

# Chapter 1

## Introduction

The purpose of the Final Environmental Impact Report (Final EIR) for the Farad Diversion Dam Replacement Project is to respond to all environmental comments received on the Draft EIR and integrate appropriate changes, additions, or corrections to the information presented in the Draft EIR. All written comments received during or shortly after the close of the public comment period on May 13, 2002 are included in this document.

This chapter provides an overview of the certification and project selection process, the public involvement process, the requirements for and consideration of recirculation, and an overview of the responses to comments. Subsequent chapters in the Final EIR include:

- Chapter 2. List of Commentors and Master Responses
- Chapter 3. Comment Letters and Responses
- Chapter 4. Citations
- Appendix A. Revised Chapters of the EIR

## EIR Certification and Project Selection Process

The California Environmental Quality Act (CEQA) applies to discretionary projects proposed to be carried out or approved by public agencies. (Pub. Resources Code, § 21080.) The State Water Resources Control Board's (SWRCB) process under Section 401 of the Clean Water Act is a discretionary act subject to CEQA. Prior to approving a project, the SWRCB must certify that: (1) the final EIR has been completed in compliance with CEQA; (2) that the SWRCB has reviewed and considered the information contained in the final EIR; and (3) that the final EIR reflects the SWRCB's independent judgment and analysis. (Cal. Code of Regs., tit. 14, § 15090.) The SWRCB has delegated to the executive director the authority for this certification. The executive director may refer the decision to the board for final approval. In the event this happens, the board would be responsible for certifying the document as described above.

The SWRCB must make findings for each significant effect identified in the EIR, and prepare a mitigation monitoring and reporting plan. Mitigation measures will be incorporated into the terms of the water quality certificate issued for the project. Once the final EIR is certified, the SWRCB will make the final decision

regarding which project alternative to select for implementation. At that time, and after consideration of the final EIR, the SWRCB may not approve the project unless it will not have a significant effect on the environment, or that mitigation measures will eliminate or substantially lessen any significant effects on the environment (Cal. Code of Regs., tit. 14, § 15092.). If the project will cause unavoidable adverse effects, the SWRCB must balance the benefits of the projects against its significant and unavoidable environmental risks. If the benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” If the SWRCB makes such a determination, it must support the action by writing the specific reasons for approval, called a statement of overriding considerations, which must be included in the record of project approval and Notice of Determination (Cal. Code of Regs., tit. 14, § 15093.). Currently, a statement of overriding considerations would not be required for the selection of the proposed project because all project impacts are mitigated to a less-than-significant level. Within five days after approval of the project, the SWRCB must file a Notice of Determination (Cal. Code of Regs., tit. 14, § 15094.).

## Public Involvement

The public comment period for the Draft EIR began on March 13, 2002, with the filing of a notice of completion with the State Clearinghouse. Approximately 150 notices were distributed to the SWRCB’s mailing list and a legal notice was published in the Sierra Sun, a newspaper in Truckee, California on March 15, 2002.

The formal public comment period closed on May 13, 2002, however, comments received after the close of the public comment period were considered in the preparation of the Final EIR. On April 26, 2002, two public hearings on the Draft EIR were held in the council chambers of the Town of Truckee, California. Approximately 15 people attended the afternoon meeting and 35 people attended the evening meeting.

Copies of the Draft EIR were distributed to federal and state agencies, local governments, elected officials, groups, and libraries. Approximately 75 hard copies and 50 electronic copies of the Draft EIR were distributed. The Draft EIR was provided to these agencies, organizations, and individuals at no cost.

Copies of the Draft EIR were available for review at the SWRCB, Sierra Pacific Power Company (SPPC) offices, and at public libraries in Sacramento, Truckee, and Reno.

## Requirements for and Consideration of Recirculation

If significant new information is added to an EIR after public review, the lead agency is required to recirculate the revised document (State CEQA Guidelines, Section 15088.5, and 40 Code of Federal Regulations [CFR] 1502.9). *Significant new information* includes, for example, a new significant environmental impact or a substantial increase in the severity of an impact. New information is not considered significant unless the document is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect that the proponent has declined to implement. In response to comments, several changes have been made to the Draft EIR sections on recreation and fisheries; however, no impacts described as less than significant in the Draft EIR have been reevaluated as significant as a result of these changes. Also, no substantial increase in the severity of impacts has been identified as a result of information brought forward in the comments. In summary, no new significant impacts have been identified and, as a result, there is no need to recirculate the Draft EIR.

## Overview of Responses to Comments

The regulations for implementing CEQA direct the lead agency to respond to substantive public comments on the Draft EIR. All comments received during the comment period are responded to in this Final EIR. The range of possible responses includes requiring specific mitigation measures, modifying alternatives, supplementing analyses, making factual corrections, and explaining why comments do not warrant further agency response. In cases where public response has been especially voluminous, the agency may summarize or consolidate similar comments, as long as all substantive issues are represented.

This Final EIR includes Master Responses that respond to common comments, and responses to each individual comment on the Draft EIR. Editorial revisions to the Draft EIR in response to comments are shown in both the Master Responses, Responses to Comments, and Appendix A. Only the chapters with the most substantial changes are included in Appendix A, and these revisions are formatted in revision fashion: ~~strikeouts~~ indicate removed text and underlines indicate additional text.