



PLACER COUNTY WATER AGENCY
SINCE 1957
BOARD OF DIRECTORS BUSINESS CENTER
Gray Allen, District 1 144 Ferguson Road
Primo Santini, District 2 MAIL
Mike Lee, District 3 P.O. Box 6570
Robert Dugan, District 4 Auburn, CA 95604
Joshua Alpine, District 5 PHONE
Einar Maisch, General Manager (530) 823-4850
 (800) 464-0030
 WWW.PCWA.NET

July 19, 2018

VIA EMAIL TO: CEQA.Guidelines@resources.ca.gov

Mr. Christopher Calfee
Deputy Secretary and General Counsel
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

SUBJECT: Comment Letter on Proposed Revisions to the California Environmental Quality Act Guidelines, California Code of Regulations (CCR) Section 15155 (f) regarding Water Supply Assessments

Dear Mr. Calfee:

Placer County Water Agency (PCWA) appreciates the opportunity to comment on the California Natural Resources Agency's draft California Environmental Quality Act (CEQA) Guidelines revisions. We are providing this comment letter pursuant to OAL Notice File No. Z-2018-0116-12. We seek only to clarify that the proposed changes to CCR 15155 (f) regarding water supply analysis add requirements to the water supply analysis conducted by the CEQA lead agency, as held by the California Supreme Court in *Vineyard Area Citizen for Responsible Growth* (2007) 40 Cal.4th 412, rather than the water supply assessment conducted by water agencies such as PCWA.

The initial statement of reasons issued by the California Natural Resources Agency on January 26, 2018 makes clear that this is the intent of the drafted changes. (ISOR at p. 47) However, as drafted the proposed changes to section (f) could potentially be read to imply that the additional analysis may be the purview of water agencies such as PCWA, rather than the responsibility of lead agencies. Lead agencies are better equipped than water agencies to conduct this important analysis via the more comprehensive CEQA process. This potential confusion may stem from the closeness of the terms "water supply analysis" and "water supply assessment" when read by a general audience of CEQA practitioners. As you know, the water supply assessment is prepared by the water agency, or city or county lead agency, pursuant to sections 10910-10915 of the Water Code. (CCR § 15155 (a)(4).) A water supply analysis, however, is prepared by the lead agency and may encompass the water supply assessment.

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For further clarity we request that the final version of CCR Section 15155 make the following non-substantive change to the proposed text, identified below in underline.

(f) The degree of certainty regarding the availability of water supplies will vary depending on the stage of project approval. A lead agency should have greater confidence in the availability of water supplies for a specific project than might be required for a conceptual plan (i.e. general plan, specific plan). An analysis of water supply in an environmental document may incorporate by reference information in a water supply assessment, urban water management plan, or other publicly available sources. The lead agency's water supply analysis shall include the following:

(1) Sufficient information regarding the project's proposed water demand and proposed water supplies to permit the lead agency to evaluate the pros and cons of supplying the amount of water that the project will need.

(2) An analysis of the reasonably foreseeable environmental impacts of supplying water throughout ~~the life of~~ all phases of the project.

(3) An analysis of circumstances affecting the likelihood of the water's availability, as well as the degree of uncertainty involved. Relevant factors may include but are not limited to, drought, salt-water intrusion, regulatory or contractual curtailments, and other reasonably foreseeable demands on the water supply.

(4) If the lead agency cannot determine that a particular water supply will be available, it shall conduct an analysis of alternative sources, including at least in general terms the environmental consequences of using those alternative sources, or alternatives to the project that could be served with available water.

We have no objection to the other change proposed in the 15-day notice to strike the phrase "the life of."

Thank you for your diligent work on the CEQA Guidelines update, and your attention to the important issue of water supply.

Sincerely,

PLACER COUNTY WATER AGENCY



Andrew Fecko
Director of Strategic Affairs