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May 8, 2023

Ms. Patricia Moyer
State of California
Department of Fish and Wildlife
787 N. Main Street, Suite 220
Bishop, CA 93514

Dear Ms. Moyer:

Subject: 2023 Lower Owens River Project Seasonal Habitat Flow and
Blackrock Waterfowl Management Area Flooded Acreage

Lower Owens River Project Seasonal Habitat Flow

The Lower Owens River Project (LORP) annual Seasonal Habitat Flow (SHF) is intended to create a natural disturbance to establish and maintain native riparian vegetation and influence channel morphology as described in the *2004 Lower Owens River Project Environmental Impact Report (LORP EIR)*. A primary LORP goal is the establishment of a healthy, functioning Lower Owens riverine-riparian ecosystem. Other goals call for the establishment of a healthy functioning ecosystem in other physical features of the LORP, for the benefit of biodiversity and threatened and endangered species, while providing for the continuation of sustainable uses including recreation, livestock grazing, agriculture, and other activities. The goal for the riverine-riparian system is to create and sustain healthy and diverse riparian and aquatic habitats and a healthy warm water recreational fishery with healthy habitat for native fish (1997 Memorandum of Understanding, MOU).

The LORP Post-Implementation Funding Agreement (Post-Imp Agreement) defines the process for establishing the SHF and consultation with California Department of Fish and Game (CDFG), now known as California Department of Fish and Wildlife (CDFW). Section II.O.5.a of the Post-Imp Agreement requires that:

“Soon after the first of April each year, LADWP will develop its annual runoff year forecast for the Owens River Basin. The runoff year forecast will be developed as described in Section 2.3.5.3 of the LORP EIR. By approximately the second or third week in April, LADWP and the County

will transmit the recommendation concerning the amount, duration, timing, and ramping of the seasonal habitat flow, along with LADWP's annual runoff year forecast for the Owens River Basin, to DFG. DFG will be requested to, within ten business days from the receipt of the recommendation, provide their concurrence with the recommendations or provide their own recommendation as to the amount, duration, timing, and ramping of the seasonal habitat flow along with the scientific basis for its differing recommendation."

Section 2.3.5.3 of the LORP EIR describes the means for determining the LORP SHF velocity and ramping schedule. Following a record Eastern Sierra snowpack of 296 percent of the 50-year average, the Owens River Basin runoff forecast has been determined to be 233 percent of average for runoff year 2023-24. Based on guidance in the LORP EIR, we recommend a 14-day SHF with the peak release of 200 cubic feet per second (cfs). However, LADWP anticipates flows in the LORP will be in excess of 200 cfs from late May through early August 2023 due to unprecedented runoff conditions. In the interim, as you are aware, Inyo County and LADWP are working with CDFW to install aerators at key locations within the LORP to provide added refuge for fish during sustained high runoff conditions.

Blackrock Waterfowl Management Area

The 1997 MOU provides guidance for setting the flooded acreage in the Blackrock Waterfowl Management Area (BWMA). Specifically, Section II.C.4 of the 1997 MOU states:

"Approximately 500 acres of the habitat area will be flooded at any given time in a year when the runoff to the Owens River Watershed is forecasted to be average or above. In years when the runoff is forecasted to be less than average, the water supply to the area will be reduced in general proportion to the forecasted runoff in the watershed. (The runoff forecast for each year will be DWP's runoff year forecast for the Owens River Basin, which is based upon the results of its annual April 1 snow survey of the watershed). Even in the driest years, available water will be used in the most efficient manner to maintain the habitat. The Wildlife and Wetlands Management Plan element of the LORP Plan will recommend the water supply to be made available under various runoff conditions and will recommend how to best use the available water in dry years. The amount of acreage to be flooded in years when the runoff is forecasted to be less than average will be set by the Standing Committee based upon the recommendations of the Wildlife and Wetland Management Plan and in consultation with DFG."

Section II.P.2.a of the Post-Imp Agreement provides additional guidance on setting the flooded acreage at BWMA in years where runoff equals or exceeds normal conditions:

“Soon after the first of April each year, LADWP will develop its annual runoff year forecast for the Owens River Basin. The runoff year forecast will be developed as described in Section 2.3.5.3 of the LORP EIR. In the event the runoff forecast equals or exceeds “normal runoff” as defined in Section 2.3.5.3 of the 2004 Final LORP EIR, no further action is required.”

With runoff forecast to be 233 percent of normal in 2023-2024, the acreage to be flooded at BWMA under both provisions would be 500 acres.

As you are aware, the Standing Committee set the flooded acreage for BWMA in 2021-2022 and 2022-2023 in accordance with a 5-year Interim Management and Monitoring Plan for BWMA that incorporates seasonal flooding of a fixed 500 acres of waterfowl habitat in the fall, winter, and early spring months. This Interim Plan is geared toward further improving habitat conditions, preventing further encroachment of aquatic vegetation, and reducing long term maintenance in the BWMA. We appreciate your continued support of the Interim Plan.

LADWP and Inyo County implemented Year 2 of the Interim Plan as adaptive management in 2022-2023 and are seeing very promising results with regard to avian use of the waterfowl units in response to this adaptive management. However, unprecedented runoff conditions in 2023 have made it impossible to dry down the waterfowl units in the summer months as intended under the Interim Plan. It is unknown at this time if damage has occurred to containment berms. It is our recommendation to resume implementation of Year 3 of this Interim Plan in 2023-2024 when high runoff conditions subside, setting the acreage to be flooded in the BWMA at a fixed 500 acres in the fall, winter, and early spring months as functionally achievable.

In order to prepare for the May 26, 2023, Standing Committee meeting, we request that CDFW provide its concurrence with the recommendations presented, or CDFW’s recommendations along with the scientific basis for the differing recommendation, within 10 business days of this letter. At the Standing Committee meeting, CDFW will be provided an opportunity to make a presentation regarding its recommendations.


Ms. Patricia Moyer
Page 4
May 8, 2023

If you have any questions regarding this submission, please contact Mr. Adam Perez, Manager of the Los Angeles Aqueduct, at (760) 872-1104, or Dr. Holly Alpert, Acting Director of Inyo County Water Department, at (760) 878-8796.

Sincerely,

ORIGINAL SIGNED BY
ADAM PEREZ



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