

INYO/LOS ANGELES STANDING COMMITTEE

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MEMORANDUM

To: Inyo/Los Angeles Standing Committee

From: Inyo/Los Angeles Technical Group

Date: May 26, 2023

Subject: Agenda Item 6c: Establishment of Blackrock Waterfowl Management Area flooded acreage

Background

The Blackrock Waterfowl Management Area (BWMA) is one of four physical features of the large-scale river restoration project known as the Lower Owens River Project (LORP). Under the LORP, the primary management objective for the BWMA is to create and maintain diverse natural habitats consistent with the needs of “habitat indicator species.”

In April of 1997, the following parties entered into a Memorandum of Understanding (MOU): the City of Los Angeles Department of Water and Power (LADWP), the County of Inyo (County), the California Department of Fish and Game (now the California Department of Fish and Wildlife (CDFW)), the California State Lands Commission (SLC), the Sierra Club (SC), the Owens Valley Committee (OVC), and Carla Scheidlinger.

Section II.C.4 of the MOU prescribes the following water management to achieve the primary management objective for the BWMA:

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 average. 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 Wetlands Management Plan and in consultation with DFG.

In compliance with Section II.C.4 of the MOU, since the implementation of the LORP through 2020, water was released year-round to flood up to 500 acres of the BWMA at any given time throughout the year when runoff is forecasted to be average or above-average. Also, in compliance with Section II.C.4, reductions in water supplies and concomitant acreages have occurred during less than average runoff years.

Implementation of the 5-year Interim Management and Monitoring Plan for BWMA as Adaptive Management

In 2019, LADWP and the Inyo County Water Department evaluated the effectiveness of the BWMA management that has been conducted according to Section II.C.4 of the MOU. The evaluation concluded that continuous year-round flooding resulted in excessive and aggressive growth of emergent vegetation leading to a reduction in open water habitat, static water conditions, and a decrease in waterbird use. While the evaluation noted that habitat indicator species continue to use BWMA, continuous inundation has resulted in the dominance of late successional wetland vegetation and significantly reduced suitable habitat for indicator species and migrating waterbirds.

Section II.E of the MOU specifically provides that if monitoring and reporting show that:
...adaptive modifications to the LORP management are necessary to ensure the successful implementation of the project, or the attainment of the LORP goals, such adaptive modifications will be made.

As a result of evaluation of the conditions in the BWMA, with the goal of improving habitat conditions in the BWMA, the Inyo/Los Angeles Technical Group developed a 5-year Interim Management and Monitoring Plan for the BWMA (Interim Plan), which provides for seasonal rather than year-round flooding and enhances forage for indicator species through moist soil management. Also, under the Interim Plan, instead of varying annual flooded acreage targets based on the projected runoff, a fixed 500 acres will be flooded each year with ramping-up to begin September 15 and ramping-down to start after March 1 with complete dry down by May 1.

The MOU Parties did not object to the Interim Plan and consequently, the Standing Committee set the acreage to be flooded in BWMA in 2021-2022 and 2022-2023 at a fixed 500 acres in the fall, winter, and early spring in accordance with the plan.

LADWP and Inyo County are seeing very promising results with regard to avian use of the waterfowl units following implementation of Years 1 and 2 of the Interim Plan. However, unprecedented runoff conditions in 2023 (233% of April 1 normal) have made it impossible to dry down the waterfowl units in the summer months as intended under the Interim Plan. LADWP and Inyo County wish to resume implementing the Interim Plan when extreme runoff conditions subside. It is unknown at this time if the project will continue operating on the agreed-upon 5-year interim timeline terminating April 15, 2026, or if there will be a need to extend this period. This determination will be made

following the 2023 runoff season, and LADWP and the County will discuss with the MOU Parties if it is necessary to extend the term of the Interim Plan.

It is our recommendation to continue to implement the Interim Plan in 2023-2024, again setting the acreage to be flooded in the BWMA at a fixed 500 acres. (However, flooded acreage will likely exceed 500 acres in 2023 in order to manage extreme runoff in the Eastern Sierra.) Monitoring prescribed in the Interim Plan to track flooded acreage, avian use, and forage production in the waterfowl units will continue as specified.

Additional Conditions of Implementing the Interim Plan

The following conditions outlined in the May 26, 2021, memo from the Inyo/Los Angeles Technical Group to the Standing Committee apply through the implementation of the Interim Plan:

1. During the five-year period beginning in the 2021 runoff year and ending on April 15, 2026, the provisions of Section II.C.4 of the MOU prescribing water management for the BWMA will be suspended and the provisions of the Interim Plan including the responses to comments on the Interim Plan will govern water management in the BWMA.
2. Unless the MOU has been amended prior to April 15, 2026, to change the MOU's provisions for management of the BWMA, beginning on April 16, 2026, the provisions of Section II.C.4 of the MOU prescribing water management to achieve the primary management objective for the BWMA shall govern water management for the BWMA.
3. During the five-year period when the Interim Plan is being implemented, the Technical Group shall:
 - a. monitor the BWMA and report the monitoring results in accordance with provisions of the Interim Plan;
 - b. include in the LORP Annual Report the annual BWMA monitoring data, an evaluation and analysis of the results of the monitoring, a discussion of the challenges in achieving the goals, and a discussion of any problems with the implementation of the Interim Plan; and
 - c. hold a meeting with the MOU parties during May or June each year during the five-year period of the Interim Plan to discuss the monitoring results and the observations of the BWMA during the preceding year.
5. Each year during the five-year period of the Interim Plan, regardless of the amount of forecasted runoff, the amount of acreage in the BWMA to be flooded is to be set by the Standing Committee in consultation with CDFW.
6. Acknowledge that since the BWMA Plan constitutes an adaptive management measure under the MOU, the Dispute Resolution and Litigation provisions in the MOU (§§ VI, VII) apply to LADWP's implementation and compliance with the Interim Plan.

Requested Action

The Inyo/Los Angeles Technical Group requests that the Standing Committee set the flooded acreage in the BWMA for 2023-2024 at a fixed 500 acres in the fall, winter, and early spring months in accordance with the Interim Plan, with timing and conditions described above.