

*Final*

# **Environmental Impact Report**

for the

## **Simulation of Natural Flows in Middle Piru Creek**

**State Clearinghouse No. 2004051123**

**Lead Agency:**

**California Department of Water Resources  
1416 Ninth Street, Room 620  
Sacramento, CA 95814**

**Prepared by:**

**Aspen Environmental Group  
30423 Canwood Street, Suite 215  
Agoura Hills, CA 91301**

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**CALIFORNIA DEPARTMENT OF WATER RESOURCES  
SIMULATION OF NATURAL FLOWS IN MIDDLE PIRU CREEK  
FINAL ENVIRONMENTAL IMPACT REPORT**

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**TABLE OF CONTENTS**

	<u>PAGE</u>
<b>EXECUTIVE SUMMARY</b> .....	ES-1
 <b>FINAL ENVIRONMENTAL IMPACT REPORT</b>	
1. Organization of the Final Environmental Impact Report.....	1
2. Purpose and Intended Uses of the Environmental Impact Report .....	1
3. Scope of the Environmental Impact Report .....	2
3.1 Lead Agency and Other Agency Reviews and Approvals .....	3
3.2 Environmental Review Process.....	6
4. Organization of the Draft Environmental Impact Report.....	7
5. Availability of the Final Environmental Impact Report .....	8
 <b>APPENDICES</b>	
A. Comments on the DEIR and Responses to Comments	
B. Mitigation Monitoring Plan	
C. Correlation Between the Contents of the Draft and Final Environmental Impact Reports and the Contents of Exhibit E as Required by Title 18 of the Code of Federal Regulations Part 4.51(f)	

## EXECUTIVE SUMMARY

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This Final Environmental Impact Report (Final EIR) has been prepared to assess the environmental impacts associated with the proposed Simulation of Natural Flows in Middle Piru Creek Project (proposed project) and its alternatives. The primary objective of the proposed project is to avoid the “incidental take” of the federally endangered arroyo toad (*Bufo californicus*) due to water releases from Pyramid Dam into middle Piru Creek. The secondary objective is to continue using middle Piru Creek as a means of conveyance of up to 3,150 acre feet of State Water Project Table A<sup>1</sup> water annually to United Water Conservation District. The California Department of Water Resources (CDWR) is acting as the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed project’s environmental review. This Final EIR addresses potential environmental impacts associated with the proposed project and its alternatives, identifies mitigation measures to reduce adverse environmental impacts to a level of less than significant to the extent feasible, and discusses other CEQA-related considerations.

The project’s environmental review under CEQA was initiated on May 19, 2004 with the distribution of a Notice of Preparation (NOP) for a Draft EIR on the proposed project and its alternatives. The NOP, identifying the scope of environmental issues, was distributed to 63 organizations, interested parties, State, Federal, and local agencies, Native American interest groups, and the California State Clearinghouse. The Draft EIR was made available for public and agency review on November 8, 2004. The public and agency review period on the Draft EIR extended from November 8, 2004 through January 7, 2005; it was extended to 60 days, beyond the customary 30- to 45-day public review period mandated by CEQA, to accommodate the requirements of Title 18 of the Code of Federal Regulations Part 4.38(a)(7) (18 CFR 4.38(a)(7)) for public review of draft requests for amendment of a Federal Energy Regulatory Commission (FERC) license for hydropower facilities.

This document represents the Final EIR necessary for the CDWR to consider for approval of the proposed project. The Final EIR responds to all comments received; the Draft EIR is incorporated herein by reference. The Final EIR includes: the comments and responses to all comments that were submitted regarding the project’s Draft EIR (Appendix A); a Mitigation Monitoring Plan (Appendix B); and a technical appendix demonstrating how the proposed project’s CEQA documentation corresponds with Exhibit E of 18 CFR 4.51(f) (Appendix C). No changes to the text, figures, tables, or appendices of the Draft EIR were necessary in response to comments received on the document.

**Project Location.** Piru Creek is located in northwestern Los Angeles County and eastern Ventura County, California. Middle Piru Creek is that portion of Piru Creek that is located downstream of Pyramid Dam and upstream of Lake Piru. Middle Piru Creek is approximately 18 miles long and flows roughly north to south. It crosses over the boundary between Los Angeles and Ventura Counties five times and drops in elevation from approximately 2,200 to 1,200 feet above sea level. Except for a few private inholdings, middle Piru Creek is surrounded by Angeles National Forest and Los Padres National Forest and primarily is used for recreational activities.

**Project Description.** The proposed project would consist of the implementation of water operations guidelines to simulate the natural hydrology of middle Piru Creek to the extent operationally feasible and consistent with safety considerations. Throughout the year stream releases from Pyramid Dam into middle Piru Creek would be similar to the natural inflows of water into Pyramid Lake as determined by CDWR’s model for natural inflow into Pyramid Lake. This model uses current daily stream flow data

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<sup>1</sup> “Table A” water refers to CDWR’s contractual obligation to deliver a certain number of acre-feet of State Water Project water on an annual basis to the Ventura County Watershed Protection District (VCWPD) under their State Water Project long-term contract. The Table A amount does not assure delivery of that amount but rather provides the basis for proportional allocation of available supplies among all State Water Project contractors.

from the gauging stations on upper Piru Creek (also known as Piru Creek below Buck Creek) and Cañada de los Alamos and adjusts it for additional inflows from several minor watersheds that drain into the lake but do not have gauging stations. Implementation of the proposed project would be as follows:

- Natural inflow to Pyramid Lake would be released into middle Piru Creek at a rate of up to approximately 18,000 cubic feet per second (cfs), which is the maximum safe designed release from Pyramid Dam. The exact maximum safe release depends on the lake surface water elevation at the time of the release.
- Storm releases into middle Piru Creek may be less than 18,000 cfs if they are deemed a threat to life, safety, or property at Pyramid Dam or downstream of the dam.
- CDWR may elect to appropriate inflow to Pyramid Lake above the safe release flows under the provisions of its existing water rights.
- Up to 3,150 acre feet of State Water Project Table A water may be delivered to United Water Conservation District (United) via middle Piru Creek between November 1<sup>st</sup> and the end of February of each water year. During this period, water deliveries may be made over a period of a few days, ramping flows up and down to simulate the hydrograph of a typical storm event, or they may be released more gradually over a longer period.
- Releases into middle Piru Creek may be increased by up to 50 cfs for short periods of time to exercise the Pyramid Dam radial gate and stream release valves, to test emergency power sources for operating State Water Project facilities, to conduct tests mandated by the FERC or other agencies, or to meet other short-term operational or maintenance requirements. Except for unscheduled events (such as equipment malfunctions) or emergencies, no such tests would be scheduled between March 15<sup>th</sup> and June 15<sup>th</sup>. Testing would also be avoided to the extent possible between June 16<sup>th</sup> and July 31<sup>st</sup>. Tests may be conducted at any time between August 1<sup>st</sup> and March 14<sup>th</sup>, provided that flows do not increase by more than 50 cfs above current base flows during the event and that the event does not last longer than 15 minutes. Scheduled tests requiring larger releases or lasting longer than 15 minutes would require prior notification to the United States Fish and Wildlife Service (USFWS), with further consultation as determined necessary by USFWS; unscheduled releases would require notification of USFWS no later than three business days after the event, again with further consultation as determined necessary by USFWS.
- The gauging station on upper Piru Creek (located north of Pyramid Lake) provides 24-hour averages; therefore instantaneous peak stream releases may be attenuated. Unlike a natural inflow hydrograph, which typically peaks sharply, the stream release hydrograph of middle Piru Creek may be attenuated.
- A multiplier is used to account for those portions of the Pyramid Lake watershed that are not tributaries of upper Piru Creek and Cañada de los Alamos upstream of their respective gauging stations. This may result in some deviations for individual storm events due to localized variations in storm water intensity.
- Due to operational constraints, the stream release hydrograph of middle Piru Creek would typically lag measured inflow by approximately one day. Occasionally, the delay may be longer.
- The valves at Pyramid Dam can be adjusted for release flows of less than three cfs; however, the precise measurement of release flows of less than three cfs may not be possible due to operational constraints of the dam's gauging instrumentation. Natural inflow to Pyramid Lake would be released into middle Piru Creek at a rate of up to approximately 18,000 cfs, which is the maximum safe designed release from Pyramid Dam. The exact maximum safe release depends on the lake surface water elevation at the time of the release.

Implementation of the proposed project would result in greater volumes of water passing through middle Piru Creek during the "rainy season" (which typically extends from November through April). From May through October, generally considered the "dry season," the volume and rate of flows into middle Piru Creek would diminish incrementally in response to progressively smaller volumes of natural surface water flows entering Pyramid Lake. During the dry season it is possible that at times there would be no surface water flow in middle Piru Creek.

**Project Alternatives.** Five alternatives to the proposed project, including the “No Project” Alternative, are addressed in this Final EIR. These alternatives are summarized below:

- **No Project Alternative.** Under the No Project Alternative, the current temporary operations guidelines for releases of water from Pyramid Dam into middle Piru Creek would become the permanent operating guidelines. This alternative would consist of the following actions:
  - From March 15<sup>th</sup> through April 1<sup>st</sup> CDWR would gradually ramp up stream releases, by approximately one cfs per day, to 25 cfs, with the exception of the natural storm release option described below.
  - From April 1<sup>st</sup> through June 15<sup>th</sup> CDWR would keep stream releases constant at 25 cfs. The only exception for the period of March 15<sup>th</sup> through June 15<sup>th</sup> would be if natural storm events were to occur during this period, CDWR would have the option of releasing storm flows as they occur, simulating the natural hydrograph as much as possible, subject to specified operational and safety constraints.
  - From June 16<sup>th</sup> through August 31<sup>st</sup>, CDWR would continue to keep stream releases constant at 25 cfs except for water deliveries to United or for the purpose of bullfrog control, as noted below.
  - Water deliveries to United at Lake Piru may be made either during the period of June 16<sup>th</sup> through August 31<sup>st</sup>, provided that with the exception of natural storm flow releases, total stream releases do not exceed 35 cfs, or during the period of November 1<sup>st</sup> through February 28<sup>th</sup>.
  - From September 1<sup>st</sup> through October 9<sup>th</sup> CDWR would gradually decrease stream releases back to five cfs.
  - From October 10<sup>th</sup> through March 14<sup>th</sup> CDWR would maintain a minimum winter base flow of five cfs.
  - CDWR would release all large storm events as they occur, regardless of the time of year. A large storm event is defined, for the purposes of the proposed project, as one that generates flows of 1,000 cfs or more on upper Piru Creek. The maximum stream release during a large storm event would be limited to the maximum controlled release that Pyramid Dam can safely accommodate, approximately 18,000 cfs; this maximum release could be further reduced as necessitated by other safety considerations.
  - Water released into middle Piru Creek in excess of natural inflows into Pyramid Lake may be recovered from small to medium storm flows, defined as events in which flows on upper Piru Creek stay below 1,000 cfs. Water may be recouped from such small to medium natural storm flows at any time of year, including the arroyo toad breeding season (March 15<sup>th</sup> through June 15<sup>th</sup>), as long as flows between April 1 and August 31 do not fall below 25 cfs, with the exception of the bullfrog control measure below.
  - If natural inflows into Pyramid Lake drop to very low levels after June 15<sup>th</sup> but before September 15<sup>th</sup>, CDWR may reduce stream releases to three cfs or less for a two-week period to help control the bullfrog population in middle Piru Creek.
  - Short-term releases for testing and maintenance would be as under the proposed project.
- **Reversion to FERC License 2426 Article 52 Flow Requirements.** This alternative would change flows released from Pyramid Dam into middle Piru Creek back to those stipulated in Article 52 as amended by FERC Order 2426-010, issued November 11, 1982. This alternative would provide for winter base stream releases of five cfs (plus storm releases matching inflow into Pyramid Lake) from November 16<sup>th</sup> through April 30<sup>th</sup>. Between May 1<sup>st</sup> and November 15<sup>th</sup>, base stream releases into middle Piru Creek would be a minimum of ten cfs. However, the ten cfs stream release would be augmented with additional flows according to the following air temperature thresholds: (1) if, on any given day, the maximum air temperature in the project area is predicted to be between 86° Fahrenheit (°F) and 90°F, the minimum continuous flow is to be increased to 15 cfs between 10:00 a.m. and 6:00 p.m.; (2) if the maximum air temperature in the project area is predicted to range between 91°F and 95°F, the minimum continuous flow is to be increased to 20 cfs between 10:00 a.m. and 6:00 p.m.; and (3) if the maximum air temperature in the project area is predicted to be at or above 96°F, the minimum continuous flow is to be 25 cfs between 10:00 a.m. and 6:00 p.m.

- **Steady Low Summer Flows Alternative.** This alternative would provide the same winter base and storm release flows as under the No Project Alternative. However, summer stream releases (May 1<sup>st</sup> through November 15<sup>th</sup>) into middle Piru Creek would be kept steady at five cfs or possibly ten cfs.
- **Alternating Summer Flows Alternative.** This alternative would consist of the No Project Alternative for a predetermined number of years (two or four years), followed by one year of simulated natural flows. Simulation of a natural flow regime would require the same operational assumptions as described for the proposed project. Under this alternative, flow regimes in middle Piru Creek would alternate over a three or five year cycle.
- **No State Water Project Table A Annual Deliveries.** This alternative would be identical to the proposed project except that there would be no deliveries of State Water Project Table A water to Lake Piru via middle Piru Creek.

**Summary of Impacts and Mitigation Measures.** The proposed project would result in potentially adverse impacts to water resources, biological resources, recreation, and cultural and paleontological resources. All identified impacts are considered either less than significant or can be mitigated to a level of less than significant. Table ES-1 summarizes the impacts associated with the proposed project and the mitigation measures proposed to reduce impacts to a level of less than significant, as warranted. The Mitigation Monitoring Plan presented in Appendix B and adopted by the CDWR would ensure effective implementation of the mitigation measures imposed by the proposed project.

The five project alternatives would impact the same resources as the proposed project (biological resources, water resources, cultural and paleontological resources and recreation). Out of all of the alternatives the proposed project is the only one that would meet both the primary and secondary project objectives. It would also have the greatest number of environmental benefits and is recommended as the environmentally preferred alternative because: (1) it would result in beneficial impacts for multiple sensitive wildlife species; (2) Alternatives 2 and 4 would result in significant adverse biological impacts; and (3) except for the No State Water Project Table A Annual Deliveries alternative, all other alternatives would result in continued incidental take of the arroyo toad and thus would not meet the primary objective of the project.

**Issues of Public Concern/Known Controversy.** A public scoping meeting regarding the proposed project was held on June 17, 2004 at the City Council Chambers in Santa Clarita, California. In addition, the public and affected agencies were notified of preparation of the proposed project's EIR on May 19, 2004; the notification requested the submittal of project-related questions, concerns, and issues to be addressed in the project's EIR by June 25, 2004. Concerns raised prior to release of the Draft EIR included potential impacts on the trout fishery, recreation, and water deliveries.

Comments received by mail and email during the public review period for the Draft EIR from November 8, 2004 to January 7, 2005 and made at the December 16, 2004 public meeting included concerns associated with endangered steelhead trout and southwestern pond turtle, historic water flows, State Water Project water deliveries, erosion and flooding, and public noticing of the proposed project's CEQA process. These concerns were either addressed verbally at the public meeting or in written responses. Appendix A of this document contains the CDWR's written responses to comments received on the Draft EIR and a transcript of the December 16, 2004 public meeting.

**Issues to be Resolved.** All issues raised during public and agency review of the proposed project's Draft EIR are contained in Appendix A of this document; Appendix A additionally contains the CDWR's responses to these issues. As of the publication date of this Final EIR, no issues regarding the proposed project's implementation have been identified that would affect CDWR's ability to make a decision on this document.

**Table ES-1 Summary of Impacts and Mitigation for the Proposed Project**

Impact	Impact Severity	Mitigation Measure(s)	Residual Impact
<b>Biological Resources</b>			
Impact B-1: The proposed project could result in the loss of or damage to non-sensitive plants and wildlife.	Less than significant	None needed	Less than significant
Impact B-2: The proposed project could result in the loss of or damage to sensitive plants.	Less than significant	None needed	Less than significant
Impact B-3: The proposed project could result in the loss of or damage to sensitive natural communities.	Less than significant	None needed	Less than significant
Impact B-4: The proposed project could result in the loss of or damage to sensitive fauna.	Less than significant	None needed	Less than significant
<b>Water Resources</b>			
Impact H-1: The proposed project could violate water quality standards or waste discharge requirements.	No impact	None needed	No impact
Impact H-2: The proposed project could deplete groundwater supplies or interfere with groundwater recharge.	Less than significant	None needed	Less than significant
Impact H-3: The proposed project could alter the existing drainage pattern in a manner which would result in erosion.	Less than significant with mitigation incorporated	Mitigation Measure H-3: Prevention of Erosion Damage to Infrastructure. The CDWR shall perform an engineering analysis to determine the potential for expected releases to damage Old Highway 99, the Old Highway 99 bridges, utilities, and other infrastructure in or adjacent to the channel. The engineering analysis shall be used as a basis for establishing procedures and guidelines for monitoring erosion at infrastructure during flood releases. CDWR shall monitor erosion at key potential infrastructure damage areas during large flow releases and temporarily curtail releases should the monitoring determine the infrastructure to be at risk. CDWR shall subsequently install engineered erosion protection to prevent erosion damage to the areas determined to be at risk.	Less than significant
Impact H-4: The proposed project could create off-site siltation.	Less than significant	None needed	Less than significant
Impact H-5: The proposed project could increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.	Less than significant	None needed	Less than significant
Impact H-6: The proposed project could create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage systems.	No impact	None needed	No impact
Impact H-7: The proposed project could provide additional sources of polluted runoff or otherwise degrade water quality.	Less than significant.	None needed	Less than significant

Impact	Impact Severity	Mitigation Measure(s)	Residual Impact
Impact H-8: The proposed project could expose people or structures to a risk of loss, injury or death involving flooding, including flooding as a result of the failure of a dam.	Less than significant with mitigation incorporated	Mitigation Measure H-8: Development of flood warning signage. The CDWR shall work with the USFS and landowners to develop a warning system and place signage warning the public of dangerously high flows in middle Piru Creek.	Less than significant
<b>Cultural and Paleontological Resources</b>			
Impact C-1: The proposed project could adversely affect prehistoric or historic resources in the project area.	Less than significant	None needed	Less than significant
Impact C-2: The proposed project could adversely affect paleontological resources in the project area.	Less than significant	None needed	Less than significant
<b>Recreation</b>			
Impact R-1: Altered Use of Piru Creek Recreational Facilities that Could Result in Their Physical Deterioration.	Less than significant	None needed	Less than significant
Impact R-2: Altered Use of Other Nearby Recreational Facilities that Could Result in Their Physical Deterioration.	Less than significant	None needed	Less than significant
Impact R-3: Altered Recreational Opportunities for Anglers.	Less than significant with mitigation incorporated	Mitigation Measure R-3: Stock some or all of the additional 1,000 pounds of trout allotted in Piru Creek each year as determined appropriate by CDFG fisheries biologists. In addition to the 3,000 pounds of trout stocked annually in middle Piru Creek, some or all of the remaining 1,000 pounds of trout allotted may be stocked between the base of Pyramid Dam and the weir upstream of Frenchman's Flat. Prior to the beginning of the stocking season, CDWR shall consult with CDFG fishery biologists to determine a suitable amount of trout, up to 1,000 pounds, to stock upstream of the weir to maintain a catch-and-release trout population.	Less than Significant
Impact R-4: Altered Opportunities for Rafters and Kayakers	Less than significant	None needed	Less than significant

# FINAL ENVIRONMENTAL IMPACT REPORT

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## 1. ORGANIZATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

This Final Environmental Impact Report (Final EIR) is organized into five sections and three appendices, each addressing a separate aspect of the required content of a Final EIR as described in the California Environmental Quality Act (CEQA) and the CEQA Guidelines. To help the reader locate information of particular interest, a brief summary of the contents of each section of this document is provided. The following sections are contained in this Final EIR:

- **Section 1. Organization of the Final Environmental Impact Report:** This section provides an overview and guide to the sections and appendices of this Final EIR.
- **Section 2. Purpose and Intended Uses of the Environmental Impact Report:** This section contains a brief description of the proposed project, an overview of the purpose of this Final EIR, and a summary of how the Final EIR will be used by the CDWR as a decision-making tool.
- **Section 3. Scope of the Environmental Impact Report:** This section describes the scope of the proposed project's Final EIR by presenting the resources and issues addressed in the document, in particular those that the proposed project has the potential to impact. This section also addresses the review and approval of the document by the Lead Agency and other agencies as well as the environmental review process.
- **Section 4. Organization of the Draft Environmental Impact Report:** This section provides a guide to the sections and appendices of the Draft EIR which is incorporated by reference into this document.
- **Section 5. Availability of the Final Environmental Impact Report for Review:** This section identifies the locations where the Final EIR is available for public review.
- **Appendix A:** Appendix A contains all the comments that were submitted regarding the project's Draft EIR and responses to those comments; it also contains a transcript of the December 16, 2004 public hearing on the Draft EIR.
- **Appendix B:** This appendix consists of the Mitigation Monitoring Plan proposed to ensure the effective implementation of the mitigation imposed in the proposed project.
- **Appendix C:** This appendix shows how the proposed project's CEQA documentation correlates with the required contents of Exhibit E as set forth in Title 18 of the Code of Federal Regulations Part 4.51(f) (18 CFR 4.51(f)).

No changes to the text, figures, tables, or appendices of the Draft EIR were made as a result of the comments.

## 2. PURPOSE AND INTENDED USES OF THE ENVIRONMENTAL IMPACT REPORT

This Final EIR has been prepared to evaluate the environmental impacts of the proposed Simulation of Natural Flows in Middle Piru Creek Project ("proposed project" or "project"). In addition to evaluating the impacts associated with the proposed project, this Final EIR evaluates feasible mitigation measures and project alternatives that would minimize or reduce project-related impacts. Piru Creek is located in northwestern Los Angeles County and eastern Ventura County, California. For the purposes of this document, middle Piru Creek is defined as that portion of Piru Creek that is located downstream of Pyramid Dam and upstream of Lake Piru; it is approximately 18 miles long and flows roughly north to south from Pyramid Dam to Lake Piru. Except for a few private inholdings, middle Piru Creek is surrounded by Angeles National Forest and Los Padres National Forest and primarily is used for recreational purposes.

The proposed project involves the simulation of natural flows in middle Piru Creek by altering the existing water flows released from Pyramid Dam. The primary objective of the proposed project is to

revise the stream release schedule from Pyramid Dam to avoid the “incidental take” of the federally endangered arroyo toad (*Bufo californicus*) due to water releases into middle Piru Creek. The secondary objective is to continue using middle Piru Creek as a means of conveyance of up to 3,150 acre-feet of State Water Project Table A<sup>1</sup> water annually to the United Water Conservation District. A detailed description of the proposed project is provided in Section 2 of the Draft EIR, which is incorporated by reference into this document.

This document is intended to serve as an informational document, as outlined in Section 15121(a) of the CEQA Guidelines, as follows:

*An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.*

Furthermore, this Final EIR provides the primary source of environmental information for the Lead, Responsible, and Trustee Agencies to consider when exercising any permitting authority or approval power directly related to implementation of the proposed project.

EIRs not only identify significant or potentially significant environmental effects but also identify ways in which those impacts can be reduced to less-than-significant levels, whether through the imposition of mitigation measures or through specific alternatives. In a practical sense, EIRs function as a technique for fact-finding that allows a project proponent, concerned citizens, and agency staff to review and evaluate baseline conditions and potential project impacts through a process of full disclosure.

As the Lead Agency under CEQA, the California Department of Water Resources (CDWR) will decide whether or not to approve the proposed project. Implementation will also require amendment of the CDWR’s Federal Energy Regulatory Commission (FERC) license. The CDWR will consider the information in the project’s Final EIR along with other information before requesting a FERC license amendment. The conclusions of the project’s Final EIR regarding environmental impacts do not control the CDWR’s discretion to approve, deny, or modify the proposed project; instead they are presented as information intended to aid the decision-making process.

### **3. SCOPE OF THE ENVIRONMENTAL IMPACT REPORT**

CEQA requires that an EIR be prepared when a Lead Agency determines that it can be fairly argued, based on substantial evidence, that a proposed project may have a significant effect on the environment (CEQA Sections 21080[d], 21082.2[d]). Based on this requirement and in consultation with appropriate State and Federal agencies with jurisdiction over resources affected by the proposed project, the CDWR determined that an EIR for the proposed project should be prepared. In making this determination four environmental resource/issue areas were identified that may be significantly impacted by the proposed project, including: biological resources; cultural and paleontological resources; recreation; and water resources. These four issues were noted as being the key environmental concerns in the proposed project’s Notice of Preparation (NOP), dated May 19, 2004. Following issuance of the NOP, a public scoping meeting was held on June 17, 2004 at the City Council Chambers in the City of Santa Clarita,

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<sup>1</sup> “Table A” water refers to CDWR’s contractual obligation to deliver a certain number of acre-feet of State Water Project water on an annual basis to the Ventura County Watershed Protection District (VCWPD) under their State Water Project long-term contract. The Table A amount does not assure delivery of that amount but rather provides the basis for proportional allocation of available supplies among all State Water Project contractors.

California to identify other resource- or issue-specific areas that may require detailed evaluation in the EIR. No resource or issue areas other than those noted above were identified at the public scoping meeting. Thus, the focus of the Draft EIR and this Final EIR is on the potential environmental effects of the proposed project on:

- Biological Resources
- Cultural and Paleontological Resources
- Recreation
- Water Resources

In addition to addressing potentially significant environmental effects, CEQA requires that an EIR contain a statement that briefly explains the reasons why certain environmental effects associated with a proposed project have been determined not to be significant and thus not discussed in detail in the EIR (CEQA Section 21100(c)). In accordance with this CEQA requirement and Appendix G of the CEQA Guidelines, it has been determined that the proposed project would have either no impacts or less than significant impacts on the following resources or issues:

- Aesthetics
- Agricultural Resources
- Air Quality
- Ground Water, Geology and Soils
- Hazards and Hazardous Materials
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Transportation and Traffic
- Utilities and Service Systems

The reasons why the impacts associated with these environmental resource/issue areas have been determined to be less than significant are addressed in Section 5 of the Draft EIR which is incorporated by reference to the Final EIR.

### 3.1 Lead Agency and Other Agency Reviews and Approvals

#### *CEQA Agency Reviews*

Under CEQA the Lead Agency is the California government agency that has the principal responsibility for carrying out or approving a proposed project and therefore has the principal responsibility for preparing all CEQA documents associated with that project. The CDWR is the Lead Agency under CEQA for the proposed project evaluated in this Final EIR. The Final EIR must be approved and certified as to its adequacy in complying with the requirements of CEQA by the CDWR before taking any action on the project.

A Responsible Agency under CEQA is a California governmental agency other than the Lead Agency that has a legal responsibility for carrying out or approving a project. A Responsible Agency must participate in the Lead Agency's CEQA process, review the Lead Agency's environmental review documents, and use the document when making a decision on the project. There are no State agencies acting as a Responsible Agency for the proposed project.

A Trustee Agency is a State agency that has jurisdiction over certain natural resources held in trust for the people of the State. A Trustee Agency is generally required to be notified of CEQA documents relevant to its jurisdiction, whether or not it has actual permitting approval or approval power over aspects of the project. Under CEQA the California Department of Fish and Game (CDFG) is the only State agency acting as a Trustee Agency for the proposed project.

The following agencies may have some interest in the proposed project and were sent copies of the proposed project's Draft EIR:

- Federal Energy Regulatory Commission
- U.S. Fish and Wildlife Service
- Angeles National Forest
- Los Padres National Forest
- U.S. Army Corps of Engineers
- National Park Service
- National Marine Fisheries Service
- U.S. Environmental Protection Agency
- California Department of Forestry
- State Lands Commission
- California Department of Parks and Recreation
- Native American Heritage Commission
- California Department of Transportation
- State Water Resources Control Board
- Regional Water Quality Control Board
- South Coast Air Quality Management District
- Los Angeles Department of Water and Power
- Los Angeles County
- Ventura County
- Ventura County Watershed Protection District
- United Water Conservation District
- Casitas Municipal Water District

Agencies and members of the public that commented on the Draft EIR were sent copies of the Final EIR ten days prior to the CDWR's decision on the document. If the CDWR certifies the Final EIR and approves the proposed project, copies of the certified Final EIR and its Notice of Determination and CEQA findings will be submitted to the State Clearinghouse, Office of Planning and Research, for State agency distribution per the requirements of CEQA and the CEQA Guidelines.

#### ***Other Agency Reviews and Approvals***

In addition to the proposed project's CEQA review, the following federal and State approvals and permits were considered during preparation of this document:

- **Federal Energy Regulatory Commission License.** Through the Federal Power Act of 1935, as amended, and the Department of Energy Organization Act of 1977, as amended, the FERC is authorized to issue licenses for non-federal hydroelectric project works, including dams, reservoirs, and other works to develop and use power. Under this authority the FERC is responsible for licensing the hydropower facilities of the California Aqueduct (Aqueduct), which constitutes a major portion of the California State Water Project. The Aqueduct is a multi-purpose project designed for the conveyance of water, generation of hydroelectric power, and recreation. Portions of the Aqueduct, including Pyramid Dam, were licensed (approved) by the FERC on March 22, 1978 as FERC Project 2426. Articles 51 and 52 of the FERC license, as amended, address mitigation for the impacts of FERC Project 2426 on the trout fishery located between Pyramid Dam and Frenchman's Flat. Implementation of the proposed project would require an amendment of Articles 51 and 52 of the FERC license for Project 2426 to alter the flow requirements for the creek's trout fishery. The FERC license amendment is considered a federal discretionary action. The FERC will be the federal Lead Agency for the proposed project's compliance with the National Environmental Policy Act (NEPA). The FERC has been kept informed by the CDWR throughout development of the proposed project and has also been notified of the proposed project's environmental review through the project's CEQA noticing process. Appendix C of this document shows how the proposed project's CEQA documentation correlates with the required contents of Exhibit E as set forth in 18 CFR 4.51(f). Once this EIR is certified, CDWR plans to file an application for amendment of the FERC license.
- **United States Department of Agriculture, Forest Service.** A Memorandum of Understanding (MOU) was executed in 1969 between the United States Department of Agriculture, Forest Service (USFS) and the CDWR for the construction and operation of the Aqueduct on Angeles National Forest and Los Padres National Forest lands. The MOU applies to the project area and contains several provisions related to preserving, protecting, and enhancing resources, including recreation, fishing, and wildlife (Section VIII of the MOU). The Los Padres and Angeles National Forests have been involved in interagency discussions with the CDWR regarding the proposed project. As of the publication date of this Final EIR, neither the Los

Padres National Forest nor the Angeles National Forest has indicated that implementation of the proposed project would require amendment of the MOU.

- **United States Fish and Wildlife Service Consultation.** Section 7 of the Federal Endangered Species Act (FESA) of 1973, as amended, requires that any federal action that may affect a species listed or proposed as threatened or endangered under the FESA, or the proposed or designated critical habitat for such species, must consult with the United States Fish and Wildlife Service (USFWS). As referenced above, a FERC license amendment would be required for the proposed project. In reviewing the license amendment application, the FERC will be required to make a determination as to whether the proposed project would have an impact on the arroyo toad, or any other species or critical habitat designated under FESA. If the FERC determines that no effects to listed species or critical habitat would occur, there would be no requirement to consult the USFWS. However, if the FERC determines that the proposed project may have an impact on the arroyo toad, and that the change in water flows within middle Piru Creek constitutes a federal action, FERC would be required to consult with the USFWS under Section 7 of the FESA. The purpose of the proposed project is to avoid the take of arroyo toad, thereby avoiding the need for a formal Section 7 consultation. (It is noted that the thresholds for “take” and “adverse effect” are very different. The threshold for needing to enter into a formal consultation [“adverse effect”] could be reached well before “take” occurs.) The USFWS has participated directly in the development of the proposed project, both at interagency meetings and independently with the CDWR. As of the publication date of this Final EIR, the USFWS has indicated that no adverse impacts to the arroyo toad would be anticipated to result from the proposed project and that several beneficial impacts to the species and its habitat could occur. Consequently, it is not anticipated that a formal Section 7 consultation with the USFWS would be required for the proposed project. The CDWR will continue to coordinate with the USFWS throughout the proposed project’s environmental review process regarding the applicability of a Section 7 consultation. If a Section 7 consultation is required, it is expected to be an informal consultation. An informal consultation would be appropriate if the FERC determined that the revised water release schedule may affect arroyo toad or another listed species but is not likely to adversely affect these listed species. A project is not likely to adversely affect a listed species if all of its effects are either completely beneficial, insignificant, or discountable.
- **Regional Water Quality Control Board Water Quality Certification.** Section 401 of the Clean Water Act grants each State the right to ensure that the State’s interests are protected on any federally permitted activity occurring in or adjacent to waters of the State. If a proposed project falls under the jurisdiction of a federal agency, or has the potential to impact waters of the State, the Regional Water Quality Control Board (RWQCB) verifies that project activities would comply with State water quality standards through a Water Quality Certification (WQC). The proposed project does require a federal action through its FERC license amendment process. However, the proposed project is not anticipated to alter the existing water quality or chemistry of middle Piru Creek. Through the project’s CEQA process the Los Angeles RWQCB has been notified of the proposed project and provided with the opportunity to comment on whether a WQC is considered necessary. In its comment letter on the Draft EIR (see Appendix A), the RWQCB did not indicate that a WQC would be required for the proposed project.
- **California Department of Fish and Game Section 1602 Agreement.** Pursuant to Sections 1600 et seq. of the California Fish and Game Code, the CDFG regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake. Section 1602 of the California Fish and Game Code states that an entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake without submitting a formal notification to the CDFG.

The proposed project does not constitute an obstruction or diversion of "natural flow," since the CDWR would adjust stream releases from Pyramid Dam into middle Piru Creek, to the extent operationally feasible and consistent with safety considerations, to be equal to current natural inflow into Pyramid Lake. Whether or not the proposed project would substantially change the bed, channel, or bank of the creek, however, is less clear. The USFWS has informed CDWR that the proposed simulation of natural winter flow might result in the scouring of middle Piru Creek by high volumes of water during winter storms, resulting in the reduction of vegetation encroachment, redistribution of sediments, and the creation of sandbars (USFWS,

2003). They conclude that the scouring action of heavy flow may be beneficial to the endangered arroyo toad, precisely because of changes it brings to the banks and bed of the creek. Riparian ecosystems are dynamic by nature. The scouring effects of winter storm flows are an integral part of local stream ecology and play a vital role in the maintenance of habitat for wildlife along the watercourse. The only "change" contemplated by CDWR in proposing the project is the restoration of those natural processes to the extent possible. It does not appear that restoring natural fluctuations in vegetation and the sediment redistribution essential to the formation of wildlife habitat was the sort of change contemplated by the Legislature when it drafted Section 1602 of the California Fish and Game Code. The proposed operations guidelines were developed in coordination with the CDFG and other agency stakeholders; through the project's CEQA process, the CDFG was provided additional opportunity to comment on whether a Section 1602 agreement will be necessary. In its comment letter on the Draft EIR, the CDFG indicated that a Streambed Alteration Agreement pursuant to Section 1600 *et seq.* of the California Fish and Game Code would be required for the proposed project (see Appendix A). However, since receipt of the letter the CDWR has coordinated with the CDFG, and after further evaluation CDFG concluded that a Streambed Alteration Agreement will not be required (see Appendix A).

### 3.2 Environmental Review Process

This Final EIR has been prepared to meet all of the substantive and procedural requirements of CEQA (California Public Resources Code Section 21000 *et seq.*) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*). It also meets FERC requirements for providing specified stakeholders opportunity to review and comment on a draft application for license amendment. The CDWR is the Lead Agency for the proposed project, taking primary responsibility for conducting the CEQA environmental review and approving or denying the project. If the CDWR certifies this Final EIR and approves the proposed project, it would then submit a request for license amendment to the FERC. After receipt of the request for license amendment, the FERC would conduct its own environmental review in compliance with the NEPA.

After determining that an EIR should be prepared for the proposed project, the CDWR filed a NOP with the State Clearinghouse in the Office of Planning and Research on May 19, 2004. The NOP was also distributed to involved public agencies, Native American interest groups, and other interested parties for a 35-day public review period, which ended on June 25, 2004. The proposed project's NOP and notification regarding its public scoping meeting were advertised on May 21, 2004 in the Los Angeles Times, The Signal, Antelope Valley Press, Bakersfield California and the Tehachapi News (May 26, 2004). In addition, notification was posted at Frenchman's Flat and sent to local bait and fishing shops with a request for posting. The purpose of the NOP review period was to solicit comments on the scope and content of the environmental analysis to be included in the Draft EIR. In addition, a public scoping meeting to solicit comments on the content of the Draft EIR was held on June 17, 2004. Relevant comments received from agencies and interested parties that either responded to the NOP and/or participated in the scoping meeting were considered in preparation of the Draft EIR, as appropriate.

The Draft EIR was filed with the State Clearinghouse, Office of Planning and Research, and distributed to involved public agencies, Native American interest groups, private property owners adjacent to the creek, and other interested parties (see Appendix A of the Draft EIR). The document was additionally made available for review at six public repository sites including five public libraries and the Vista Del Lago Visitors Center (see Section 5, below, for the addresses of these sites). Newspaper advertisements regarding the Draft EIR, its corresponding Notice of Availability, and the Draft EIR's December 16, 2004 public meeting began on November 8, 2004 in the Los Angeles Times and Ventura County Star.

The advertisements were published for four consecutive weeks. This notification was also posted at Frenchman's Flat and sent to local bait and fishing shops with a request for posting.

During the review period, from November 8, 2004 to January 7, 2005, agencies and the public could submit written comments on the Draft EIR to the CDWR contact person. In addition, a public meeting regarding the Draft EIR was held on December 16, 2004 at the City of Santa Clarita City Hall in Santa Clarita, California. Agencies, Native American interest groups, and other interested parties were given the opportunity to submit written comments and/or provide verbal comments on the Draft EIR at this meeting as well. Two members of the public and one representative from the Angeles National Forest provided verbal comments at the public meeting. Their comments were addressed at that time and are summarized in Appendix A of this document. Appendix A additionally contains a transcript of the December 16, 2004 public meeting. Eight comment letters were received during the public comment period. The comment letters and specific responses to these comments are included in Appendix A of this document, along with the above-referenced transcript. The Final EIR incorporates all the necessary changes to the Draft EIR based on these comments, although no changes to the project description or technical analyses contained in the Draft EIR were made as a result of comments.

If CDWR decides to carry out the proposed project, it must address in writing each significant impact identified in the Final EIR. These findings must either state that alterations have been made to the project to avoid or substantially reduce each significant impact, or that specific economic, legal, social, technological, or other considerations make mitigation of a significant impact infeasible.

When a Lead Agency makes the findings described above in conjunction with approving a project, a mitigation monitoring program (or plan) must be adopted to ensure that the measures needed to mitigate or avoid significant environmental impacts are implemented. Appendix B contains the Mitigation Monitoring Plan for the proposed project.

#### **4. ORGANIZATION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT**

The Draft EIR is incorporated by reference into this Final EIR. A guide and summary of the sections of the Draft EIR are presented here. The Draft EIR was organized into ten sections, each addressing a separate aspect of the required content as described in the CEQA Guidelines. The following sections are contained in the Draft EIR:

- **Executive Summary:** The Draft EIR Executive Summary section contains an overview of the scope of the Draft EIR, as well as a summary of environmental impacts, proposed mitigation measures, level of significance after mitigation, and unavoidable significant impacts. Also in this section is a summary of project alternatives, areas of known controversy, and project-related issues to be resolved.
- **Section 1. Introduction:** This section provides an overview of the purpose and use of the proposed project's Draft EIR, the scope of the Draft EIR, the environmental review process for the Draft EIR, the general format of the document, availability of the Draft EIR, and points of contact for submitting written comments on the Draft EIR. A glossary of terms and acronyms used in the Draft EIR is also provided in this section.
- **Section 2. Project Description:** This section outlines the project history and objectives and describes the project location.
- **Section 3. Environmental Analysis:** This section describes and evaluates the environmental issues addressed in detail in the Draft EIR, including the existing environmental setting and background, applicable environmental thresholds, environmental impacts (both short-term and long-term), policy considerations related to the particular environmental issue area under analysis, and proposed mitigation measures for minimizing adverse environmental impacts.

- **Section 4. Alternatives Analysis:** This section analyzes feasible alternatives to the proposed project, including the No Project Alternative and four operational alternatives.
- **Section 5. Issues Upon Which Impacts Would Be Less Than Significant or None:** This section summarizes those environmental resources and issues upon which the proposed project would have less than significant impacts or no impacts.
- **Section 6. Environmentally Preferred Alternative:** This section provides a discussion of the environmentally superior, or preferred, alternative as required by CEQA Guidelines Section 15126.6(e)(2).
- **Section 7. Other CEQA Considerations:** This section provides a discussion of the proposed project's growth-inducing impacts, cumulative impacts, irreversible environmental changes, and unavoidable significant impacts.
- **Section 8. Environmental Impact Report Preparers, Contributors, and Reviewers:** This section identifies all individuals responsible for the preparation and review of this document.
- **Section 9. List of Agencies, Organizations and Persons Contacted:** This section provides a listing of all agencies, organizations and persons contacted during the preparation of the Draft EIR.
- **Section 10. References:** This section identifies all references used and cited in the preparation of this report.

## 5. AVAILABILITY OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR REVIEW

The Final EIR has been prepared by the CDWR in accordance with CEQA, as amended, and State Guidelines for the implementation of CEQA. The CDWR has relied on Section 15084(d)(2) of the State CEQA Guidelines, which allows contracting with another entity, public or private, to prepare the Draft and Final EIRs. The CDWR has reviewed drafts of all portions of the Draft and Final EIRs and subjected them to its own review and analysis. The Draft and Final EIRs released for public review reflect the independent judgment of the CDWR. The Final EIR is available for public review at the following locations:

Newhall Public Library  
23743 West Valencia Blvd.  
Valencia, CA 91355  
(661) 259-0750

Blachard/Santa Paula Public Library  
119 North 8<sup>th</sup> Street  
Santa Paula, CA 93060  
(805) 525-3625

Valencia Public Library  
23743 West Valencia Blvd.  
Valencia, CA 91355  
(661) 259-8942

Camarillo Public Library  
3100 Ponderosa Drive  
Camarillo CA 93010  
(805) 482-1952

Canyon Country JoAnne Darcy Public Library  
18601 Soledad Canyon Road  
Canyon Country, CA 91351  
(661) 251-2720

Vista del Lago Visitors Center (at Pyramid Lake)  
35800 Vista del Lago  
Gorman, CA 93243  
(661) 294-0219

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## **APPENDICES**

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- A. COMMENTS ON THE DEIR AND RESPONSES TO COMMENTS**
- B. MITIGATION MONITORING PLAN**
- C. CORRELATION BETWEEN THE CONTENTS OF THE DRAFT AND FINAL ENVIRONMENTAL IMPACT REPORTS AND THE CONTENTS OF EXHIBIT E AS REQUIRED BY TITLE 18 OF THE CODE OF FEDERAL REGULATIONS PART 4.51(F)**