

# CHAPTER 1

## Introduction

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The Mammoth Community Water District (District) is proposing a project to maintain, on a long-term basis, the existing fishery bypass flow requirements for Mammoth Creek, plus one additional requirement. The present Mammoth Creek fishery bypass flow requirements have been in existence and applied since 1997. The proposed project also includes the current point of measurement for compliance with the fishery bypass flow requirements and an additional point of measurement for the new requirement, changes in the place of use of the water authorized for diversion pursuant to the District's surface water appropriative rights, and changes in certain Mammoth Lakes watershed operation constraints (WOCs) which are included in District water right Permit 17332.

Pursuant to a recent settlement agreement, the California Department of Fish and Game (CDFG), California Trout, Inc. (CalTrout), and the District believe, based on the existing record, that the existing fishery bypass flow requirements with the one addition (Proposed Project Alternative) comply with California Fish and Game Code Section 5937, the public trust doctrine, Water Code Sections 100, *et seq.*, and Article 10, Section 2 of the California Constitution. The settlement agreement resulted from an in-depth collaborative evaluation of the bypass flow requirements necessary to maintain the Mammoth Creek fishery in "good condition," as required by California Fish and Game Code Section 5937.

The District is the lead agency under the California Environmental Quality Act (CEQA) for the proposed project and has prepared this Draft Environmental Impact Report (Draft EIR) to evaluate the potential environmental impacts that could result from implementing the proposed project. This environmental evaluation is required prior to any action by local or state agencies on the project. The various project elements must be approved by the State Water Resources Control Board (SWRCB). The SWRCB will not consider the project until after the CEQA process is completed.

### 1.1 PROJECT PURPOSE AND OBJECTIVES

Fishery bypass flow requirements were first established for Mammoth Creek in 1978 with their inclusion in District water right Permit 17332 (Permit 17332). They were developed by the United States Forest Service (USFS) and described in an Environmental Assessment (EA) released in 1977. The assessment was based on the best information and resource management science then available. However, it was recognized that new information and advances in resource management science may necessitate changes to the requirements. Therefore, the permit included a term that the requirements would be reevaluated within 5 years after the permit's issuance. These flow requirements were not reevaluated until 1988 when the SWRCB ordered the District to conduct an instream flow study for the protection of instream beneficial uses. The District hired Beak Consultants Inc. (Beak) to conduct the instream flow studies that resulted in final recommended fishery bypass flow requirements, which, as explained in Section 1.3 of this Draft EIR, became the prescribed requirements in 1997, and are to remain in effect until the SWRCB establishes long-term fishery bypass flow requirements for Mammoth Creek. One purpose of this proposed project is to establish long-term fishery bypass flow requirements and their point of compliance.

Another purpose of the proposed project concerns the District's authorized place of use (POU) for its surface water appropriative rights (Permit 17332, Licenses 5713 and 12593). For over 30 years, the District has been furnishing water to ten entities, both public and private, which are outside the authorized POU. The water service is provided under various agreements. The District desires to conform its authorized POU to its current service area. The water supply to these entities is less than 2% of the existing average annual demand for the District.

The final purpose of the proposed project concerns certain WOCs which are included in Permit 17332. These WOCs were included in the 1977 USFS EA referenced above and were to be reevaluated after 5 years. Such was never done. Many of the constraints, as will be fully explained below, have no relevance today and others were never implemented because the District has had no legal authority to do so. The District desires to conform the WOCs to current operating practices in the affected portions of the Mammoth Lakes Basin and regulatory/legal limitations.

The objectives of the proposed project are to: (1) establish, on a long-term basis, the existing fishery bypass flow requirements for Mammoth Creek, plus an additional requirement, and the existing point of measurement for compliance, along with an additional compliance point for the new requirement; (2) change the District's authorized POU for the water authorized for diversion pursuant to its surface water appropriative rights; and (3) change certain WOCs.

The proposed project does not include any modification to the authorized rates and total annual amount of water that the District can divert and store under its surface water appropriative rights (Permit 17332, Licenses 5715 and 12593), which are set at: (1) a maximum instantaneous diversion of 5.0 cubic feet per second (cfs) from November 1 through April 30, and 5.039 cfs from May 1 through October 31; (2) a diversion to storage of 606 acre-feet (AF) from April 1 to June 30 and 54 AF from September 1 to September 30; and (3) a maximum annual diversion of 2,760 AF. This proposed project is not an integrated water supply master plan. While water supply planning, identification of alternate supply sources, sustainability and management of available water resources (including groundwater) to meet increased future demands within the District's service area are important considerations, these water supply issues are beyond the scope of the proposed project considered in this Draft EIR.

## 1.2 PROJECT LOCATION

### 1.2.1 PROJECT AREA

The Mammoth Lakes Basin (see **Figure 1-1**) is situated on the eastern slope of the Sierra Nevada, approximately 29 miles south of Lee Vining, and 309 miles north of Los Angeles, California. The watershed comprises an area of about 71 square miles and the topography in the basin is diverse, with surface elevations ranging from 12,500 feet (ft) mean sea level (msl) at Bloody Mountain in the southern part of the watershed to about 6,900 ft msl at the far eastern extreme of the watershed. Bounded on the west by the Sierra Nevada crest, this region is characterized by its mountains, lakes, streams and forests. Unlike the gentle, rolling escarpment west of the crest, the eastern slope of the Sierra plunges dramatically to the valley floors. The area contains an ancient volcano, known as the Long Valley Caldera, and the volcanic activity creates a geothermal energy resource that is directly connected to the groundwater system, resulting in various hot springs, fumaroles and hydrothermal alteration zones in the Project Area, which are presumed to originate from an underlying magma chamber (Mono County Community Development Department 2007).

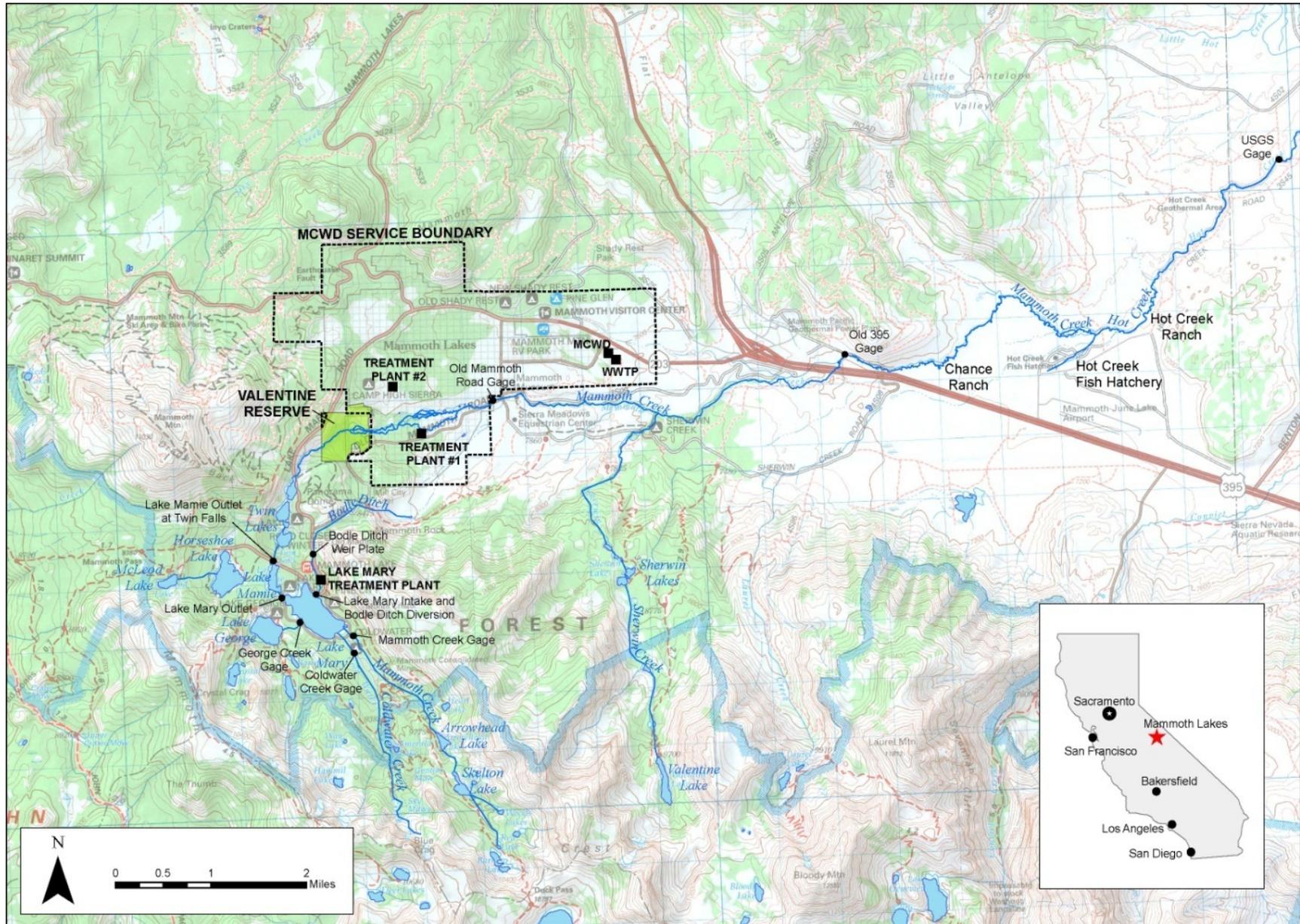


Figure 1-1. Mammoth Lakes Basin Including the Project Area

The Town of Mammoth Lakes, the only incorporated community in Mono County, is completely surrounded by lands of the Inyo National Forest, and also is bordered by the Ansel Adams and John Muir Wilderness Areas. Regional access is provided by U.S. Highway 395 and California State Highway 203. The Town of Mammoth Lakes includes approximately 2,500 acres of privately owned land in the developed portion of the 24 square mile incorporated area (MCWD 2005). The remaining incorporated area is publicly owned and is managed by the Inyo National Forest.

The Project Area includes Lake Mary, the Mammoth Creek watercourse extending from Lake Mary downstream to the United States Geological Survey (USGS) Flume Gage on Hot Creek, the length of Bodle Ditch from the diversion structure at Lake Mary to the head of Mammoth Meadows and the District's service area as depicted on Figure 1-1.

### ***1.2.1.1 LAKE MARY TO USGS HOT CREEK FLUME GAGE***

Mammoth Creek drains the Mammoth Lakes Basin which is located, in part, on lands administered by the Inyo National Forest. The Lakes Basin contains more than a dozen lakes, with Lake Mary being the largest. Collecting water from the Sierra crest, the Mammoth Creek watercourse flows downstream through Lake Mary, Lake Mamie and subsequently into Twin Lakes. Mammoth Creek exits the Lakes Basin at the outlet of Twin Lakes and flows along the southern edge of the Town of Mammoth Lakes. To the east of the town, Mammoth Creek enters pasture land, flows through a narrow gorge, then continues to flow through irrigated pasture used for cattle grazing downstream to its confluence with Hot Creek, located approximately four miles east of the Town of Mammoth Lakes.

Hot Creek originates from a series of warm springs in a broad flat area at the Hot Creek Fish Hatchery. At the downstream boundary of the hatchery property, natural and artificial channels combine and, together with Mammoth Creek inflows, Hot Creek becomes the largest tributary to the upper Owens River (Mono County Community Development Department 2007). Surface water flows out of the Mammoth Lakes Basin, through Hot Creek, and is measured at the USGS Hot Creek Flume Gage.

### ***1.2.1.2 MAMMOTH COMMUNITY WATER DISTRICT SERVICE AREA***

The District was established in 1957 to provide water and sewer service to the community of Mammoth Lakes. The District's boundaries include 3,640 acres of land and contain the developed portion of the Town of Mammoth Lakes. The District's boundaries occur almost completely within the urban growth boundaries of the Town of Mammoth Lakes (see Figure 1-1).

The District serves a full time residential population as well as business and industrial uses and a large visitor population throughout the year. As a destination resort, the Town of Mammoth Lakes accounts for 3.7-million visitor-days annually and serves as a gateway for increasing recreational use of federal lands in the Mammoth Lakes Basin (DWR 2009). The District also provides water and sewer services to USFS facilities and some private and public entities in the Mammoth Lakes Basin (see Chapter 2 - Proposed Project and Alternatives).

Existing sources of water available to the District include both surface water and groundwater. The District only supplies water for municipal purposes. District surface water supplies are supplemented by nine production wells located within the boundaries of the District's service area. The percentage of surface water and groundwater used varies from year to year, depending on annual precipitation and the subsequent availability of surface water.

Water diverted by the District at Lake Mary is treated at the District's Lake Mary Water Treatment Plant (WTP). District diversions into the Lake Mary WTP are continuously monitored and controlled through a Supervisory Control and Data Acquisition (SCADA) system that is connected to computers located at the District's main office. From the Lake Mary WTP water is distributed in the District service area. The District has over 79 miles of pipeline in its distribution system. As of 2008, the District had 9,989 water connections (Mono County LAFCO 2009). Other water system infrastructure includes 3 pumping stations, 3 water treatment facilities, and 7 storage tanks for treated water with a total storage capacity of 6.5 million gallons. Water meters are installed to monitor all residential and commercial water usage in the community.

## **1.2.2 AREAS SPECIFICALLY NOT INCLUDED**

Hot Creek downstream of the USGS Flume Gage and the upper Owens River are not included within the Project Area for this Draft EIR because Hot Creek flows are strongly influenced by spring contributions. Mammoth Creek flows have a limited contribution to flows in Hot Creek, particularly during the low flow (non-snowmelt runoff) period.

### ***1.2.2.1 HOT CREEK BELOW USGS HOT CREEK FLUME GAGE***

Local volcanic activity provides heat for a hydrothermal system that underlies the cold water aquifer, and this system has several discharge points that create hot springs at the ground surface. Since the early 1980s, hydrologic monitoring has been conducted to document changes in the hydrologic system that is related to volcanic processes and seismicity (Howle and Farrar 2001). A joint program between the USGS and Mono County was implemented to provide data to the Long Valley Hydrologic Advisory Committee (LVHAC). The LVHAC program monitors discharges at: (1) Mammoth Creek; (2) springs at the Hot Creek Fish Hatchery; and (3) springs at Hot Creek Gorge. LVHAC quarterly monitoring reports are prepared and distributed by the USGS (MCWD 2009).

Flows in Hot Creek are a function of inflow from Mammoth Creek and flow contributions from the Hot Creek Headsprings (Headsprings) and other springs. The Headsprings are comprised of four groups of springs that discharge water from fractured basalt flows that have been eroded to form a low cliff along the southern side of the Hot Creek Fish Hatchery (USGS 2009). In addition to the Headsprings, hot springs discharge primarily in Hot Creek Gorge, along Little Hot Creek, and in the Alkalai Lakes area. The largest springs are in Hot Creek Gorge where about 8.8 cfs of thermal water discharge and account for about 80% of the total thermal water discharge in the caldera.

Flow in Mammoth Creek upstream of the Headsprings is seasonal with just over 70% of the annual flow occurring in the period extending from May through August, with most of the flow coming from snowmelt (Wildermuth 1996). Downstream at the USGS Hot Creek Flume Gage, about 46% of the annual flow occurs during the May to August snowmelt period. This lower contribution of flow due to snowmelt in Hot Creek results from a significant base flow component from the Headsprings, which can sustain Hot Creek surface flows in years with low precipitation (Wildermuth 1996).

During the May through August snowmelt period, Mammoth Creek flows account for an average of 58% of the total flow at the USGS Hot Creek Flume Gage. However, during the remainder of the year (September through April), Mammoth Creek flows account for an average of only 19% of the total flow at the USGS Hot Creek Flume Gage.

The proposed project includes alternatives that would provide flows in Mammoth Creek that are equal to, or higher than, those that occur under the Existing Condition. Therefore, flows in Hot Creek under the proposed project would be equivalent to, or higher than, flows under the Existing Condition. Consequently, potential changes in flow associated with implementation of the proposed project are not anticipated to adversely affect hydrologic or thermal conditions, or any other resource category, downstream of the USGS Hot Creek Flume Gage (For a full evaluation of surface water hydrology, see Chapter 4 - Hydrology).

### **1.2.2.2 UPPER OWENS RIVER**

The Mammoth Lakes Basin is included within the upper Owens River watershed. This watershed includes numerous streams that flow eastward to the Owens River, the principal of which are Mammoth, Deadman, Glass, Hot, McGee, Convict and Hilton creeks (Lahontan RWQCB 2002). Downstream of the Hot Creek confluence, the Owens River terminates at Owens Dry Lake located at the southern end of the Owens Valley, approximately 125 miles southeast of the Town of Mammoth Lakes.

The Owens River is located downstream and east of Hot Creek. Based on the previous discussion, potential changes in flow associated with implementation of the proposed project are not anticipated to adversely affect hydrologic or thermal conditions, or any other resource category farther downstream in the upper Owens River. Therefore, the Project Area does not include the upper Owens River.

## **1.3 PROJECT BACKGROUND**

### **1.3.1 DISTRICT WATER RIGHT APPLICATION 25368**

Prior to 1976, the District held two surface water appropriative rights related to Mammoth Creek that entitled it to divert 0.039 cfs from May 1 through November (License 5715) and 2 cfs year-round (License 12593) with a total annual diversion not to exceed 1,463 AF. These rights did not include specific fishery bypass flow requirements or the WOCs, although they are subject to California Fish and Game Code Section 5937.

In 1976, the District began preparation of a Water Management Plan to “*coordinate and make best use of both surface and groundwater supplies within the Mammoth Lakes Basin.*” Included in this plan was a proposal to provide the District with storage capabilities at Lake Mary and to increase District diversions from Mammoth Creek by an additional 3 cfs. Other project objectives included providing bypass flow requirements to protect recreational and fishery resources. The District prepared a Draft EIR for the proposed Water Management Plan in June 1976. The project description stated “*The primary and ultimate objective of the MCWD [District] is therefore to establish a comprehensive program of responsible resource management, including the institution of water conservation measures and efficient operational policies, which will insure the effectiveness of the project proposals.*” A Final EIR for the Water Management Plan was released and certified in April 1977.

In May 1977, the District filed water right Application 25368 with the SWRCB for an additional direct diversion of 3 cfs from Mammoth Creek, as well as storage in Lake Mary of 660 AF per year. The Water Management Plan EIR was used as supporting evidence for the District’s application. The District also released a supplement to the Final Water Management Plan EIR in May 1977. The USFS produced an EA for the Water Management Plan in September 1977. The EA set forth a list of WOCs for Mammoth Creek including mean monthly fishery bypass flow

requirements measured at the gage located just downstream of the Old Highway 395 crossing of Mammoth Creek (OLD395 Gage) and a minimum daily bypass flow requirement of 4 cfs “insofar as natural runoff and MCWD [District] control permits.” The original fishery bypass flow requirements were developed by the USFS. The requirements were not based on comprehensive quantitative studies of trout habitat requirements. Rather, they presumably were based on an assessment of the percentage of the wetted perimeter associated with changes in flows in the creek, and a qualitatively-derived flow regime.

### 1.3.2 1978 – STATE WATER RESOURCES CONTROL BOARD ISSUED PERMIT 17332

In February 1978, the District’s Board passed Resolution No. 02-14-78-02 adopting the proposed WOCs contained in the USFS EA, including the fishery bypass flow requirements, into the District’s Water Management Plan. This resolution served to resolve protests made by Hot Creek Ranch and CDFG to the District’s water right application.

In June 1978, the SWRCB approved the District’s water right application and issued Permit 17332. Permit 17332 authorizes the District to directly divert an additional 3 cfs, bringing the District’s total direct diversion rights to 5 cfs, plus the additional 0.039 cfs from May through November. The permit also authorizes the storage of 660 AF per year in Lake Mary, and stated that the total diversions by the District from Mammoth Creek under all of its surface water appropriative rights may not exceed 2,760 AF per year. Term 18 of the permit incorporated the WOCs (see Chapter 2 – Proposed Project and Alternatives) as contained in District Board Resolution No. 02-14-78-02. Term 21 of the permit provided that the WOCs were to be reevaluated 5 years after the permit’s issuance.

### 1.3.3 1986 – STATE WATER RESOURCES CONTROL BOARD MODIFIED PERMIT 17332

In May 1986, the District released a Water System Master Plan that incorporated its 1985 Urban Water Management Plan (UWMP). The Master Plan analyzed the area’s water resources as well as the District’s facilities, and described the District’s water right and WOCs. The document noted that the limited storage of surface water available to the District made meeting the fishery bypass flow requirements difficult during years with below normal precipitation, stating “Presently, there is insufficient lake storage capacity to regulate and optimize the stream management program.”

In September 1986, the SWRCB modified Permit 17332 and added Term 23 to Permit 17332, which provides: “Subject to and to the extent of natural streamflow entering Lake Mary, permittee shall maintain in Mammoth Creek between Old Mammoth Road and Highway 395 a minimum of 4 cfs at all times and the following flows on a mean monthly basis (as recorded by the Los Angeles Department of Water and Power (LADWP) stream gauge near Highway 395”):

<u>Month</u>	<u>Mean Monthly Flow</u>
January	5.0 cfs
February	5.0 cfs
March	5.0 cfs
April	10.0 cfs
May	25.0 cfs
June	40.0 cfs
July	25.0 cfs

<u>Month</u>	<u>Mean Monthly Flow</u>
August	10.0 cfs
September	6.0 cfs
October	6.0 cfs
November	6.0 cfs
December	6.0 cfs

The specific original mean monthly fishery bypass flow rates described in the USFS' 1977 EA were not altered by the SWRCB's 1986 order.

#### **1.3.4 1987 TO 1989 – MAMMOTH COMMUNITY WATER DISTRICT APPLIED FOR TEMPORARY PERMITS 20124, 20250 AND 20336**

Severe drought conditions in 1987 and 1988 forced the District to apply to the SWRCB for temporary water right Permits 20124 and 20250, which provided the District with relief from the fishery bypass flow requirements in Permit 17332. By the provisions of Term 11 in temporary water right Permit 20250, the District was ordered to conduct an instream flow study to determine the appropriate bypass flow requirements to protect instream uses of Mammoth Creek.

In June 1988, the District contracted with Beak to conduct the fishery bypass flow study. For this report, Beak used the Instream Flow Incremental Methodology (IFIM) developed under the guidance of the United States Fish and Wildlife Service (USFWS) to determine fishery bypass flow requirements for Mammoth Creek. Following scoping meetings held with representatives of CDFG, USFS, CalTrout, SWRCB, and the District to define the scope and design of the study, Beak developed the Instream Flow Study Work Plan and conducted the study.

Drought conditions persisted in 1989, and the District was granted temporary water right Permit 20336 by the SWRCB based on a request for such a permit by CDFG. The temporary permit stated that *"In order to collect data and prepare a report on Mammoth Creek flow bypass requirements, permittee shall discharge all flows in accordance with the Instream Flow Incremental Methodology."*

In March 1990, Beak submitted a draft report titled "Mammoth Creek Instream Flow Investigations" (Bratovich et al. 1990). This study evaluated the fishery bypass flow requirements needed to protect the brown trout fishery in Mammoth Creek. The draft report stated *"The objective of the Instream Flow Study was to determine the amount of water required throughout the year to maintain fish populations in good condition, and to use the study results to develop an appropriate bypass release schedule."* The core of the draft study was the physical habitat simulation model (PHABSIM) of the IFIM. The draft report contained 3 sets of fishery bypass flow requirements for Dry, Normal and Wet precipitation years. The District submitted this report to the SWRCB and CDFG for review and comment. Based on their verbal and written comments and requests for additional information, the District undertook additional studies, including an analysis of the fishery bypass flow requirements needed for rainbow trout.

#### **1.3.5 AUGUST 1991 – STATE WATER RESOURCES CONTROL BOARD ISSUED PRELIMINARY CEASE AND DESIST ORDER 9P**

As drought conditions persisted in 1991, the District applied for another temporary water right permit from the SWRCB (Application 29934), but this application was not granted. The SWRCB recommended that the District implement more stringent conservation measures, and notified

the District that failure to comply with the fishery bypass flow requirements listed in Permit 17332 would constitute a violation of the District's permit. In August of 1991, the SWRCB issued Preliminary Cease and Desist Order (C&D) No. 9P. This order listed a number of requirements, including completion of a "Feasibility Study of Alternative Sources of Supply or Methods of Reducing Demand" report by February 1, 1992, and selection of one of the alternatives presented in that report by April 1, 1992. Boyle Engineering produced this report in January of 1992.

C&D No. 9P recognized that the draft 1990 Beak report was *"the only documented scientific evaluation of flow needs for fish in Mammoth Creek that is presently available."* As a result, C&D No. 9P ordered the District to adhere to the fishery bypass flow requirements for Mammoth Creek set forth in that draft report *"until such time as the State Board amends Permit 17332 to revise the long-term fishery flow requirements for Mammoth Creek."*

In September 1991, Beak submitted its subsequent instream flow report titled "Brown Trout and Rainbow Trout Instream Flow Requirements in Mammoth Creek, California," responding to SWRCB and CDFG comments on the 1990 draft report. This report presented fishery bypass flow recommendations for Mammoth Creek which included an analysis of the flow needs of both brown trout and rainbow trout. Beak recommended one set of fishery bypass flow requirements for all hydrologic conditions, based in part on the District's limited ability to affect instream flows during Normal and Wet years.

### **1.3.6 DECEMBER 1991 – MAMMOTH COMMUNITY WATER DISTRICT PETITIONS THE STATE WATER RESOURCES CONTROL BOARD**

In December 1991, the District filed a petition with the SWRCB requesting that it amend Permit 17332 to include the 1991 Beak fishery bypass flow requirements for Mammoth Creek. The petition noted *"The current record five year drought has provided a strong impetus for a long overdue reevaluation of the management constraints (contained in Permit 17332)."* At the same time, the District also filed a petition for a change in the District's authorized POU for the water diverted under the permit. The District then began preparation of an EIR/EA to support the District's petition for the approval of the 1991 Beak fishery bypass flow requirements.

### **1.3.7 1992 – STATE WATER RESOURCES CONTROL BOARD HEARING TO CONSIDER FISHERY BYPASS FLOW REQUIREMENTS IN PRELIMINARY CEASE AND DESIST ORDER NO. 9P**

In March 1992, the SWRCB held a public hearing to consider changes to the fishery bypass flow requirements in C&D No. 9P. The hearing addressed the final Beak recommended fishery bypass flow requirements (Beak Fishery Bypass Flow Requirements) as measured at the District's Old Mammoth Road Gage (OMR Gage), which were:

<u>Month</u>	<u>Mean Monthly Flow</u>
January	6.4 cfs
February	6.0 cfs
March	7.8 cfs
April	9.8 cfs
May	18.7 cfs
June	20.8 cfs
July	9.9 cfs

<u>Month</u>	<u>Mean Monthly Flow</u>
August	7.2 cfs
September	5.5 cfs
October	5.5 cfs
November	5.9 cfs
December	5.9 cfs

The hearing led to the SWRCB issuance of Preliminary C&D No. 9P.2.

### **1.3.8 1994 – STATE WATER RESOURCES CONTROL BOARD ISSUED PRELIMINARY CEASE AND DESIST ORDER 9P.2**

In January 1994, the SWRCB issued Preliminary C&D No. 9P.2, which ordered the District to comply with the fishery bypass flow requirements originally contained in Permit 17332. The District petitioned the SWRCB to reconsider this decision, requesting that the Beak Fishery Bypass Flow Requirements be included in Preliminary C&D No. 9P.2. The District's petition was denied. After the SWRCB denied the District's request for reconsideration, the District petitioned the Mono County Superior Court to mandate the inclusion of the Beak Fishery Bypass Flow Requirements in Preliminary C&D No. 9P.2.

### **1.3.9 1996 – MONO COUNTY SUPERIOR COURT RULING ON PRELIMINARY CEASE AND DESIST ORDER 9P.2**

In August 1996, the Mono County Superior Court issued a ruling in favor of the District, requiring that the Beak Fishery Bypass Flow Requirements be included in Preliminary C&D No. 9P.2. The Court declared that such requirements shall remain in effect until the SWRCB adopts "long-term fishery flow requirements for Mammoth Creek..." In January 1997 and pursuant to the Court's judgment, the SWRCB amended Preliminary C&D No. 9P.2 to include the court-ordered Beak Fishery Bypass Flow Requirements. The District diversions from Mammoth Creek have been consistent with these requirements since January 1997.

### **1.3.10 1997-2000 – ENVIRONMENTAL REVIEW RESPECTING MAMMOTH CREEK FISHERY BYPASS FLOW REQUIREMENTS**

From 1997 through 2000, the District initiated, prepared and released a Draft EIR/Environmental Impact Statement (EIS) in conjunction with the USFS which evaluated the use of the Beak Fishery Bypass Flow Requirements, on a long-term basis, and changes to the District's authorized POU for its surface water appropriative rights. For a variety of reasons, including a USFS determination that they had no jurisdiction over the project, the environmental review process was never completed, although a Draft EIR/EIS was issued in November 2000 and public comments were received.

### **1.3.11 2004 – CALTROUT PETITION TO THE STATE WATER RESOURCES CONTROL BOARD**

In December 2004, CalTrout petitioned the SWRCB to protect the public trust uses of Mammoth Creek, Hot Creek, and upper Owens River, including the trout fishery, recreation and wildlife, in a manner that also assures adequate water supply for the Town of Mammoth Lakes. CalTrout requested, among other matters but most principally, that the SWRCB amend the District's Licenses 5715 and 12593 and Permit 17332 to establish a permanent fishery bypass flow

schedule. As mentioned earlier in this chapter, the District, CalTrout and CDFG have entered into a settlement agreement which will lead to the withdrawal of CalTrout's petition if the Proposed Project Alternative is approved by the SWRCB.

### **1.3.12 MAMMOTH CREEK COLLABORATIVE PROCESS**

Stemming from the CalTrout petition, in January of 2005 a collaborative, consensus-based process was established that involved various stakeholders with interest or concern about Mammoth Creek. The purpose of this collaborative process was to identify the existing ecological conditions of Mammoth Creek and Hot Creek, identify studies necessary to understand resource conditions, identify potential solutions to previously identified problems, and to cooperate with the District in its preparation of a new Mammoth Creek EIR. A Technical Committee also was formed to: (1) identify specific resource issues and information gaps requiring further study; and (2) work towards identifying possible solutions. Technical Committee members include the District, CDFG, CalTrout, LADWP, University of California Valentine Reserve (Valentine Reserve), USFS, the Town of Mammoth Lakes, Chance Ranch, and Hot Creek Ranch. As a result of Technical Committee input, the District undertook additional studies identified through this process.

To further the collaborative process and provide assistance in the identification of new alternatives for the District to consider in the EIR, members of the Technical Team, including CDFG, CalTrout and the District, with review and input from the remaining members of the Technical Team, explored numerous alternatives to the fishery bypass flow requirements to obtain a set of collaboratively-developed alternative potential fishery bypass flow requirements in consideration of adult brown trout habitat availability in Mammoth Creek. For additional information on the collaborative process and the development of the various alternative fishery bypass flow requirements that were considered for this Draft EIR, see Section 2.2.1 in Chapter 2 – Proposed Project and Alternatives.

## **1.4 LAWS GOVERNING FISHERY BYPASS FLOW ISSUES – CALIFORNIA FISH AND GAME CODE SECTIONS 5937, 5946 AND 45**

California Fish and Game Code Section 5937 states that "...The owner of any dam shall allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam." Section 5937 serves to limit the amount of water that may be appropriated by requiring that sufficient water first be determined, and released to provide habitat conditions to assure that fish, other aquatic life and trust resources below a dam are maintained in good condition (California Trout Inc. v. State Water Resources Control Board, 207 Cal App 3d 585-1989, also called Cal Trout 1).

California Fish and Game Code Section 5946 states that "...No permit or license to appropriate water in District 4<sup>1/2</sup> [in portions of Mono and Inyo counties] shall be issued by the State Water Rights Board after September 9, 1953, unless conditioned upon full compliance with Section 5937. Plans and specifications for any such dam shall not be approved by the Department of Water Resources unless adequate provision is made for full compliance with Section 5937."

California Fish and Game Code Section 45 states that "...Fish" means wild fish, mollusks, crustaceans, invertebrates, or amphibians, including any part, spawn, or ova thereof."

## **1.5 ISSUES TO BE RESOLVED AND AREAS OF KNOWN CONTROVERSY**

Section 15123 of the CEQA Guidelines requires that an EIR contain a summary of the issues to be resolved, and of areas of known controversy, as described below.

### **1.5.1 ISSUES TO BE RESOLVED**

The primary purpose of this Draft EIR is to provide information on the potential environmental impacts associated with implementing the Proposed Project Alternative or other alternatives, which principally involve establishing long-term fishery bypass flow requirements for Mammoth Creek.

### **1.5.2 AREAS OF KNOWN CONTROVERSY**

Several areas of controversy are known to the District, including issues raised by other agencies and the public. Areas of known controversy associated with the proposed project include the following.

#### ***1.5.2.1 DECLARATION OF FULLY APPROPRIATED STREAM SYSTEM AND IMPACT TO DOWNSTREAM WATER RIGHTS***

During the scoping process for the proposed project (see Appendix A), a number of commenters requested that the District declare that Mammoth Creek is fully appropriated. The District does not have the legal authority to make such a declaration. Under Section 1205 of the California Water Code, the SWRCB may adopt a declaration that a stream system is fully appropriated. Any such order shall contain a finding that the supply of water in the stream system is being fully applied to beneficial uses and that a previous water right decision has determined that no water remains available for appropriation. The SWRCB can declare that a stream system is fully appropriated for the entire year or during seasons of the year, depending on the availability of unappropriated water for that stream. After declaring that a stream system is fully appropriated, the SWRCB may not accept any further applications for permits to appropriate additional water from that stream system, except in limited circumstances, and it may cancel any applications pending on that date (see Water Code § 1206).

Nevertheless, as part of the settlement agreement among CDFG, CalTrout and the District, the District has agreed to join in a petition with CalTrout and CDFG to the SWRCB to declare Mammoth Creek fully appropriated if the SWRCB approves fishery bypass flow requirements conforming to those described in the Proposed Project Alternative (see Chapter 2 – Proposed Project and Alternatives).

Other commenters, during the scoping process, expressed concern about whether or not the fishery bypass flow requirements would impact senior downstream water rights. The fishery bypass flow requirements in Permit 17332, as explained above, were developed to protect the Mammoth Creek fishery and have no relevance to senior downstream water rights. The proposed fishery bypass flow requirements stem from the SWRCB order in the temporary water right Permit 20250 for the District to study and determine flow requirements to protect instream beneficial uses. Therefore, downstream water right claims were not considered in analyses to determine appropriate fishery bypass flow requirements described in Chapter 6 – Fisheries and Aquatic Resources. However, senior water rights are protected in the District's water right Permit 17332 and Licenses 5715 and 12593, as they are subject to prior vested rights. Accordingly, the matter of protection of senior downstream water rights is outside the scope of this Draft EIR.

### 1.5.2.2 WATER CONSERVATION

Water demands within the District's service area are greatest during the months of June through September, primarily due to landscape irrigation. Changes in water supply availability, generally associated with climatic conditions during the previous winter snowfall season, also are greatest during these months. The District experienced drought conditions from 1987 through 1992. During this period, water restrictions were placed on the community with the most severe restrictions occurring in 1992. Regulation of landscape irrigation made the greatest impact on water conservation, with reductions in total water demand ranging from 25% to 35% (MCWD 2005).

Several scoping comments expressed concerns regarding the importance of, and need for additional water conservation efforts within the District's service area. While these concerns are not related to, and are outside the scope of the project proposed in this Draft EIR, the District is committed to carefully and effectively managing and maintaining the local water resources of the Mammoth Lakes Basin, and recognizes the importance of implementing water demand reduction measures to encourage more efficient use of available water resources.

The District has a significant water conservation program, and has continued to pursue a variety of alternatives to enhance the community's water supplies, including the use of recycled water. Examples of the water conservation program include:

- ❑ Completion of the major components for the Recycled Water Storage Project and the Recycled Water Pipeline Project, which were developed to implement use of recycled water for landscape irrigation at the Sierra Star Golf Course, Snow Creek Golf Course, and Shady Rest Park. Recycled water also may be provided to irrigate public parks and school playing fields in the future.
- ❑ Implementation of outdoor water management requirements to promote responsible irrigation practices on a daily basis, not only during periods of drought or water shortage.
- ❑ Tiered pricing for irrigation water service, with increasing block rates, to send a price signal encouraging efficient outdoor water use.
- ❑ Expansion of indoor residential and commercial rebate incentives for the replacement of higher water demand models of toilets and clothes washers with new ultra low flush and high efficiency versions.
- ❑ Installation of water conservation fixtures in new buildings and those that require permits for remodeling.
- ❑ Sponsors a program in the local schools to help students gain awareness about the local water supply and provide items to measure and reduce water use in the home.
- ❑ Development of a xeriscape demonstration garden at the District office and support of a native plant landscape at the Community College. In addition, the District website has a drought tolerant plant booklet and provides outdoor landscaping tips.
- ❑ Maintains an Environmental Specialist/Public Affairs position to implement water demand reduction incentives and public awareness. The position is supplemented in the summer with a seasonal assistant to contact the public about the District's irrigation regulations.

The District also offers interior and exterior water audits for residential customers, as well as water audits for large landscape areas, including condominium projects, parks, ball fields, and school landscape areas. These audits are designed to inspect and review items such as interior showerheads, fixtures, and toilets for leakage and efficiency. Water irrigation systems also may be inspected for use of efficient irrigation equipment and review of watering practices. A written report is prepared, offering suggestions to assist customers in reducing water consumption and increasing water use efficiency. Additional opportunities for conservation also may improve over time as new technologies evolve.

Additionally, the District's Board has committed to reduce unaccounted-for losses through replacement of leaking and aging water lines in the community. An ongoing leak-detection project has been implemented to reduce water losses in the water distribution system. The District has replaced more than 82,000 ft of old, leaking pipelines since 2002 and has reduced water losses of about 400 AF annually.

A table demonstrating the water demand reduction efforts by the District in accordance with best management practices (BMPs) identified by the California Urban Water Conservation Council is provided in Appendix B. Although the issue of water conservation within the District's service area is not part of the project being considered in this Draft EIR, the District recognizes the importance of continued water conservation, and is committed to actively pursuing these efforts through separate actions.

Finally, the settlement agreement among the District, CalTrout and CDFG commits the District to prepare and implement a water conservation program that incorporates, to the extent applicable and feasible, the BMPs for urban water conservation measures described in the California Urban Water Conservation Council's "Memorandum of Understanding Regarding Urban Water Conservation," in the event that the SWRCB approves amendments to Permit 17332 and Licenses 5715 and 12593 in substantial conformance with the Proposed Project Alternative.

### ***1.5.2.3 INSTANTANEOUS BYPASS FLOW REQUIREMENTS***

During the scoping process for this Draft EIR, comments were provided that suggested the inclusion of instantaneous bypass flow requirements, rather than mean daily flow requirements. For all practical purposes, the existing and proposed fishery bypass flow requirements represent instantaneous flow requirements for Mammoth Creek when diversions are allowed.

The fishery bypass flow requirements under the Proposed Project Alternative and the other alternatives are specified as mean daily flows because an instantaneous flow requirement is simply impracticable. A mean daily flow component allows the District to operate the system more efficiently by allowing a minimally reasonable period of time to adjust its diversions to ensure compliance with the bypass flow requirements. Accretions, depletions, travel time and lag phase between Lake Mary and downstream points of measurement differ seasonally, monthly and daily along the length of Mammoth Creek thus making instantaneous flow requirements impracticable. Such "fine tuning" of operations implies a level of accuracy and precision that does not exist. The District is committed to complying with the fishery bypass flow requirements within the constraints of its operational capability.

#### 1.5.2.4 “DRY YEAR” CONDITIONS

Comments were provided during the scoping process for this Draft EIR expressing concern that implementation of a single fishery bypass flow requirement regime, developed based upon Dry year hydrology, would create conditions that would reduce flows in Mammoth Creek to levels representative of “dry year” conditions on a continual basis (i.e., every year).

The District’s ability to affect flows in Mammoth Creek is limited by its physical, operational, and regulatory constraints such that the District has limited influence over flows except during low flow periods, particularly in Dry years. The District can store only 660 AF and directly divert at a maximum rate of 5.039 cfs.

The Proposed Project Alternative and other alternatives propose fishery bypass flow requirements that must be met before District diversions could occur. The District would be prohibited from diverting under conditions when flows in Mammoth Creek fall below the requirements due to low inflow into Lake Mary. Thus, the District is not capable of creating “dry year” conditions on a continual basis.

When the fishery bypass flow requirements are not being met at the appropriate measurement point, the District is required to bypass 100% of the flows entering Lake Mary and would not be able to directly divert water to the treatment plant or divert water to storage during these periods.

In summary, the IFIM study noted that, *“Mammoth Creek, therefore, is essentially a ‘run-of-the-river’ stream during all months under wet hydrologic conditions, those months corresponding to the snowmelt runoff period (primarily May, June and July) under normal hydrologic conditions, and several days during snowmelt runoff months during dry hydrologic conditions. Consequently, realized flows in Mammoth Creek would not be restricted to the proposed regime, but would be dynamic and increase in response to hydrologic conditions”* (Bratovich et al. 1991).

#### 1.5.2.5 GROUNDWATER/SURFACE WATER INTERACTIONS

Over the course of the scoping processes for this Draft EIR, comments were received expressing concerns about groundwater/surface water interactions in the Mammoth Lakes Basin. The topic of groundwater/surface water interaction within the Project Area has been the subject of considerable study over the past few decades. Hydro-geologic evaluations have been conducted annually for the District by Kenneth D. Schmidt and Associates (1993 through 2009), and additional hydro-geologic evaluations have been conducted by Wildermuth in 1996, 2003, and 2009. Overall, Schmidt and Wildermuth have concluded that groundwater pumping from the District’s production wells have not influenced flows in North Spring at Valentine Reserve, at the Hot Creek Headsprings, or in Mammoth Creek. A thorough discussion of these investigations and other focused studies conducted on behalf of the District, as well as investigations conducted by other entities, is presented in Chapter 4 – Hydrology.

### 1.5.3 INFORMATION INCORPORATED BY REFERENCE

The CEQA Guidelines permit documents of lengthy technical detail to be incorporated by reference in an EIR. Specifically, Section 15150 states that an EIR may “...incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public.” Additional materials used in the environmental analysis of the alternatives considered in this Draft EIR are incorporated by reference. These materials are available for public review at the District’s offices, and are described below.

- ❑ **Draft Environmental Impact Report/Environmental Impact Statement for the Proposed Changes in Mammoth Creek Instream Flow Requirements, Point of Measurement and Change in Place of Use, November 2000.** Prepared for the District and USFS by CH2MHill.

This document assessed the potential environmental consequences of the District's proposal to maintain the Beak Fishery Bypass Flow Requirements for Mammoth Creek on a long-term basis.

- ❑ **USDA Forest Service Environmental Analysis of Mammoth County Water District's Water Management Plan, September 1977.** Prepared by USFS staff.

This NEPA document provided environmental analysis for the District's 1977 Water Management Plan, and proposed WOCs for District water operations in the Mammoth Creek watershed, including fishery bypass flow requirements for Mammoth Creek. These WOCs were adopted by the District in Resolution No. 02-14-78-02, and incorporated in Permit 17332.

- ❑ **Mammoth Creek Instream Flow Investigations, March 1990.** Draft report prepared for the District by Beak Consultants Incorporated, cited as Bratovich et al. 1990.

This draft report provided a detailed analysis of the instream flow requirements for the brown trout fishery in Mammoth Creek using the IFIM methodology developed by the USFWS.

- ❑ **Brown Trout and Rainbow Trout Instream Flow Requirements in Mammoth Creek, California, September 1991.** Report prepared for the District by Beak Consultants Incorporated, cited as Bratovich et al. 1991.

Based on a request for more information subsequent to the release of the 1990 draft report cited above, Beak prepared this report, which included an analysis of the instream flow requirements for both brown and rainbow trout in Mammoth Creek. The information contained in the current environmental review incorporates information contained within this report, the 1990 report, and data obtained from the ensuing fish community surveys.

- ❑ **Mammoth Creek Fish Community Surveys (1992, 1993 and 1994).** Prepared for the District by Beak Consultants Incorporated, cited as Hood et al.

These reports summarized the results of field surveys of the Mammoth Creek fish community conducted in October of 1992, 1993 and 1994 to supplement the prior fish community surveys. The analyses provided in these reports have been used in the current environmental review for the proposed project.

- ❑ **Mammoth Creek Fish Community Surveys (1995 and 1996).** Prepared for the District by Sierra Nevada Aquatic Research Laboratory, cited as Jenkins and Dawson.

These reports summarized the results of field surveys of the Mammoth Creek fish community conducted in October of 1995 and 1996 to supplement the prior fish community surveys. The analyses provided in these reports have been used in the current environmental review for the proposed project.

- ❑ **Mammoth Creek Fish Community Surveys (1997, 2000, 2001, 2002, 2003, 2004 and 2005).** Prepared for the District by KDH Biological Resource Consultants, cited as Hood.

These reports summarized the results of field surveys of the Mammoth Creek fish community conducted in October of 1997, 2000, 2001, 2002, 2003, 2004 and 2005 to supplement the prior fish community surveys. The analyses provided in these reports have been used in the current environmental review for the proposed project.

- ❑ **Mammoth Creek 1999 Fish Community Survey. Prepared for the District by Horseshoe Canyon Biological Consultants, cited as Jenkins 1999.**

This report summarized the results of a field survey of the Mammoth Creek fish community conducted in October of 1999 to supplement the prior fish community surveys. The analyses provided in this report have been used in the current environmental review for the proposed project.

- ❑ **Mammoth Creek Fish Community Surveys (2006, 2007 and 2008). Prepared for the District by Thomas R. Payne & Associates, cited as Salamunovich.**

These reports summarize the results of field surveys of the Mammoth Creek fish community conducted in October of 2006, 2007 and 2008 to supplement the prior fish community surveys. The analyses provided in these reports have been used in the current environmental review for the proposed project.

#### **1.5.4 CONSISTENCY WITH APPLICABLE LOCAL AND REGIONAL PROGRAMS AND PLANS**

The CEQA Guidelines (Section 15125(d)) require lead agencies to disclose whether the proposed project could result in any inconsistencies with local land use and environmental plans, goals and policies. The objective of such a discussion is to find ways to modify the project, if warranted, to reduce any identified inconsistencies with relevant plans and policies. The District, as the CEQA lead agency, is required to evaluate and discuss whether the proposed project would be contrary to previously adopted policies and planning documents. Therefore, relevant adopted plans (e.g., General Plans<sup>1</sup>, Resource Management Plans) for areas located within the Mammoth Lakes Basin were reviewed to determine whether the proposed project would be consistent with existing land use and environmental goals, objectives and policies. These documents include the following:

##### **Regional**

- ❑ Mono County General Plan
- ❑ USFS Land and Resource Management Plan for the Inyo National Forest
- ❑ Upper Owens River Watershed Management Plan (Mono County)
- ❑ Lahontan Regional Water Quality Control Board Basin Plan

##### **Local**

- ❑ Town of Mammoth Lakes General Plan
- ❑ Town of Mammoth Lakes Draft Parks and Recreation Master Plan

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<sup>1</sup> California state law requires each city and county to adopt a general plan “for the physical development of the country or city, and any land outside its boundaries which bears relation to its planning” (California Government Code Section 65300). The general plan expresses the community’s development goals and embodies public policy relative to the distribution of future land uses, both public and private (City of Antioch 2003).

- ❑ Town of Mammoth Lakes Trail System Master Plan
- ❑ Sherwins Area Recreation Plan
- ❑ AB 3030 Groundwater Management Plan for the Mammoth Basin Watershed
- ❑ Mammoth Community Water District Water System Master Plan
- ❑ Mammoth Community Water District Urban Water Management Plan
- ❑ Mammoth Community Water District Recycled Water Program

The aforementioned planning documents provide comprehensive planning strategies for resource management in the Mammoth Lakes Basin, and growth and development within Mono County, including water supply sources identified to meet the service area and community needs extending over a planning period that generally ranges from 2 to 20 years. Several of the above plans recognize the importance of good stewardship, and include policies that encourage the protection and enhancement of environmental resources, including fisheries, aquatic resources and riparian habitats, among others. Based on a review of the above-referenced plans and other information available to date, no planning inconsistencies associated with the components of the Proposed Project Alternative or other alternatives considered in this Draft EIR have been identified. If, following public review of the Draft EIR, it is determined that one of the alternatives or any of its components would conflict with a particular goal, objective or policy for a resource specified in an adopted plan, then the District will consider either refining a particular alternative, if feasible, or initiating discussions with the respective governing body to collaboratively address any potential plan inconsistencies or mitigation requirements that may be necessary.

## 1.6 PERMITS AND OTHER APPROVALS REQUIRED TO IMPLEMENT THE PROPOSED PROJECT

This Draft EIR is intended to assess the potential environmental impacts of the Proposed Project Alternative and other alternatives. The information contained in this document has been prepared to assist various agencies with their respective decision-making processes. The two primary agencies with decision-making responsibilities for this proposed project are the District and the SWRCB. The decisions to be made by these agencies, and the expected sequence of decision-making events, are as follows.

- ❑ **Mammoth Community Water District:** As the lead agency under CEQA, the District's Board of Directors, after considering the environmental effects of the proposed project, will decide whether to certify the EIR as adequate under CEQA. Following certification of the EIR, the District will consider whether or not to approve the project, and if so approved, will file a Notice of Determination (NOD), after which it will pursue action by the SWRCB on petitions to amend Permit 17332 and Licenses 5715 and 12593 consistent with the approved project.
- ❑ **State Water Resources Control Board:** Following certification of this EIR and the filing of the NOD by the District, the SWRCB, as a responsible agency under CEQA, will consider the District's petitions to amend Permit 17332 and Licenses 5715 and 12593 respecting Mammoth Creek fishery bypass flow requirements, point of measurement, WOCs, and change of POU. As a responsible agency<sup>2</sup> under CEQA, the SWRCB is

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<sup>2</sup> A responsible agency is defined as a public agency, other than the lead agency, which has responsibility for carrying out or approving a project (California Public Resources Code §21069).

expected to use the certified EIR as the required CEQA environmental documentation in its decision-making process.

Following all approvals, the District will implement the approved project and conduct all required monitoring activities. No other formal actions are required. As described below, other agencies may have regulatory, trustee or administrative jurisdiction over the resources considered in this document; these agencies are as follows:

- California Department of Fish and Game
- Lahontan Regional Water Quality Control Board
- University of California (Valentine Reserve)
- California Department of Public Health's Division of Drinking Water and Environmental Management
- U.S. Fish and Wildlife Service
- U.S. Forest Service

## **1.7 ROLES AND RESPONSIBILITIES OF TRUSTEE AND OTHER AGENCIES**

### **1.7.1 CALIFORNIA DEPARTMENT OF FISH AND GAME**

CDFG is a trustee agency<sup>3</sup> and has jurisdiction over the conservation, protection and management of fish and wildlife resources and habitats in California. It also authorizes the taking of State-listed fish and wildlife species, and modifications of their respective habitats (14 CCR § 783.1). With regard to this project, CDFG involvement to date has included participation in the Mammoth Creek Collaborative Process which resulted in the previously referenced settlement agreement. It is anticipated that ongoing project involvement by CDFG will include CEQA review of the Draft EIR, and project compliance with the California Endangered Species Act (CESA) and Sections 5937 and 5946 of the California Fish and Game Code.

### **1.7.2 UNIVERSITY OF CALIFORNIA, SANTA BARBARA**

The University of California is a trustee agency under CEQA. The Valentine Reserve is a field research station of the University of California, a unit in the University's Natural Reserve System. The reserve is located along Mammoth Creek near Old Mammoth Road in the Town of Mammoth Lakes.

### **1.7.3 LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD**

The SWRCB is responsible for both the allocation of water rights and, through the Regional Water Quality Control Boards, for ensuring compliance with State and Federal water quality laws, including the Porter-Cologne Act and the Clean Water Act. For the Project Area, the Lahontan Regional Water Quality Control Board (Lahontan RWQCB) serves as a responsible agency.

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<sup>3</sup> A trustee agency is a state agency that has jurisdiction by law over certain natural resources affected by a project, that are held in trust for the people of California (California Public Resources Code § 21070). Trustee agencies are generally required to be notified of CEQA documents relevant to their jurisdiction, whether or not these agencies have actual permitting authority or approval power over aspects of the underlying project (CEQA Guidelines, Section 15386).

#### **1.7.4 CALIFORNIA DEPARTMENT OF PUBLIC HEALTH'S DIVISION OF DRINKING WATER AND ENVIRONMENTAL MANAGEMENT**

The U.S. Environmental Protection Agency (EPA) and the California Department of Public Health's Division of Drinking Water and Environmental Management (DDWEM) are the primary regulatory agencies charged with setting and enforcing drinking water standards. In California, the DDWEM regulates public drinking water systems. Although no DDWEM-related permits or approvals are required and the agency does not have discretionary approval authority for this project, DDWEM has regulatory authority over the District's water system.

#### **1.7.5 U.S. FISH AND WILDLIFE SERVICE**

The USFWS is responsible for administering the Endangered Species Act (ESA), which is designed to protect, conserve and recover federally-listed species. The USFWS jurisdiction under the ESA is generally focused on terrestrial and freshwater organisms. Although no federal permits or approvals are anticipated for the proposed project, this Draft EIR provides an evaluation of the potential impacts and effects to federally-listed species.

#### **1.7.6 U.S. FOREST SERVICE**

The USFS has jurisdictional authority over federally-owned Inyo National Forest lands within the Project Area. The USFS has been consulted throughout the preparation of this Draft EIR because of its federal land management responsibilities.

### **1.8 REPORT ORGANIZATION**

This Draft EIR is organized in the following chapters:

**Chapter 1 - Introduction** - Briefly describes the background of the proposed project; the project purpose and objectives; the history of development of the proposed project; summarizes the applicable laws, regulations, and requirements, and agency uses of the document and required project approvals; and outlines the organization of this document.

**Chapter 2 - Proposed Project and Alternatives** - Describes the alternatives evaluated in this Draft EIR, including the Proposed Project Alternative, the Bypass Flow Requirements Alternative No. 2, the Permit 17332 Bypass Flow Requirements Alternative, and the No Project Alternative.

**Chapter 3 - Overview of Analytical Approach** - Explains the approach for assessing environmental consequences presented in Chapters 4 through 10.

**Chapters 4 through 10** - Each chapter covers a specific resource topic and includes the environmental setting, environmental impact analyses, and mitigation measures/environmental commitments for the Proposed Project Alternative and other alternatives. The chapters are:

- Chapter 4 - Hydrology
- Chapter 5 - Water Quality
- Chapter 6 - Fisheries and Aquatic Resources
- Chapter 7 - Wildlife and Botanical Resources
- Chapter 8 - Recreation Resources

- ❑ Chapter 9 – Visual Resources
- ❑ Chapter 10 – Other CEQA Considerations

**Chapter 11 – Climate Change Considerations** – Discusses climate change considerations associated with the Proposed Project Alternative.

**Chapter 12 – Consultation and Coordination** – Describes the consultation, coordination and outreach activities that occurred during the public scoping process, and the preparation and review of the Draft EIR.

**Chapter 13 – List of Preparers** – Identifies the individuals who contributed to the preparation of this document.

**Chapter 14 – References** – Lists the sources of information used in completing this Draft EIR, including literature citations and personal communications.

### **Appendices**

- A – Notice of Preparation and Public Comments
- B – Mammoth Community Water District Water Conservation Measures
- C – MCWD Water Balance Operations Model Technical Appendix
- D – Hydrologic Model Output Results
- E – Fish Populations of Mammoth Creek, Mono County, California (1988 – 2008)
- F – Plant and Wildlife Species Compendium