
Lahontan Regional Water Quality Control Board

August 3, 2021

File: Environmental Doc Review
Inyo County

Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Comments on the Initial Study/Mitigated Negative Declaration for Bishop Pavement Project, Inyo County, State Clearinghouse No. 2021060606

Lahontan Regional Water Quality Control Board (Water Board) staff received the Initial Study/Mitigated Negative Declaration (IS/MND) for the above-referenced Project (Project) on June 28, 2021. The IS/MND was prepared by California Department of Transportation (Caltrans) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations (CCR), title 14, section 15096. We thank the Caltrans for providing Water Board staff the opportunity to review and comment on the IS/MND. Based on our review, we recommend the following: (1) identify the water quality standards that could potentially be violated by the Project and consider these standards when evaluating thresholds of significance for impacts; (2) identify and list the beneficial uses of all water resources within the Project area; and (3) consider design alternatives that are compatible with low impact development (LID). Our comments are outlined below.

WATER BOARD'S AUTHORITY

All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the United States. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the United States.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of

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waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at

http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

SPECIFIC COMMENTS

We recommend the following be considered in the environmental review.

1. Water Board staff respectfully disagree with the assessment of "less than significant" impact for the potential to violate water quality standards or waste discharge requirements due to the failure to identify the water quality standards that could potentially be violated by the Project; it is these water quality standards that should be used when evaluating thresholds of significance for impacts.
2. The water quality objective for turbidity, as defined in the Lahontan Basin Plan, is such that "increases in turbidity shall not exceed natural levels by more than 10 percent." The water diversion outlined in the IS/MND has a very high potential of exceeding that turbidity threshold and should have a monitoring plan in place to prevent such exceedance. Water Board staff recommend that the level of significance be changed to "less than significant with mitigation" and that the IS/MND identify the appropriate mitigation measures that will be taken to minimize or avoid this impact.
3. The Project is located within the Owens Hydrologic Unit (Hydrologic Unit No. 603.00) and overlies the Owens Valley groundwater basin (Basin No. 6-12). The beneficial uses of these waters are listed by watershed (for surface waters) and by groundwater basin (for groundwater) in Chapter 2 of the Basin Plan. The IS/MND should identify and list the beneficial uses of all water resources within the Project area.
4. In general, the increase in impervious surfaces for these types of projects has the potential to hydrologically modify natural drainage systems. Of particular concern is the collection of onsite storm water runoff and the concentrated discharge of that storm water to natural drainage channels. Design alternatives that are compatible with LID should be considered. LID components include: maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge; managing runoff as close to the source as possible; and maintaining vegetated areas for storm water management and onsite infiltration. We recommend natural drainage channels and flow paths be maintained through the Project site to avoid no net loss of function and value of waters of the state as a result of Project implementation.

PERMITTING REQUIREMENTS FOR INDIVIDUAL PROJECTS

A number of activities associated with the proposed Project may have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following.

1. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.
2. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board.

We request that the draft IS/MND recognize the potential permits that may be required for the Project, as outlined above, and identify the specific activities that may trigger these permitting actions in the appropriate sections of the environmental document. Information regarding these permits, including application forms, can be downloaded from our website at <http://www.waterboards.ca.gov/lahontan/>. Early consultation with Water Board staff regarding potential permitting is recommended.

Thank you for the opportunity to comment on the draft IS/MND. If you have any questions regarding this letter, please contact me at (760) 241-7305, tiffany.steinert@waterboards.ca.gov or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7404, jan.zimmerman@waterboards.ca.gov. Please send all future correspondence regarding this Project to the Water Board's email address at Lahontan@waterboards.ca.gov and be sure to include the State Clearinghouse No. and Project name in the subject line.



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cc: California Department of Fish and Wildlife (R6LSA@wildlife.ca.gov)
State Clearinghouse (state.clearinghouse@opr.ca.gov) SCH No. 2021060606