

## Appendix 2: Outreach & Resources Not Likely Impacted

### Agency and Community Outreach

The County initially undertook an analysis of water transactions as a project under the California Environmental Quality Act. Pursuant to CEQA Guidelines Section 15082, the County published a NOP on April 23, 2019, and conducted public scoping for a 30-day period.

The County conducted scoping in accordance with CEQA in April and May 2019. Copies of the Notice of Preparation and scoping materials presented to the public, and public scoping comments are on file in the Mono County Community Development Department. The purpose of the scoping process was to:

1. Inform the public and interested agencies about the proposed project; and
2. Solicit public comment on the scope of the environmental issues to be addressed in the EIR.

The County accepted public comments on the scope of the proposed project and EIR at three public scoping meetings and accepted written comments during the 30-day public scoping period. A total of six written comments were received by the County during the scoping period. A Scoping Summary Report is on file in the Mono County Community Development Department. A summary of scoping comments is included below:

### Summary of Scoping Comments

Topic	Agency/Entity	Consideration
Project Description	The Nature Conservancy	<ul style="list-style-type: none"> <li>• Water Code sections 1707 and 1735 give the State Water Resources Control Board (SWRCB) the exclusive statutory authority to approve water rights transactions, and therefore General Plan policies and amendments as proposed should not conflict with water law.</li> </ul>
	SWRCB	<ul style="list-style-type: none"> <li>• SWRCB encourages the County to identify and avoid potential conflicts with state water rights law when amending the General Plan.</li> <li>• SWRCB has primary authority over the administration of surface water rights in the state.</li> <li>• Appropriate water right does not depend on the ownership of land, and the option to transfer water without the land should be allowed.</li> <li>• Identify accurately the SWRCB and other authorizations for transfer of water rights in the Project Description.</li> <li>• Note that a complete prohibition on water right transactions that may otherwise be approved under state law or the imposition of conditions that effectively mandate particular uses of water, for example, raise questions regarding potential conflicts with state law.</li> </ul>
	WBC	<ul style="list-style-type: none"> <li>• Reference Economic Impacts Analysis from the Sustainable Agriculture Pilot Project in the Project Description, as appropriate.</li> </ul>

Topic	Agency/Entity	Consideration
	WRAMP	<ul style="list-style-type: none"> <li>Add an exception to Action 3.E.5.a, which would allow the WBRP to separate water rights from land rights and allow water rights holders to permanently sell up to 10 percent of their water rights during the months of July through October to benefit the fishery.</li> </ul>
	RCD (oral comments)	<ul style="list-style-type: none"> <li>Feasibility of short-term water leases and water storage leasing</li> <li>Allowing separation of water rights and land rights</li> <li>Leasing is more difficult to implement because of process through decree court and water master.</li> </ul>
	Antelope Valley Regional Planning Advisory Committee (RPAC) (oral comments)	<ul style="list-style-type: none"> <li>Consider separation of land and water rights.</li> </ul>
Alternatives	SWRCB	<ul style="list-style-type: none"> <li>The No Project Alternative is not no transactions, but no changes to the General Plan, and thus transactions would occur through the state process without County oversight.</li> </ul>
	WBC	<ul style="list-style-type: none"> <li>Consider alternatives for water purchase without land.</li> <li>Alternatives that would not provide water in perpetuity may not meet the feasibility requirements.</li> </ul>
Agriculture	WBC	<ul style="list-style-type: none"> <li>WBC can lease back purchased land for agriculture to reduce effects associated with loss of agricultural land.</li> </ul>
Air Quality	WBC	<ul style="list-style-type: none"> <li>The WBRP mitigates fugitive dust emissions through revegetation and land conservation practices.</li> </ul>
Biological Resources	California Department of Fish and Wildlife (CDFW)	<ul style="list-style-type: none"> <li>Identify flora and fauna within and adjacent to the project sites.</li> <li>Identify all rare, threatened or endangered species and their habitats.</li> <li>Address cumulative impacts.</li> <li>Consult appropriate databases.</li> </ul>
	WBC	<ul style="list-style-type: none"> <li>Revegetate ecologically with appropriate flora and remove weeds.</li> </ul>
Cultural Resources/Native American Concerns	NAHC	<ul style="list-style-type: none"> <li>Consult with California Native American Tribes that are traditionally and culturally associated with the geographic area.</li> <li>Address potential for inadvertent discoveries.</li> </ul>
Hydrology/Water Quality – Water Rights	WBC	<ul style="list-style-type: none"> <li>Use the existing interactive mapping application for real-time streamflow and lake and reservoir storage levels for the Walker Basin.</li> <li>Can include relinquishment of groundwater rights to WBC to reduce impacts</li> </ul>
	The County BOS (oral comments)	<ul style="list-style-type: none"> <li>Address groundwater substitution for surface water and effects.</li> </ul>
	Antelope Valley RPAC (oral comments)	<ul style="list-style-type: none"> <li>Look at indirect impacts on water rights and water wells.</li> </ul>

Topic	Agency/Entity	Consideration
Wildfire	The County BOS (oral comments)	<ul style="list-style-type: none"> <li>• Address increases in wildfire from fallowing and increased weeds.</li> </ul>

Based on the comments received during scoping, the County determined the following environmental topics were of further concern and drafted policies to avoid or mitigate impacts:

- Agricultural Resources
- Biological Resources
- Water Resources
- Recreation

### Environmental Topics Not Likely Impacted

CEQA Guidelines Section 15128 requires an EIR to briefly describe any possible significant effects that were determined not to be significant and were therefore not discussed in detail.

Based on the review of the information, scoping comments received, and additional research and analysis of relevant data, the following listed resource topics were found not to be significant and eliminated from further discussion:

- Aesthetics
- Air Quality
- Cultural Resources
- Energy
- Forestry Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Land Use and Planning
- Hazards and Hazardous Materials
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

### Aesthetics

Implementation of a WBRP conceptual water transaction program in California would result in reduced irrigation of farmland within Antelope and Bridgeport Valleys. Up to a maximum of 3,290 acres that are currently irrigated by decreed water rights would become fallow or managed as dryland agriculture. Long-term fallowing would result in a transition to drier vegetation communities in the project area. Based on baseline photographs from key observation points (KOPs) on file in the Mono County Community Development Department, the project area includes fallowed agricultural land and areas where grazing and dry-land farming practices are currently in use. Fallowed agricultural lands are visible from U.S. 395 while driving throughout Antelope and Bridgeport Valleys. The existing fallow agricultural lands consist mostly of wet sedge, moist grassland, and sagebrush intermixed with dry grassland communities. Water transactions would not introduce new structures or features to the landscape but may result in changes to the distribution and relative abundance of different

vegetation communities. The transition to drier vegetation types would be visible on up to 3,290 acres of scattered land where water transfers may occur. This represents only 8 percent (at most) of the agricultural land in the project area and would be considered a minimal change in the viewshed. The additional fallow agricultural areas would appear similar to the existing natural areas and dryland farming in the valleys. An 8 percent increase in drier vegetation communities in the valleys would not detract from the open viewshed or create significant visual impacts. The quality of the scenic landscape as an agricultural area with open views of the mountain landscape would remain intact. The most vulnerable vegetation communities include moist meadow and wet sedge communities. Transition from moist meadows and wet sedge communities to drier communities would result in low level changes in color. Color change would be minor and consistent with the existing conditions. No changes to landforms, intactness or any other measure of visual coherence would occur. Impacts to the aesthetics from implementation of a future water transaction program would be less than significant.

### **Air Quality**

The acquisition of water rights and transfer of the water from agricultural lands to Walker Lake would not require use of any equipment that would generate air emissions. According to a scoping comment from the WBC, when the WBC acquires water rights, it is their standard practice to revegetate where needed with active restoration for a period of at least two years in order to ensure that there are no fugitive dust issues. The WBC would also revegetate already fallow agricultural lands with native vegetation. Therefore, since water transactions would be implemented by the WBC, it is expected that all previously agricultural lands would retain vegetative cover, and this would not result in fugitive dust impacts. In addition, the project area is at a high altitude and in an area that receives snow and rainfall runoff. Non-irrigated and fallow lands in the region are covered with dryland grasses and sagebrush. Given the prevalence of grassland and sagebrush vegetation in the region, the area would be expected to maintain vegetative cover after irrigation ceases. For these reasons, fugitive dust impacts from a conceptual water transaction program would be less than significant.

### **Cultural Resources**

Surface water is diverted to agricultural fields via irrigation ditches. Many of the surface water rights in the Walker Basin area are pre-1914, with ditches that have been maintained since the original diversion date. Therefore, the ditch system is potentially historically significant as an architectural resource. The conceptual water transaction program would divert water from irrigation uses instream but would not result in abandonment or degradation of existing ditches. Therefore, the conceptual water transaction program would not change the significance of the architectural resource, and the impact would be less than significant. No existing historic structures would be modified with implementation of the conceptual water transaction program. Therefore, the conceptual water transaction program would have a less than significant impact on cultural resources.

### **Energy**

The conceptual water transaction program may reduce the amount of water diverted for irrigation and, as a result, could restore the natural hydrology of the Walker River. The

diversions and ditch system are gravity fed and would require minimal change in energy use from the existing baseline. No construction or operation activities that would lead to wasteful, inefficient, or unnecessary consumption of energy resources would occur.

The conceptual water transaction program could also result in the transfer of water from existing irrigated farmland to the Walker River, potentially increasing the amount of fallowed (unirrigated) farmland. The possible increase in unirrigated farmland could result in less energy consumption associated with cattle ranching, as farms and ranches consume energy directly in the form of gasoline, diesel, electricity, and natural gas associated with ongoing equipment use and truck trips and, indirectly, in energy-intensive inputs such as fertilizer and pesticides. The conceptual water transaction program would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and would therefore have a less than significant impact on energy resources.

### **Forestry Resources**

Commercial timber production is limited within the County and is not a significant economic activity within the Walker River Valleys. Approximately 94 percent of all land within the County is public land managed by the United States Forestry Service and Bureau of Land Management. The land is predominately managed for conservation rather than for timber production (Mono County, 2015). Implementation of the conceptual water transaction program would not affect forestry or forestry activities. Impact on forestry or the possibility for conversion of forestry to non-forest uses would not occur.

### **Geology and Soils**

Implementation of the conceptual water transaction program would not require construction of structures and would not introduce a substantially greater number of people within the Walker Basin area than ongoing activities. The conceptual water transaction program would be expected to reduce tilling and plowing on lands where water is transferred. The reduced intensive agricultural activities could result in reduced loss of topsoil over time.

Implementation of the conceptual water transaction program would not destabilize any existing unstable geologic units or soil types so as to lead to an increased risk of landslides. The conceptual water transaction program would not involve the construction of structures and, therefore, would not increase risks to life or property from construction on expansive or collapsible soils. Since the conceptual water transaction program does not involve grading or other soil disturbance activities, the conceptual water transaction program would not destroy unique paleontological resources or geologic features. Therefore, impacts to geology and soils would be less than significant.

### **Greenhouse Gas Emissions**

The conceptual water transaction program could result in the transfer of water from existing irrigated farmland to the Walker River. Irrigation diversion could lead to an increase of fallowed farmland, which could decrease the amount of alfalfa farming in the region. The water transactions could also result in drying of wetland areas as described in Section 3.2: Biology under Impact-2. The drying of wetlands would result in temporary increase in carbon emissions

as carbon that has been sequestered in the soil is released by increased microbial action as the soils dry. Approximately 22.1 percent of Antelope Valley and 37.8 percent of Bridgeport Valley within the project area consists of wetland vegetation communities. The project would transfer water from up to 3,290 acres of land. Assuming that wetlands occur on up to 37.8 percent of the land where the water would be transferred, there could be loss of sequestered carbon on 1,243 acres (500 hectares). The Air Resources Board has not set any thresholds to define the significance of impacts from drying of agricultural wetlands. In addition, studies conducted on previously farmed wetlands indicate that the wetlands have approximately 10 to 26 percent less sequestered carbon than natural wetlands (NRCS, 2012). Sequestered carbon in disturbed agricultural lands is approximately 22 tones/hectare (Nahlik & Fennessy, 2016). Assuming equivalent release of sequestered carbon, the project would release about 11,000 tons of carbon. The temporary release of sequestered carbon would not have a significant impact on GHGs, as this would result in a one-time release of carbon sequestered in soil. After the loss of sequestered carbon, the site would continue to maintain vegetation and would not release GHGs. The impact from GHG emissions would be less than significant. The conceptual water transaction program would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gases, and there would be a less than significant impact.

### **Hazards and Hazardous Materials**

The conceptual water transaction program would not require the transport of hazardous materials or ground disturbance that may result in the release of hazardous emissions. The conceptual water transaction program would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Some hazardous material sites pursuant to Government Code section 65962.5 occur in the project area, but no ground disturbing activities would occur, and impacts from hazardous materials would be less than significant.

The conceptual water transaction program would decrease the amount of water currently diverted from the Walker River. Actions of the conceptual water transaction program would not result in safety hazards or excessive noise for people residing or working within the project area. Furthermore, the conceptual water transaction program would not conflict with emergency response or evacuation plans. Impacts would be less than significant.

### **Land Use and Planning**

The conceptual water transaction program would not physically divide an established community. SWRCB has primary authority over the administration of surface water rights in the state. The current County General Plan includes policies specific to the water transaction program. Those policies include evaluation of the environmental impacts of a water transaction program in California. The proposed project (General Plan policies and amendments) and this EIR address and resolve conflicts with the General Plan. Through adherence to the County's General Plan policies, including any proposed project policies and amendments adopted by the County, conflicts with the County land use plan would be avoided. The SWRCB will need to

evaluate any potential conflict with the General Plan, including any adopted policies at the time of a future water transaction.

### **Mineral Resources**

Mineral production in the County has occurred since 1880, with gold and silver accounting for more than 75 percent of the production. Implementation of the conceptual water transaction program could restore the historic hydrologic regime, with less water being diverted for irrigation. The conceptual water transaction program would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Impacts to mineral resources would be less than significant.

### **Noise**

Implementation of the conceptual water transaction program would result in the transfer of water from existing irrigated farmland to the Walker River, potentially increasing the amount of fallowed farmland. The possible increase in unirrigated farmland could result in less ongoing equipment use and truck trips, potentially decreasing ambient noise levels in the vicinity of lands subject to future transactions. Implementation of the conceptual water transaction program would not generate noise that would interfere with the standards set in the Noise Element of the Mono County General Plan. No noise impacts would occur.

### **Population and Housing**

The County is rural and sparsely settled, with a population of 13,981 in the 2016 Census. The conceptual water transaction program would change the management of water rights, potentially changing diversion to irrigation systems fed by Walker River. Implementation of the conceptual water transaction program would not involve construction of new homes or businesses that could indirectly induce population growth. Furthermore, the conceptual water transaction program would not displace existing people or housing. No impact to population or housing would occur as a result of the conceptual water transaction program.

### **Public Services**

Implementation of the conceptual water transaction program could alter current irrigation regimes that withdraw water from Walker River to restore the hydrology of Walker Lake. The conceptual water transaction program would not induce population growth in the project area, which would not increase the need for additional fire stations. The conceptual water transaction program would not cause an increase in crime in the area warranting provision of additional police services, or attract more people such that new schools, parks, or other public facilities would be needed. The conceptual water transaction program would have no impact on public services.

### **Transportation**

The conceptual water transaction program would reduce the diversion of water for irrigation use. Farming and ranching activities may be diminished in response to the water transaction program, resulting in fewer truck trips for farming activities. The conceptual water transaction program would not conflict with the Mono County Regional Transportation Plan or other local,

regional, or state transportation plans or programs, and would have a less than significant impact related to transportation policies.

Implementation of the conceptual water transaction program would not result in increased traffic in the area and would not increase hazards due to a geometric design feature. The conceptual water transaction program would not involve the construction of any structures or result in activities that could impair or interfere with emergency access. No new or increased traffic would occur due to actions of the conceptual water transaction program that would interfere with emergency access. No impact on emergency access would occur.

**Tribal Cultural Resources**

Impacts to tribal cultural resources is determined through AB 52 consultation. The County initially reached out to tribes that are traditionally or culturally affiliated with the geographic Walker basin area via email. The contacted tribes are listed in Table 3.0-1. The email contained a description of the conceptual water transaction program and a statement inviting the contacted tribes to participate and provide input on the development of the General Plan policies as well as provide feedback on environmental concerns or parameters that should be considered when developing water transfer scenarios. No responses were received from the contacted tribes regarding the initial outreach letter.

**Table 3.0-1 Tribes Initially Contacted**

Tribe	Tribal Contact
Benton Paiute Reservation	Billie Saulque
Big Pine Band of Owens Valley	Bill Helmer
Big Pine Paiute Tribe of Owens Valley	Jacqueline “Danelle” Gutierrez
	Genevieve Jones
Bishop Paiute Tribe	Gerald Howard
	Mervin Hess
	Raymond Andrews
Bridgeport Indian Colony	John L. Glazier
Kern Valley Indian Council	Robert Robinson
Mono Lake Indian Community	Charlotte Lange
Walker River Paiute Tribes	Melanie McFalls
Washoe Tribe of Nevada and California	Darrell Kizer
	Neil Mortimer
Mono Lake Kutzadika Tribe	Charlotte Lange

The County provided additional notification to tribes pursuant to AB 52 on July 19, 2019. The letter included a notification that the County is preparing an EIR to analyze potential



environmental impacts associated with the implementation of General Plan policies and amendments that would allow and regulate the operation of a future water transaction program. The AB 52 notification letter included a statement inviting the contacted tribes to participate and provide feedback on environmental concerns or parameters that should be considered when developing the water transfer scenarios in addition to a clear and definitive statement that the tribe has 30 days to request consultation. Two requests for continued consultation were received from the Washoe Tribe of Nevada and California and the Mono Lake Kutzadika Tribe.

No potential impacts to tribal cultural resources were discovered through the AB 52 consultation process. The conceptual water transaction program would have no physical impact to tribal cultural resources in California. As described above in Cultural Resources, the conceptual water transaction program would have no ground disturbing impacts that could affect any cultural resources. Therefore, potential impacts to tribal cultural resources are not described further in this EIR.

### **Utilities and Service Systems**

The conceptual water transaction program would change irrigation regimes that currently divert water from the Walker River. No impact on current wastewater treatment, storm water drainage, electric power, natural gas, or telecommunication facilities would occur that would necessitate the relocation or construction of such facilities. Implementation of the conceptual water transaction program would not require new water supplies. The conceptual water transaction program would not require wastewater treatment and therefore would not be required to demonstrate that a wastewater treatment provider is able to serve the area. The conceptual water transaction program would also generate no solid waste and would have no impact on utilities and service systems. Impacts would be less than significant.

### **Wildfire**

The conceptual water transaction program would not have significant impacts to an emergency response plan or emergency evacuation plan or exacerbate wildfire risks due to slope, prevailing winds, and other factors nor exacerbate fire risks due to installation or maintenance of associated infrastructure. However, the conceptual water transaction program would modify timing and water diversion to irrigation systems. Multi-year reduction in irrigation may result in successional changes of vegetation communities to drier grasslands and other drier vegetations. The transition to drier vegetation types would occur on up to 3,290 acres of scattered land that would be subject to water transfers. This represents only 8 percent (at most) of the agricultural land in the project area and would be considered a marginal increase in drier vegetation communities. Further, the nature of a water transfer itself involves changes to irrigation regimes and would not pose a direct fire danger (i.e., risk of sparking a fire) to the properties where water transfers may occur. Therefore, the conceptual water transaction program is not expected to increase the number and severity of wildland fires within the project area. Impacts would be less than significant.

### **3.1.1 References**

Mono County. (2015). *Mono County General Plan EIR*. Retrieved from <https://monocounty.ca.gov/planning/page/general-plan-eir>

Nahlik, A. M., & Fennessy, M. S. (2016, December 13). Carbon Storage in US Wetlands. *Nature Communications* .

NRCS. (2012, December ). *Conserving Prairie Pothole Wetlands: Evaluating Their Effects on Carbon Sequestration in Soils and Vegetation* . Retrieved from [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1080434.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1080434.pdf)