

ITEM: 6

SUBJECT: Consideration of a Resolution Certifying the Final Program Environmental Impact Report for a Long-Term Irrigated Lands Regulatory Program

BOARD ACTION: Resolution Certifying the Final Program Environmental Impact Report for a Long Term Irrigated Lands Regulatory Program

BACKGROUND: On 28 July 2010, the Central Valley Water Board, serving as the lead agency under the California Environmental Quality Act (CEQA), released a Draft Program Environmental Impact Report (Program EIR) and Economics Report for the Long-Term Irrigated Lands Regulatory Program (ILRP). These draft documents are included in the agenda package.

The Draft Program EIR provides programmatic analysis of impacts resulting from the implementation of six regulatory alternatives. Five of the alternatives were developed with the Long-Term ILRP Stakeholder Advisory Workgroup. The sixth alternative was developed by staff in an effort to fulfill program goals and objectives, meet applicable state policy and law, and minimize potentially adverse environmental impacts and economic effects.

The Program EIR was prepared pursuant to Board direction in Resolutions R5-2006-0053 and R5-2006-0054. In addition, the Board entered into a stipulated judgment (Case No. 07CS00807) that requires the Board to consider certification of a Program EIR by April 8, 2011. Should the Board certify the Program EIR, the adoption of subsequent Orders under the Irrigated Lands Regulatory Program will be able to rely wholly or substantially on the environmental impact analysis contained in the Program EIR in order to satisfy CEQA requirements.

The Program EIR also allows the Board to evaluate potential region-wide adverse impacts that might not be revealed through project-specific CEQA analysis of individual Orders. Because the Program EIR does not analyze a preferred program (alternative), but rather equally analyzes the environmental impacts of each alternative, the certification of the Final Program EIR does not compel the Board to adopt a specific program alternative or the staff recommended program framework. Adoption of a long-term program alternative or subsequent Order implementing the long-term program that could create impacts not considered in the Final Program EIR may require additional CEQA analysis.

The Central Valley Water Board provided a 60-day period for submitting written comments on the Draft PEIR (28 July 2010 - 27 September 2010). In September 2010, staff held public workshops in Chico, Modesto, Rancho Cordova, and Tulare to receive input. The Central Valley Water Board also received informal feedback on the program alternatives within the Draft

PEIR at a Board meeting on 22 September 2010. Staff provided substantive responses to all written comments received on the Draft PEIR and provided a response to comments concerning the Economic Analysis. Staff and its consulting team provided public notice of the availability of the Final PEIR on 8 March 2010. The Final PEIR is included in the agenda package.

The Final PEIR identifies the following significant and unavoidable adverse impacts for Alternatives 1-6: 1) conversion of prime/ unique farmland, and farmland of statewide importance to nonagricultural use, 2) cumulative climate change impacts, 3) cumulative vegetation and wildlife impacts, and 4) cumulative impacts from the conversion of prime/ unique farmland, and farmland of statewide importance to nonagricultural use. The Final PEIR also identifies potential growth-inducing impacts from conversion of farmland to urban land uses. The Final PEIR also identifies mitigation measures that reduce potentially significant effects to a less than significant level.

Under the proposed resolution, the Board would certify that it has reviewed and considered the Final Program EIR; the Final Program EIR reflects the Board's independent judgment; and that the Final Program EIR has been completed in compliance with CEQA.

Staff recommends that the Board certify the Final Program EIR.

Mgmt. Review _____
Legal Review _____ APM

April 7, 2011
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