

June 18, 2019

Mr. Paul Souza, Regional Director
U.S. Fish and Wildlife Service – Pacific Southwest
2800 Cottage Way, Suite W - 2606
Sacramento, CA 95825

Dear Mr. Souza:

Subject: Los Angeles Department of Water and Power Commitments for
Greater Sage Grouse

The purpose of this letter is to reaffirm the Los Angeles Department of Water and Power's (LADWP) commitment to continue implementing conservation actions in support of maintaining and improving habitat and species viability for the Bi-State Distinct Population Segment of the Greater Sage-Grouse (Bi-State DPS). The goal of LADWP's natural resource management is to employ Best Management Practices (BMP) for land and water uses that maintain water supplies to the City of Los Angeles (City) while protecting water quality, habitat, biodiversity, as well as threatened and endangered species throughout the related watersheds.

LADWP lands occur within the boundary of three Bi-State DPS Population Management Units (PMU): Bodie, South Mono, and White Mountains. Based on telemetry research conducted by the U.S. Geological Survey (USGS), California Fish and Wildlife (CDFW), University of Nevada, Reno (UNR) and University of Idaho, sage-grouse use of LADWP lands in the Bodie and White Mountains PMUs is limited. However, grouse use of LADWP lands in the South Mono PMU is high and includes two breeding complexes, Long Valley and Parker. The Long Valley complex is particularly important to the Bi-State DPS because of the number of birds found at leks here and the use of this area for nesting and brood-rearing. Important habitat components for sage-grouse in Long Valley include high quality nesting habitat and irrigated pastures that create artificial mesic-meadow habitat. The edges of mesic meadows such as these are valuable to sage-grouse during the brood-rearing stage and especially when they are in close proximity to nesting habitat.

Conservation Planning

In 2013, LADWP drafted a Conservation Strategy (Strategy) for the Bi-State DPS on their lands in Mono County, California. This Strategy was approved by the Board of Water and Power Commission on August 18, 2014, and LADWP entered into a Memorandum of Understanding (MOU) regarding the implementation of this Strategy with the U.S. Fish and Wildlife Service (Service) in 2014. A component of this Strategy includes commitments to maintain sage-grouse lekking, nesting, and brood rearing habitat. In 2015, LADWP drafted the "Habitat Conservation Plan (HCP) for its Operation and Maintenance Activities on its land in Mono and Inyo Counties, California." Consistent with these documents, LADWP manages the activities on its lands such as habitat restoration, livestock grazing, recreation, control of noxious and invasive weeds, fire suppression, infrastructure maintenance, and the management of water gathering and power production/distribution in a manner that is compatible with the conservation of the Bi-State DPS and the mission of LADWP.

Mono County Ranch Lease Renewal Project

Currently, LADWP is evaluating the potential renewal of expired grazing leases in the Long Valley region. As this evaluation has begun, it has come to LADWP's attention that this renewal process has raised concerns regarding its commitments to the 2013 Strategy. LADWP wishes to address and alleviate such concerns.

During the renewal evaluation, changes may occur to grazing lease land management practices that could be related to conservation commitments put forth in the 2013 Strategy and the 2015 Draft HCP. In no instance, however, will LADWP diminish any management commitments made in the 2013 Strategy or 2015 Draft HCP to manage and improve habitat for sage-grouse on its land. LADWP will also continue to use BMPs to protect and enhance riparian and upland habitats.

The proposed changes may also include alterations of the amount of water provided for agricultural use. This alteration would relate to the 2013 Strategy mention of an allocation of up to 5 acre feet of water per acre for use by LADWP lessees. Pursuant to the terms of the leases however, LADWP has always provided any such water at its sole discretion and "is subject to the paramount right of the Lessor..." LADWP uses its discretion to meet its basic operational purposes and needs, and its commitment to maintain habitat in Long Valley to the benefit of the Bi-State DPS, evidenced by its approval of the 2013 Strategy, is such an operational purpose.

Potential alterations to grazing leases, therefore, will not be inconsistent with LADWP's existing commitments in the 2013 Strategy to continue to enhance and maintain habitat

for sage-grouse; and, in particular to keep pastures, identified on the attached map, in good to excellent condition to provide forbs and insects for sage-grouse. As was noted in the Notice of Preparation of a Draft Environmental Impact Report for the lease renewal project, proposed alterations would not affect the existing practice of spreading water for sage-grouse. Specifically, LADWP remains committed to managing the artificially irrigated habitat important to sage-grouse in Long Valley as depicted in the associated map. Such habitat would be actively managed to maintain its functionality for sage-grouse.

The 2013 Strategy further includes implementation of its goals through an adaptive management approach. Consistent with that approach, LADWP will continue to work with the Service to refine mapped areas -- such as those shown on the above map -- that benefit most from active management, and to otherwise embrace additional protective measures necessary to ensure the goals of the Strategy continue to be met.

Past and Current Conservation Actions

LADWP has a long history of development and implementation of projects to sustain and enhance biodiversity on the lands that it manages in the eastern Sierra. Since the early 1990s, LADWP has focused on natural resource projects that restore riparian vegetation along the Owens River and its tributaries as well as the rehabilitation of degraded or dewatered stream reaches throughout the watershed. In addition to water quality and water quantity benefits from these projects, plant and animal biodiversity has increased, fish and wildlife populations have increased, and there are more acres of wetlands in the watershed than in decades past. The 2013 Strategy includes a wide breadth of management action commitments that benefits sage grouse. The following describes some of the actions that have been implemented to date and will be continued into the future.

Livestock Grazing Management

Livestock grazing is the most widespread type of land use in sagebrush areas. Improper livestock management can have negative impacts on sage-grouse habitat. The threat of improper livestock grazing to sage-grouse populations was identified in the 2013 Conservation Objectives (COT) Report (Service 2013). In 1991, recognizing the need to improve stream conditions along the upper Owens River, LADWP Watershed Resources staff worked to develop the Upper Owens River Riparian Livestock Grazing Program. The program modified fencing and grazing practices to effectively control livestock timing and distribution in pastures and along the creeks to limit livestock impacts. During this process, LADWP recognized the impacts of recreational use on

resources and provided the public with convenient parking locations and creek access points that reduced human impacts to streams and adjacent wet meadows.

LADWP then developed and implemented grazing plans for all ranch leases in Mono County. These plans were designed to maintain healthy rangelands and improve those that had been degraded for both upland and riparian habitats. Riparian pastures have been designated along all streams using fences to manage cattle access, distribution, and utilization. Utilization is capped to minimize impacts to riparian and upland habitats from livestock grazing.

Recreation Management

The primary risk to sage-grouse from recreation is disturbance and displacement from important use areas such as leks, brood-rearing habitats, and during winter (Bi-State TAC 2012). Recreation can also adversely affect habitat quality and quantity. Direct and indirect impacts from recreational activities to sage-grouse were identified in the COT Report (Service 2013). Long Valley is a popular place to view sage-grouse leks, with the most frequently visited lek on LADWP land. In order to reduce on-going adverse effects related to outdoor recreation activities and to provide guidance for future recreation management to avoid or minimize new adverse effects, LADWP has developed and implemented recreation plans for its land in Mono County. Actions that LADWP has implemented under the recreation plans that benefit sage-grouse include:

- Developing the sage-grouse Lek Access Policy for City property in Mono County
- Working with partners (BLM, CDFW, Eastern Sierra Land Trust, and Eastern Sierra Audubon Society) to develop Lek Viewing Guidelines for sage-grouse on City-owned lands as well as lands managed by other agencies. These policies and guidelines have been developed in order to minimize impacts from vehicular disturbance and recreation to sage-grouse during their breeding season
- Imposing seasonal closures that prohibit public access to critical sage-grouse habitat areas during the peak breeding period (March 1st-last Saturday in April), south of Benton Crossing Road, near Crowley Lake
- Posting signs for public information and education
- Installing barriers to block vehicular access at certain leks
- Developing walk-through access points to direct recreational traffic
- Closing and/or rerouting roads
- Contacting law enforcement to address violations

Implementation of the recreation plan protects and/or restores riparian areas including brood-rearing habitat. It also removes or minimizes human disturbance to areas

important to sage-grouse such as lekking sites. In addition, LADWP is not proposing or considering any proposals for large developed recreational areas.

Weed and Wildfire Management

Noxious weeds, annual invasive grasses, and wildfire can substantially reduce the quality of sage-grouse habitat, as identified in the COT Report (Service 2013) and the 2015 finding (80 FR 22,828). LADWP addresses these threats by:

- Controlling non-native invasive plant species that compete with native species
- Developing and implementing a fire management plan that emphasizes fire prevention and swift suppression;
- Developing and implementing grazing management plans to impose BMPs to protect and enhance riparian and upland habitats

Infrastructure Management

Infrastructure such as roads, pipelines, powerlines, cellular towers and fences can result in habitat loss, reduction in habitat quality, changes in sage-grouse behavior, and even direct mortality to birds (COT 2013). In addition to maintenance of infrastructure related to water and power management, LADWP addresses the threats of infrastructure to benefit sage-grouse. For example, LADWP has:

- Facilitated and assisted in a fence removal habitat improvement project in Parker Meadows
- Installed 2.75 miles of "let-down" fences in Long Valley to reduce collision-related injury and mortality of sage-grouse
- Marked over 7 miles of fences in Long Valley with flight diverters to reduce collision-related injury and mortality of sage-grouse

Partnerships

Recognizing the importance of value of working with partners and the local community to find compatible and sustainable solutions to land management challenges, LADWP works with a variety of partners to address issues related to natural resource management and sage-grouse conservation such as:

- Bi-State Executive Oversight Committee (EOC) and Technical Advisory Committee (TAC)
- California Department of Fish and Wildlife
- Eastern Sierra Audubon Society

- Eastern Sierra Land Trust
- Mono County
- U.S. Bureau of Land Management
- U.S. Fish and Wildlife Service
- U.S. Geological Survey

Continued and Future Conservation Commitments

Once again, the goal of the LADWP's natural resources management is to employ BMPs for land and water uses that maintain water supplies to the City while protecting water quality, habitat, biodiversity, as well as threatened and endangered species throughout the watershed. This includes conservation of the Bi-State sage-grouse through the continued implementation of the 2013 Strategy on LADWP lands, supporting and implementing best-available science in an adaptive management framework, and addressing additional threats to this species on LADWP lands where and when possible. For the conservation of Bi-State sage-grouse on LADWP lands this includes but is not limited to the following:

- Continue to work with the Bi-State EOC and TAC. As with other members of this group, this includes:
 - Engaging in regular and transparent exchanges of scientific information;
 - Identifying and applying the best available science in order to avoid or minimize competing assumptions, analyses, models, products, decision-making criteria and frameworks.
- Develop an objective, science-based evaluation of the cost, benefits and trade-offs of management actions to maintain or improve habitat for sage-grouse. This includes but is not limited to:
 - Management of mesic sage-grouse habitat on LADWP lands that provide (or could provide) brood-rearing habitat. This may include the use of best available science such as USGS assessment of such habitat needs for sage-grouse in Long Valley.
- As addressed in the 2013 Strategy: Continued management of upland habitat that provides (or could provide) lekking and nesting habitat. For example:
 - Appropriate management of noxious weeds and annual invasive grasses.
 - Implementation of actions to minimize the loss of habitat from wildfire.
- Management of predators (i.e. common ravens) and predator subsidies (e.g. perching and nesting substrates, access to food subsidies) on LADWP lands. For example:
 - Working with USGS, CDFW, and FWS to assess and address the impacts of ravens on sage-grouse nesting and brood-rearing success in Long Valley.

- As addressed in the 2013 Strategy: Working with Mono County to close and relocate the Benton Crossing landfill by 2023.
- As addressed in the 2013 Strategy, LADWP will continue to manage and maintain infrastructure (e.g., roads, powerlines, fences, communication towers) to benefit sage-grouse and will evaluate any proposed construction.
- As addressed in the 2013 Strategy, LADWP has and will continue to maintain the majority of its 65,730 acres in Mono County as open space with no plans for urban development.
- As addressed in the 2013 Strategy, recreational use on LADWP lands will continue to be managed to avoid adverse impacts to sage-grouse and sage-grouse habitat. This includes:
 - Overnight camping in high value grouse habitat is only allowed in established campgrounds
 - Hiking and biking are limited to existing trails. Certain areas are off-limits to hiking and biking and are posted as such
 - Continue to the use and application of access points to limit, direct, or otherwise control recreational use to limit disturbance to sage-grouse during sensitive seasons and to limit impacts to habitat
 - Prohibit the collection of firewood in sage-grouse habitat
 - Imposing restrictions on requests for public use (individual or group events) to avoid impacts to sage-grouse or sage-grouse habitat
- As addressed in the 2013 Strategy, LADWP has and will continue to maintain and improve habitat for sage-grouse using a collaborative, science-based, and adaptive management approach. Consistent and integrated with the 2013 Conservation Strategy, the 2015 Draft HCP, the 2012 Bi-State Action Plan, and best available science.
- Continue to support the development and use of science and decision-support products capable of advancing any of the above objectives.

Since the adoption of the 2013 Strategy, LADWP has been managing its lands for the conservation of the Bi-State DPS, and is committed to continuing to manage and improve habitat for Bi-State DPS on its lands. We hope you will consider our significant accomplishments to date along with this commitment from LADWP as you evaluate development of either a final rule to list the species, or a finding that listing is no longer warranted. With this letter we wish to clearly indicate our commitment to conservation of the species and the habitat.

Mr. Paul Souza
Page 8
June 18, 2019

LADWP will continue to maintain close relationships with your staff and our partners to prioritize funding where biological benefits are maximized. If you have questions, please contact Mr. Anselmo G. Collins, Director of Water Operations Division, at (213) 367-1001 or by email at anselmo.collins@ladwp.com.

Sincerely,



Richard F. Harasick
Senior Assistant General Manager – Water System

DWM:fj

Enclosure

c: Anselmo G. Collins

Clarence E. Martin

David W. Martin

David Edwards

Mr. Paul Souza

Page 9

June 18, 2019

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