

# **CHAPTER 12**

## Consultation and Coordination

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### **CONSULTATION AND COORDINATION**

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Federal, state, local agencies and other interested parties have participated in the CEQA process leading to the development of the proposed project presented in this Draft EIR. During preparation of this Draft EIR, the District consulted with resource specialists, agencies with specific expertise in key resource issues, and members of the public. These consultations assisted the District in determining the scope of the Draft EIR, identifying the range of alternatives and environmental protection and mitigation measures, and defining impact significance. Consultation included public meetings, agency communications, and interagency meetings. The District will continue to solicit public and agency input on the project by encouraging review of this Draft EIR. This chapter summarizes public involvement efforts and agency consultation conducted during the project planning and environmental review process.

#### **12.1 PUBLIC INVOLVEMENT**

Scoping is used under CEQA to determine the focus and content of an EIR. Under CEQA, scoping is optional and may be conducted as part of early public consultation for a project. The main objective of the scoping process is to provide the public and potentially affected resource agencies with information on the proposed project and to solicit public input regarding the issues and concerns to be evaluated in the environmental documentation. The scoping process is intended to provide the lead agency with information regarding the range of actions, alternatives, resource issues, and mitigation measures that are to be analyzed in depth in the EIR, and to eliminate from detailed study those issues found not to be significant.

During November 2000, a Draft EIR/EIS for the project was jointly issued by the District (CEQA lead agency) and the USFS (NEPA lead agency). Since release of the 2000 Draft EIR/EIS, the USFS notified the District that it has withdrawn from the environmental review process due to a lack of legal authority to implement specific WOCs contained in the MOA for Mammoth Lakes Watershed between the District and the USFS, dated March 24, 1983, including the bypass flow requirements for Mammoth Creek. The requirement to comply with NEPA, therefore, has been removed.

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.

To reflect changed project conditions, several updates to the Notice of Preparation (NOP) for the District's proposed project have been issued and additional scoping meetings have been held over the past few years. The comments received through these efforts have been used to determine the scope of this Draft EIR. Scoping efforts included contact with the responsible and trustee agencies and interested members of the public. In addition, focused and long-term scoping efforts were conducted through a collaborative process and the establishment of a Technical Committee consisting of stakeholders with technical expertise in the areas of hydrology, fisheries and aquatic resources (see Chapters 1 and 2).

The following is a summary of the public involvement activities, including public informational and environmental process scoping meetings, for the proposed project that have occurred since

the 2004 CalTrout petition. A summary of the key comments and issues raised over the duration of the scoping process is presented at the end of this section.

### **12.1.1 2005 NOP AND PUBLIC SCOPING PROCESS**

The District issued a NOP in 2005. The proposed project described in the 2005 NOP included the Beak Fishery Bypass Flow Requirements as measured at the District's OMR Gage. With respect to the POU, the 2005 NOP proposed to add eleven customers to the authorized POU. The District also proposed to amend Permit 17332 to change three categories of the WOCs: (1) deletion of waterbodies in which the District has no rights to store water (Lake George, Lake Mamie and Twin Lakes); (2) a change in the timing of the filling of Lake Mary to be consistent with the authorized diversion to storage period in Permit 17332; and (3) changes to the flow requirements in Bodle Ditch to reflect existing circumstances. Parties that responded to the 2005 NOP include California Department of Transportation, Lahontan RWQCB, SWRCB, Valentine Reserve, California Trout, USFS and LADWP.

### **12.1.2 2007 NOP AND PUBLIC SCOPING PROCESS**

Subsequent to the 2005 NOP, and in response to comments received on the NOP and Mammoth Creek Technical Committee input, the District conducted additional studies of fish populations and groundwater/surface water interactions (see Chapter 4 - Hydrology, and Chapter 6 - Fisheries and Aquatic Resources). The additional work effort, and the time that it took to complete it, prompted the District to issue a new NOP in late 2007.

The 2007 NOP was generally similar to the 2005 NOP. The proposed project included maintaining the Beak Fishery Bypass Flow Requirements, with the addition of a mean daily fishery bypass flow requirement at the OLD395 Gage of 4 cfs. A public scoping meeting was held on January 17, 2008.

Agencies that responded to the 2007 NOP include CDFG, USFS and the SWRCB. Additional comments were received by other individuals and entities including, among others, LADWP, CalTrout, and Valentine Reserve. The comments received on the 2007 NOP are presented in Appendix A.

## **12.2 CONSULTATION AND COORDINATION WITH RESOURCE AGENCIES**

The District has been involved in coordination and informal consultation activities with various state and federal resource agencies, local stakeholders and others since 1997. As a supplement to the detailed discussion provided in Chapter 1, this section describes the activities conducted to comply with the state and federal ESA consultation requirements, and collaboration with the SWRCB.

### **12.2.1 CALIFORNIA DEPARTMENT OF FISH AND GAME (CALIFORNIA ENDANGERED SPECIES ACT COMPLIANCE AND COORDINATION)**

The California Endangered Species Act (CESA) (Fish and Game Code Sections 2050 to 2097) establishes State policy to conserve, protect, restore, and enhance threatened or endangered species and their habitats. CESA is administered by CDFG and prohibits the take of plant and animal species designated by the Fish and Game Commission as either threatened or endangered in California.

The CESA mandates that state agencies should not approve projects that jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. Unlike the federal ESA, under CESA there are no mandated state agency consultation procedures.

As the trustee agency for fish and wildlife resources, CDFG provides requisite biological expertise to review and comment upon CEQA documents, and make recommendations regarding those resources held in trust for the people of California (Fish and Game Code Section 1802). It is anticipated that ongoing project involvement by CDFG will include CEQA review of this Draft EIR, and project compliance with CESA and Sections 5937 and 5946 of the California Fish and Game Code. This Draft EIR provides an evaluation of the potential impacts and effects to public trust resources, including State-listed species.

With regard to this project, CDFG involvement to date has included participation in the Mammoth Creek Technical Team and Collaborative processes, which have held numerous meetings since 2005, including the following: May 10, 2005; June 16, 2005; August 4, 2005; September 8, 2005; November 16, 2005; May 23, 2006; August 4, 2006; January 17, 2008; November 20, 2008.

### **12.2.2 UNITED STATES FISH AND WILDLIFE SERVICE (FEDERAL ENDANGERED SPECIES ACT COMPLIANCE AND COORDINATION)**

The USFWS is responsible for administering the federal ESA, which is designed to protect, conserve and recover federally-listed species. The USFWS jurisdictional authority 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.

### **12.2.3 STATE WATER RESOURCES CONTROL BOARD (CALIFORNIA WATER CODE AND PUBLIC TRUST RESOURCES COMPLIANCE AND COORDINATION)**

The SWRCB is responsible for both the allocation of water rights and for ensuring compliance with state and federal water quality laws. The SWRCB is involved in making water right decisions related to diversion and use of water, and implementation of the proposed project. As described in Chapter 1, SWRCB involvement with the proposed project dates back to 1978. Additionally, the agency has provided comments on the proposed project during the various CEQA-related scoping processes that have occurred since 2000. As a CEQA Responsible Agency, the SWRCB will use this Draft EIR to prepare and issue its own findings regarding the project (CEQA Guidelines, Sections 15096 and 15381).

## **12.3 PUBLIC REVIEW OF THE DRAFT EIR**

This Draft EIR is available for review and comment for 45 days following filing of the Notice of Completion of the EIR with the California State Clearinghouse. The purpose for public review of the Draft EIR is to receive comments from interested parties on its completeness and adequacy in disclosing potential environmental impacts of the proposed project. After the close of the public comment period for the Draft EIR, a Final EIR (including responses to public and agency comments on the Draft EIR) will be prepared. The District is responsible for certifying the EIR as adequate by issuing a Notice of Determination in compliance with CEQA. After adoption and certification, the District will use the EIR to make their determination whether or not to approve the proposed project.

The Draft EIR is available for public review at the District's office, as well as at the Mammoth Lakes Public Library, which are listed in **Table 12-1**.

**Table 12-1. Locations Where the Draft EIR is Available for Public Review**

<b>Agency Location</b>	<b>Library Location</b>
Mammoth Community Water District 1315 Meridian Blvd Mammoth Lakes, CA 93546	Mammoth Lakes Public Library 400 Sierra Park Rd. Mammoth Lakes, California 93546