

FOR IMMEDIATE RELEASE

April 30, 2014

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Inyo and Los Angeles Agree to Provisional Resolution of Blackrock 94 Dispute

Inyo County has made significant progress toward resolving a dispute with the City of Los Angeles regarding vegetation conditions near the Blackrock Fish Hatchery. At the April 29, 2014 Inyo/Los Angeles Standing Committee meeting, the Committee agreed to a provisional resolution of the long-running Blackrock 94 dispute which was initiated by the County in 2011. To be final, the resolution needs to be approved by separate actions of the Los Angeles Board of Water and Power Commissioners and the Inyo County Board of Supervisors, acting in public session before June 30, 2014.

The proposed resolution contains key provisions favorable to Inyo County:

- To enhance alkali meadows, the Los Angeles Department of Water and Power (LADWP) will perform prescribed burns on approximately 665 acres of shrub-encroached alkali meadows in the Owens Valley. The Technical Group will agree on the areas to be burned. This is an area twice the size of the Blackrock 94 vegetation parcel.
- LADWP will immediately reduce the level of pumping from the wells that supply the Blackrock Fish Hatchery, from the present level of approximately 12,300 acre-feet per year to approximately 8,000 acre-feet per year. This is expected to reduce groundwater pumping in this area of the Blackrock well field by over 4,000 acre-feet per year, without affecting fish production in the Owens Valley.

- Inyo County and LADWP will enter into a facilitated process with the Ecological Society of America to develop and implement vegetation monitoring procedures and procedures for determining if a measurable change in vegetation has occurred.
- Neither LADWP nor Inyo County will make legal challenges to the October 21, 2013 Interim Order and Award of the Arbitration Panel overseeing the Blackrock 94 Dispute. The Arbitration Panel's order clarified procedural issues long in contention between the City and the County, and is expected to help facilitate the avoidance and resolution of future disputes.

LADWP will prepare and certify all appropriate documents in compliance with California Environmental Quality Act (CEQA). In the event that the Standing Committee's Resolution of Dispute is not approved by June 30, 2014 by both the Inyo County Board of Supervisors and by the LADWP Board of Water and Power Commissioners, the matter will be returned to the Arbitration Panel for decision.

Standing Committee members as well as members of the public were optimistic that the proposed resolution will bring the matter to a mutually beneficial close.

"The County of Inyo represented the Valley pretty darn well in this, and we can be proud of the outcome," said First District Supervisor and Standing Committee member Linda Arcularius.

Phillip Anaya, a resident of Bishop, expressed a hope that resolving the dispute may lead to a more cooperative working relationship between Inyo County and LADWP, when he reminded those in attendance that "This is called the Long-Term Water Agreement, not the Long Term Water Disagreement."

Background

Vegetation parcel Blackrock 94 is a 333 acre groundwater-dependent alkali meadow parcel located southwest of the Black Rock Fish Hatchery, between Big Pine and Independence. The Inyo/Los Angeles Long Term Water Agreement requires that groundwater pumping be managed to avoid negative impacts to alkali meadows and other groundwater-dependent vegetation communities.

On February 3, 2011, Inyo County representatives presented a report to the Inyo/Los Angeles Technical Group which alleged that a measurable vegetation change has occurred in vegetation parcel Blackrock 94, both in terms of vegetation cover and plant species composition. The County's report states that the vegetation change is primarily attributable to changes in water availability resulting from groundwater pumping and reduced surface water diversions into the vicinity of Blackrock 94. LADWP's Technical Group members disagreed with the County's conclusions. For the Technical Group to find that an impact is significant, the Water Agreement requires that the Technical Group make three determinations: (1) that an alleged change in vegetation cover or composition is measurable, (2) if so, that the change is attributable to groundwater pumping or changes in surface water practices, and (3) if so, that the measurable change is significant.

During the following year, the Technical Group was unable to resolve the issue. On May 1, 2012, the County invoked the Water Agreement's dispute resolution process by requesting the Technical Group to resolve issues involving vegetation parcel Blackrock 94. The Technical Group was unable to resolve the issues and written reports were submitted to the Standing Committee explaining the issues raised by the County and LADWP. At its September 26, 2012, meeting, the Standing Committee was also unable to resolve the issues regarding Blackrock 94.

In the months following the September 26, 2012 Standing Committee meeting, further attempts to resolve the issues in dispute were unsuccessful. The Water Agreement provides that if the Standing Committee is unable to resolve a dispute, a party may submit the dispute to arbitration. On April 26, 2013, the County notified the LADWP of its intent to seek arbitration. The Water Agreement provides for a three member arbitration panel (“Arbitration Panel” or “Panel”) with one member appointed by the County, one by LADWP and a third member appointed the members appointed by the parties.

The Panel conducted a hearing on the dispute on October 9 and 10, 2013. On October 21, 2013, the Panel issued an “Interim Order and Award” which found that the parties had previously found that a measureable change in vegetation has occurred in Blackrock 94, but that the Technical Group had not adequately addressed the causes of vegetation change and the significance of the change. Therefore, the Interim Order and Award remanded the matter to the Technical Group so that it may "carry out its dispute resolution functions" and required both LADWP and the County to provide reports to the Technical Group addressing if the measurable change was attributable to LADWP's pumping operations and/or changes in LADWP's past surface water management practices or if the measurable change was attributable to other causes. The Interim Order and Award also required the Technical Group to consider the significance of the vegetation change.

The required reports were submitted to the Technical Group. At its meetings on April 11 and April 14, 2014, the Technical Group was still unable to resolve the issues. In accordance with the Water Agreement and the Panel's order, the issues were submitted to the Standing Committee for resolution. At its meeting on April 29, 2014, the Standing Committee recommended to the governing boards of LADWP and the County that, prior to June 30, 2014, each board approve a resolution of the Blackrock 94 dispute that was provisionally agreed to by the Standing Committee.

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