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State Goes to Court to Force DWP to Restore Owens River Water Flow

By Louis Sahagun, Times staff writer

LONE PINE, Calif. — Fed up with a series of delays, the state attorney general's office on Thursday filed a lawsuit to force the Los Angeles Department of Water and Power to restore water to the Owens River, as required under a 6-year-old agreement to stop environmental damage to the surrounding countryside caused by the city's groundwater pumping.

"This project will provide long-needed restoration of habitats, wildlife and recreation in the Owens Valley," Atty. Gen. Bill Lockyer said. "It's what the community wants. It's what the city promised. We're asking the court to make sure it happens."

For Owens Valley residents, the delay in reviving the river, which was reduced to a dry channel in 1913 to slake the thirst of the growing metropolis of Los Angeles, amounts to a dereliction of duty.

Residents point out that each year of delay saves the DWP million of dollars in implementation costs.

To hear Los Angeles water officials tell it, their efforts to make good on a promise to put water back into a 61-mile stretch of the Lower Owens River have been bedeviled by regulatory paperwork and nit-picking.

Back in 1997, the DWP agreed to restore water flow by mid-2003. Then it pushed the deadline back to 2004. Now, the department says it can't happen until late 2005 or later.

The delays have stoked the animosities that have simmered in the valley for most of the past century, ever since the completion of the Los Angeles Aqueduct, which dried up Owens Lake and helped turn the valley into a dust bowl.

"DWP officials are masters of delay," said environmental activist Mike Prather, an Owens Valley resident of 23 years, as he strode across a concrete, steel and wooden barrier separating the riverbed from an aqueduct brimming with water destined for Los Angeles.

"There appears to be no one in the DWP who sincerely supports the plan enough to move it along," Prather said. "To them, it's just a nuisance. To us, that's pathetic."

DWP officials insist they are doing the best they can, given the vastness of the

task of completing environmental documents required before restoration can get underway, and disputes with Inyo County officials nearly every step of the way.

That time-consuming work, however, has been assigned to two full-time DWP staffers, department officials said. It includes analyses of the impact of restoring water flows on everything from plants and animals that have settled into the channel since the river went dry to dead plants that might raise a stench when they become sodden and start to rot.

Some supporters of the project contend that if the DWP was seriously interested in meeting its deadlines, it would staff the project more fully. DWP officials, however, argue that more people would create "coordination problems" that would make the project drag on even longer.

Then there is the continuing battle over the size of a pump station needed to move water from the reborn river back into the Los Angeles Aqueduct. The DWP wants a larger one than environmentalists believe is necessary for the job.

"We're just as frustrated as anyone else about the delays," said Clarence Martin, DWP land and resources manager in the Owens Valley. "We aren't saying we shouldn't be held to time lines. But the scope of this project is unprecedented. It's going to take time to do it right."

In any case, people are losing patience. Inyo County Water Director Greg James said he has been often asked lately "whether the river will flow again in our lifetime."

"The delays in getting the environmental documents out seem incomprehensible," James said, "given that this project would have overwhelmingly beneficial impacts on the entire region."

Atty. Gen. Lockyer agreed, and described his lawsuit as only the latest chapter in a 33-year litigation saga. It began in 1970, when Los Angeles finished a second aqueduct in the region and then filled it by increasing groundwater pumping in the Owens Valley.

Inyo County responded by filing a lawsuit alleging that the DWP violated the California Environmental Quality Act by pumping excessive amounts of groundwater and failing to adopt measures to mitigate any harmful effects.

An agreement was struck in 1991, and then revised in 1997, when Los Angeles promised to return a steady flow of water to the river by 2003 to provide habitat for native game and fish and to revive stands of cottonwoods and willows.

In exchange, the DWP could continue to pump groundwater — a major source of Los Angeles' drinking water — and recover some of the water it put back into the

river.

Six years later, none of the project's deadlines have been met except one: the DWP completed a draft environmental impact report by Nov. 1, 2002, when ordered by a judge to do so.

In the meantime, the DWP has launched a publicity campaign trumpeting its efforts to improve local air quality by curbing dust that flies off dry Owens Lake and to restore wetlands and waterways, including the Lower Owens River.

Standing on an earthen berm near the Los Angeles Aqueduct, the DWP's Martin said, "We're committed to the Lower Owens River project, but we're going to do it as economically as we can."