

CHAPTER 11

Introduction to Response-to-Comments Document

This is the first chapter of the “response-to-comments” document, which was prepared in conjunction with the revised Environmental Impact Report (EIR) (Volumes 1 through 3) and which together with the revised EIR comprise the Final Environmental Impact Report (Final EIR or FEIR) on California American Water Company’s (CalAm’s) proposed Coastal Water Project (CWP).

11.1 Purpose of the Response To Comments Document

The purpose of this response-to-comments document is to catalog all comments received by the CPUC during the public review period for the Draft EIR and to provide responses to all comments that address environmental issues.

11.2 California Public Utilities Commission Planning and Project Review Process

11.2.2 The Draft EIR

In accordance with Section 15087 of the CEQA Guidelines, the CPUC prepared a Draft EIR (State Clearinghouse No. 2006101004), which was released for public review and comment on January 30, 2009. The CPUC initially circulated the Draft EIR for review by local, state, and federal agencies and by interested organizations and individuals for a 60-day public comment period starting January 30 and ending April 1. At the request of several agencies and members of the public, the CPUC extended the public comment period by 15 days, and written comments on the Draft EIR were accepted through April 15, 2009. The CPUC held public meetings on March 2-4, 2009 for the receipt of oral and written comments on the Draft EIR. The CPUC received approximately 950 written comments (plus 157 form letter submissions) sent through mail or by hand-delivery, fax, or email, as well as approximately 90 comments through oral comments made to staff at the public participation meetings.

11.2.3 The Final EIR

As required by CEQA Guidelines Section 15088, the CPUC has evaluated all comments received on the environmental issues and has prepared written responses. The comments are included in this Final EIR in Chapter 12 and the responses are included in Chapters 13 and 14. Revisions to the Draft EIR text and graphics necessitated by the responses to comments are shown in the responses and are also shown in the revised Draft EIR (Volumes 1 through 3: Executive Summary, Chapters 1 through 10, and appendices). Pursuant to the CPUC environmental review procedures, this Final EIR will be published by the CPUC and submitted into the formal record of the Commission's Certificate of Public Convenience and Necessity (CPCN) proceeding for CalAm (A.04-09-019). The FEIR will also be reviewed by a CPUC administrative law judge (ALJ), who will submit a proposed decision to the CPUC concerning certification of the EIR and approval of the CWP. In addition to environmental impacts, the ALJ and CPUC will consider any other issues that have been established in the formal proceeding record, including but not limited to economic issues, social impacts, specific routing and alignments, and the need for the project.

11.2.4 Alternative Selection

No action can be taken to approve the proposed project until the FEIR has been certified. However, certification of the FEIR does not require or ensure approval of the project.

The ALJ and the commissioners have the discretion to select any alternative or combination of project components they deem most appropriate. In order to allow the ALJ and the commissioners to make an informed decision, and in order to provide them with a variety of options to select from in case a component proves to be infeasible or is undesirable for environmental or other policy reasons, the alternatives analysis contained in the revised Draft EIR and response to comments and has been set up to allow for "mixing and matching" components that may not have originally been proposed together. Almost all potential project components put forth in the Moss Landing, North Marina, and Regional Projects, as well as the options presented in Section 7.5, Alternatives "Of" the Project, can be interchanged with components from other projects.

11.2.5 A Final CPUC Decision

Upon FEIR certification, the CPUC may proceed with project approval actions. Should the CPUC decide in favor of the CWP, as proposed or as modified, the CPUC must make findings on each significant environmental impact. As to each such impact, the lead agency must find that either (1) the environmental effect has been reduced through mitigation measures to a less-than-significant level, essentially "eliminating, avoiding, or substantially lessening" the expected impacts, or (2) the residual significant adverse impact that cannot be mitigated to less-than-significant level is outweighed by project benefits. This latter finding is called a Statement of Overriding Considerations.

The ALJ may also deny the proposed project, but decide in favor of an alternative that may require further action on the part of other parties and public agencies. The Commission's final

decision may therefore include an order for CalAm to return to the Commission at a later time for approval of either a specific project or some form of water supply agreement, either of which would resolve at a minimum the water supply issues raised by SWRCB Order 95-10 and the Seaside Basin adjudication. In either event, if the proposed decision (or an alternate) finds the FEIR adequate for the Commission's decision making purposes, the Commission as the Lead Agency for CEQA may certify the FEIR by formal vote and direct that CalAm take the necessary steps to implement the Commission's final decision.

In addition, State law requires Lead Agencies to adopt a mitigation monitoring and reporting program for those changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. CEQA does not require that the specific reporting or monitoring program be included in the EIR. Throughout this EIR, however, proposed mitigation measures have been clearly identified and presented in language that will facilitate establishment of a monitoring program. All adopted measures will be included in a mitigation monitoring and reporting program to verify compliance.

11.3 Organization of the Response to Comments Document

The Response to Comments document is separated into four chapters.

Chapter 11 describes the purpose and organization of the response-to-comments document.

Chapter 12, Comments, includes all comments submitted during the public review period. Comments are organized into the following categories:

- Local government agencies (L)
- Tribes (T)
- State government agencies (S)
- Federal government agencies (F)
- Affiliated groups (G)
- Non-affiliated individuals (NA)
- Public meetings (PubMtg)
- Form letters (Fo)

Each comment is assigned an alpha-numeric code, which is shown in the margin next to the comment. (The alpha-numeric code is explained in more detail in the introduction of Chapter 12.) Please see the table of contents for Chapter 12 for a list of the persons and organizations who submitted comments on the Draft EIR.

Chapter 13, Master Responses, includes sixteen long-format responses on important topics brought up during the public review period.

Chapter 14, Individual Responses, includes the responses to the comments received. Individual responses are organized into the same categories as in Chapter 12. Each individual response is

headed with the alpha-numeric code number of the comment it responds to. (The format of individual responses is explained in more detail in the introduction of Chapter 14.) Please see the table of contents for Chapter 14 for a list of the persons whose comments were responded to in this Final EIR.