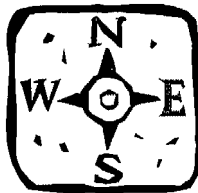


Chapter 9. NEPA/CEQA Monitoring

The CALFED Bay-Delta Program will establish a process to ensure that issues and information developed in the Programmatic EIS/EIR are adequately addressed and considered in future tiered environmental documents. This chapter presents the monitoring process and contains a mitigation monitoring and reporting plan as required by CEQA.

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9. NEPA/CEQA Monitoring

9.1 INTRODUCTION

Projects and activities that implement the CALFED Preferred Program Alternative will be monitored to ensure that issues and information developed in this Programmatic EIS/EIR process are adequately addressed and considered. CALFED will accomplish this by having the agencies agree that for any projects within the scope of this Programmatic EIS/EIR, subject to additional CEQA or NEPA review, and for which that agency has responsibility for approving some portion of the second-tier project, the agency will commit to review all applicable mitigation strategies and consider each one that is applicable at the project level. This commitment will be included as part of the ROD/CERT that will conclude this Programmatic EIS/EIR process. Any project funded with legislation providing that the funds be used for projects consistent with or in accord with the CALFED Program would need to demonstrate its compliance with this mitigation monitoring program. If and when a continuing CALFED governing agency with authority to carry out CALFED Program projects is created by legislation, this policy will be applied to that new agency as well.

Projects and activities implementing the Preferred Program Alternative will undergo future environmental analysis as required by NEPA and CEQA that will tier from this Programmatic EIS/EIR. This section describes the process that will be used to monitor the tiered environmental documents so that they adequately provide the more specific information necessary to evaluate the environmental consequences of the second-tier project, address issues identified in this Programmatic EIS/EIR, and conform to the CALFED Program. As a programmatic monitoring plan, the monitoring process carries out Section 21081.6 of CEQA that requires public agencies to adopt a reporting or monitoring program whenever a project or program is approved that includes mitigation measures identified in an environmental document.

The CALFED agencies elected to prepare a Programmatic EIS/EIR very early in development of the Program to fully disclose the general environmental consequences of a complex, long-term program. The Programmatic EIS/EIR presents information at a broad planning level of detail, including descriptions covering regional and solution area impacts. The precise impacts cannot readily be identified at this early planning stage; consequently, descriptions of anticipated environmental, economic, and social effects are presented to disclose the maximum range of effects.

Mitigation strategies that can be applied in future tiered projects are proposed to address significant adverse environmental consequences. Discussion of cumulative and growth inducing impacts is general, corresponding to the level of analysis of the Programmatic EIS/EIR. To make adequate determinations of project-specific environmental consequences, additional information is required; future NEPA/CEQA documents will be prepared to handle the site-specific analysis.



It is CALFED's intent that the information, issues, and mitigation strategies developed during the Programmatic EIS/EIR process be used, considered, evaluated, and disclosed in subsequent NEPA/CEQA documents that are prepared to implement the Preferred Program Alternative. Cumulative and growth-inducing impacts will be presented in these documents as appropriate within the context of the overall CALFED Preferred Program Alternative and site-specific environmental document. Mitigation strategies developed in the Programmatic EIS/EIR must be considered and specific mitigation measures proposed for significant adverse impacts identified in the tiered environmental documents.

9.2 NEPA/CEQA MONITORING PROCESS

The NEPA/CEQA monitoring process will include review, guidance, and reporting components. These activities will be conducted within CALFED or its governance successor. One possible monitoring program under development is the Comprehensive Monitoring, Assessment, and Research Program (CMARP). If the CMARP process is not selected as the institutional framework, another framework or CALFED governance successor will need to provide for long-term NEPA/CEQA monitoring. Regardless of the governing institution, the NEPA/CEQA monitoring process will be used for any Preferred Program Alternative implementing activities or projects that tier from this document and trigger NEPA or CEQA review.

CALFED will provide guidance to lead agencies preparing NEPA/CEQA environmental documents that tier from this programmatic document. Guidance will include information listing the environmental consequences and mitigation strategies presented in the Programmatic EIS/EIR, issues from comments received, and additional relevant information developed since completion of the Programmatic EIS/EIR. The need for cumulative and growth-inducing impact evaluation in the context of the overall CALFED Program will be explained. CALFED will prepare a checklist to assist in ensuring that the tiered document considers the relevant information. Additional information will be made available to the agency preparing the tiered document as necessary.

A reporting system will be developed to advise the CALFED governing body or future management institution of the status of NEPA/CEQA monitoring. Written reports summarizing the NEPA/CEQA status of implementation projects will be provided to the governing body on a periodic basis. A tracking system for implementation projects in the NEPA/CEQA stage of development will be necessary to manage and track project status.

9.3 CEQA MONITORING AND REPORTING

Section 21081.6 of CEQA requires that public agencies adopt a reporting or monitoring program whenever a project or program is approved that includes mitigation measures identified in an environmental document. The NEPA/CEQA monitoring process will meet this CEQA requirement.

The analyses presented in this Programmatic EIS/EIR provide information to decision makers and the general public on the range of possible environmental consequences associated with each Program alternative. Mitigation strategies are proposed where potentially significant adverse environmental impacts have been identified. The mitigation strategies provide an array of actions that could be used to mitigate significant adverse environmental impacts. The mitigation strategies are to be used to guide proposed



mitigation measures in subsequent project-specific environmental documents. Because all the potential actions and impacts for tiered projects cannot be anticipated at a programmatic level, each project needs to select those strategies and actions applicable to the specific location and type of action. For example, it may be possible to apply the agricultural resources mitigation strategy of using public land for Program activities in some geographic locations where suitable public land exists, but not in other locations where little or no public land is available. The lead agency for the tiered environmental document also may develop and consider additional site-specific mitigation measures.

At the project-specific level of environmental review, the lead agency will review the site characteristics, size, nature, and timing of proposed actions to determine whether the impacts of the specific projects are potentially significant or can be mitigated to a less-than-significant level. However, since it is not possible to precisely assess the site-specific impacts or potential for mitigation of project-level impacts at this time, this document treats these impacts at a programmatic level as potentially significant. Where it is anticipated that feasible mitigation measures may not be available to reduce these impacts to a less-than-significant level, based on currently available information, this document treats these impacts at the programmatic level as potentially significant and unavoidable. Future review in tiered environmental documents will be needed to determine the impacts of specific actions and appropriate mitigation for project-specific actions. A separate CEQA monitoring and reporting plan also is required for site-specific projects for which an EIR is prepared.

The CEQA monitoring and reporting, therefore, is to ensure that the mitigation strategies discussed in the Programmatic EIS/EIR are considered and adequately addressed when specific projects are developed. The specifications for implementation project monitoring and reporting could be developed during preparation of environmental documents for specific projects, during review of draft environmental documents, or both.

According to the 1996 Tracking CEQA Mitigation Measures under AB 3180 from the Governor's Office of Planning and Research, a program for monitoring and reporting on mitigation measures should contain certain components. These components are presented below, modified to meet the Program's need to monitor and report on whether the mitigation strategies in the Programmatic EIS/EIR have been considered in project-specific analysis.

- Assemble a list of mitigation strategies adopted in the Final Programmatic EIS/EIR. This list could be a checklist or table.
- Establish a process and schedule for checking that mitigation strategies are being considered while environmental documents are being prepared for specific projects. This schedule needs to be flexible, given the phased and undetermined timing of future projects.
- Describe a means of recording compliance at the time of each check. This could include completing a checklist or otherwise documenting that a review or other activity had been conducted, indicating that the mitigation strategies have been considered.
- Assign to specific people or agencies the responsibility for monitoring how the mitigation strategies and related conditions of approval have been considered.
- Ensure that the monitoring reflects the independent judgment of the public agency responsible for the program, if the monitoring is to be contracted to private individuals or firms.



- Provide funding for the monitoring program.
- Provide a mechanism for responding to a failure to adequately consider any mitigation strategy.
- Provide a mechanism for implementing remedial measures, should monitoring indicate that the mitigation is not performing as anticipated.

Many institutions, both within and outside the Program partnership, are involved in monitoring and applied research that can contribute to the design and assessment of environmental rehabilitation programs. The Program will need to prepare for Congress, the California Legislature, government agencies, stakeholders, and the general public a status report that describes the Program's effectiveness in achieving the stated program goals.

