



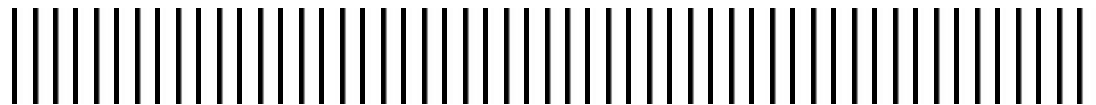
West Basin Municipal Water District

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**Ocean Water Desalination
Program Master Plan (PMP)**

Environmental Review Plan (ERP)

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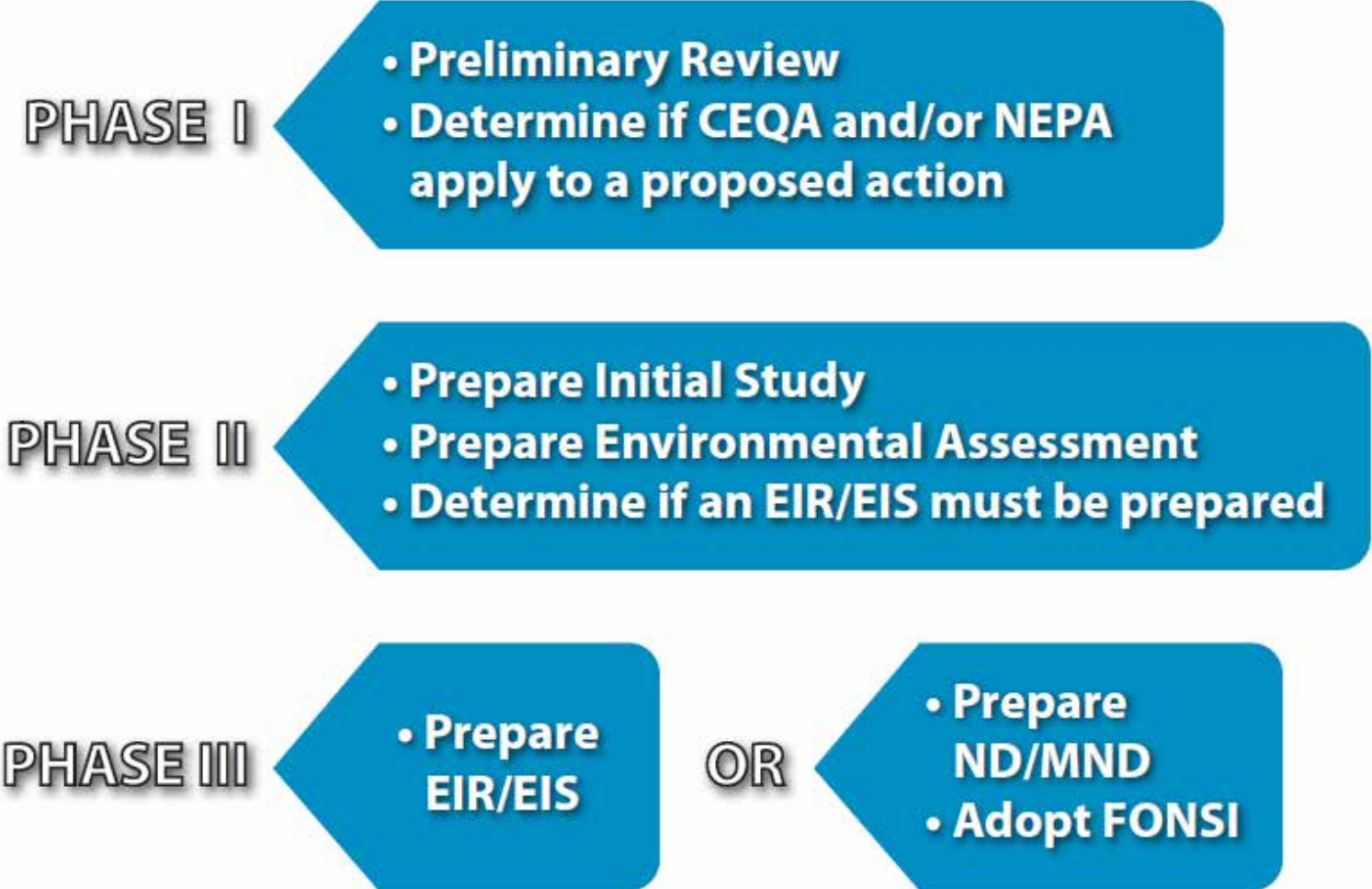
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1. Introduction

To successfully navigate the California Environmental Quality Act/National Environmental Policy Act (CEQA/NEPA) compliance process, a lead agency must balance three considerations: an acceptable level of risk, time, and budget. Depending on the likelihood of public controversy, the complexity of the project, funding considerations, and agency involvement, lead agencies may make different decisions regarding the type of environmental documentation to prepare. This Environmental Review Plan (ERP) provides an overview of the CEQA and NEPA processes, makes recommendations based on available information about the proposed project, and discusses the pros and cons of taking one course of action versus another. The primary purpose of the ERP is to provide enough information about the environmental review process so that the West Basin Municipal Water District (WBMWD) can make decisions about what to prioritize, which studies to prepare, and what the likely schedule and cost implications are for the environmental documentation phase of the project.

The environmental process begins with determining the appropriate level of analysis, followed by scoping of environmental issues and preliminary design. Information derived from scoping then feeds into the preparation of environmental analyses and documentation. Public outreach can and should occur during scoping and ideally would continue through preparation of the environmental documentation. The CEQA process is designed to provide opportunities for public input throughout the process, but it may be necessary to supplement the environmental scoping process with a separate public outreach program to educate the public about the project and its purpose as well as gather input about the project along the way, which can inform the design of the project. The environmental process proceeds from preliminary review and preparation of an Initial Study, to the determination of which type of environmental document is required, and then to preparation of the document (see **Figure 1-1**, Overview of the CEQA/NEPA Process). Depending on the timing and sequencing details involved in the overall project design development, specific details or design options may not be fully known or decided within the time frame of the environmental analysis. Therefore, an important consideration in scoping and developing the EIR Project Description is providing sufficient flexibility and/or options to allow for evolutions in the project design.

Figure 1-1: Summary of Technical Studies and Data Needs



1.1. Objective

This Environmental Review Plan (ERP) is a component of the Ocean Water Desalination Program Master Plan (PMP). It defines and scope the environmental review process, including the technical data obtained through investigative studies related to siting and design. The ERP is intended to provide a “roadmap” of the environmental review process and outline the critical issues and decision points in that process. As noted below, the anticipated form of the environmental document is an Environmental Impact Report (EIR) under CEQA, which assumes that compliance with NEPA would be pursued separately for the federal components of the project. However, the scope of the environmental review should include options to process a joint environmental document (EIR/Environmental Impact Statement (EIS)). The EIR will be used by West Basin to support discretionary actions of the district as lead agency, and will also be used by other state agencies that have permitting and/or other approval responsibilities for the project.

2. Technical Studies and Data Needs

Data and technical studies to be used in preparation of the full-scale desalination plant EIR are available from a variety of sources, including information collected as part of the existing Demonstration Project, this PMP, as well as technical studies that are in progress and ongoing. These studies and others will be completed prior to or during EIR development and will support preparation of the EIR, while other studies are specifically required to be included as part of the EIR process. A summary of the technical studies that will be available and/or needed for preparation of the EIR is provided in **Table 2-1**.

Table 2-1: Summary of Technical Studies and Data Needs

| Issue | EIR Study | Pre-EIR Study | Scope |
|--------------------------------------|-----------|---------------|--|
| Aesthetics (Visual Impacts) | X | | Photo simulations of the desalination plant site shall be conducted to assess the visual impacts and effects on views from construction of the plant and appurtenant facilities. |
| Air Quality/Greenhouse Gas Emissions | X | | The air quality and greenhouse gas (GHG) study shall evaluate the direct and indirect emissions associated with both construction and operation of the desalination plant and facilities, including an assessment of the indirect GHG emissions related to energy use. An Energy Minimization and GHG Reduction Plan should be prepared to address how the project relates to existing water supplies and what measures are needed to reduce energy-related GHG emissions. |
| Biological Resources | | X | Marine: Studies that provide historical data on the marine environment in the vicinity of the RBGS and ESGS intake and outfall should be used to characterize the existing marine environment. |
| | | X | Impingement and Entrainment: Impingement and entrainment studies are ongoing and will be available for use in the EIR to characterize effects from a screened intake. Supplemental information and analyses may be required. |
| | | X | Salinity Tolerance: Salinity tolerance studies that assess acute and chronic toxicity |

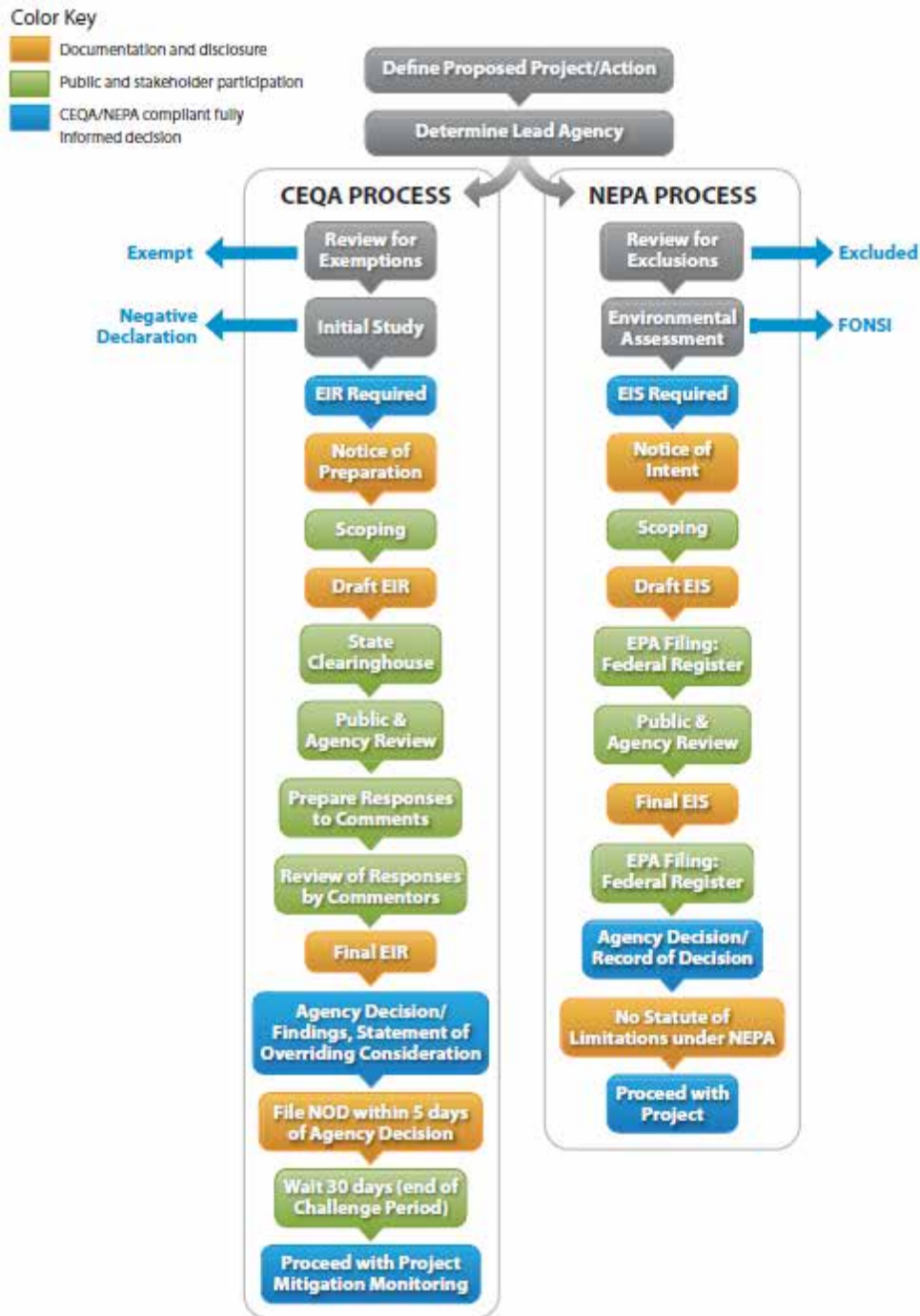
| Issue | EIR Study | Pre-EIR Study | Scope |
|-------------------------------|-----------|---------------|--|
| | | | levels of brine discharge on marine organisms are ongoing. |
| | X | | Terrestrial Biological Resources: The EIR shall address terrestrial biological resources that may be affected at the plant sites and in locations where off-site conveyance facilities will be located. Included in the study will be an assessment of jurisdictional wetlands and waters in accordance with the criteria of the U.S. Army Corps of Engineers, the California Department of Fish and Game, and the California Coastal Commission. |
| Cultural Resources | X | | EIR-level studies shall be conducted to assess potential effects on historic, cultural, and paleontological resources. |
| Geology/Soils | | X | Geophysical/bathymetry/geotechnical studies will be provided to the EIR consultant for use in the analysis. |
| Hazards/Hazardous Materials | | X | Hazardous materials investigations will be provided to the EIR consultant for use in the analysis. |
| Hydrology/Water Quality | | X | Hydrology and receiving water hydrodynamic modeling studies will be provided to the EIR consultant. The information from these studies will be used to assess the effects of brine disposal on the receiving ocean waters, and to assess potential effects related to flooding, drainage, and water quality. |
| Noise (Acoustical Assessment) | X | | The EIR-level studies shall address both construction and operational noise and vibration. |
| Transportation/Traffic | X | | The EIR shall address short-term construction-related traffic and traffic disruption, as well as mitigation in the form of traffic control measures. |

3. Environmental Review Plan

3.1. Scoping and Preliminary Design

Organization of the environmental review process involves decisions that weigh the advantages of having various elements of the environmental scoping, preliminary design, and public outreach efforts overlap. Performing these tasks simultaneously in the beginning of a project often requires more time up front to complete the scoping and initial design phases, but when these phases are complete, the project typically experiences less delay since information from public input and technical work has already been incorporated in the design of the project. **Figure 3-1**, shows the typical steps in the EIR/EIS process. Opportunities for public input on the scope of the environmental document occur at the Initial Study, during public review of the Draft EIR/EIS, during public review of the Final EIR/EIS, and at public hearings.

Figure 3-1: Overview of Environmental Issues



3.2. Defining the Project

One of the most important tasks in the overall environmental process is to adequately define the project. The Project Description must contain sufficient detail in order for the

environmental analyses to be conducted, but should also provide flexibility to allow for consideration of variances in project design and for selection of different design options. Key considerations in developing the Project Description include the following elements.

3.2.1. Project Purpose and Objectives

It is important to carefully describe the purpose for the project, as well as the project objectives that underlie that purpose. Project purpose in this case is greatly influenced by local and regional water demand projections. Decisions on plant capacity or a capacity range need to be carefully integrated with and scaled to water supply master planning. The most fundamental policy issue likely to be raised in the environmental review process is population growth and development. Therefore, it is critically important that the analysis of project purpose demonstrate how the project will be carried out, and be consistent with water supply planning and how that planning is related to growth projections.

The project objectives need to clearly state the project's method of carrying out the stated purpose. Important to developing the project objectives is the understanding of their relationship to project alternatives. Under CEQA, a lead agency is required to examine a reasonable range of alternatives to the project that are capable of reducing or eliminating significant environmental effects while achieving the basic project objectives. The level of detail and specificity in discussing the project's purpose and objectives can greatly affect both the range and scope of project alternatives.

3.2.2. Intake and Discharge Options

Potential effects on marine biological resources from seawater intake systems are related to impingement and entrainment of marine organisms in the source water withdrawal. Impingement occurs when larger fishes and invertebrates are trapped against the seawater intake screens, while entrainment occurs when small planktonic organisms are drawn through the intake screens. Pressure and turbulence created from pumping processes result in damage or mortality of the affected organisms. Various design options may avoid or reduce these effects, such as intake screening technologies and subsurface intake systems. As noted in Section 4 of the PMP, such systems pose implementation challenges, such as the availability of suitable geophysical conditions, pumping/energy requirements, potential fouling and maintenance issues associated with screening and infiltration systems, and impacts from pump facilities (such as construction of beach wells along the coastline). Because of the wide range of considerations and effects of intake design options, the availability of specific studies and data that may be helpful in defining the appropriate range of alternative design options would have a significant influence on the scope of the environmental analysis.

Similarly, with discharge options, methods for dilution and dispersion of the brine vary in their potential effects and in their effectiveness. Information on the range of dilution and

dispersion methods is outlined in Section 4 of the PMP. The resulting analysis in the EIR will depend greatly on the hydrodynamic modeling data and results. Information from the pilot studies on salinity tolerance, along with other published and available data, will also inform the analysis of effects on marine life. The EIR analysis should also carefully consider ongoing studies and policy development coming out of the State Water Resources Control Board efforts to amend the California Ocean Plan to address brine disposal.

3.2.3. Power Supply Options

Power supply options are addressed in Section 6 of the PMP and Power Development Memo, and generally consist of on-site generation or tie-in to the grid. Those basic options are important in the context of the EIR analysis, both from the standpoint of the Project Description and analysis of the physical effects of power supply facilities, but also from the standpoint of determining the project's air emissions. Of particular note is how the decision would affect the analysis of greenhouse gas (GHG) emissions. On-site generation would be a new source of emissions in the South Coast Air Basin, and would affect the baseline emission factor used in calculating the project's GHG contributions, as compared to the emissions factor associated with purchased electricity from Southern California Edison.

3.2.4. Alternative Site Selection

The timing of site selection of site options relative to the EIR has significant effects on the EIR scoping. Advancing two equivalent alternatives for analysis in the EIR phase of the project would add considerable additional effort and cost to the EIR and the supporting technical studies, based on the need to obtain data and analyze effects that are discrete to one site or the other.

Additional detail and consideration of issues that would be unique to a particular site would be needed. For example, land use and visual/aesthetic considerations would be framed differently for each of the alternative sites. In addition, the technical studies related to intake and discharge, and geophysical, hydrological, biological, and other resource areas would be expanded in scope, based on analysis of the two sites.

3.2.5. Conveyance Facilities

The EIR should include a discussion of all potential pipeline alignments and related conveyance facilities. It may be considered prudent to map and describe all potential alignments, and analyze them in detail in the EIR, even though not all of the cumulative alternative alignments would be built. This would enable more flexibility in the ultimate design and decision making.

3.2.6. Construction Methods/Schedule Sequence

The EIR should include information about the construction schedule and equipment; site location(s), including proximity to sensitive land uses, capacity/throughput, and other design criteria and/or specifications; site plan layout; nature of the inwater work and the federal nexus; permit requirements and reviewing agencies; and key CEQA and NEPA concerns or issues or areas of known controversy.

3.2.7. Operational Characteristics

The Project Description should also describe how the project is going to operate. If the project is going to use an existing intake and discharge system, or if a new or combined intake or discharge system is going to be developed, that information needs to be clearly discussed. Information about the marine-based project elements, including seafloor pipelines versus sub-seafloor tunneling, and screened open ocean intake versus subsurface intake options, should be discussed in the Project Description. If sufficient information about these details is not known, then assumptions need to be made by the lead agency so that the environmental analysis can be conducted. Sometimes when there are too many unknowns about the Project Description, the lead agency chooses to delay the project until sufficient preliminary design and engineering work can be completed in order to narrow the range of project design considerations that are in flux.

3.3. The CEQA Lead Agency

The CEQA lead agency is the agency responsible for proposing, carrying out, and approving the project. Usually this is the agency that owns the site or facility and that will be responsible for seeking funding and permitting actions necessary to complete the project. There is only one CEQA lead agency. According to CEQA Guidelines Section 15051(b)(1), “the lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose, such as an air pollution district or district which will provide a public service or public utility to the project.” If more than one public agency equally meet the criteria above, the agency that will act first on the project in question will be the lead agency (CEQA Guidelines Section 15051(c)). If a lead agency cannot be chosen or if agencies cannot agree as to which agency is the lead agency for a project, the Office of Planning and Research (OPR) will resolve the dispute and choose the lead agency. It is anticipated that West Basin will be the CEQA lead agency for the full scale ocean water desalination facility.

3.4. The Federal Lead Agency

After choosing the CEQA lead agency and reviewing the Project Description, it is important to determine if there is a federal action being proposed that would require preparation of a NEPA document. In this case, if marine construction is involved, the most likely federal agency would be the U.S. Army Corps of Engineers (ACOE) because

the work that is being proposed would likely 1) involve dredging or placement of fill material (triggering Section 404 of the Clean Water Act) and 2) be conducted in or over navigable waters of the U.S. (triggering Section 10 of the Rivers and Harbors Act). If a federal action is proposed, it is best to identify the action and the agency early in the process and discuss with the federal agency the type of environmental document to be prepared.

Based on recent actions by ACOE, it is anticipated that their federal action would be confined to the inwater work, and that they may elect not to encompass the entire project in their NEPA review. Therefore, in circumstances where the federal action is defined similarly to the local/state action, the most efficient environmental analysis document would be a joint CEQA/NEPA document; in this case, it may be more practical to approach CEQA and NEPA compliance separately. These decisions should be discussed in early consultation with the federal lead agency so that the environmental consultant can provide a scope of work and cost estimate for the appropriate CEQA/NEPA document(s). For purposes of outlining this process, the subsequent discussion will assume that a joint EIR/EIS document may be required.

Another benefit to early consultation is the opportunity to discuss key controversies for each lead agency and how to handle them. This type of communication may lead to solutions that neither agency would have developed on its own. A benefit to coordination is that the federal lead agency can assist the state lead agency in setting up consultation meetings with other federal agencies throughout the environmental scoping phase. These meetings are often valuable in gathering input from other agencies and defining their concerns so they can be addressed early on in the design of the project or in the approach to the environmental analysis.

3.5. Significance Thresholds

Section 15064.7 of the CEQA Guidelines discusses the establishment of significance thresholds and indicates that the lead agency has the discretion to establish or adopt significance thresholds, and indicates that the selected thresholds must be supported by substantial evidence. Subsection (c) further states that when adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence. Also, note that the lead agency may use a significance threshold it determines is applicable to the project. The three basic options available in determining appropriate significance thresholds are as follows:

OPTION 1: Select from existing adopted threshold that applies to the project—this usually is the simplest approach, and often involves use of the CEQA Guidelines sample checklist questions. It could also involve use of an established threshold from an agency

with appropriate oversight, such as air emissions thresholds established by the governing air pollution control district or a local noise ordinance, etc. However, in many cases, the available thresholds may not be a good fit for a particular impact, and therefore may not be appropriate.

OPTION 2: Develop a unique standard or threshold for certain impacts of the project. In cases where there are no existing applicable thresholds available that would fit a particular impact or topic area, this option would entail developing a unique threshold for those project effects. As noted in Section 15064.7 of the CEQA Guidelines, the lead agency has the authority and responsibility to establish thresholds, and must provide substantial evidence as to why the threshold is appropriate and applicable. For impacts requiring such unique thresholds, it will be very important that substantial evidence supporting all of the thresholds used be contained within the Administrative Record for the EIR.

OPTION 3: The third approach would be to demonstrate that a particular environmental effect would not occur. For example, where it can be clearly shown that, either through impact-avoiding measures or other conditions, the project would not result in any change beyond baseline conditions, then no effect would occur. This approach obviates the need to establish a qualitative, quantitative, or numeric threshold because it avoids all potentially significant adverse effects.

It is also important to note that, to the extent that a joint document may be required, the CEQA and NEPA significance thresholds may differ. One example is that adopted guidance with regard to GHG emissions varies and the South Coast Air Quality Management District and the U.S. Environmental Protection Agency (EPA) have different guidance. Furthermore, if a joint document is to be prepared, an analysis of environmental justice, which is the potential for the project to have disproportionate impacts to low-income or minority communities, will have to be included. This is a federal requirement only. Because there are areas where the analysis in the documents will diverge, it is important to discuss these areas with the federal lead agency to make sure the federal significance thresholds are accounted for and will be handled appropriately. Decisions such as these may also influence the form of the document template and it is well worth the time to make these decisions early on rather than later.

3.6. Identification of Stakeholders

Since stakeholders will likely have some amount of influence over the proposed project, it is valuable to identify the key stakeholders early on in the process. Depending on their number and the controversy involved, it may be worthwhile to develop a public outreach plan. The public outreach plan can be part of the EIR scope or it can be contracted separately. If it is included as part of the environmental scope of work, it will be important for the selected environmental consultant to demonstrate competence and

experience in public outreach, or to hire a subcontractor that specializes in public outreach. At a minimum, the public outreach effort would involve the following:

- A. Notification – developing and distributing CEQA/NEPA public notices.
- B. Logistics – Securing meeting venues, enlisting court reporters, making room arrangements, securing audio/visual equipment, and coordinating any vendor arrangements necessary for hosting meetings and hearings.
- C. Materials Development – Includes meeting handouts, visuals, exhibits, presentations, sign-in sheets, nametags, comment cards, and speaker cards. Depending on the presence of local non-English-speaking attendees and their anticipated participation in the process, these may require translation services into multiple languages.
- D. Attendance and Facilitation – Attend and facilitate scoping meetings and public hearings, including setup and breakdown of all meeting materials, exhibits, and signage.
- E. Documentation – Preparation of a summary of comments received at the scoping meetings and public hearings.

The goal of the public outreach is to educate, inform, and gather input about the proposed project along the way so that the project proposal put forward for consideration by the agency decision-makers has credibility with the community and agency stakeholders.

3.7. Preliminary Engineering and Design

The preliminary engineering and design is critical to the environmental process. The reports, plans, and preliminary alternatives that come out of this effort are citable documents used in the initial preparation of the environmental documentation (e.g., the Initial Study). Studies prepared during preliminary engineering and design include investigational studies (e.g., screened intake effects, subsurface intake feasibility, offshore geotechnical studies, watershed surveys, brine dilution studies, salinity tolerance testing). Design-related studies might include the feasibility of various plant designs or water delivery pipeline route alternatives as well as coordination with utility providers for potential conflicts with underground utilities. Finally, there are the EIR specific studies, which are the technical analyses used to support the significance determinations made in the environmental document. As the project evolves, there will likely be draft and final versions of each of these reports. Some lead agencies want only the final versions to be part of the Administrative Record, so it is helpful to communicate this intent to the environmental consultant who will likely cite the draft versions of these reports if that is all that is initially available.

3.8. Identification of Alternatives

CEQA requires the analysis of a reasonable range of feasible alternatives. There is no specified number, but alternatives should be developed with input from the federal lead agency, if applicable. The development of alternatives to be considered in the environmental document is driven by the need to reduce the environmental impacts of the proposed project. This means that the alternatives developed during the preliminary engineering and design phase may not represent a sufficient range of alternatives from an environmental point of view. Engineering and design alternatives may be numerous, but if none reduces the significant environmental impacts of the proposed project, then they will not be considered adequate for the purposes of CEQA. Regulatory considerations from the California Coastal Act, the California Water Code, and related policies from the California Ocean Plan and other guidance documents typically involve comparison of alternatives to reduce or avoid adverse effects on the environment. Through the regulatory permitting and approval process, careful consideration of regulatory requirements, and how those requirements are interpreted by the permitting agencies, can be influenced by how the project is framed in relation to potential alternatives

Alternatives may also include non-desalination alternatives (e.g., conservation, curtailment, other water supply alternatives) that are tied to project purpose and need. It is important to consider and quantify WBMWD's efforts to manage demand and to maximize reuse, recycling, and conservation as part of an integrated strategy to address water supply reliability.

The alternatives analysis also includes a discussion of other alternatives considered but determined infeasible. This information likely can be drawn from preliminary engineering and design reports since a wider range of alternatives were probably considered initially and only a smaller subset were determined feasible to carry forward for environmental analysis.

If the project will require a NEPA document, it is critical to seek federal lead agency input on the least environmentally damaging practicable alternative because this will become the only alternative that the federal lead agency can permit. It may be advantageous, and may be the preference of the federal lead agency to limit the NEPA documentation to only those components of the project that involve a federal action, such as the subsurface intake and discharge facilities. If such an approach is chosen, the NEPA documentation can and should be prepared separately.

Finally, alternatives evaluated for CEQA do not have to be assessed at the same level of detail as the proposed project. However, as noted above, if alternative sites are examined and are expected to be carried forward for decision-makers' consideration, it may be necessary to fully examine these alternatives in an equal level of detail so that the

decision-making body has the same level of information for each site and can make a fully informed decision.

3.9. Environmental Analyses and Documentation

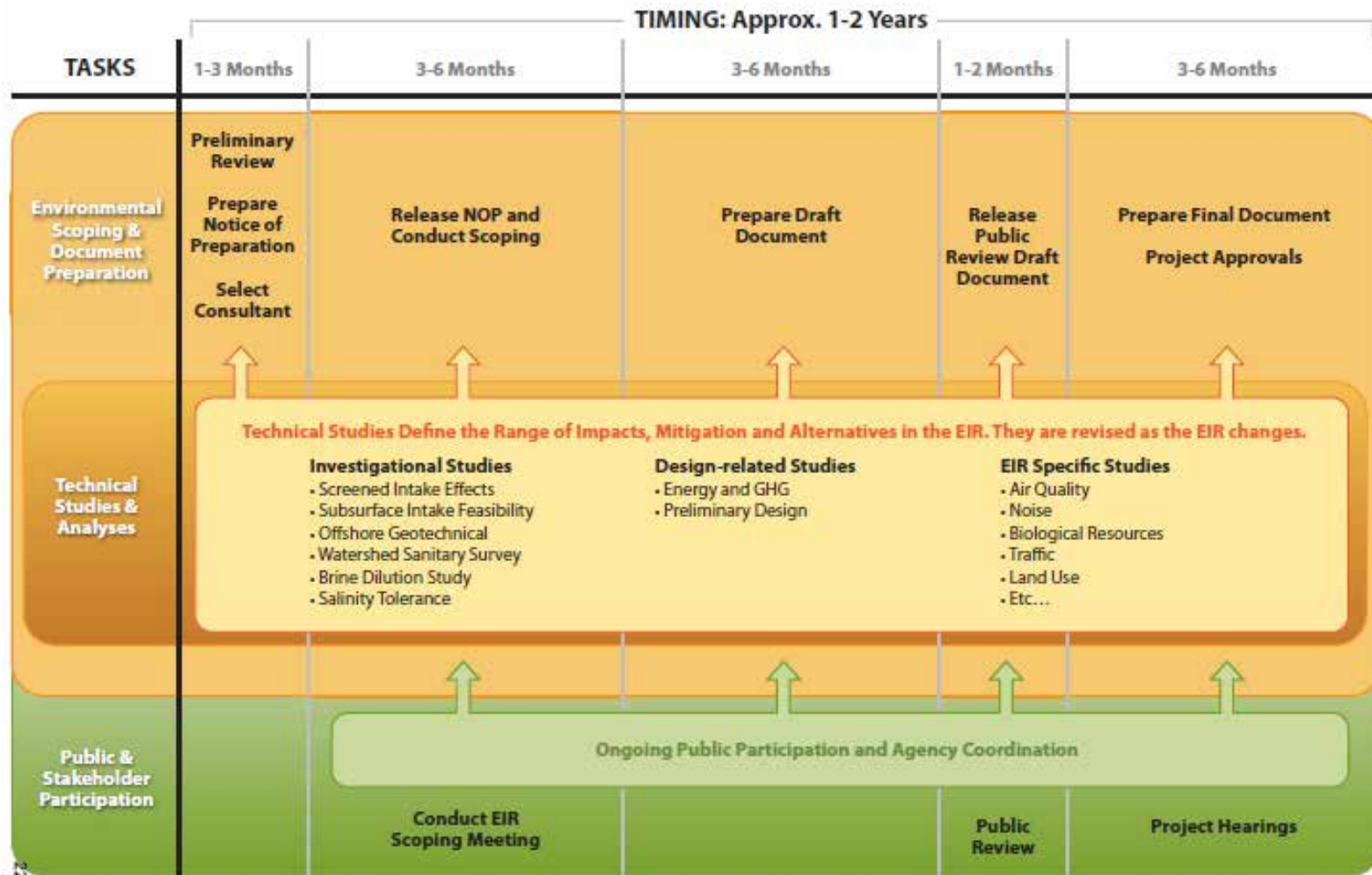
Once the preliminary engineering and constraints and investigational reports have been completed, and a preferred alternative has been identified, the environmental analysis can proceed. **Figure 3-1** shows the steps in the process, which begins with preparation of an Initial Study and Notice of Preparation (NOP). If it is a joint federal project, a Notice of Intent (NOI) will be prepared by the federal agency and circulated for a 30-day review period. The NOP and NOI review periods do not necessarily have to coincide, although it is helpful to reviewing agencies if they do. During the NOP/NOI review period, the lead agency would hold a scoping meeting(s) to gather public and agency input as to the scope of the environmental document. Then the technical studies would be started, as shown in **Table 3-1** below. **Figure 3-2**, Overview of Environmental Process Table, gives an overview of the anticipated environmental process and schedule. While the Initial Study is out for a 30-day public review, the lead agency should refine the Project Description and alternatives to be carried forward into the EIR, particularly in light of any new or unexpected comments from reviewing agencies.

After the Initial Study and NOP have been out for public review and comments have been received, the lead agency starts to prepare the draft environmental document. This process can take 3 to 6 months or longer, depending on the number of alternatives and the complexity of the analysis. If a joint CEQA/NEPA document is required, the alternatives must be analyzed in equal detail as the preferred project, and this can take more time since alternatives analyzed under CEQA alone do not require an equal level of detail. For each resource topic, the analysis in the environmental document includes the existing environmental setting, the impact analysis, significance determination prior to mitigation, mitigation measures, and the significance determination after application of mitigation.

Once the draft document is complete, it is distributed for public review for a minimum of 45 days. If it is a joint document, the federal lead agency may require a longer review period of 60 or 90 days. During the public review period, it is advisable to hold public meetings on the project to gather public comment.

Once the public review period has ended, the lead agency must respond in writing to comments (CEQA Guidelines Section 15088). This can be a lengthy process if there are an extraordinary number of comments. Sometimes comments on the document require modification to the project or to project mitigation. Depending on the extent of modification, and whether or not these modifications are covered in alternatives, the draft document may have to be recirculated for public review (CEQA Guidelines Section 15088.5).

Figure 3-2: Anticipated Environmental Schedule



If recirculation is not required, then the lead agency proceeds with preparation of the final environmental document. In addition, the lead agency must prepare the findings of fact (these represent the agency's rationale for adoption of the project as proposed) and a Statement of Overriding Considerations (why the decision-makers are approving the project and adopting the environmental document despite significant adverse environmental effects that are outweighed by other considerations). After the environmental document has been certified by the lead agency, and the project or an alternative are approved, the Notice of Determination (NOD) is filed with the County Clerk and OPR. After the NOD is filed, a statute of limitations to file a legal challenge runs for 30 days. If it is a joint document, then the federal lead agency prepares the Record of Decision (ROD) and files it in the Federal Register. Under NEPA, there is no statute of limitations to file a legal challenge. Once the ROD is filed, the project permit plan can be prepared. Ideally the permit plan would be prepared concurrent with the start of the environmental analysis so prior to this point the federal lead agency could start to review the permit application.

3.10. Key environmental Issues in Scope of Environmental Document

Below is **Table 3-1** that presents the key environmental issues that likely will need to be addressed in the EIR or EIS and will not be screened out in the Initial Study. Besides serving as a disclosure document, the Initial Study can be helpful in focusing the scope of the environmental document on the issues that are potentially significant and warrant more in-depth analysis. Therefore, it is recommended that an Initial Study be prepared as part of the initial scoping process for the EIR. In the table below, construction and operational impacts are identified, as well as the type of technical report that would be prepared and the timing of the analysis. Separate technical reports are proposed where it is anticipated that agencies may require review of the technical analysis separate from review of the EIR or EIS. The table is meant to serve as a guide for the anticipated scope of environmental work.

Table 3-1: Overview of Environmental Issues

| Resource Analysis | |
|---|---|
| <i>Aesthetics</i> | |
| <p>Construction: Short-term temporary impacts will be assessed, but most likely will not need to be considered significant given temporary nature of change. Exceptions would be long construction periods (over 1 year) where large equipment is visible to sensitive receptors (e.g., visitors to coastal recreational areas).</p> <p>Operation:</p> <ul style="list-style-type: none"> · Public scenic views, introduction of new sources of light and glare, and compatibility of the proposed project with adjacent local aesthetic resources should be considered, particularly for coastal projects. Visual considerations and view blockage is of particular importance at the El Segundo site, due to the proximity of residential uses. · Desirable to have photo simulations for visual impact assessments for CEQA/NEPA projects—including plant site, pump sites, or other aboveground features. · Focus on the visual significance criteria found in CEQA, but consistency with relevant planning and visual impact criteria of the Cities of Redondo Beach and El Segundo, and relevant Local Coastal Programs and the California Coastal Act will also need to be assessed. · Assess progressive view blockage or other anticipated changes. | |
| Deliverable | Visual analysis in EIR, as chapter in document. Photo simulations included as EIR graphics. |
| Timing of Deliverable | EIR |
| <i>Air Quality</i> | |
| <p>Construction:</p> <ul style="list-style-type: none"> · Short-term air quality impacts during demolition, grading, and construction operations. · Clearing, grading, excavating, and using heavy equipment or trucks creating fugitive dust. · Evaluate vehicle exhaust emissions of commuting construction workers and trucks hauling equipment and materials. · Application of asphalt and surface coatings creates reactive organic gas emissions, which are ozone precursors. <p>Operation:</p> <ul style="list-style-type: none"> · The operation of the proposed project involves three primary activities (some of which may be cumulative in nature) that would generate air emissions, all of which would occur at the desalination plant. These activities are: <ul style="list-style-type: none"> ○ Electricity generation either on site or by others to operate the project facilities and equipment ○ Electricity generation either on site or by others for consumption related to pump station operations ○ Mobile source emissions from employee and truck delivery operations. · Power supply options will need to be addressed, and implications of indirect emissions attributable to power generation within the Southern California Air Basin need to be discussed and analyzed. <p>Federal Conformity Analysis (NEPA only; preferred alternative only) Under Section 176(c)(1) of the federal Clean Air Act (CAA), federal agencies that “engage in, support in any way, or provide financial assistance for, license</p> | |

or permit, or approve any activity” must demonstrate that such actions do not interfere with state and local plans to bring an area into attainment with the National Ambient Air Quality Standards (NAAQS) (42 USC 7506(c)). To comply with the CAA in achieving the NAAQS, the California Air Resources Board (CARB) develops State Implementation Plans (SIPs) for federal non-attainment and maintenance areas. Conformity is required under the CAA to ensure that federally supported projects “conform to” the purpose of the SIP. Conformity to the purpose of the SIP means that federally supported activities will not cause new air quality violations, worsen existing violations, or delay the timely attainment of the relevant NAAQS. Therefore, it is the responsibility of each federal agency to make its own conformity determinations for its actions and to be able to justify its own application of the conformity requirements. The general conformity rule applies only to nonattainment and maintenance areas, so in Southern California, the rule applies because the South Coast Air Basin is a nonattainment area for ozone, oxides of nitrogen, particulate matter (PM_{2.5} and PM₁₀), carbon monoxide, and nitrogen dioxide. Under the general conformity rule, conformity determinations are made on a project-by-project basis; however, the EPA included de minimis levels in the rule to serve as cutoff points to focus the federal actions likely to have the most significant impacts on air quality. The general conformity analysis is performed for the preferred alternatives and can be in the Draft or Final EIR/EIS. If the analysis is lengthy, it can be appended to the Draft or Final EIR/EIS.

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| Deliverable | Air quality analysis in EIR; Federal Conformity Analysis, if applicable. |
| Timing of Deliverable | EIR |

Biological Resources

Terrestrial

Construction and Operation:

- Mostly disturbed, assuming pipeline alignments will be under existing public rights of way.
- Focus on wetland mapping sufficient to support the EIR—detailed wetlands delineation report(s) and associated agency verification can be completed in permitting phase.

Impingement and Entrainment

Construction:

- No impacts related to impingement and entrainment would occur during the construction phase of the project.

Operation:

- Effects related to proposed and alternative intake design and screening.
- The project intake effects analysis should include an assessment of the proposed screened intake system relative to avoidance and minimization of impingement and entrainment effects. Information from pilot testing of the careened intake should be used to assess the level of impingement that would be anticipated for the appropriate flow rates and volumes of the facility.

To evaluate entrainment effects, the source water should be analyzed to establish population characteristics (relative abundance) to determine the baseline conditions for potential impacts. The source water characterization examines the type and quantity of organisms that have the potential to encounter the seawater intake structure (the desalination feedwater) that could subsequently be impacted by the desalination plant operations. Samples of the source water are collected for laboratory processing, which typically consists of sorting (removing), identifying, and enumerating all larval fishes and invertebrates from the samples.

The Empirical Transport Model (ETM) and/or other accepted protocol should be used to assess entrainment effects. The ETM is recommended and approved by the California Energy Commission, California Coastal Commission, Regional Water Quality Control Boards, and other regulatory and resources agencies for analyzing impacts to fisheries. Entrainment modeling is necessary to predict the regional effects on appropriate adult populations of affected fish species.

Concentrated Brine Discharge to Ocean/Marine Impacts

Construction:

- No impacts related to brine discharge would occur during the construction phase of the project.

Operation:

- There will be elevated salinity levels entering the ocean due to the brine discharge from the desalination plant. Concentrations to the ocean are dependent on the operational parameters of the desalination plant, including flow rate and recovery ratio, and the flow rate and volume of dilution water.
- The California Ocean Plan sets forth objectives for water quality characteristics, including:
 - Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded
 - Ocean discharges must be designed and operated in a manner that will maintain the indigenous marine life and a healthy and diverse marine community
 - Ocean discharges must be essentially free of substances that will accumulate to toxic levels in marine waters, sediments, or biota.
- The EIR needs to consider the effects of the proposed amendments to the California Ocean Plan, and how they would influence the analysis and whether the project is consistent with the plan.
- The EIR would cite available surveys of the marine resources in the area to determine the significance of impacts of brine disposal.
- The EIR would cite salinity dispersal modeling to show less-than-significant or no impacts on marine life and ocean water quality.
- The EIR would cite benthic community data to characterize the proposed sub-seafloor intake area. If sufficient data does not exist or has not been collected, additional surveys will be needed to collect site-specific data.
- A defined sampling area would need to be determined based on flow calculations—design sampling plan, etc.

Deliverable

Intake Effects Assessment Report
Hydrodynamic Modeling/Brine Disposal Report
Terrestrial and Marine Biological Resources Report(s)

Timing of Deliverable

EIR

Cultural Resources

Construction:

- A cultural resources report would be required in order to assess potential cultural resources (archaeological and historical) at the desalination facility site as well as along the pipeline alignment, as the federal lead agency would require that a Section 106 evaluation be done.
- A records search would be recommended to identify whether or not any potentially significant cultural resources might exist within the vicinity of the proposed conveyance pipelines.
- During trenching activities associated with the water conveyance pipeline, any discovery of buried historical/archaeological resources would require that construction be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds.

- This issue may be limited to discussing available data, acknowledging the developed nature of the study area, and developing monitoring protocols to be followed during construction.
- For marine cultural analysis, conduct records of search of shipwrecks and other submerged cultural resources in the area. If no known submerged cultural resources, may be able to stop at this point. If there are submerged cultural resources in the area where work will be conducted, will have to assess whether magnetometer studies are needed or whether the federal lead agency will accept a Memorandum of Understanding that details how the marine cultural investigation will be conducted when a preferred alternative is chosen and the definitive study area is known.

Operation:

- No impacts are anticipated with project operation.

Note: Marine cultural studies may or may not be needed depending on how subsurface intake alternatives are addressed.

Paleontological Resources

Construction:

- Conduct paleontological records search for vertebrate fossils.
- Obtain pertinent geological maps and literature on the geology and paleontology of the area and establish what rock units are present near and within the search area.
- Identify the paleontological potential of each rock unit based on the most widely accepted methodology for categorizing such potential.
- Disturbance of previously undisturbed sediments of at least some of the above noted formations may result in significant impacts under CEQA, requiring mitigation in the form of construction monitoring

Operation:

- No impacts are anticipated with project operation.

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| Deliverable | Cultural Resources Report, Paleontological Report |
| Timing of Deliverable | EIR |

Geology

Construction:

- Construction of the proposed seawater desalination facility and water delivery pipelines would require the analysis of the geologic features of the proposed project site. The project site should be assessed to determine the stability of the soils, including but not limited to the potential for earthquake shaking hazards, surface rupture, tsunami, shallow groundwater, and unstable soils (liquefaction, subsidence, lateral spread) to support the construction of the proposed seawater desalination facility.

Operation:

- While no impacts are expected related to project operation, the project could be subject to geological effects from earthquakes, unstable soils, etc., during operation. These sorts of impacts are usually addressed through engineering and design, and the expectation would be that geological impacts related to operations would be less than significant.

Marine Geology:

- Assumes offshore geotechnical investigations and bathymetric analysis is conducted as part of preliminary engineering and design to determine suitability

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| of placement of structure on ocean floor. | |
| Deliverable | Geotechnical Report |
| Timing of Deliverable | ENG |
| <i>GHGs</i> | |
| <p>Construction and Operation:</p> <ul style="list-style-type: none"> The project would produce potable water using reverse osmosis membrane separation. The treatment processes would not generate GHGs directly. Because seawater desalination is generally more energy-intensive than most other water supply methods in California, the issue of energy use and GHG emissions is one of high profile throughout the regulatory process for desalination projects. It is therefore important to carefully study and quantify the potential GHG emissions of desalination proposals. The analysis should also consider a comparison of energy use with traditional water supply components, to the extent that desalinated water would replace or offset such supplies. <p>The project is unlike most land use projects in terms of its GHG emissions profile, in that the vast majority of its GHG effects would be associated with indirect emissions related to site-generated or purchased electricity. Determining the appropriate CEQA significance threshold and assessing project effects will depend greatly on the policy approach to carbon emissions for the project. For example, if it is mandated that the project be carbon-free or carbon-neutral, the analysis would involve a different set of parameters for significance, as compared to a typical development project. WBMWD may elect to prepare a plan for minimization of energy use and/or reduction of carbon emissions that may be part of a voluntary commitment to account for indirect GHG emissions from the project.</p> | |
| Deliverable | GHG analysis in EIR |
| Timing of Deliverable | EIR |
| <i>Hazards and Hazardous Materials</i> | |
| <p>Construction and Operation:</p> <ul style="list-style-type: none"> The proposed seawater desalination facility would involve the storage, handling, and use of hazardous materials. The plant would therefore be required to comply with all the appropriate regulations concerning hazardous materials. Hazardous materials would likely be utilized for three components of desalination facility operation: 1) periodic cleaning of the reverse osmosis membranes that filter impurities from seawater, 2) treatment of potable product water, and 3) storage of diesel fuel for emergency backup electricity generators at the desalination plant (however, it may be determined that a redundant power supply would be implemented in lieu). Hazardous materials would need to be transported, stored, handled, and disposed of using all necessary precautions to avoid releases and associated impacts to facility employees, the local water table, and the general public. In accordance with applicable regulatory requirements, the desalination facility operator would be required to prepare an accident prevention plan. The means of transportation should also be addressed. | |
| Deliverable | Phase I Environmental Site Assessment for the proposed desalination plant site(s) |
| Timing of Deliverable | ENG |
| <i>Hydrology and Water Quality</i> | |

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| Construction and Operation: | |
| <ul style="list-style-type: none"> · The hydrology and water quality section of the EIR will need to describe: 1) existing water quality, drainage, and groundwater conditions at the project site; 2) the applicable regulatory requirements; 3) potential changes in hydrologic and water quality conditions due to the proposed project and alternatives; 4) an assessment of the significance of potential project impacts; and 5) recommendations for mitigation measures, as necessary, to reduce these impacts to the extent feasible. The topics to be addressed in this section of the EIR, and associated analytical approach, are identified below. <ul style="list-style-type: none"> ○ Product Water Quality: To be based on technical memos and other available information. ○ Marine Water Quality: A major component of the marine water quality analysis will be review of brine dilution modeling to assess whether the concentrated residual brine will impact receiving waters. ○ Surface Hydrology and Water Quality: Potential effects to surface hydrology and water quality near the proposed site of the desalination facility and pipeline alignments will be assessed. Potential impacts to drainage patterns and water quality resulting from construction, operation, and maintenance of the desalination plant and pipelines will be described and mitigation measures will be recommended to reduce any identified significant impacts. Would be helpful to have storm drain plan and capacity constraints in downstream conveyance. ○ Flooding/Tsunami/Sea Level Rise: Federal Emergency Management Agency (FEMA) flood maps will be evaluated to determine whether the proposed sites are within the FEMA 100-year floodplain, and/or tsunami inundation mapping areas, and mitigation measures will be recommended if necessary. Assess how 100-year flood elevations and inundation areas would likely change due to predicted sea-level rise. May require design modifications. | |
| Deliverable | Hydrology and water quality analysis in EIR; Water Supply Assessment to be conducted by water district. |
| Timing of Deliverable | EIR |
| <i>Land Use and Planning</i> | |
| Construction and Operation: | |
| <ul style="list-style-type: none"> · Description of existing land uses at and adjacent to each of the sites under consideration for the proposed project and alternatives. · Identify sensitive land uses, if any. · Incorporate land use and zoning maps for the project area, and discuss the project’s relationship with existing relevant plans and policies. · Relationship of project elements to the California Coastal Zone will also be identified and mapped. All applicable adopted land use plans, policies, and regulations that relate to the proposed project will be identified and analyzed. · The intent of the analysis will be to determine whether any of the project elements may affect existing and/or planned land uses in or around the project vicinity. Any conflicts with existing or planned land uses or with any adopted plans in the area will be identified and discussed. · Focus will be on <i>applicable</i> land use plans and policies. It is not anticipated that approval from the California Energy Commission will be required as the proposed project does not fall within the categories of projects under that agency’s jurisdictional oversight. | |
| Deliverable | Land use analysis in EIR |
| Timing of Deliverable | EIR |
| <i>Noise</i> | |
| Construction: | |
| <ul style="list-style-type: none"> · High ground-borne noise levels and other miscellaneous noise levels can be created by the construction equipment including heavy-duty trucks, backhoes, | |

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| <ul style="list-style-type: none"> bulldozers, excavators, front-end loaders, compactors, graders, and other heavy-duty equipment. • Assess noise impacts in the grading and construction phase of the project. • Assess potential for ground-borne vibration or ground-borne noise levels related to construction activities. <p>Operation:</p> <ul style="list-style-type: none"> • Assess noise effects from pumps and other noise-generating equipment, and their effects on surrounding sensitive receptors, including wildlife receptors, as appropriate. | |
| Deliverable | Noise analysis in EIR |
| Timing of Deliverable | EIR |
| <i>Population and Housing (Growth Inducement)</i> | |
| <p>Construction:</p> <ul style="list-style-type: none"> • Analyze number of new construction jobs created by the proposed project as a percentage of the local area and region. <p>Operation:</p> <ul style="list-style-type: none"> • Infrastructure projects may have characteristics “which would remove obstacles to population growth” or “which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively” (14 CCR 15126.2(d)). In the specific example cited by the CEQA Guidelines, “a major expansion of a waste water treatment plant might ... allow for more construction in service areas” (14 CCR 15126.2(d)). Infrastructure projects may be found to be indirectly growth-inducing. • The EIR should discuss the potential for indirect growth inducement when the “sole reason to construct” an infrastructure improvement project “is to provide a catalyst for further development in the immediate area” (<i>City of Antioch v. City Council of the City of Pittsburg</i> 1986) as compared to the analysis required for a project “designed to accommodate a development whose growth-inducing impact had already been addressed” (<i>Merz v. Monterey County Board of Supervisors; California Court of Appeal</i> 1983). • The EIR should focus on the extent to which the proposed project would provide a catalyst for further development in the project’s service area as compared to the extent to which the proposed project has been designed to accommodate existing demand and planned development. Dependent on assessment of local and regional demand projections. • The construction of the proposed seawater desalination facility and associated capital improvement projects, such as new water pipelines, would increase the amount of locally produced drinking water supplied to the region. How that water is used in relation to existing imported water supplies is a key issue. Specifically, the EIR needs to address to what extent the project’s product water replaces imported water, for purposes of meeting existing and projected demand. • Analyze number of new permanent operations jobs created by the proposed project as a percentage of the local area and region. <p>Socioeconomics and Environmental Justice (NEPA only):</p> <p>In 1994, President Clinton issued the “Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (Executive Order 12898) designed to focus attention on environmental and human health conditions in areas of high minority populations and low-income communities, and promote non-discrimination in federal programs and projects substantially affecting human health and the environment (59 FR 7629). The order requires the EPA and all other federal agencies (as well as state agencies receiving federal funds) to develop strategies to address this issue. The agencies are required to identify and address any disproportionately high and adverse human health or environmental effects of the programs, policies,</p> | |

and activities on minority and/or low-income populations.

Environmental justice considerations relate to the distributional patterns of high-minority and low-income populations on a regional basis in relation to the proposed project.

Construction:

- Would the project’s construction disproportionately impact a low-income or minority community? Includes analysis of census regional, local, and census tract-level data to assess the communities located in proximity to the project site, their income, and the numbers of construction jobs that would be generated by the project in the area.

Operation:

- Would the project’s operation disproportionately impact a low-income or minority community? Includes analysis of regional, local, and census tract-level data to assess the communities located in proximity to the project site, their income, and the numbers of permanent jobs that would be generated by the project in the area.

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| Deliverable | Population and housing section in EIR; growth-inducement section in EIR; Environmental Justice for EIS, if applicable |
| Timing of Deliverable | EIR |

Public Services and Utilities

- Depending on the location of the proposed pipeline alignment, impacts to underground utilities may occur. If the installation of the proposed off-site pipelines would occur within existing street right-of-way, an assessment would be needed to determine if the pipes would consume underground space for utilities (telephone, cable television, electricity, small-diameter pipes) along the streets the pipeline is proposed to occupy.
- The project may result in the need for additional solid waste disposal services. An assessment should be performed to determine which landfill has the capacity to accept construction debris from the proposed project. In addition, the applicant would prepare a Waste Reduction Plan for the construction waste generated from this project.
- Public services and utilities, including law enforcement, fire protection, emergency medical services, wastewater services, water, solid waste, electricity and natural gas, schools, and parks and recreation, may be affected by the project, both in terms of service disruption during construction and potential increase in demand for services. This will require contacting these service providers with a questionnaire about potential impacts to their services or service area.

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| Deliverable | Analysis of impacts to public services and utilities in EIR |
| Timing of Deliverable | EIR |

Recreation

Construction and Operation:

- The proposed project does not include the construction or expansion of any recreational facilities that would adversely affect the environment. The proposed desalination facility would be sited on developed industrial land, which already limits coastal access and associated recreational uses.
- However, additional impacts to marine recreational issues, such as beachfront, surf, and fishing, will have to be addressed in the environmental document.
- Construction of the pipelines would potentially affect the use of existing neighborhood and regional parks or recreational facilities depending on the alignment of the conveyance pipelines, and will have to be evaluated accordingly.

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| Deliverable | Analysis of recreational impacts in EIR |
| Timing of Deliverable | EIR |
| <i>Traffic and Circulation</i> | |
| <p>Construction and Operation:</p> <ul style="list-style-type: none"> • Include descriptions of the local roadway network in the vicinity of the alternative sites and pipeline alignments. • Collect and document existing daily traffic volumes on these roadways. • Assess the effects of construction- and operation-related project traffic on existing transportation and traffic. • Issues to be addressed in the analysis include: potential traffic impacts to the local roadway system caused by construction-related project traffic, potential traffic impacts to the local roadway system caused by operation-related project traffic, and potential effects to local transportation systems caused by disruption of the roadway network caused by construction of ancillary facilities such as pipelines. | |
| Deliverable | Traffic Impact Analysis (typically a separate report, but can also be analysis in EIR) |
| Timing of Deliverable | EIR |
| <i>Other Sections</i> | |
| <p>Energy</p> <ul style="list-style-type: none"> • Energy-related implications associated with the implementation of the project will be evaluated in the EIR with respect to: energy demand during the construction process, ongoing project operational energy use, potential effects of the project on local and regional energy supplies and infrastructure, and the effect of the project on peak and base-period energy demand. • The Energy Minimization and GHG Reduction Study is expected to provide detailed and thorough analyses of projected energy demand of facility operation, as well as options to reduce demand by various amounts through the implementation of a range of different measures (e.g., energy-conserving plant equipment, green building design, alternative energy power generation, etc.). <p>Cumulative Impacts</p> <p>The cumulative impact analysis analyzes the incremental impact of a project in connection with other projects causing related impacts. The cumulative impact analysis can be integrated into each resource chapter (the benefit of this organization is that the analysis will be completed at the time the individual impact analysis is conducted), or it can be evaluated in a separate chapter at the end of the document that usually ends up being prepared later. The cumulative impact analysis methodology and geographic scope varies by resource, so it can be a more complicated analysis to conduct because one size does not fit all areas of analysis. “The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probably future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time” (CEQA Guidelines Section 15355(b)). Even if a tiny portion of the cumulative impact is caused by the proposed project, the EIR must analyze it. The ultimate goal of the analysis is to determine whether the proposed project’s incremental contribution is “cumulatively considerable.” A project that has less-than-significant individual effects may be cumulatively considerable when combined with other projects.</p> <p>Alternatives Analysis</p> <p>In accordance with CEQA, the reasonable range of alternatives to be evaluated in the EIR will focus on avoiding or reducing any significant impacts that may</p> | |

be identified for the proposed project, while feasibly attaining most of the project objectives. Alternatives can be developed by combining potential desalination plant sites, potential intake systems, and several potential pipeline routes. Since this project is likely to receive a high level of public scrutiny and will be subject to a rigorous permitting process, and the project will likely be subject to NEPA compliance, the desalination alternatives selected for analysis in the environmental document should be comprehensive, and may benefit from a separate screening study that outlines the feasibility of, or rationale for rejecting, various alternatives that have been considered in the planning and design process.

The discussion of non-desalination alternatives (e.g., conservation, curtailment, and other water supply alternatives) in the EIR will be based on the WBMWD planning documents, discussion of alternatives, and any updated information from WBMWD about the status of these alternatives.

It is assumed that as part of the preliminary engineering, the seawater intake pipeline, the brine discharge pipeline, the product water delivery pipeline, the sanitary sewer line, and any new distribution lines and interties would be evaluated, and only viable routes carried forward for analysis in the EIR.

Notes:

ENG = Timing is during preliminary engineering/design.

EIR = Timing is during environmental documentation phase.

Agricultural Resources and Forestry Resources and Mineral Resources are expected to be eliminated (in Initial Study) from requiring further analysis in EIR.

4. Risks to Schedule, Document Defensibility, and Budget Considerations

There are various risks to schedule, document defensibility, and the budget during the environmental process. For example, providing a complete and comprehensive Project Description, well-reasoned project objectives, and a reasonable range of project alternatives, as well as other issues as described in this section, are important in appropriately addressing concerns that may be raised by the public and interested parties, and can help avoid potential litigation risks.

Document defensibility can also be at risk if there hasn't been sufficient stakeholder involvement because then opponents use the document to find flaws and delay the project. Furthermore, taking too much creative license with CEQA or NEPA, which could include not following procedural requirements or leaving out critical sections of the document, are easy red flags for opponents to find and use to challenge the document.

Budgets are always affected by unanticipated delays, multiple revisions to the Project Description necessitating new and revised technical analyses, or the addition of new alternatives late in the environmental analysis.

In conclusion, a critical first step to avoiding these risks is ensuring that the scoping of the work effort is done in a comprehensive manner, and that the project team selected to execute the work has familiarity and experience in dealing with the unique environmental and regulatory issues associated with seawater desalination.