

Chatsworth Nature Preserve Coalition

Working together to preserve as open space for wildlife, local and migratory birds, natural habitat, cultural and archaeological assets.

A meadowlark needs a meadow to sing ...

August 20, 2013

Ronald O. Nichols,
General Manager
Los Angeles Department of Water and Power
111 N. Hope St.,
Room 1555-H, 15th FL
Los Angeles, CA 90012 Re: Chatsworth Nature Preserve/Reservoir Ecology Pond

Dear Mr. Nichols:

On Wednesday, July 24, 2013, District 12 Councilman Mitchell Englander hosted an evening meeting at his Chatsworth office. The purpose of the meeting was to give DWP the opportunity to present to area stakeholders a proposal for the modification of what the presenters referred to as "Detention Basin #2" at Chatsworth Nature Preserve/Reservoir (CNP), but which area residents and visitors know as the "Ecology Pond." Delegates to the Chatsworth Nature Preserve Coalition were among the attendees. The comments below attempt to address the numerous issues raised by the proposal.

BACKGROUND AND GENERAL CONSIDERATIONS

As described in a previous letter to you (attached), it was noted that DWP has taken major reservoirs out of service. These include Upper and Lower Hollywood, Encino, and Lower Stone Canyon. A number of other reservoirs have been covered or have had shade balls placed in them. As a result, the water levels in those reservoirs taken out of service have been sharply lowered and replacement water is no longer provided on a regular basis. Bypassing these reservoirs has led to a savings of tens of thousands of acre-feet per year. Additional water savings has been achieved at covered or shaded reservoirs by eliminating or reducing water loss that formerly occurred from evaporation. By contrast, the capacity of the Ecology Pond is on the order of tens of acre-feet. A single main flushing or well start-up operation has been known to waste that much water to drain within a few hours. Hence, there is simply no legitimate water conservation argument that can be made with respect to the Ecology Pond that would override its importance to wildlife, as described below.

The supposed purpose of the proposed modifications is the removal of accumulated sediments, which, it must be inferred, are causing some type of problem. We are very familiar with the periodic need to remove accumulated sediments from detention basins as a means of maintaining water storage and sedimentation capacity as an aid in flood control or for mitigating the water quality of surface run-off into the former open potable water supply reservoirs, such as, Encino or Lower Stone Canyon Reservoirs, in order to comply with the Surface Water Treatment Rule. However, these functions were not mentioned by the presenters as driving the need for modification with good reason, since the Ecology Pond does not serve these functions. The pond is not associated with reservoir protection at this location (there being no direct connection from it to the former Chatsworth Reservoir, which has been out of service since 1969). Furthermore, the pond overflow is routed around existing reservoir berms and dams via concrete lined channels to channelized Chatsworth Creek, a tributary of the Los Angeles River. Given the water storage capacity of the pond compared to the flow capacity of the channels, its function as a flood control basin appears to be non-existent or trivial. Moreover, the only non-wildlife related function mentioned by the presenters was as a water source for fire fighting helicopters.

In a spirit of cooperation, months ago, around the time Mr. Osokow first learned that there was to be a proposal to remove the sediments from the Ecology Pond, an e-mail on the subject was sent by him to Steven Cole, DWP Facilities Manager. In that e-mail, some alternative proposals for removing sediments from the pond without damaging its ecology were generally outlined. No reply was received from Mr. Cole. Regrettably, it appears that none of the suggestions were considered, and it is possible that the e-mail was not read at all nor was it shared with other personnel involved in the possible planning. None of the presenters had any knowledge of it.

The lack of knowledge of suggested alternatives on the part of the planners indicates that a serious communications gap within the department exists at a high level. Such poor communication can only contribute to a lack of confidence in DWP's decision making processes by the community in general. This is confidence that DWP sorely needs in order to advance important, but expensive and controversial, programs such as groundwater replenishment using recycled water. As Mr. Osokow is the representative from San Fernando Valley Audubon Society to the Recycled Water Advisory Group (RWAG), we are acutely aware of the need for DWP to communicate accurate information to the public *and* to receive and seriously consider feedback. As noted in the Recycled Water Master Plan, much of this feedback has been beneficial to DWP in advancing the program. It is extremely disappointing that lessons learned from RWAG have not carried over to considerations involving the management of CNP. As a result, it has now become necessary to seriously entertain reservations as to whether DWP actually intends to fulfill the many promises made to the public in connection with the Plan.

DWP's RESPONSIBILITY TO MANAGE CNP AS A NATURE PRESERVE

In 1994, the Los Angeles City Council passed City Ordinance # 169723 (the Chatsworth Open Space Ordinance). That ordinance mandated the management of the area encompassing the former Chatsworth Reservoir property as a "nature preserve" with accessory functions limited to serving that purpose. If the ordinance is to have any meaning, then DWP must execute its responsibilities pursuant to it, and the entirety of CNP must be managed as a nature preserve. There is no provision in the ordinance for managing one part of the CNP to serve one function, while other parts serve yet other functions at the whim or convenience of the land manager.

Specifically, there is no provision in the ordinance for separating out the Ecology Pond and managing it *primarily* as a source of water for fire fighting helicopters, or as a flood control/sediment control basin. The wording of the ordinance implies that any such uses must be secondary to and compatible with the *primary* function of serving as an element of a nature preserve.

In that regard, the use of the Ecology Pond as a source of *supplemental* water, (as you described it in your letter of October 16, 2012 to the Coalition) for fire fighting helicopters may be compatible with the primary function, but only if that use is temporary and does not cause irreparable damage to the pond's ecology (discussed further below). The current proposal for modification, as presented on July 24, is not compatible with the primary function (as discussed further below) and is, in fact, detrimental to serving the purpose of a nature preserve.

In 1974 DWP promised the California Department of Fish and Game (since renamed the Department of Fish and Wildlife) that it would maintain what was then called Detention Basin #2 as a pond as partial mitigation for the loss of aquatic habitat resulting from the draining of residual water in Chatsworth reservoir following the Sylmar earthquake. Part of the rationale for this was to provide habitat for aquatic birds, especially ducks and geese, protected by the Migratory Bird Treaty between the U. S., Canada, and Mexico and the enabling legislation, the Migratory Bird Act. This is documented in a letter from DWP officials to the Department. Furthermore, in your letter, referenced above, you promised to see to it that the Ecology Pond was adequately filled with water as a supplemental source for fire prevention. I am sad

to say that even that promise has not been kept to the great detriment of wildlife dependent on it, as well as undermining any fire prevention function.

IMPORTANCE OF THE POND TO WILDLIFE

Community Involvement and Cooperation

The San Fernando Valley Audubon Society (SFVAS), the Southwestern Herpetologists Society, and the California Native Plant Society have compiled extensive information on the birds, reptiles, amphibians, and plants of CNP. SFVAS in particular has compiled information over an approximately fifty year period as part of the National Audubon Society's annual Christmas Bird Counts. SFVAS has also conducted special studies during that time frame. Much of the information obtained thusly is applicable to the Ecology Pond. DWP has been aware of all of these activities, and it would have been a simple matter to consult with SFVAS in advance concerning the proposal. However, unfortunately, this was not done. Had such a consultation occurred, it would have been possible to avoid the shock to the community that has resulted in widespread anger towards DWP and will, undoubtedly, continue to undermine trust concerning future DWP projects as it has already.

General Ecology and Wildlife Usage

During its recent history (since the early 1970's), depending on the season, the Ecology Pond has served as important habitat for a variety of dabbling ducks, diving ducks, herons and egrets, grebes, coots, cormorants, and shorebirds. The pond is not simply water on the ground but is rather the core for a complex of habitats made possible by the existence of the water itself in the form of a pond. These habitats include limited mudflats during lower water periods and a fringing marsh of cattails, bulrushes, nettles, and other water-associated plants. It also includes, on areas of slightly higher ground, dense thickets primarily of mule fat and willows that could not exist in drier areas. This in turn grades into more upland habitats characterized by grasses, forbs, shrubs and oaks.

The mudflats have provided foraging areas for migrating shorebirds and others, as well as nest sites for Killdeer. The fringing marsh has provided nesting habitat for a number of species; including, Common Yellowthroats, Song Sparrows, Red-winged Blackbirds, Sora and Virginia Rails, as well as roosting or foraging habitat for Black-crowned Night Herons and many others. Tricolored Blackbirds, designated a "species of special concern" by the California Department of Fish and Wildlife (a "bird of conservation concern" by the U. S. Fish and Wildlife Service, and "endangered" by the International Union for the Conservation of Nature), formerly nested in this area and can do so again, if the habitat is maintained. Numerous other species of birds, mammals, and reptiles also use this habitat, while the shallow water areas host a number of amphibian species, which disperse throughout the area in wet years. The mule fat/willow thickets support numerous other breeding species, such as Lesser Goldfinches, hummingbirds, and increasingly uncommon species such as Long-eared Owls.

As made clear above, the importance of this pond to wildlife far exceeds what might be inferred from its relatively small size. The pond is the only permanent source of water on CNP and draws wildlife from throughout the area. These include raccoons, foxes, bobcats, and the occasional deer and mountain lion, which are capable of scaling or leaping over the chain link fence surrounding the property. Recent observations have confirmed this. In short, CNP is an intact, albeit somewhat degraded, ecosystem that has even greater potential as wildlife habitat if managed properly. The Ecology Pond is the glue that holds the system together.

IMPACTS OF THE PROPOSED MODIFICATIONS

Impact of Reduction in Pond Surface Area and Capacity

As described above, the pond is not merely a watering hole. The proposal presented to the attendees of the meeting on July 24 calls for reducing the permanent submerged surface area to less than 1/3 of its current size. Due to the territorial nature of most birds, especially breeding birds, this alone will sharply reduce the number of individual birds that can utilize the area for feeding, drinking, resting, mating, etc. Other animals, especially amphibians, will be similarly affected. This smaller pond will be subject to greater variations in physical and chemical parameters, such as temperature and pH, as well as longer periods of thermal stratification and anoxia, resulting in an aquatic system less capable of supporting life at all.

Impact of Depth and Morphology Changes

The proposal is silent on the nature of grading activities to accompany another aspect of the modification; namely, the deepening of the remaining open water portion. The proposal calls for the deepening of that portion to 10.' In a small pool this deep, the sides will be too steep for dabbling ducks to reach rooted food sources more than a few feet from the bank. Therefore, the vast majority will be eliminated outright even without considering the destruction of the fringing marsh vegetation (see below), which will result in the absence of nesting cover. Herons and egrets will be likewise eliminated. A few non-breeding diving ducks, cormorants, grebes and coots may remain, if there is food available to them. Amphibians will, likewise, be sharply reduced in number and may be eliminated entirely. A similar fate will befall many aquatic insects, including dragonflies and damselflies, which consume harmful insects, such as mosquitoes. Insectivorous birds will be negatively impacted by this loss of a food source.

Impact of the Deliberate Elimination of Habitat Elements

The proposal also calls for the elimination of all of the fringing marsh vegetation and the mule fat-willow habitat described above. This will have a catastrophic impact on nesting birds and is completely unnecessary. There is simply no reasonable purpose for this utterly destructive element of the proposal. Such habitats are the essential native habitats found around ponds and along streams throughout southern California. If such a program of habitat destruction was widely replicated, virtually all aquatic and water-associated wildlife in the region would be eliminated.

OTHER ITEMS NOT DISCUSSED PREVIOUSLY

Pond Water Pumping to Former Reservoir

A number of potentially important elements of the modification proposal were touched upon during the July 24 meeting but not discussed in a manner that would create sufficient understanding as to the purposes and effects. For example, it was mentioned that water would be siphoned out of the Ecology Pond and discharged within the former Chatsworth Reservoir basin. It is possible that the water would then simply evaporate or percolate into the ground without providing much, if any, benefit to wildlife. It would, in effect be wasted. However, it might be possible to conserve some of this water by creating a temporary pond using artificial berms. Following the removal of sediment from the Ecology Pond, this water, together with a portion of the sediment, could be pumped back into the Ecology Pond to hasten the re-establishment of what has been a healthy ecosystem overall.

Preventing Future Sedimentation Problems

It was asserted by the presenters that much of the sedimentation entering the pond originated from recent slope modifications resulting from the construction of housing to the north and east of the property. This type of problem can be forestalled in the future by the installation of new or upgraded run-off controls, *i.e.*, "best management practice" (BMP) structures in the surrounding community. These BMP's can include the re-routing of drainage channels, possibly through small sedimentation basins

or bio-filters, to the Ecology Pond to maintain its water level and reduce the need for potable water to be used as make-up water.

Disposal of Sediments Removed

There was no mention of the possible fate of sediments removed from the pond. No estimates of volume were presented, nor was there any discussion of possible contaminants that might be present in the sediments. These factors must be considered in any plan. As the sediments targeted for removal presumably originate to some extent from the surrounding suburban area, contamination with such chemicals as hydrocarbons, pesticides, solvents and other materials cannot be ruled out. The sediments must, therefore, be tested before any plan for disposal can be promulgated.

REQUIREMENT FOR MITIGATION FOR LOSS OF AQUATIC HABITAT

As described above, DWP has taken a number of open reservoirs out of service, covered others, and installed shade balls in some resulting in a loss of aquatic habitat of tens of thousands of acre-feet. While these reservoirs were not intended to provide habitat for wildlife, the simple fact is that they did. Some, for example, both Encino and Lower Stone Canyon Reservoirs supported large aquatic plant, invertebrate, and (in the case of Lower Stone) fish populations, which provided food for often abundant aquatic birds. These included Common Mergansers, Bufflehead, Ring-necked Ducks, herons and egrets, and many other species.

We are unaware of any effort on the part of DWP to attempt to mitigate for this loss of aquatic habitat, and it appears that the California Environmental Quality Act (CEQA) provisions requiring an Initial Study (IS) for these actions were not followed. An IS could have led to the preparation of a Mitigated Negative Declaration or an Environmental Impact Report. In this present situation with the Ecology Pond, it appears that, pursuant to CEQA, an Initial Study is required.

TIME LINE

The time line for implementation of the proposal presented at the July 24 meeting was described as beginning some time in October and continuing for 6 weeks. This does not appear to be an adequate length of time from the present in which to perform an IS and receive input from the public. In addition, the period during which the work is scheduled to occur places it within the heart of the fall bird migration and at the beginning of the wintering period, at which time the pond serves the most migratory birds. This season transitions to the spring migration period and the breeding season, which generally ends at the beginning of September. Thus, additional adverse impact may occur as a result of this scheduling. Therefore, DWP should consider delaying any work on the Ecology Pond (other than maintaining a healthy water level and removing the tamarisk [salt cedar] at the east end of the pond) until after the next breeding season.

CONCLUSION

Based on the foregoing, it is the hope of the Coalition and its member organizations that DWP will abandon the proposal presented on July 24 and adopt a more wildlife friendly approach in accordance with the aforementioned ordinance. What ever approach is ultimately adopted should be grounded in sound science as revealed in an appropriate IS conducted pursuant to CEQA requirements.

We would appreciate your serious consideration of these comments. Replies may be directed to the following:

Chatsworth Nature Preserve Coalition
c/o Mark Osokow
22035 Burbank Bl., #310
Woodland Hills, CA 91367.

Sincerely,

Chatsworth Nature Preserve Coalition Delegates:

Mark Osokow, San Fernando Valley Audubon Society
Carla Bollinger, Santa Susana Mountain Park Association
Bill Neill, California Native Plant Society
Dina Fisher, Chatsworth Lake Manor Resident
Arthur Langton, San Fernando Valley Audubon Society

Cc: via e-mail

Megan Cottier, District 12 Director, Los Angeles City Councilman Mitchell Englander,
Semee Park, District 12 Field Deputy, Los Angeles City Councilman Mitchell Englander
Scott Harris, Environmental Scientist, California Department of Fish and Wildlife
Steve Cole, Property Manager, LADWP
David W. Martin, Water Resources Specialist, LADWP