

EXECUTIVE SUMMARY

The Mammoth Community Water District (District) serves the Town of Mammoth Lakes and certain nearby entities with municipal water supply and wastewater treatment utility service. The District uses a combination of surface water and groundwater to meet water demands within its service area. The surface water supply is provided for under two licenses (Licenses 5713 and 12593) and one permit (Permit 17332) issued by the State Water Resources Control Board (SWRCB).

The District is proposing a project which has three primary components, including:

1. Maintain on a long-term basis the fishery bypass flow requirements and compliance measurement point which have been in effect through a court order since 1997. The Old Mammoth Road (OMR) Gage would continue to be used for compliance measurement. The proposed project also proposes one new fishery bypass flow requirement of 4 cfs, measured at LADWP's Highway 395 (Old 395) Gage. The purpose of this component is to ensure the continued protection and maintenance of the fishery resources in Mammoth Creek, in compliance with State law.
2. Update the Districts Place of Use (POU) for its surface water supplies, to include the entities listed in **Table ES-1**. The purpose of this component is to allow continued long term future water service to these entities.
3. Changes certain Mammoth Lakes watershed operation constraints (WOCs) which are included in District water right Permit 17332. The purpose of these changes is to eliminate WOCs that are no longer applicable under current operating conditions, or are not consistent with regulatory and/or technical requirements.

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, along with the new year-round 4 cfs fishery bypass flow requirement at the Old 395 Gage, 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 the 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 two primary agencies with decision-making responsibilities for this proposed project are the District and the SWRCB. 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 under CEQA, the SWRCB is expected to use the certified EIR as the required CEQA environmental documentation in its decision-making process. CDFG is a trustee agency and has jurisdiction over the conservation, protection and management of fish

and wildlife resources and habitats in California. The various project elements must be approved by the SWRCB. The SWRCB will not consider the project until after the CEQA process is completed.

Table ES-1. Proposed Additions to the District's Authorized Place of Use

Place of Use (Entity)	License Holder	Historic Point of Diversion	Water Rights Type	Authorized Amount/ Period	Annual Average Use (AF)
Mill City Tract Lease Cabins	USFS	Lake Mary via Bodle Ditch	License No. 3909	5,500 gpd ^a 5/1 – 10/15	0.6
Twin Lakes Campground and Lease Cabins	USFS	Lake Mary	Statement No. 10559	About 3,350 gpd ^b 5/1 – 10/31	1.0
		Twin Lakes Creek	License No. 2132	200 gal/day 5/1 – 10/15	
		Unnamed tributary to Twin Lakes	License No. 2101	500 gal/day 5/ 1 – 10/31	
Mammoth Lakes Pack Station	Individual	Lake Mary	License No. 3983	1,600 gpd 6/1 – 10/31	1.0
		Coldwater Creek (from Lake Mary)	License No. 2788	1,000 gal/day 5/1 – 10/31	
Twin Lakes Art Gallery	Individual	Coldwater Creek (from Lake Mary)	License No. 2261	400 gpd 6/1 – 10/1	0.04
Tamarack Lodge/Cabins	MMSA	Twin Lake Creek and Twin Lakes	License No. 1227	8,000 gpd 5/15 – 11/1	7.8
Sherwin Creek Campground	USFS	Sherwin Creek	Statement No. 3370	130 gpd 6/1 – 11/15	0.2
YMCA Camp	Unknown	Sherwin Creek	Unknown	Unknown	1.2
Sierra Meadows and USFS Pack Offices	USFS	Mammoth Creek	Unknown	About 600 gpd ^c 5/1 – 10/1	1.2
Mammoth Creek Park (Town of Mammoth Lakes)	USFS	Mammoth Creek	Unknown	About 600 gpd 5/1 – 10/1	7.0
Shady Rest Park (Town of Mammoth Lakes)	District	N/A	Licenses 5715, 12593; Permit 17332	N/A	8.9
^a Gallons per day ^b Water right stated as 3.75 AF per year. ^c Three water rights each stated as 30,800 gallons per year. Source: Mammoth Community Water District					

PROJECT LOCATION

The Project Area includes Lake Mary, the Mammoth Creek watercourse extending from Lake Mary downstream to the United States Geological Survey 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 (see **Figure ES-1**).

PROPOSED PROJECT AND ALTERNATIVES

Under CEQA, an EIR should consider a range of reasonable alternatives that could feasibly attain the purpose and need and most of the basic objectives of the project, but would avoid or substantially lessen any of the significant impacts of the project. CEQA also requires analysis of a "No Project" alternative. The Draft EIR evaluates the following alternatives:

- ❑ **Proposed Project Alternative.** The Proposed Project Alternative would implement, on a long-term basis, the fishery bypass flow requirements that have been in effect since 1997, retain the existing point of measurement for compliance at the District's OMR Gage, add the year-round 4 cfs fishery bypass flow requirement at the OLD395 Gage, update the WOCs and incorporate new areas into the District's existing authorized POU. The District's water right Permit 17322 and Licenses 5715 and 12593 would be modified accordingly.
- ❑ **Bypass Flow Requirements Alternative No. 2.** The Bypass Flow Requirements Alternative No. 2 (BFR Alt No. 2) would involve implementation of fishery bypass flow requirements that were evaluated during the course of the Collaborative Process described in Chapter 1, Section 1.3.12. CDFG, CalTrout and the District, with review and input from the remaining members of the Technical Team, identified alternative fishery bypass flow requirements which focused on adult brown trout habitat availability in Mammoth Creek. The BFR Alt 2 includes fishery bypass flow requirements at the OMR Gage that differ from the Proposed Project Alternative, as well as a 4 cfs fishery bypass flow requirement at the OLD395 Gage. After a thorough evaluation of this alternative, CDFG, CalTrout and the District concluded that the fishery bypass flow requirements in the Proposed Project Alternative should be adopted. The BFR Alt No.2 contains all of the other changes associated with the WOCs and the District's authorized POU as are found in the Proposed Project Alternative.
- ❑ **Permit 17332 Bypass Flow Requirements Alternative.** Under the Permit 17332 Bypass Flow Requirements Alternative (P-17332 BFR Alt), the District would operate in accordance with the monthly fishery bypass flow requirements specified in the District's water right Permit No. 17332, which were formulated in 1977. The point of compliance for the monthly fishery bypass flow requirements would be the OLD395 Gage. Otherwise, all other changes associated with the WOCs and the District's authorized POU are identical to the Proposed Project Alternative.
- ❑ **No Project Alternative.** Under the No Project Alternative, District operations would follow the fishery bypass flow requirements and point of measurement specified in Cease and Desist Order No. 9P.2 (C&D No. 9P.2) which have been in effect since 1997. There would be no changes to other WOCs or the District's existing authorized POU as specified in Permit 17332. Except perhaps for certain facilities covered by an agreement between the District and the USFS, the persons and entities historically having been provided water outside of the District's authorized POU would be disconnected from

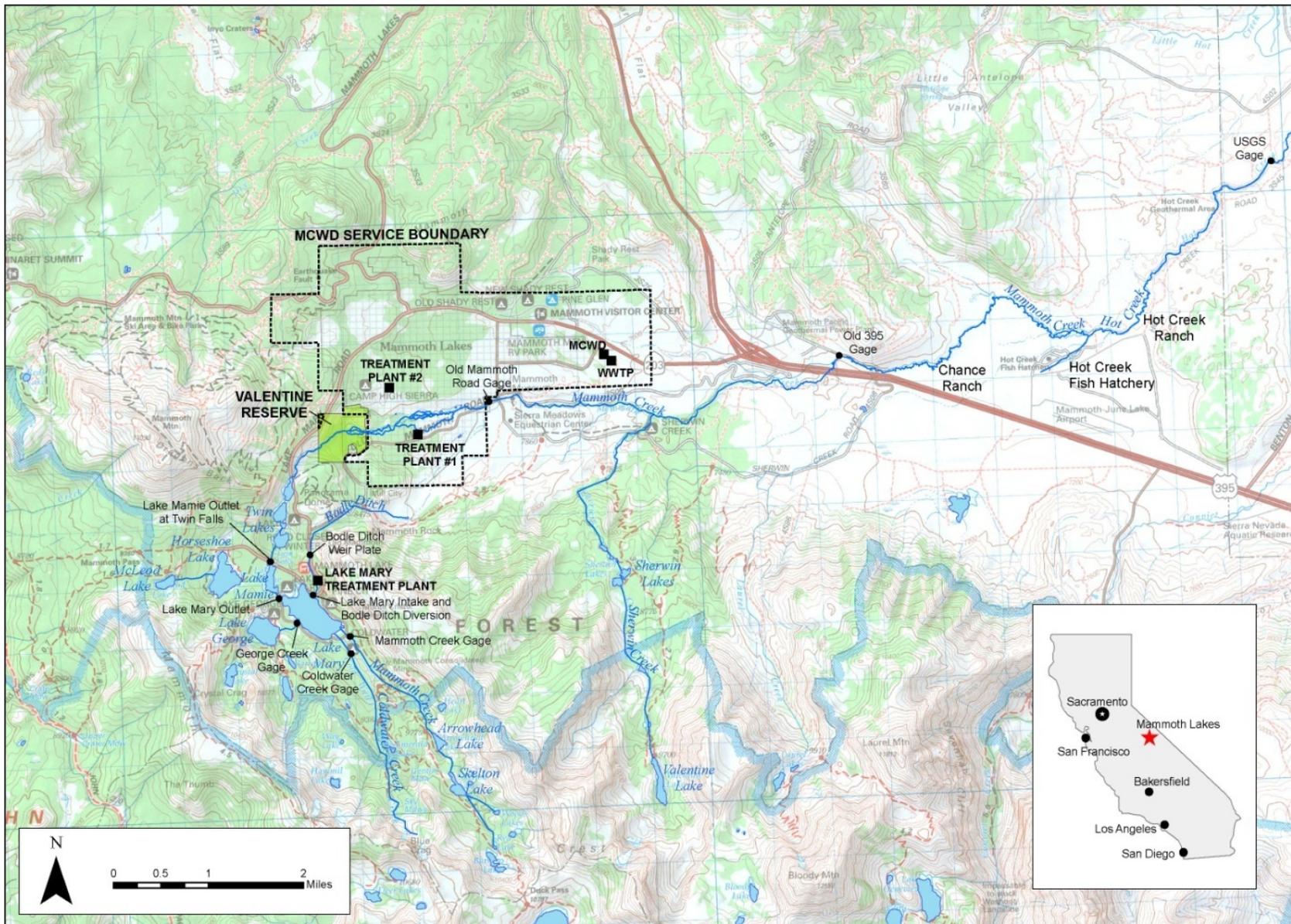


Figure ES-1. Mammoth Lakes Basin Including the Project Area

District service, and would have to secure new potable water supplies. In some cases, such supplies may not be available. There would be no changes to other WOCs specified in Permit 17332. Permit 17332 and Licenses 5715 and 12593 would be modified such that the fishery bypass flow requirements and point of measurement would be consistent with the 1997 C&D No. 9P.2. In the Draft EIR, the No Project Alternative is evaluated at the existing level of demand (i.e., current utilization of permitted surface water supplies) and at the future level of demand (i.e., projected utilization of permitted surface water supplies at maximum buildout).

ABILITY TO MEET THE PROJECT PURPOSE AND OBJECTIVES

The objectives of the proposed project are to: (1) establish, on a long-term basis, fishery bypass flow requirements that will maintain the Mammoth Creek fishery in “good condition” and provide a point of measurement for compliance; (2) change the District’s authorized place of use (POU) for the water authorized for diversion pursuant to its surface water appropriative rights; and (3) change certain WOCs. **Table ES-2** presents a summary of the Proposed Project Alternative and the other alternatives’ ability to meet the project purpose and objectives.

Table ES-2. Comparison of the Ability of Each of the Alternatives to Meet the Project Purpose and Objectives

Mammoth Community Water District Project Purpose and Objectives	Proposed Project Alternative	Bypass Flow Requirements Alternative No. 2	Permit 17332 Bypass Flow Requirements Alternative	No Project Alternative
Establish Long-term Fishery Bypass Flow Requirements and Point of Measurement	Yes	Yes	Yes	Yes
Modify the District's Authorized Place of Use	Yes	Yes	Yes	No
Modify the WOCs in Permit 17332 to More Accurately Represent Current District Operations and the Existing Condition	Yes	Yes	Yes	No

PUBLIC COMMENTS: ISSUES TO BE RESOLVED AND AREAS OF CONCERN

According to CEQA Guidelines §15123(b)(2) and §15123(b)(3), the Executive Summary of an EIR shall identify potential areas of controversy and issues to be resolved by the decision-makers. Generally, these include issues raised by agencies and the public, primarily through the Notice of Preparation (NOP) and scoping processes, indicating a level of controversy, as well as those areas where a significant unavoidable impact has been identified.

An NOP for the Mammoth Creek Draft EIR was circulated for public review in December 2007 pursuant to Section 15082 of the CEQA Guidelines. In addition, a public scoping meeting was held on January 17, 2008. Written comments received on the NOP and oral comments given during the scoping session were considered in the preparation of the Draft EIR, and are included in Appendix A of the Draft EIR. Concerns, comments, and issues raised regarding the proposed project are summarized below.

Key issues raised by agency representatives and members of the public include the following.

- Potential future declaration of Mammoth Creek as a fully appropriated stream system and impacts to downstream water rights
- Water Conservation Standards compliance
- Instantaneous Bypass Flow Requirements
- "Dry Year" Conditions
- Groundwater/Surface Water Interactions
- Lake Mary storage operations and the potential effects on Lake Mamie, Twin Lakes and downstream flows
- Potential effects of flow changes in Bodle Ditch to existing habitat and beneficial uses
- Channel maintenance and flushing flows in Mammoth Creek and Hot Creek
- Potential effects of the proposed change in POU

Topics that were considered as unrelated to the specific scope of the proposed project are generally not discussed in this document. Issues raised during the scoping process which are not considered relevant to the proposed project and, therefore, are not evaluated in the environmental document are discussed in Chapters 1 and 3 of the Draft EIR.

The primary purpose of the 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.

SUMMARY OF ENVIRONMENTAL IMPACTS

The Draft EIR presents information pertinent to, and describes the potential impacts of, the Proposed Project Alternative and other alternatives on the environment, in accordance with CEQA. The Draft EIR includes analytical sections for the following environmental resource categories: hydrology, surface water quality, fisheries and aquatic resources, wildlife and botanical resources, recreation, and visual resources. Other CEQA considerations addressed in the Draft EIR include: (1) local economic and social effects, including growth inducement; and (2) District surface water municipal supplies and diversions to the Lake Mary water treatment plant. Climate change considerations are also addressed qualitatively.

To address the analytical requirements of CEQA, a suite of comparative scenarios were developed to characterize the modeling assumptions used to represent conditions under the Existing Condition and the alternatives evaluated in the Draft EIR. Additional details regarding specific modeling assumptions for each simulation are presented in Chapter 2 and Appendix C of the Draft EIR. For CEQA impact assessment purposes, the Proposed Project Alternative, Bypass Flow Requirements Alternative No. 2, Permit 17332 Bypass Flow Requirements Alternative, and the No Project Alternative are compared to the Existing Condition. To evaluate potential cumulative impacts, the Proposed Project Alternative at a future level of demand is compared to the Existing Condition.

With the exception of the P-17332 Bypass Flow Requirements Alternative and the No Project Alternative, none of the other project alternatives would result in significant or potentially significant adverse impacts to the environment. Under the P-17332 Bypass Flow Requirements

Alternative, substantial differences occur in the frequency of filling Lake Mary, and in the duration at which Lake Mary is at minimum water surface elevation prior to September 15 (as specified in the WOC), and results in potentially significant Lake Mary hydrologic impacts relative to the Existing Condition. Potentially significant impacts would not occur to Lake Mary wildlife and botanical resources, recreation, or visual resources under the P-17332 Bypass Flow Requirements Alternative. The No Project Alternative would not amend the District's existing authorized POU to allow continuation of potable water service to existing recreational facilities within USFS lands. Except perhaps for certain facilities covered by an agreement between the District and the USFS, the persons and entities historically having been provided water outside of the District's authorized POU would be disconnected from District service, and would have to secure new potable water supplies. Consequently, the No Project Alternative may result in potentially significant impacts to recreational resources on USFS land, and would be inconsistent with the recreation-related policies identified in the USFS Inyo National Forest Land and Resource Management Plan, the Town of Mammoth Lakes General Plan and the Town of Mammoth Lakes Draft Parks and Recreation Master Plan.

For full evaluations and descriptions of the alternatives' effects on the aforementioned resources and other CEQA considerations, please refer to the analyses presented in the individual resource chapters (Chapters 4 through 10).

MITIGATION MEASURES

Section 15123(b)(3) of the CEQA Guidelines requires that the summary in an environmental impact report include a discussion of the issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects. Because no potentially significant resource-specific impacts were identified for the Proposed Project Alternative, no mitigation measures are required.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6(e)(2) of the California Code of Regulations states that CEQA requires the identification of the environmentally superior alternative, and that if the environmentally superior alternative is the "no project" alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives. Under CEQA, the goal of identifying the environmentally superior alternative is to assist decision-makers in considering project approval. CEQA does not require an agency to select the environmentally superior alternative (CEQA Guidelines Section 15042-15043). Selecting the environmentally superior alternative in the Draft EIR does not determine the District's decision-making for the project, but it is intended to provide the public with notification of what the District considers to be the environmentally superior alternative, based on the information available.

As described in Chapters 4 through 10, there is little difference among the alternatives in terms of hydrology and biological or physical resources (e.g., fisheries, riparian habitat and water quality). Therefore, when considering only hydrology and flow-dependent resources, no alternative is clearly environmentally superior to another.

OTHER CEQA CONSIDERATIONS

However, when surface water supply is considered, a difference among some of the alternatives is evident. In terms of water supply, the Proposed Project Alternative would enhance the

reliability of the District's water supply, particularly during dry and normal runoff years, relative to Bypass Flow Requirements Alternative No. 2 and the Permit 17332 Bypass Flow Requirements Alternative.

Therefore, in consideration of the fact that no alternative is clearly environmentally superior to another, and that the Proposed Project Alternative would provide the District with a more reliable water supply, the District proposes to amend Permit 17332 and Licenses 5713 and 12593 consistent with the Proposed Project Alternative.

PUBLIC REVIEW OF THE DRAFT EIR

This document will be circulated to local, state, and federal agencies and to interested organizations and individuals who may wish to review and comment on the report. Its publication marks the beginning of a 45-day public review period. Written comments or questions concerning the Draft EIR should be directed to the name and address listed below.

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Written and oral comments received in response to the Draft EIR will be addressed in a Response to Comments addendum document which, together with the Draft EIR, will constitute the entire EIR. After review of the proposed project and the EIR, District staff will recommend to the District Board of Directors whether or not to approve the proposed project. The District Board of Directors will then review the proposed project, the EIR, staff recommendations, and public comment and decide whether or not to certify the EIR and whether or not to approve the proposed project.