

Ventura County

Casitas Municipal Water District

Background

The Grand Jury received a citizen complaint regarding the Casitas Municipal Water District (District), a Ventura County Special District. Specifically the complaint alleged that a proposed construction project, the Lake Casitas Alternative Swimming Facility (Facility), did not comply with the California Environmental Quality Act (CEQA). The Facility will be located on federal lands managed by the District for the United States Department of the Interior through its Bureau of Reclamation (Bureau). The complaint further alleged that the District had not informed the appropriate personnel at the Bureau, and that the Lake Casitas General Recreational Development Plan of 1970, prepared for the Department of the Interior, should be updated with the Bureau before additional projects are undertaken.

Although jurisdiction was at issue, the Grand Jury began an investigation of the District's conduct as a manager of federal land for the construction of the Facility.

Methodology

After reviewing CEQA, the compliance of the District was researched using publicly available documents. In addition, the Department of Interior was contacted regarding federal lands managed by the District.

Findings

F-1. CEQA outlines a 3-phase process to consider and mitigate environmental impacts for construction projects. The first phase requires the public agency to review CEQA exemption categories and determine whether the project is exempt under CEQA. The second phase involves filing a public notice, if that option is chosen. The third phase involves preparation of a Negative Mitigating Declaration (NMD) or Environmental Impact Report, as appropriate, if the project is not categorically exempt.

F-2. CEQA states that its intended purpose is neither to lengthen the approval process for projects nor to require unnecessary documentation and paperwork, but rather to expedite and clarify approval.

F-3. The District found that the Facility was exempt from CEQA under more than one CEQA category. No further action was required under CEQA following the exemption finding by the District. Legal challenges could have been brought following this finding.

F-4. CEQA states the following: "The filing of a Notice of Exemption and the posting on the list of notices start a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from the California Environmental Quality Act. If a Notice of Exemption is not filed, a 180-day statute of limitations will apply."

F-5. The District chose the alternative of filing a Notice of Exemption from CEQA. As required it was filed with the Ventura County Clerk. The County Clerk posted it on February 26, 2002. The District also filed a Notice of Exemption with the California Office of Planning and Research.

F-6. No legal challenge was brought within the 35 days following the posting or at any time up to the present. The statute of limitations for legal challenges to CEQA exemption expired in April 2002.

F-7. Since this project was categorically exempt under CEQA, and not required to prepare a NMD, the NMD was prepared as a gesture of good will to community groups that had raised environmental concerns. It described potential environmental impacts of the Facility, as well as the duration and mitigating actions for any impacts. The NMD was published and public meetings were held.

F-8. The Bureau spoke with the Grand Jury regarding the District's management of federal lands for the recreational development of Lake Casitas. Constituent service staff employees, for both Senator Feinstein and Representative Gallegly, have contacted the Bureau. The Bureau has requested that Facility construction stop pending Bureau review.

Conclusions

C-1. The District complied fully with CEQA for the Facility project. (F-1 through F-7)

C-2. The statute of limitations for legal challenges to CEQA exemption for the Facility has expired and no legal challenges have been brought. (F-5 and F-6)

C-3. The Bureau of the Department of the Interior is providing oversight of the recreational development of federal lands being managed by the District. (F-8)

Commendation

The Casitas Municipal Water District is commended for their full and complete compliance with the California Environmental Quality Act for the Lake Casitas Alternative Swimming Facility project. They have shown sensitivity to the community by holding many public meetings and working with community organizations known to have concerns about the project.