

DEPARTMENT OF WATER RESOURCES

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August 30, 2022

Filed electronically

Mr. Thomas Torres
Deputy Forest Supervisor
Angeles National Forest
701 North Santa Anita Avenue
Arcadia, California 91006
ATTN: Piru Creek CRMP

FERC Project No. 2426—South SWP Hydropower—Comments on
Draft River Values Assessment for Piru Creek Wild and Scenic River

Dear Mr. Torres:

The California Department of Water Resources (DWR) is providing the enclosed comments regarding the U.S. Forest Service's draft River Values Assessment for Piru Creek Wild and Scenic River.

DWR and Los Angeles Department of Water and Power own and operate the South SWP Hydropower, Federal Energy Regulatory Commission (FERC) Project No. 2426 (Project). The Project is an existing power recovery project located upstream of the designated Piru Creek segments that are the subject of your assessment. The South SWP Hydropower project includes Pyramid Lake which releases water into Piru Creek.

Our attached comments are divided into two categories: project-specific comments and editorial comments. DWR is also in support of the comments provided by the United Water Conservation District in their letter dated August 26, 2022.

Thank you for the opportunity to review and comment on this draft assessment.

If you have any questions, your staff may contact Mr. Lonn Maier at (916) 557-8151 (lonn.maier@water.ca.gov) or you may contact me at (916) 557-4555 (jeremiah.mcneil@water.ca.gov).

Sincerely,

A handwritten signature in black ink that reads 'Jeremiah McNeil'.

Jeremiah McNeil, Acting Manager
Hydropower License Planning and Compliance Office
California Department of Water Resources

Attachment

cc: Robert Taylor, USFS
Simon Zewdu, Director, LADWP
Anthony A. Emmert, Assistant General Manager, UWCD

PROJECT-SPECIFIC COMMENTS

Page 3:

The recreation and wild segments of Piru Creek totaling 7.25 miles were designated in 2009 through the Omnibus Public Land Management Act of 2009. The assessment evaluates a geology outstandingly remarkable value for both designated segments. The recreation designated segment of Piru Creek covers a ¼ mile corridor on either side of the creek that encompasses portions of DWR's existing licensed infrastructure. The assessment is unclear on why there is a need for including this infrastructure into the ¼ mile corridor. DWR is concerned with implications of how such a larger corridor could impact our daily operations. DWR would appreciate a clarification on how the outstanding remarkable value for geology could affect operation or maintenance of our project works.

Page 4:

The assessment discusses segments 1-7 of the Piru Creek watershed. DWR has the following comments:

- Further clarification of "eligible" and "suitable" would help improve the understanding of their significance.
- The USFS 2006 Land Management Plan does not evaluate segments 5-7 of Piru Creek; segment 5 and part of segment 6 are the only segments that are congressionally designated.
- Segments 1-7 were referred to throughout the report. An explanation and map of those segments and the history of their evaluations would help increase the understanding of their boundaries and importance.
- The assessment states that for segments 5-7 geology was the only outstandingly remarkable value; however, on Page 5 in Table 3, fisheries is also denoted as outstandingly remarkable. Was this changed based on the 2020 evaluation for the Comprehensive River Management Plan and if so, why did the values change?

Page 8:

The discussion characterizes the drought as occurring from 2011-2018, resulting in reduced dam releases. This is an inaccurate characterization. Based on data from local weather monitoring stations for that time period, the below-average and dry water years were from 2012-2016. An above-average water year occurred in 2017 with significant stream releases (peaking at 1,770 cfs). In 2018, precipitation was above average with sustained flows into late spring. This is documented in DWR's annual arroyo toad monitoring reports.

Page 12:

The assessment states: "Nearly half of the resident rainbow trout surveyed in Piru Creek have been found to contain the genetic marker for anadromy."

- No data or studies are referenced in support of this statement.

- Were any of the resident trout surveyed stocked by California Department of Fish and Wildlife (CDFW)? If they were stocked fish (adipose fin clipped), they were triploid fish that cannot reproduce.

Page 12:

The assessment states: "Water releases from Pyramid to Lake Piru have significantly modified the natural dynamics of stream flow and sediment transport within the channel."

- No data or studies are referenced in support of this statement.
- Water releases from Pyramid Dam are required to match the natural inflow to Pyramid Lake to the extent it is operationally feasible. Operations at Pyramid Dam have followed this requirement for the last 17 years. The natural dynamics of stream flow and sediment transport would likewise be present in the existing conditions.

Page 12:

The assessment states: "Water releases have also introduced several nonnative species from the State Water Project to the detriment of native species. Nonnative species include but are not limited to bullfrog ..., small and largemouth bass [sic], black bullhead catfish [sic], green sunfish [sic], bluegill [sic], and brown trout [sic]."

- No data or studies are referenced in support of this statement and no nexus has been provided linking nonnative species in Piru Creek and the State Water Project.

Page 12:

The assessment states: "In 2005, Pyramid Dam's license requirements (Articles 51 and 52.26) to provide minimum flows for rainbow trout were waived to favor a more natural flow regime that would limit impacts to the federally endangered arroyo toad (*Bufo californicus*). In granting the waiver, FERC acknowledged that lower water conditions in the summer would negatively affect rainbow trout and "may eliminate the majority of trout occurring in middle Piru Creek between July and October."

- A clarifying statement on the history of FERC-mandated stream releases would be helpful to correct this statement which is inaccurate.
- The unnatural supplemental summer flows that were released prior to the 2005¹ amendment of FERC license Article 52 were required by CDFW and USFS to maintain a trout fishery below the dam. Historically, those initial fluctuating stream releases were recommended by USFS and CDFW and were based on air temperatures and not based on the natural hydrograph of Piru Creek. The initial stream releases were incorporated into Exhibit S (1982²) of FERC license P-2426 and were later amended in 1999³ to provide constant summer flows at the recommendation of CDFW.

¹ The temporary waiver approved by FERC in 2005 allowed for implementation of operating guidelines to avoid take of the federally listed arroyo toad. The operating guidelines include requirements for simulating the natural hydrograph of Piru Creek and were approved by FERC in 2009 under Article 52.

² FERC approved the Exhibit S in an order issued on November 9, 1982.

³ FERC approved the amended Exhibit S in an order issued on October 25, 1999.

Page 12:

The assessment states: "The fishery in the recreational segment of Piru Creek is heavily impacted by the presence of infrastructure including dams, roads, high recreational use including dispersed camping, and a younger aged riparian vegetation since the Day Fire in 2006."

- Regarding "younger aged riparian vegetation," the USFS fails to acknowledge that the creek experiences ecological succession whereby high stream flows can modify the stream morphology through scouring flows as a means of natural vegetation management. In years of low stream flows (such as 2012-2016), which are insufficient to result in scouring, vegetation is allowed to regrow, replenish, and encroach into the stream channel. In 2017, we saw an above average water year with significant precipitation that was sufficient to cause scouring and removal of emergent riparian vegetation in the bed and banks of Piru Creek. This is documented in DWR's annual arroyo toad monitoring reports during 2011-2020. This is recognized by the USFWS as a natural means to replenish fine sediments for breeding.⁴
- Please define "younger aged riparian habitat." It is likely that due to the dynamic nature of the Piru Creek system that causes ecological succession, vegetation has likely been washed out during wet water years with high precipitation and resulted in scouring flows such as those seen in 2016-2017.
- The assessment states that the fishery in the recreation segment is impacted by infrastructure including dams, roads, high recreation use. No dams are located in the recreation segment.

Page 12:

The assessment states: "A 2019 fish population study did not note any substantially changed conditions for fish habitat or populations since the time of wild and scenic river designation (CDWR, 2019)."

- The paragraph on page 4 states that only geology was found to be outstandingly remarkable and the statement that the fish population study found no substantially changed conditions for fish habitat. This begs the questions of why fisheries are included.

Page 13:

The assessment states: "The natural dynamics of stream flow and sediment transport within Piru Creek have been modified significantly."

- No data or studies are referenced to support this statement.
- Water releases from Pyramid Dam are required to match the natural inflow to Pyramid Lake to the extent its operationally feasible. Operations at Pyramid dam have followed this requirement for the last 17 years. The natural dynamics of stream flow and sediment transport would likewise be present in the existing conditions.

⁴ 76 Federal Register 7246

Page 17:

The assessment states: "A review of the streamflow data (1988 to present) from USGS Stream Gauge (*sic*) 1109525 – Piru Creek below Pyramid Lake near Gorman, CA shows high fluctuations in discharge from a high of 779.5 cubic feet per second (cfs) recorded in February 1988 to a low of 1.8 cfs recorded in July 2018."

- It should be noted that the discharge values cited in this statement are monthly mean values from the period of record. Actual daily and instantaneous discharge values are much higher for this gage. Also, the February monthly mean value cited in the statement should be corrected to show it was recorded in February 1998 and not in February 1988. The period of record for this USGS gage begins in October of 1988.

Page 17:

The assessment states: "The license Article 52, as amended in 2005, requires the licensees to match outflows from Pyramid Lake to natural inflows to Pyramid Lake, to the extent feasible for operations and safety."

- This statement is inaccurate. DWR began implementing the current natural flow regime under a 2005 temporary waiver of Article 52. The purpose of the waiver was to avoid take of the arroyo toad. The final amendment was issued by FERC in 2009. The amendment identifies operational guidelines for Pyramid Dam releases with operational and safety considerations that are protective of the arroyo toad.

Page 17:

The assessment states: "Winter discharge rates increase in very wet winters when the dam operators ~~are~~ release large amounts of water to make room for additional storage anticipated for March and April rainfalls in the northern portions of California."

- This is inaccurate. As stated above, water releases from Pyramid Dam are required to match the natural inflow to Pyramid Lake to the extent it is operationally feasible. Therefore, winter discharge rates are reflective of natural peak winter flows. Natural inflows are not held back or stored in Pyramid Lake. If DWR needs to make room for State Water Project (SWP) water from northern California, then releases of SWP water are made through the Angeles Tunnel and sent to Castaic Lake. The only SWP water delivered down Piru Creek is the allotment being sent to the United Water Conservation District during the months of November through February.
- Typo noted above.

EDITORIAL COMMENTS

Page 2:

The assessment states: "Piru Creek drains the rugged and remote Sespe Wilderness and flows into the Santa Clara River."

- Piru Creek drains a portion of the Sespe Wilderness. The large majority of the Sespe Wilderness drains into the Sespe River, west of Piru Creek. As written, it could be construed that Piru Creek drains the entirety of the Sespe Wilderness.

Page 4:

The assessment states: "Pyramid Dam is a component of the South State Water Project..."

- Pyramid Dam is a component of the FERC project referenced as "South SWP Hydropower". Pyramid Dam is also a feature of the West Branch of the State Water Project. This may also be written as, "...Pyramid Dam is a component of the State Water Project."
- Note, this mistake is found in the first paragraph and Table 2.

Page 8:

The assessment states: "California Department of Fish and Wildlife (CDFW) ceased stocking rainbow trout around 2010 in Piru Creek to avoid potential impacts to endangered species."

- Fish stocking in Piru Creek ceased in 2008.

Page 9:

The assessment states: "Piru Creek, below Pyramid Reservoir, flows through scenic tilted layers..."

- The official name of the reservoir is Pyramid Lake.

Page 12:

The assessment states: "In 2005, Pyramid Dam's license requirements (Articles 51 and 52.26) to provide minimum flows for rainbow trout were waived to favor a more natural flow regime that would limit impacts to the federally endangered arroyo toad (*Bufo californicus*)."

- The scientific name for arroyo toad has been updated to *Anaxyrus californicus*⁵

Page 17:

The assessment states: "Pyramid Dam is unique because this large volume of water can be released out of the reservoir down the canal rather than into Piru Creek, directly."

- No canal exists below Pyramid Dam. Water is either released (1) directly from Pyramid Dam to Piru Creek as pass-through releases of natural flows and during brief radial gate tests, or (2) for delivery of water to United Water Conservation District. Water may also be released via the Angeles Tunnel to Elderberry Forebay, a component of Castaic Lake.

Page 19:

The assessment states: "...Route 99 was built through the recreation segment between 1929 and 1933..."

- This is an inaccurate description of the sequence of events. State Highway 99 construction occurred during 1929-33, which predates the 1968 Wild & Scenic Act and subsequent assessment and designation of Piru Creek.

⁵ Source: CDFW special animals list July 2022 [Special Animals List \(ca.gov\)](https://www.cdffishandwildlife.com/species/special-animals/)

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