

CONSOLIDATED FINAL RESTORATION PROJECTS STATEWIDE ORDER
PROGRAM ENVIRONMENTAL IMPACT REPORT
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ACRONYMS, OTHER ABBREVIATIONS, AND DEFINITIONS

Acronyms, Other Abbreviations, and Definitions

Acronym or Abbreviation	Definition
AB	Assembly Bill
AIRFA	American Indian Religious Freedom Act
APCD	Air Pollution Control District
AQMD	Air Quality Management District
AQMP	Air Quality Management Plan
BAAQMD	Bay Area Air Quality Management District
basin plan	water quality control plan
BCDC	San Francisco Bay Conservation and Development Commission
BLM	U.S. Bureau of Land Management
BMP	best management practice
BO	biological opinion
CAA	Clean Air Act
CAAQS	California ambient air quality standards
CAL FIRE	California Department of Forestry and Fire Protection
Cal OES	Office of Emergency Services
Caltrans	California Department of Transportation
CAP	criteria air pollutant
CARB	California Air Resources Board
CBC	California Building Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFC	California Fire Code
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH ₄	methane
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CO _{2e}	carbon dioxide equivalent
CPUC	California Public Utilities Commission

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Acronym or Abbreviation	Definition
CRPR	California Rare Plant Rank
CSZ	Cascadia subduction zone
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DDW	Division of Drinking Water
DoD	U.S. Department of Defense
DOF	California Department of Finance
DPM	diesel particulate matter
DWR	California Department of Water Resources
EHRA	Earthquake Hazards Reduction Act
EIR	environmental impact report
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FESA	federal Endangered Species Act
FOBs	Field Office Operations Branches
Order	certification order
GHG	greenhouse gas
GWP	global warming potential
H ₂ S	hydrogen sulfide
HAP	hazardous air pollutant
HCP	habitat conservation plan
HFC	hydrofluorocarbon
IBC	International Building Code
IPCC	Intergovernmental Panel on Climate Change
MAF	million acre-feet
MBTA	Migratory Bird Treaty Act
MMT CO _{2e}	million metric tons of carbon dioxide equivalent
mph	miles per hour
MPO	Metropolitan Planning Organization
MRZ	Mineral Resource Zone
MT	metric ton
N ₂ O	nitrous oxide
NAAQS	national ambient air quality standards

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Acronym or Abbreviation	Definition
NAGPRA	Native American Graves Protection and Repatriation Act
NCCP	natural community conservation plan
NEHRP	National Earthquake Hazards Reduction Program
NEHRPA	National Earthquake Hazards Reduction Program Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NO ₂	nitrogen dioxide
NO _x	oxides of nitrogen
NOAA RC	National Oceanic and Atmospheric Administration Fisheries Restoration Center
NOP	notice of preparation
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRCS	Natural Resources Conservation Service
O&M OEHHA	operations and maintenance
PBOs	California Office of Environmental Health Hazard Assessment
PEIR	programmatic Biological Opinions
PFC	program environmental impact report
PM ₁₀	perfluorocarbon
PM _{2.5}	particulate matter (10 microns in diameter or less)
ppm	particulate matter (2.5 microns in diameter or less)
PRC	parts per million
PRMRP	Public Resources Code
PSD	Paleontological Resource Monitoring and Recovery Plan
Reclamation	Prevention of Significant Deterioration
Regional Board	U.S. Bureau of Reclamation
RMP	Regional Water Quality Control Board
ROG	resource management plan
RPA	reactive organic gases
RSP	Reasonable and Prudent Alternative
SB	rock slope protection
SBFFP	Senate Bill
SCS	State Board of Forestry and Fire Protection
SFHA	Sustainable Communities Strategy Special Flood Hazard Area

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Acronym or Abbreviation	Definition
Small Habitat Restoration Projects	Order for Small Habitat Restoration Projects
SIP	state implementation plan
SMARA	State Mining and Reclamation Act of 1975
SMGB	California State Mining and Geology Board
SO ₂	sulfur dioxide
State Water Board	State Water Resources Control Board
Statewide multi-agency program	Statewide multi-agency program to facilitate implementation of restoration projects
SWP	State Water Project
SWPPP	storm water pollution prevention plan
TAC	toxic air contaminant
TMDL	total maximum daily load
TRPA	Tahoe Regional Planning Agency
USACE	U.S. Army Corps of Engineers
USC	U.S. Code
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VHFHSZ	Very High Fire Hazard Severity Zone
VOC	volatile organic compound
WDR	Waste Discharge Requirement
WY	water year

Definition of Terms

Design guidelines: Design guidelines (Appendix E) have been developed to help project proponents ensure that projects are designed, during the development of their individual projects, in a manner that is appropriate and sustainable, minimizes adverse effects on aquatic habitats, maximizes the ecological benefits of the restoration, and is consistent with multiple permitting agency regulatory practices (e.g., CDFW, NMFS, USFWS).

Protection measures (Appendix E) are the best management practices developed to support avoidance and/or minimization of effects to all covered species and their habitats and other resource areas (e.g., air quality, hazards and hazardous materials, geology and soils). These measures are designed to be applied, as appropriate, based upon the type of restoration project being undertaken and the specific tools being used to accomplish the restoration project.

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Restoration project: An eligible project type that would result in a net increase in aquatic or riparian resource functions and/or services through implementation of relevant protection measures listed in Section 2.6, *Categories of Restoration Projects in the Order*, and Section 2.8, *Programmatic Sideboards, General Protection Measures, and Other Requirements*. The project must also be included in the list of eligible project types (Section 1.2, *Categories of Eligible Project Types*). A restoration project permitted by the Order may include multiple benefits, such as groundwater recharge, recreation, flood management, water quality improvement, and/or adaptation to climate change. Restoration projects permitted by the Order may also contribute to the protection of existing and potential beneficial uses identified in each of the nine Regional Boards water quality control plans (basin plans).¹

Species protection measures (Appendix F) are avoidance and/or minimization measures developed specifically to address individual covered species or covered species guilds, based upon unique life history and habitat requirements. Applicable species protection measures are to be implemented in addition to applicable general protection measures, described above, when suitable habitat exists within the currently occupied range of the species and/or a species is determined to be present.

¹ The State Water Board and the nine Regional Boards administer the Porter-Cologne Water Quality Control Act (Water Code Section 13000 et seq.) (Porter-Cologne Act) to achieve an effective water quality control program for the state and are responsible for the regulation of activities and factors that may affect the quality of the waters of the state. (Water Code Sections 13000 and 13001.)

The State Water Board is authorized to adopt basin plans in accordance with the provisions of Water Code Sections 13240 through 13244, insofar as they are applicable. (Water Code Section 13170.)

A basin plan consists of: (1) beneficial uses to be protected; (2) water quality objectives for the reasonable protection of beneficial uses; and (3) a program of implementation for achieving the water quality objectives.

Beneficial uses identified in basin plans include: Municipal and Domestic Supply, Industrial Service Supply, Industrial Process Supply, Agricultural Supply, Ground Water Recharge, Navigation, Water Contact Recreation, Non-Contact Water Recreation, Shellfish Harvesting, Commercial and Sport Fishing, Warm Freshwater Habitat, Cold Freshwater Habitat (COLD), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction, and/or Early Development, Estuarine Habitat, Wildlife Habitat, Rare, Threatened, or Endangered Species, Native American Cultural (CUL), and Subsistence Fish (FISH).

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Prologue

This document is the Consolidated Final Program Environmental Impact Report (Consolidated Final PEIR) for the State Water Resources Control Board (State Water Board) Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (Order). The term “Consolidated” refers to the combining of the Draft PEIR and Final PEIR into a single document that incorporates changes and corrections and includes responses to comments (provided on the Draft PEIR) instead of developing a separate standalone Final PEIR. This organizational structure is intended to facilitate easier use of the document by maintaining all relevant text (Draft and Final) in continuous succession.

Chapter 1 Introduction¹

1.1 Introduction and Overview of the Order

The State Water Resources Control Board (State Water Board) has developed a General Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (Order) to improve the efficiency of regulatory reviews for projects throughout the state that would restore aquatic or riparian resource functions and/or services. The Order (Appendix A) establishes an authorization process (Figure 1-1) for environmentally beneficial restoration projects (Section 1.2, *Categories of Eligible Project Types*) and associated measures to protect species and the environment (Section 2.8 *Programmatic Sideboards, General Protection Measures, and Other Requirements*).

The State Water Board and nine Regional Water Quality Control Boards (Regional Boards), which exercise rulemaking and regulatory activities by basins, have authority to regulate discharges of waste that threaten or cause impairment of designated beneficial uses or cause nuisance to waters of the state, including discharges related to restoration activities through issuance of waste discharge requirements (WDRs) pursuant to the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.).

The State Water Board and Regional Boards also have regulatory authority under Clean Water Act (CWA) Section 401 (water quality certification) for projects that must be authorized by the U.S. Army Corps of Engineers (USACE)² under CWA Section 404 and

¹ The entirety of Chapter 1 in this Consolidated Final has been updated and changed from the Draft PEIR.

² All three USACE districts that cover California are participating in the statewide multi-agency program to Facilitate Implementation of Restoration Projects, described later in Section 1.1. USACE’s Sacramento District is the lead for California; the San Francisco and Los Angeles Districts are also participating.

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Sections 10 and 14 of the Rivers and Harbors Act of 1899 (U.S. Code Title 33, Section 408). The Order provides WDRs as well as CWA Section 401 Water Quality Certification.

The Order authorizes projects that may discharge directly or indirectly to “waters of the state,”³ including “waters of the United States” under USACE jurisdiction.

The State Water Board has previously adopted a programmatic authorization for restoration projects less than 5 acres and a cumulative total of 500 linear feet of stream bank or coastline, and that qualify under the California Environmental Quality Act (CEQA) categorical exemption under California Code of Regulations title 14, section 15333, “Small Habitat Restoration Projects” (General Order Number SB12006GN). The Order discussed in this PEIR provides authorization for eligible restoration projects that do not qualify for the Order for Small Habitat Restoration Projects and is intended as a companion to, not a replacement for, the General Order for Small Habitat Restoration Projects.

The Order may include but is not limited to projects that originate from programs and/or initiatives that guide restoration throughout the state, such as:

- ◆ Proposition 1 and Proposition 68 funds administered by local conservancies and state agencies
- ◆ California Department of Fish and Wildlife (CDFW) Fisheries Restoration Grant Program
- ◆ State Water Board Comprehensive Response to Climate Change (Resolution No. 2017-0012)
- ◆ State Water Board Non-point Source (Section 319h) grant program for restoration activities
- ◆ California EcoRestore
- ◆ Water Quality Control Plans
- ◆ Central Valley Flood Protection Plan—Conservation Strategy, San Joaquin River Restoration Program
- ◆ San Francisco Bay Restoration Authority (Measure AA)
- ◆ Projects that are part of other restoration plans, agreements, or funding sources that otherwise meet the terms and conditions of the Order

A restoration project permitted by the Order may include multiple benefits, such as groundwater recharge, recreation, flood management, water quality improvement, and/or adaptation to climate change. Restoration projects permitted by the Order may

³ All “waters of the United States” (also known as “federal waters”) within the borders of California are also “waters of the state,” but the converse is not true. “Waters of the United States” is a subset of “waters of the state,” which includes waters outside of federal jurisdiction. Thus, the Order would apply to projects within both state and federal jurisdictions.

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also contribute to the protection of existing and potential beneficial uses identified in each of the nine Regional Boards water quality control plans (basin plans).⁴

Many types of restoration projects would be permitted under the Order (Section 2.6, *Categories of Restoration Projects in the Order*). The individual restoration projects could be constructed, operated, and maintained in many different ways to meet regulatory requirements and guidelines. For this reason, a range of potential effects could result from implementation of these general types of restoration projects. However, specific project details, such as project sizes, configurations, locations, and operations are not known at this time. For this reason, the potential effects that could result from individual restoration projects permitted under the Order are discussed to the extent feasible in a level of detail to facilitate meaningful review and informed public decision making in the broader context of the Order.

General administration of the Order will be conducted by the State Water Board. The State Water Board and Regional Boards will be responsible for enrolling individual restoration projects under the Order, as applicable, within their respective jurisdictional boundaries (Section 2.3). Order and CEQA process flow charts (Figures 1-1 and 1-2) provide general step-by-step guides to assist a project proponent through the project eligibility and notification process.

As described in the Order, all authorized projects must meet the definition of a restoration project as defined below and comply with all applicable water quality control plans and state policy for water quality control. A "restoration project" is defined as one that would result in a net increase in aquatic or riparian resource area, functions and/or services through implementation of the eligible project types (Section 1.2, *Categories of Eligible Project Types* and Section 2.6, *Categories of Restoration Projects in the Order*), relevant protection measures, and design guidelines (Section 2.8, *Programmatic*

⁴ The State Water Board and the nine Regional Boards administer the Porter-Cologne Water Quality Control Act (Water Code Section 13000 et seq.) (Porter-Cologne Act) to achieve an effective water quality control program for the state and are responsible for the regulation of activities and factors that may affect the quality of the waters of the state. (Water Code Sections 13000 and 13001.)

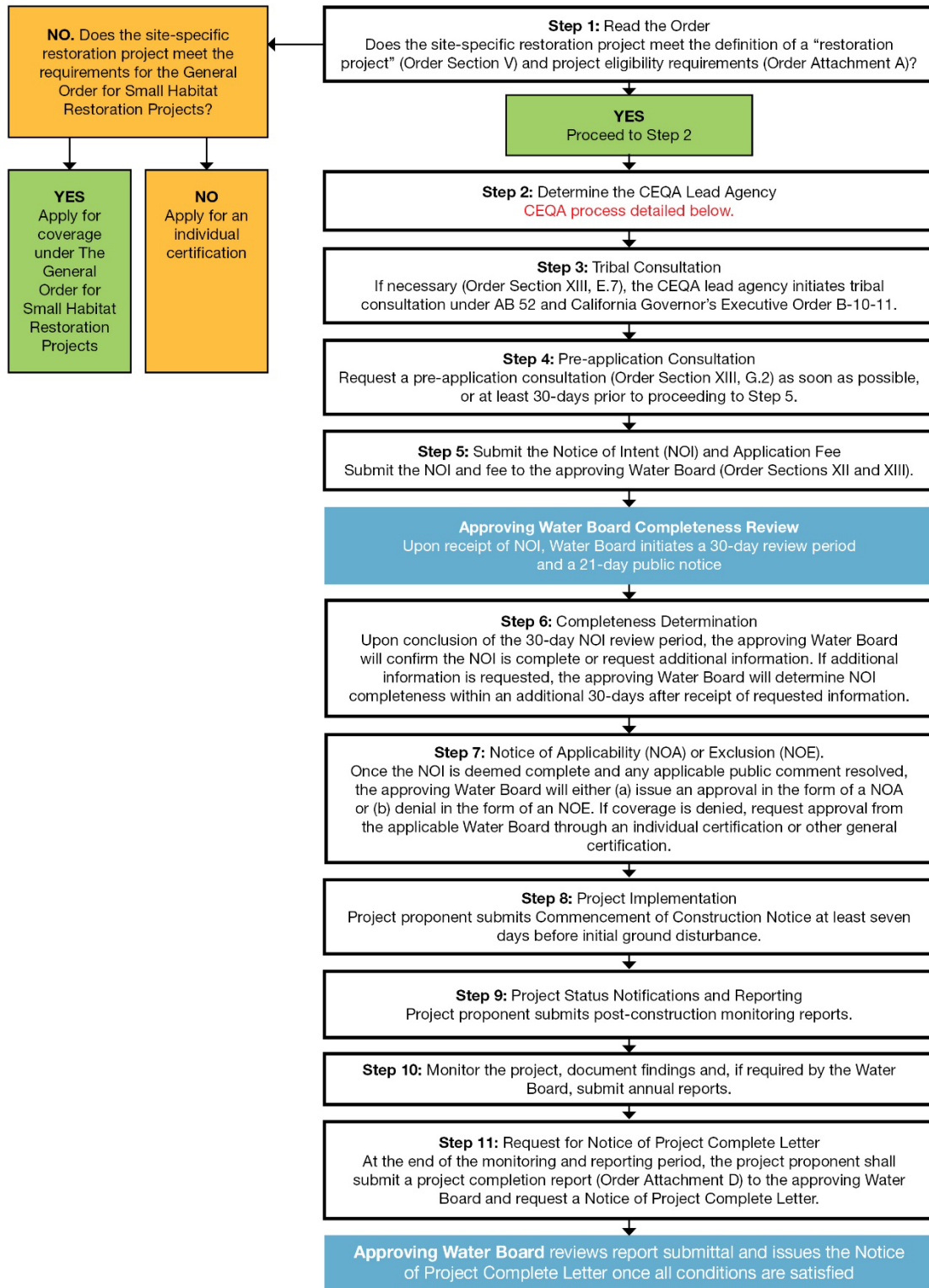
The State Water Board is authorized to adopt basin plans in accordance with the provisions of Water Code Sections 13240 through 13244, insofar as they are applicable. (Water Code Section 13170.)

A basin plan consists of: (1) beneficial uses to be protected; (2) water quality objectives for the reasonable protection of beneficial uses; and (3) a program of implementation for achieving the water quality objectives.

Beneficial uses identified in basin plans include: Municipal and Domestic Supply, Industrial Service Supply, Industrial Process Supply, Agricultural Supply, Ground Water Recharge, Navigation, Water Contact Recreation, Non-Contact Water Recreation, Shellfish Harvesting, Commercial and Sport Fishing, Warm Freshwater Habitat, Cold Freshwater Habitat (COLD), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction, and/or Early Development, Estuarine Habitat, Wildlife Habitat, Rare, Threatened, or Endangered Species, Native American Cultural (CUL), and Subsistence Fishing (FISH).

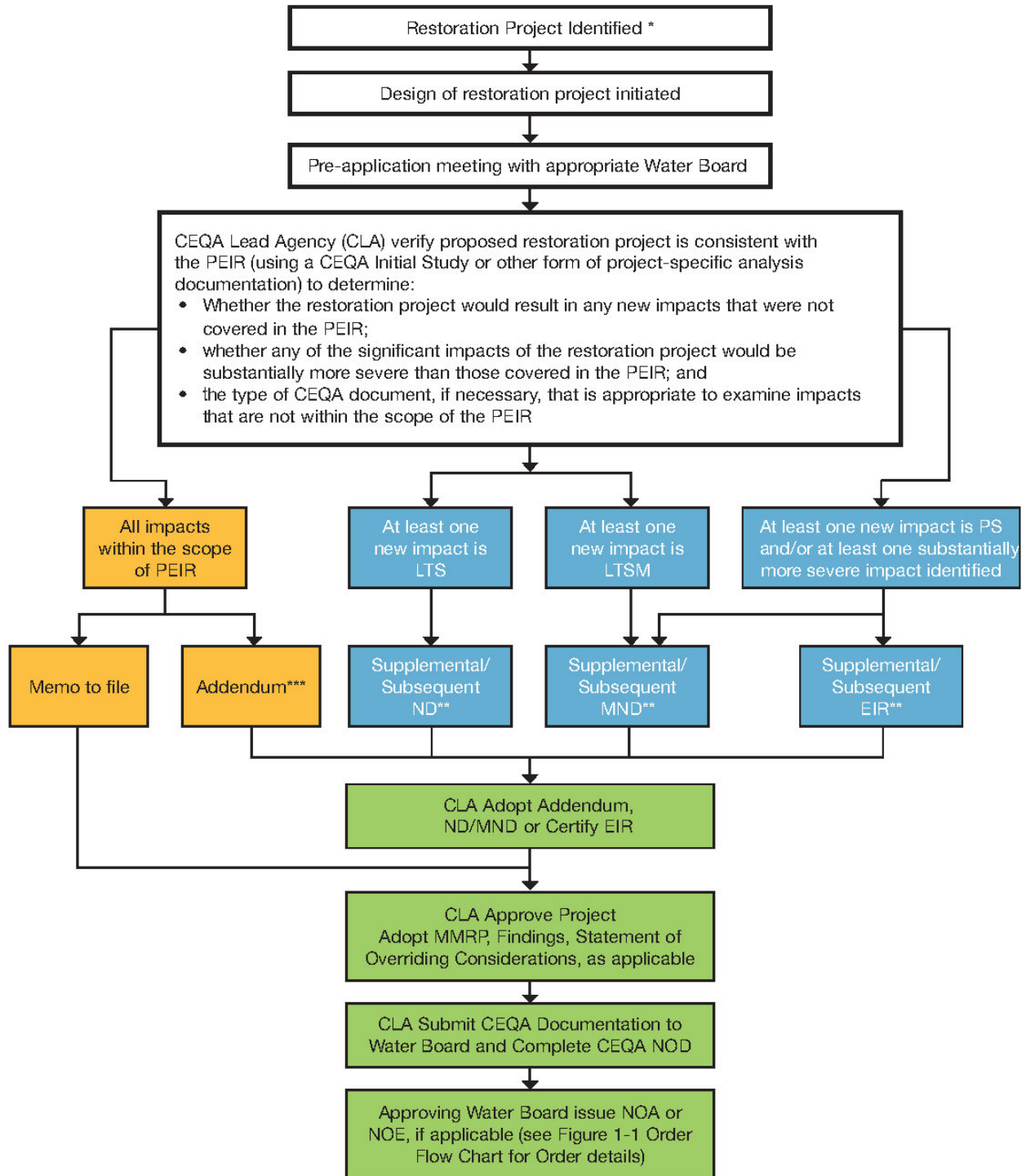
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Figure 1-1 Restoration Projects Statewide Order Process Flow Chart
 Source: ESA 2020



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Figure 1-2 Restoration Projects Statewide Order CEQA Process Flow Chart
Source: ESA 2020



* Meets the definition of a restoration project and conditions outlined in the Restoration Projects Statewide Order and PEIR and does not meet the requirements for the General Order for Small Habitat Restoration Projects
** Pursuant to CEQA Guidelines Sections 15162 (e.g. major revisions to PEIR) and 15163 (e.g. minor revisions to PEIR and doesn't meet the requirements of Section 15163)
*** Pursuant to CEQA Guidelines Section 15164 (e.g. minor additions or changes to PEIR and doesn't meet the requirements of Sections 15162 or 15163)
EIR = Environmental Impact Report; LTS = Less than significant; LTSM = less than significant with mitigation; ND = Negative Declaration;
MND = Mitigated Negative Declaration; NOA = Notice of Availability; NOD = Notice of Determination; NOE = Notice of Exemption; PS = Potentially Significant, PP = Project Proponent
Note: This figure represents the process to implement restoration projects under the PEIR. Please refer to the CEQA Statute and Guidelines for additional information

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Sideboards, General Protection Measures, and Other Requirements). The approving Water Board determines if a proposed project meets the definition of a restoration project and is eligible for authorization under the Order.

1.1.1 CEQA Lead Agency and Project Proponent

A party implementing an individual restoration project subject to the Order may be a public agency, as defined by State CEQA Guidelines Section 15379, or a private party. If the party implementing the restoration project is a public agency, that agency would typically be a CEQA lead agency for the project or, in some circumstances, a responsible agency (State CEQA Guidelines Sections 15367 and 15381). If the party implementing the individual restoration project is a private entity, that party would coordinate with the public agency with principal responsibility to approve the project, as described in State CEQA Guidelines Section 15050 and 15051. Such public agencies with permitting or other approval authority related to the individual restoration project may include a Regional Board, CDFW, or a county or city, among other public agencies.

Therefore, as used in this PEIR, the term “project proponent” is defined as a public agency or private party that meets the following criteria:

- ◆ A public agency that would provide funding in whole or in part for an individual restoration project permitted under the Order.
- ◆ A public agency that proposes to carry out or otherwise approve all or some portion of an individual restoration project permitted under the Order.
- ◆ A private party that completes, carries out, or funds an individual restoration project. The private party would coordinate with the public agency with principal responsibility to approve the project, as described in State CEQA Guidelines Sections 15050 and 15051.

Any public agency proposing to carry out or approve all or some portion of an individual restoration project subject to the Order must exercise its independent judgment to determine CEQA compliance. Given this PEIR and the statewide scope of the Order, the exercise of discretion by a lead agency for an individual restoration project will be guided by State CEQA Guidelines Section 15168. Possible scenarios are described below.

Scenario 1: No New Significant or Substantially More Severe Impacts Identified

If the CEQA lead agency determines, under State CEQA Guidelines Section 15162, that the individual restoration project would result in no new significant effects and/or require no new mitigation measures, the activity could be approved as being within the scope of the Order analyzed by this PEIR. In such a case, the project would not require a new or additional environmental review (e.g., EIR, negative declaration, or mitigated negative declaration). At this point, the CEQA lead agency would use this PEIR for the later project’s CEQA compliance and would file a notice of determination when the project is approved.

Under this CEQA compliance approach, the CEQA lead agency must incorporate all project requirements identified in the Order and all feasible and appropriate mitigation

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measures from the PEIR into the individual restoration project, as needed, to address significant or potentially significant impacts on the environment.

Scenario 2: Potentially Significant or Substantially More Severe Impact

If an individual restoration project or associated later activity would have impacts that were not fully described or new impacts not examined in this PEIR, the CEQA lead agency would need to prepare an initial study to determine the appropriate environmental document. Should a separate environmental document be needed—whether that document is a notice of exemption, an addendum or supplemental document to this PEIR, or a document that tiers from or incorporates by reference this PEIR (i.e., negative declaration, mitigated negative declaration, or EIR)—the PEIR could be used to simplify the task of preparing the later environmental document (State CEQA Guidelines Section 15168[d]).

The environmental document for the individual restoration project may incorporate any applicable elements of this PEIR by reference including, but not limited to, direct and indirect impacts, mitigation measures, cumulative impacts, alternatives, or a statement of overriding considerations. As a result, the later environmental document could focus solely on the new effects that were not previously considered. Individual restoration projects would proceed based on independent judgment for the individual project CEQA lead agency, subject to supporting substantial evidence.

The CEQA lead agency could also tier from this PEIR such that the CEQA document for the individual restoration project only focuses on the new effects that were not considered in this PEIR.

1.2 Categories of Eligible Project Types

The categories of restoration project types eligible for enrollment under the Order are listed below. These eligible project types are described in detail in Section 2.6, *Categories of Restoration Projects in the Order*. An individual permitted project may incorporate one or more of these project types. Projects may conduct restoration activities such as establishment, reestablishment, rehabilitation, and/or enhancement for any of these project types:

- ◆ **Improvements to Stream Crossings and Fish Passage**—for upstream and downstream movement by fish and other species, and to improve functions of streams.
- ◆ **Removal of Small Dams, Tide Gates, Flood Gates, and Legacy Structures**—to improve fish and wildlife migration, tidal and freshwater circulation and flow, and water quality.
- ◆ **Bioengineered Bank Stabilization**—to reduce input of fine sediment, enhance aquatic and riparian habitat, and improve water quality.
- ◆ **Restoration and Enhancement of Off-Channel and Side-Channel Habitat**—to improve aquatic and riparian habitat for fish and wildlife; to restore the hydrologic, hydraulic, and biogeochemical functions and processes of streams; or both.

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- ◆ **Water Conservation Projects**—to reduce low-flow stream diversions, through installation of features such as off-stream storage tanks and ponds and necessary off-channel infrastructure.
- ◆ **Floodplain Restoration**—to improve ecosystem function by creating hydrologic connections between streams and floodplains, through such measures as breaching and removal of levees, breaching and removal of berm and dike setbacks, and hydraulic reconnection and revegetation.
- ◆ **Removal or Remediation of Pilings and Other In-Water Structures**—to improve water quality and aquatic habitat for fish and wildlife.
- ◆ **Removal of Nonnative Invasive Species and Revegetation with Native Plants**—to improve watershed functions, such as aquatic and riparian habitat for fish and wildlife.
- ◆ **Establishment, Restoration, and Enhancement of Tidal, Subtidal, and Freshwater Wetlands**—to create or improve wetland ecological functions.
- ◆ **Establishment, Restoration, and Enhancement of Stream and Riparian Habitat and Upslope Watershed Sites**—to create or restore the functions of streams and riparian areas, including upslope watershed sites that could contribute sediment to streams or disrupt floodplain and riparian functions.

1.3 Public Participation and Environmental Review Process

The preparation of an EIR involves multiple steps. The public is provided the opportunity to review and comment on the scope of the analysis, the content of the EIR, results and conclusions presented, and the overall adequacy of the document to meet the substantive requirements of CEQA. This section describes the steps in the environmental review process for the Order.

The State Water Board issued a notice of preparation (NOP) on October 11, 2019, to satisfy the requirements of CEQA and the State CEQA Guidelines. The purpose of the NOP is twofold: (1) to notify the public, responsible agencies, trustee agencies, the Governor’s Office of Planning and Research, potentially affected public agencies, involved federal agencies, and tribes regarding the State Water Board’s intent to prepare a PEIR for the Order; and (2) to solicit input from the public and those agencies as to the scope and content of the environmental information to be included in the PEIR.

In accordance with PRC Section 21080.4(a) and State CEQA Guidelines Section 15082(b), each responsible agency, trustee agency, and involved federal agency was requested to provide, in writing, the scope and content of the environmental information that is germane to the agency’s statutory responsibilities. The NOP was also sent to public agencies, organizations, and individuals that requested receipt of the State Water Board’s public notices, to invite them to provide input.

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The issuance of the NOP began a 43-day⁵ public comment period, which closed at noon on November 22, 2019, and provided notification of a public scoping meeting conducted by the State Water Board.

1.3.1 Public Scoping Meeting

A public scoping meeting was held during the 43-day public NOP comment period on Thursday, October 22, 2019, at 1 p.m., at the Byron Sher Auditorium, 1001 I Street, Sacramento, CA 95814.

The purpose of the scoping meeting was to solicit public comment and to provide information to the public, including a description of the Order. The scoping meeting presentation explained the public comment process, disclosed the schedule for the CEQA environmental review process, and specified how to submit oral and written comments. The scoping meeting was also webcast live via the State Water Board's website. Ten people signed into the scoping meeting, and three people provided oral comments at the scoping meeting.

1.3.2 Comments during the 43-Day Comment Period

Written comments were accepted throughout the 43-day public NOP comment period and at the scoping meeting; oral comments were recorded at the scoping meeting. Written comments were accepted via both U.S. Mail and email.

See Appendix B, *Notice of Preparation*, which includes the NOP, scoping meeting presentation, and materials and scoping comments.

1.3.3 Assembly Bill 52 Notifications

Assembly Bill (AB) 52 (Chapter 532, Statutes of 2014) amended CEQA to create a separate resource category called "Tribal Cultural Resources" (PRC Section 21074) and to provide that a substantial adverse change in a tribal cultural resource may be a significant effect on the environment (PRC Section 21084.2). Appendix G of the State CEQA Guidelines was subsequently amended to address tribal cultural resources.

AB 52 requires lead agencies to notify California Native American tribes that are traditionally and culturally affiliated with the geographic area of an individual restoration project, if they have requested notice of projects proposed in that area. Upon receipt of the notice, the tribe has 30 days to request consultation. Consultation may involve discussing the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and alternatives and mitigation measures recommended by the tribe. The parties must consult in good faith. Consultation is considered concluded either when the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource

⁵ Per State CEQA Guidelines Section 15082(b), within 30 days of the NOP, responsible or trustee agencies shall provide comments on the scope and content of the environmental information related to the responsible or trustee's agency's area of statutory responsibility. The State Water Board elected to provide a 43-day comment period (30 days after the public scoping meeting).

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(if such a significant effect exists) or when a party concludes that mutual agreement cannot be reached.

The State Water Board sent a notification to contacts from 171 tribes (certified mail to 25 AB 52–designated and standard mail to 146 Executive Order B-10-11–designated tribes) on July 19, 2019. The State Water Board consulted with the 10 tribes who responded to the project notification letter sent. The tribes requested and the State Water Board continued to provide the tribes with public updates on development of the Order and continued to take the tribes’ input and comments as the PEIR and Order were drafted. In addition, the tribes asked that the State Water Board include Tribal Cultural Resource measures in the Order that would:

- ◆ Require tribal notification of projects within their territories (especially projects with ground-disturbing activities) as early as possible in the project development phase so tribes have an opportunity to comment on location, design, survey, and monitoring plans
- ◆ Include project information such as name, description, location, engineering plans, location, and extent of ground-disturbing activities

Written comments from the public and public agencies were accepted throughout the public comment period. At the end of the public comment period for the Draft PEIR, a total of 79 comment letters and e-mails were received.

1.4 Requirements for PEIR Certification and Future Steps in Project Approval

Per CEQA Guidelines section 15090(a) the State Water Board certifies that the PEIR has been completed in compliance with CEQA, that the State Water Board has reviewed and considered the information in the PEIR, and that the PEIR reflects the independent judgment and analysis of the State Water Board.

A Notice of Determination (NOD) is filed with the State Clearinghouse and appropriate findings (Appendix I) are adopted as set forth in CEQA Guidelines section 15091. Pursuant to CEQA Guidelines section 15092, a lead agency may only approve or carry out a project for which an EIR has been prepared that identifies one or more significant environmental effects if it makes one or more of the following findings (CEQA Guidelines section 15091(a)):

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

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1.5 Organization and Format of this Document

The consolidated Final PEIR is organized as follows:

- ◆ The ***Executive Summary*** introduces the Order, including its history and background; describes the Order and its geographic scope; discusses the areas of known controversy associated with the Order; describes the alternatives to the Order; summarizes environmental impacts and compares the environmental impacts of the Order to those of the alternatives to the Order; and describes the requirements for certification of the Consolidated Final PEIR.
- ◆ **Chapter 1, *Prologue and Introduction***, states the purpose and use of this Final PEIR and provides an overview of the environmental review process for the Order and PEIR.
- ◆ **Chapter 2, *Background and Description of the Order***, describes the background, study area, and underlying purpose and objectives of the Order. Chapter 2 also describes the restoration categories and typical construction and operations and maintenance activities and methods likely to be used as part of the restoration activities to be permitted under the Order.
- ◆ **Chapter 3, *Environmental Setting, Impacts, and Mitigation Measures***, describes the environmental resources that could be affected by implementing the restoration projects permitted under the Order. Chapter 3 addresses the environmental setting, regulatory setting, environmental impacts, and mitigation measures. This chapter also identifies the significant and unavoidable impacts of the Order.
- ◆ **Chapter 4, *Cumulative Impacts***, provides an analysis of the effects of the Order in combination with the effects of other past, present, and reasonably foreseeable future projects.
- ◆ **Chapter 5, *Other CEQA Considerations***, describes the significant and unavoidable impacts, significant and irreversible environmental changes, and the growth-inducing impacts of the Order.
- ◆ **Chapter 6, *Alternatives***, describes the No Project Alternative and a range of reasonable alternatives to the Order; describes the alternatives screening process; compares the alternatives to the Order; and identifies the environmentally superior alternative.
- ◆ **Chapter 7, *List of Preparers***, lists the individuals who helped to prepare this Consolidated Final PEIR and identifies the qualifications and affiliations of those individuals.
- ◆ **Chapter 8, *References***, provides a bibliography of the sources cited in this Consolidated Final PEIR.
- ◆ **Appendices** contain background information that supports the analysis presented in this Consolidated Final PEIR. Appendices also include the full text of comment letters submitted on the Draft PEIR and responses to those comments.

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1.6 Revisions to the Draft Order and Draft PEIR

This Consolidated Final PEIR presents revisions to the Draft PEIR, including those that have been made in response to comments (Appendix H) and/or State Water Board staff-initiated changes. This document also incorporates edits made to the Order. No significant new information was added to the Order or Draft PEIR as a result of the public comment process. The Consolidated Final PEIR responds to comments, and clarifies, amplifies, and makes insignificant modifications to the Order and the Draft PEIR. The final document does not identify any new significant effects on the environment or a substantial increase in the severity of an environmental impact requiring major revisions from the Draft PEIR.

Text revisions that revise Draft PEIR content are included in the following sections of the Consolidated Final PEIR:

- ◆ Executive Summary
- ◆ Chapter 1, Prologue and Introduction
- ◆ Chapter 2, Background and Description of the Order
- ◆ Chapter 3, Environmental Setting, Impacts, and Mitigation Measures
 - 3.1 – Approach to Environmental Analysis
 - 3.3 – Agriculture and Forestry Resources
 - 3.5 – Biological Resources Terrestrial
 - 3.6 – Biological Resources Aquatic
 - 3.7 – Cultural Resources
 - 3.9 – Geology and Soils
 - 3.11 – Hydrology and Hazardous Materials
 - 3.18 – Tribal Cultural Resources
- ◆ Chapter 5, Other CEQA Considerations
- ◆ Chapter 6, Alternatives
- ◆ Chapter 7, Contributors and Reviewers
- ◆ Appendix A, Order
- ◆ Appendix E, Order Description and Eligibility
- ◆ Appendix H, Response to Comments (new for the Final PEIR)
- ◆ Appendix I, Findings of Fact and Statement of Overriding Considerations (new for the Final PEIR)
- ◆ Appendix J, Mitigation Monitoring and Reporting Program (new for the Final PEIR)

The remaining sections of the Consolidated Final PEIR include only editorial revisions.