



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 12, 2019

Governor's Office of Planning & Research

JULY 12 2019

STATE CLEARINGHOUSE

Larry Freilich
Mitigation Manager
Inyo County Water Department
135 S. Jackson Street
Independence, CA 93526

Subject: Owens River Water Trail (PROJECT)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH# 2018051049

Dear Mr. Freilich:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (DEIR) from the Inyo County Water Department (ICWD; Lead Agency) for the Owens River Water Trail Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.)

PROJECT DESCRIPTION SUMMARY

Proponent: Inyo County Water Department

Objective: The Project proposes to construct the Owens River Water Trail to allow public recreational access solely for non-motorized watercraft on an approximately 6.3-mile segment of the Owens River. The Project would develop facilities for recreational users to enter and exit the river and allow unimpeded navigation for non-motorized watercraft, such as kayaks, stand-up paddle boards, and canoes. The Project would involve removal of emergent vegetation and excavation within the river channel to remove occlusions. In addition, boat launch and take-out facilities that would provide limited amenities (i.e., vault restroom, wildlife resistant trash receptacles, signage), in addition to access to the river, would be developed.

Location: Approximately 6.3-mile segment of the Owens River near Lone Pine, in Inyo County, California.

COMMENTS AND RECOMMENDATIONS

Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that an Environmental Impact Report is appropriate for the Project. During pre-consultation between CDFW and ICWD, no significant issues or concerns arose that have not been addressed in the DEIR, or will not be addressed in the Lake and Streambed Alteration Agreement. CDFW has no objections to the Project as proposed, provided all avoidance and minimization measures are implemented, including those in the DEIR as well as those that will be further developed through the Lake and Streambed Alteration Agreement. As discussed during pre-consultation, CDFW recommends post-project monitoring to ensure habitat quality is not negatively impacted by implementation of the proposed project.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address:

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CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR, as well as early consultation during Project development, to assist the ICWD in identifying, avoiding, minimizing, and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Rose Banks, Environmental Scientist, at (760) 873-4412 or Rose.Banks@wildlife.ca.gov.

Sincerely,



Scott Wilson
Environmental Program Manager
Inland Deserts Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento