduce the adversarial relationship that has existed over the past years. OVC is planning to conduct a workshop with the new Board to introduce them to the Owens Valley Committee and its goals. They will in turn be invited to visit with us in the Owens Valley to tour and discuss groundwater pumping problems, the re-watering of the Lower Owens River and the wildlife that has returned to Owens Lake and is in need of protection.



The new OVC Visitor Center in Lone Pine, CA.



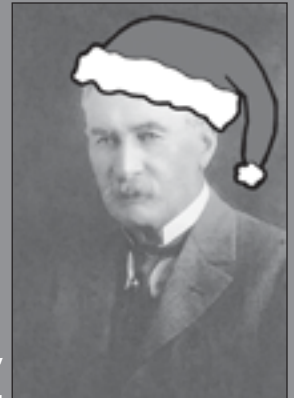
## Adopt-A-Month

The Owens Valley Committee Visitor Center in Lone Pine has been busy and effective as well as a highly visible presence in the Owens Valley. Field trips, work projects and meetings have been focused there as well as membership, fundraising and archival work. As a way to ensure steady funding for the Center we have created an 'Adopt-A-Month' program where we are asking individuals, organizations and businesses to donate \$350 per year for its operation (none is used for staffing). Our first organization to join this effort is the Eastern Sierra Audubon Society. We thank them very much. That leaves only eleven more months to go.

## 'A Mulholland Christmas Carol' A Huge Success in Owens Valley

William Mulholland returned to the Owens Valley November 19th in Lone Pine and November 20th in Bishop via musical satire. Audiences of over 200 in Lone Pine and 400 in Bishop watched the Theatre of Note from Los Angeles

perform this award-winning show. Brought to the Owens Valley by the Owens Valley Committee, it is described as a Christmas tale of famine, flood and fun.



Bill Roben's adaptation from Dickens with original music has resulted in the show being sold out every Christmas season in Los Angeles. Song titles included, 'Mulholland's Theme,' 'Our Owens Valley Song,' 'Hail the Water,' 'Land Grab' and 'This Fine Dam'. First performed in Los Angeles in 2002, the show went on to win LA Weekly Theatre Awards for Musical of the Year, Direction, Comedy Ensemble and Adaptation.

With William Mulholland as Scrooge, Fred Eaton as Jacob Marley, Teddy Roosevelt, Lippincott and Mary Austin and a host of other historical characters, the singing and dancing of the ensemble literally moved up and down the aisles. A cast of 17 performers and a four member band kept everyone singing and smiling. Even occasional tears were observed in the audience. Members of the ensemble were thrilled with the size of the audiences and the fact that the story was returning to its source where, "Everyone understood the humor and the sadness." Standing ovations at both shows clearly showed that interest in water history and current conflicts is alive and well in the Owens Valley. People from as far away as Mammoth, Lee Vining and Ridgecrest added to the turnout.

\*\*\* Visit [www.theatreofnote.com](http://www.theatreofnote.com)

# OVC Mission

OVC is a non-profit citizen action group dedicated to the protection, restoration and sustainable management of water and land resources affecting the Owens Valley. The Committee oversees compliance with the implementation of appropriate water management policy, educates the public, encourages participation in local government, and advocates an inclusive and open decision-making process.

# OVC Goals

1. "Watchdog" the 1991 LTWA between Inyo County and L.A.
2. Oversee the implementation and management of the Lower Owens River Project (LORP).
3. Educate the public and promote its involvement with water issues.
4. Seek a dual use designation for dust control water at Owens Lake for wildlife as well as dust.

**OWENS VALLEY COMMITTEE**  
**PO Box 77**  
**Bishop, CA 93515**

To make your donation fully tax-deductible, please make your check payable to "OVC Foundation."



*Peter Knapp*

# YES!

I would love to join the Owens Valley Committee and help with protection, restoration and sustainable management of water and land resources in the Owens Valley.

- \$25 Riverine
- \$50 Tule Elk
- \$100 Winneduma
- \$500 Snowy Plover
- \$1000 Artesian

Name \_\_\_\_\_

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