

**DEPARTMENT OF WATER RESOURCES**

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March 29, 2024

*Electronically filed*

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

FERC Project No. 2426—South SWP Hydropower—Comments on Draft  
Piru Creek Wild and Scenic River Comprehensive River Management Plan

Dear Mr. Torres:

The California Department of Water Resources (DWR) is in receipt of the United States Department of Agriculture, Forest Service's (USFS) draft *Piru Creek Wild and Scenic River Comprehensive River Management Plan (2024)* (referenced herein as a draft plan). The draft plan was prepared under the Wild and Scenic River Act (Public Law 111-11) for managing the designated wild and recreation stream segments in Piru Creek. DWR appreciates the opportunity to provide comments on the draft plan.

The designated stream segments of Piru Creek are located below Pyramid Dam, which is a licensed facility under South SWP Hydropower, Federal Energy Regulatory Commission (FERC) Project No. 2426. The FERC-licensed South SWP Hydropower is located along and supports the State Water Project (SWP), a State water storage and delivery system that is the largest State-owned and operated water supply project of its kind in the United States. The SWP provides southern California with many benefits, including flood control, affordable water supply, reliable regional clean energy, public recreation, and environmental benefits.

The draft plan uses "South State Water Project" (page 8) and "California State Water Project" (page 10) interchangeably and should be corrected to "State Water Project". Similarly, "Angeles Tunnel" is referred to interchangeably with "Pyramid to Castaic Tunnel" (page 8) and "California Aqueduct West Branch Tunnel between Pyramid and Castaic Reservoirs" (page 17). We recommend that these terms be corrected to "Angeles Tunnel".

On page 17, Scenery, it states that there are visible sections of the Angeles Tunnel. Except for the Angeles Tunnel adits and access road, the Angeles Tunnel is entirely underground and is not visible to the public in the proposed corridor area. The statement should be revised accordingly.

The boundary of the designated recreation and wild segments is briefly discussed beginning on page 3 of the draft plan, under the River Corridor Locations and Boundaries section. The USFS is proposing to adopt a boundary consisting of a ¼ mile

corridor from the ordinary high-water mark on both sides of Piru Creek that previously served as the interim boundary. The proposed  $\frac{1}{4}$  mile boundary encompasses existing SWP facilities and facilities under the FERC license. While the Wild and Scenic Rivers Act (Act) addresses “construction”, DWR is concerned with possible effects on these facilities. DWR looks forward to discussing this with the USFS during our annual Ecological Group Committee meetings, which will be required as part of DWR’s renewed FERC license.

On pages 5 through 6 of the draft plan, the Wild and Scenic Rivers Act, 2009 Omnibus Public Land Management Act (Public Law 111-11), and Forest Plan sections discuss the Act’s Section 7 prohibitions on Federal agency assistance and on FERC from licensing the construction of hydroelectric projects above, below, and on the bed and banks of designated stream corridors. In addition, the 2005 USFS Land Management Plan for the Angeles and Los Padres National Forests identified desired conditions and management direction for wild and scenic rivers. For congressionally designated rivers, Section 7 of the Act specifies the direct and adverse effects standards for evaluating FERC project effects using the baseline condition as the date of a river’s designation. Public Law 111-11 designated the two wild and recreation segments in Piru Creek in 2009. Although the Act does not prohibit modifications or relicensing of an existing FERC project, the administering agency (i.e., USFS) would evaluate any proposed modifications or relicensing application based on the condition of the identified river values since 2009.

As discussed on page 10, Free-Flowing and Water Quality, and page 15, Fisheries, historic releases from Pyramid Dam were based on resource agency recommendations. The draft plan states, in reference to USGS Stream Gauge 1109525, Piru Creek Below Pyramid Lake near Gorman, California, that:

“Actual daily and instantaneous discharge values are much higher for this gage. Summer discharge averaged 26.1 cfs [cubic feet per second] for the month of July for the period of 1989 to 2006. Summer discharge averaged 4.8 cfs for the month of July for the period of 2007 to present. These alterations equate to an 81 percent reduction in summer streamflow since 2007, likely attributed to the implementation of the modified flow regime to protect arroyo toad.” (at p. 10).

This statement implies that those historic supplemental summer flow releases into Piru Creek are part of natural flows which were reduced by 81 percent as a result of DWR operating Pyramid Dam releases under Article 52 of the FERC license; however, this is not the case. The reduction was a result of DWR no longer releasing unnatural supplemental summer flows (i.e. releases did not match natural inflows), which were not protective of arroyo toad (*Anaxyrus californicus*). Prior to 2005, those releases,

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particularly the supplemental summer flows that supported a trout fishery in Piru Creek, did not consider the natural hydrograph of the Piru Creek basin and did not balance sensitive species protection.

We recommend that the statement be revised to provide clarity, and offer the following revision to the statement:

“Actual daily and instantaneous discharge values are much higher for this gage. Summer discharge averaged 26.1 cfs [cubic feet per second] for the month of July for the period of 1989 to 2006. Summer discharge averaged 4.8 cfs for the month of July for the period of 2007 to the present. In approving the Article 52 operating guidelines in 2009, FERC recognized that the unnatural supplemental summer releases were not protective of arroyo toads. The intent of the modifications to Article 52 is to have operational releases reflect the natural hydrograph for protection of downstream resources and thus the current average summer discharge is lower than the values recorded from 1989 to 2006.”

Page 15, Fisheries, states:

“Water releases have also introduced several nonnative species from the state water project to the detriment of native species. Non-native species present in Piru Creek include but are not limited to bullfrog (*Lithobates catesbeianus*), small and largemouth bass (*Micropterus dolomieu* and *Micropterus salmoide*), black bullhead catfish (*Ameiurus melas*), green sunfish (*Lepomis cyanellus*), bluegill (*Lepomis macrochirus*), and brown trout (*Salmo trutta*).”

DWR does not agree that the presence of all non-native species in Piru Creek have a nexus to SWP waters. The watersheds surrounding Fish Creek and Aqua Blanca Creek may also contribute to Piru Creek flows, thus potentially introducing non-native species. Please provide references to support this statement.

Pages 19 through 20, Management Actions, identifies an action to reduce sedimentation in the designated recreation and wild stream corridor including the development of a road management plan for road maintenance and management and sediment control with consideration for minimizing impacts on shade and woody debris. Page 21, Potential Future Management Actions, provides potential future management actions including monitoring and eradicating invasive species, conducting reoccurring proper functioning condition of riparian areas every five years, evaluating a large-scale stream/floodplain restoration at the Piru Ponds area, and supporting fish passage at Santa Felicia Dam.

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Currently, releases from Pyramid Dam match natural inflows in timing and magnitude to the extent operationally feasible and consistent with safety requirements, consistent with Article 52 of DWR's existing FERC license. Large storm events are likely to cause scouring of the bed and banks of Piru Creek and displacement of emergent riparian vegetation which are part of the dynamic geomorphology of the Piru Creek system. These seasonal high scouring flows and the resulting sediment transport are beneficial to the resident population of the listed arroyo toad, and also assist with controlling the non-native bullfrogs, as observed over the years during DWR's monitoring surveys of arroyo toad in Piru Creek.<sup>1,2</sup> Additionally, in accordance with DWR's FERC license and Clean Water Act Section 401 water quality certification, DWR conducts monitoring for erosion at downstream infrastructure and implements erosion control measures as needed under the existing FERC license.

As you are aware, over the past several years DWR has been engaged with USFS staff in the FERC relicensing of South SWP Hydropower. DWR is currently coordinating with USFS staff to develop protection, mitigation, and enhancement (PM&E) plans to address potential Federal Power Act Section 4(e) conditions that will be incorporated into the new FERC license. The PM&E plans will provide resource protection and management when operating and maintaining South SWP Hydropower under the new license. The PM&E plans are a collaborative effort among USFS and other State and federal resource agencies, in managing multiple resources including those discussed in the draft plan.

DWR appreciates the dialogue with the USFS on DWR's FERC relicensing, and the opportunity to provide our comments on the draft plan.

If you have any questions or would like to discuss this further, please contact me at (916) 699-8414, or your staff may contact James Gleim, Environmental Manager, at (916) 882-2004, or by email at [james.gleim@water.ca.gov](mailto:james.gleim@water.ca.gov).

Sincerely,



Jeremiah McNeil, Manager  
Hydropower License Planning and Compliance Office  
Executive Division

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<sup>1</sup> Environmental Science Associates. 2010-2019. Middle Piru Creek, arroyo toad clutch surveys and sensitive species monitoring. Prepared for California Department of Water Resources.

<sup>2</sup> Dudek. 2020. 2020 Middle Piru Creek arroyo toad and sensitive species monitoring. Prepared for California Department of Water Resources.