

Topics

- 1. Scoping
- 2. Characterizing the Environmental Setting
- 3. Conducting the Impact Analysis
- 4. Defining Mitigation
- 5. Constructing the Project
- Bonus: NEPA







Themes

- Increased numbers of affected ecosystems, habitats, and species
- ▶ Increased number of agencies, tribes, and NGOs
- ▶ More landowners and interested public
- ► Anticipate increased resources
- ▶ Build in flexibility from the start







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Stakeholder Diversity: Challenges

- Multiple jurisdictions
- ► Multiple neighborhoods
- ► Multiple environmental resources
- ► Increased consultation requirements
- More opinions
- Disagreement







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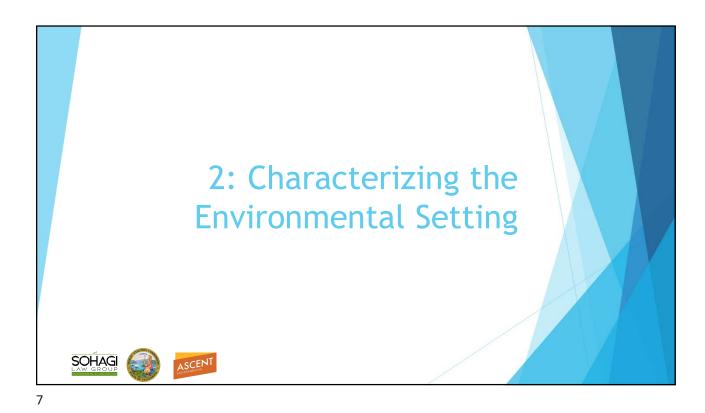
Stakeholder Diversity: Best Practices

- ► Capitalize on familiarity with communities
- ▶ Building incremental alliances helps build overall consensus
- Develop relationships first a on personal, not project level basis
- ▶ Work with other agencies to select a CEQA lead









Environmental Diversity: Challenges More ground covered Wider variety of resources Increased level of effort Increased reader confusion and information overload

Environmental Diversity: Best Practices

- ▶ Be mindful of piecemealing
- ▶ Programmatic approach
- ▶ Treat linear project as a series of non-linear projects







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Significance Conclusions: Challenges

- Multiple jurisdictions
- Different contexts
- ▶ Differing significance thresholds
- ▶ Differing significance conclusions
- ► Can cause confusion







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Significance Conclusions: Best Practices

- ▶ Justify use of different significance thresholds
- ► Clarity is key
- Specify precise locations of impacts in significance conclusion







Alternatives Analysis: Challenges

- ► Alternatives located in new areas
- Increased level of effort
- ▶ Might be a mitigation measure
- ▶ Public input from many stakeholders







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Alternatives Analysis: Best Practices

- ▶ Decide if it is a mitigation measure or alternative
- ► Think carefully about a totally unique route for an alternative
- ▶ Be thoughtful about public input on alternatives; set and manage expectations







Cumulative Analysis: Challenges

- ► Lots of nearby projects
- Increased level of effort
- ► Many project variables to consider
- ► Confusing for the reader
- ▶ Subjectivity of aesthetics analysis can be an issue







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Cumulative Analysis: Best Practices

- Cumulative analysis governed by standards of practicality and reasonableness
- ► Can utilize summary of projections instead of list of projects
- ➤ Can assume (with support) significant cumulative impact and focus on analysis of the project's contribution to the impact









Mitigation: Challenges

- ▶ Different jurisdictions, resources, and significance thresholds result in different mitigation
- ▶ Increased level of effort to track and implement
- ► More uncertainty about impacts
- ▶ Mitigation may be less flexible







Mitigation: Best Practices

- Recall best practices for determining significance clarity is key
- ▶ Specify locations in mitigation measures and in MMRP
- ► Consider requiring a plan be prepared if specifics are not known at the time of the CEQA analysis
- ► Adaptive management measures should provide for more stringent and less stringent measures







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5: Constructing the Project

Project Changes: Challenges

- ▶ Routes provide less flexibility than boxes
- ► Construction-phase (and post-CEQA-evaluation) changes more difficult to accommodate







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Project Changes: Best Practices

- Address construction challenges early in planning
- ▶ Evaluate a larger work area than may be needed
- ▶ Design a flexible project with options
- ► Conduct subsequent CEQA review if needed







Construction Monitoring: Challenges

- ▶ Construction activities may be geographically spread out
- ▶ Monitors located in multiple places
- More-confined work areas







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Construction Monitoring: Best Practices

- Promote continuity and foster teamwork
- ▶ Be mindful that mitigation measures are really "promises made" to protect the resources within the project area.
- Provide reminders about location-specific substance of mitigation
- ▶ Issue bite-sized notices to proceed









Multiple Federal Agencies: Challenges

- ► NEPA Streamlining mandate
 - 150 pages maximum for most projects; 300 pages for "complex" projects
- ▶ Joint CEQA NEPA documents will likely become a rarity
 - "CEQA-izing" a NEPA document is one path
- ► Environmental Justice is a component of NEPA, not specifically in CEQA







Multiple Federal Agencies: Best Practices

- Collaborative information dissemination is critical to permitting success
- Issues at the local staff level need to be cautiously elevated for resolution
- Ensure the federal agency understands that projects may still be approved through a Statement of Overriding Considerations
- ► CEQA requires mitigation monitoring to ensure promises are kept







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Thank you!



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