



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

April 14, 2021  
Sent via email

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## STATE CLEARINGHOUSE

James Howe  
Los Angeles Department of Water and Power  
300 Mandich Street  
Bishop, CA 93514  
James.Howe@ladwp.com

Six-Month Operational Test of Well TW-E at Owens Lake (PROJECT)  
NEGATIVE DECLARATION (ND)  
SCH# 2021020397

Dear Mr. Howe:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Negative Declaration (ND) from the Los Angeles Department of Water and Power (LADWP, Lead Agency) for the Six-Month Operational Test of Well TW-E at Owens Lake (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

### PROJECT DESCRIPTION SUMMARY

The proposed Project includes equipping TW-E with a pump, conducting the operational test for six months, and implementing the monitoring and data collection program. Construction of TW-E was completed in 2018. No earthwork or land modifications would be required for implementation of the proposed Project. To gather necessary hydrogeologic information, TW-E would be pumped continuously at an average rate of three cubic feet per second (cfs) (approximately 1,350 gallons per minute) for a period of six months. The six-month duration of the test was selected to mimic the duration that potential future pumping for dust mitigation would occur and when the vegetation is dormant. Based on the Owens Lake Groundwater Model (2020 update), your project will cause an initial drawdown of up to 400 feet in well TW-E, which will propagate across the northern portion of the Owens Dry Lake as the cone of depression stabilizes.

### COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist LADWP in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

**Protection of Groundwater-Dependent Resources.** The California State Wildlife Action Plan (CDFW 2015) designates eight key aquatic habitats in the Deserts Province, which include Springs and Springbrooks; Ciénegas (and submersed wetlands); Ponds, Lakes and Reservoirs; Aquatic Refuges; and Anthropogenically Created Aquatic Features, all of which occur within the Owens Lake area as groundwater-dependent ecosystems. These groundwater dependent resources are vital to many wildlife species including the Owens speckled dace, a state-species of Greatest Conservation Need (CDFW 2015) which has been recently petitioned for federal listing as threatened and the State Endangered Owens Valley checkerbloom (*Sidalcea covillei*). CDFW has specific concerns regarding two wetland areas:

**Dirty Sox Duck Club:** Owens speckled dace (California species of concern and ESA-candidate species) occur in 78 acres of artesian-fed, privately-owned ponds on the southern end of Owens Lake, in the Dirty Sock Duck Club (DSDC) complex. Four artesian wells supply water to these ponds, which are also in part a mitigation measure to offset impacts to waterfowl in Searles Valley. CDFW and the landowners have been planning for a project to reintroduce ESA- and CESA-endangered Owens tui chubs to the DSDC.

**Cartago Wildlife Area:** CDFW owns 218 acres of land on the southwestern shore of Owens Lake designated as the Cartago Wildlife Area by the California Fish and Game Commission. The property includes 22 acres of artesian-fed ponds and surrounding wetland which were purchased and managed for native fishes, waterfowl, wading birds, and other wildlife values. A portion of the property falls within the dust control project boundaries and the parcel is also adjacent to an existing large-scale groundwater pumping operation. The property is managed to provide optimal benefits for plants, wildlife, and for the use and enjoyment by public. Habitats include two sensitive natural communities, red willow thickets and Fremont cottonwood forest, as well as saltgrass flats and Baltic-Mexican rush marshes (alkali meadows), and open water habitats. These habitats and species depend on shallow groundwater or groundwater discharge from two wells. Discharge from these wells averages 208 gpm\*, and ranges between 118 and 320gpm. This property hosts a population of more than 10,000 individuals of Owens Valley checkerbloom (*Sidalcea covillei*), a state endangered plant species and federal species of special concern, as well as a population of the rare Parish's popcornflower (*Plagiobothrys parishii*). Wildlife species of special concern known to occur on the property include nesting Northern harrier (*Circus hudsonius*) and Western snowy plover (*Charadrius alexandrinus nivosus*), as well as American white pelican (*Pelecanus erythrorhynchos*), Least bittern (*Ixobrychus exilis*), Redhead (*Aythya americana*), Yellow-headed blackbird (*Xanthocephalus xanthocephalus*), Owens Valley vole (*Microtus californicus vallicola*) and several bat species. Reduction or loss of artesian water as a result of groundwater pumping would critically impact fish, wildlife, and the mitigation project at these specific sites.

CDFW is concerned that long-term groundwater pumping at Owens lake could result in impacts to adjacent groundwater dependent resources. CDFW recommends that the pump test design be refined. We also recommend the incorporation of additional 'trigger' criteria to protect groundwater-dependent resources. Our specific comments are below:

Data Collection:

- CDFW is not opposed to the proposed data collection plan during the pump test; however, CDFW recommends that LADWP continue to collect water level recovery data in all primary monitoring wells for 180 days or until such time as 95% recovery is reached, whichever monitoring period is longer.
- CDFW recommends that LADWP collect data on groundwater discharge from the Whiskey Springs, Cottonwood flowing well, and Northwest Spring for six months prior to the proposed test and continue data collection for one year post-test to ensure surface-dependent groundwater is not impacted
- CDFW suggests LADWP collaborate with landowners to add flow monitoring devices to well at Cartago Wildlife Area and the Dirty Sox Duck Club.
- Per the Operational Testing Plan, CDFW would like to request the monitoring results be provided to: [Alisa.Ellsworth@wildlife.ca.gov](mailto:Alisa.Ellsworth@wildlife.ca.gov).

- CDFW recommends that groundwater quality monitoring be extended for three months after the end of the pump test if a suspected impact to groundwater quality is observed.

Trigger Points:

- CDFW recommends the incorporation of two additional trigger wells to ensure that impacts to groundwater dependent resources and state-listed plant and animal species does not occur. CDFW's proposed additional wells and trigger criteria are:
  - Well #DWP-7; an observed drawdown of 0.2 feet or greater
  - Well #VDA-15; an observed drawdown of 0.2 feet or greater
  - Well#P2L; an observed drawdown of 0.5 feet or greater

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

## FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the ND to assist LADWP in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Rose Banks, Environmental Scientist at (760) 218-0022 or [Rose.Banks@wildlife.ca.gov](mailto:Rose.Banks@wildlife.ca.gov).

Sincerely,

DocuSigned by:

*Alisa Ellsworth*

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Alisa Ellsworth  
Environmental Program Manager

cc: Office of Planning and Research, State Clearinghouse, Sacramento

ec: HCPB CEQA Coordinator [ceqacommentletters@wildlife.ca.gov](mailto:ceqacommentletters@wildlife.ca.gov)  
SCH [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)  
Rose Banks [Rose.Banks@wildlife.ca.gov](mailto:Rose.Banks@wildlife.ca.gov)  
Alyssa Marquez [Alyssa.Marquez@wildlife.ca.gov](mailto:Alyssa.Marquez@wildlife.ca.gov)

#### References Cited

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