

FINAL ENVIRONMENTAL IMPACT REPORT

AND RESPONSES TO PUBLIC COMMENTS

STATE CLEARINGHOUSE NO. 2016031038

Doheny Ocean Desalination Project

LEAD AGENCY



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1.0 INTRODUCTION

1.1 CEQA Requirements for a Final EIR

The South Coast Water District (District), in compliance with the California Environmental Quality Act (CEQA), has prepared this Final Environmental Impact Report (Final EIR) for the Doheny Ocean Desalination Project (Project). The District is required, after completion of a draft EIR, to consult with and obtain comments from public agencies having jurisdiction by law with respect to the proposed Project, and to provide the general public with an opportunity to comment on the draft EIR. The District, as the lead agency, is also required to respond to significant environmental issues raised in the review and consultation process. This Final EIR has been prepared to respond to public agency and general public comments received on the Draft EIR for the Project, which was circulated for public review from June 6, 2018 through August 6, 2018.

State CEQA Guidelines §15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and prepare a written response. The written response must address the significant environmental issues raised. In addition, there must be a good faith and reasoned analysis in the written response. However, lead agencies need only respond to significant environmental issues associated with the project and do not need to provide all the information requested by commenters, as long as a good faith effort at full disclosure is made in the EIR (State CEQA Guidelines §15204).

State CEQA Guidelines §15204 recommends that commenters provide comments which focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. State CEQA Guidelines §15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to State CEQA Guidelines §15064, an effect shall not be considered significant in the absence of substantial evidence supporting such a conclusion.

State CEQA Guidelines §15204 is instructive and provides insight into both the obligation of commenting parties and how the Lead Agency should review and respond to comments. Section 15204 states in part:

- “(a) In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. ***CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental***



issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.” [emphasis added]

State CEQA Guidelines §15088 recommends that where a response to comment makes important changes in the information contain in the text of the Draft EIR, that the Lead Agency either revise the text of the Draft EIR or include marginal notes showing that information. The Final EIR for the Project has been prepared in accordance with CEQA. CEQA Guidelines §15132 indicates that the contents of a Final EIR shall consist of:

- “The draft EIR or a revision of the draft;
- Comments and recommendations received on the draft EIR either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the draft EIR;
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency.”

Pursuant to CEQA Guidelines §15088(b), the District has provided written responses to comments to any public agency that commented on the Draft EIR, at least ten (10) days prior to the District Board consideration of certifying the EIR as adequate under CEQA. In addition, the Final EIR will be made available to the general public at the District’s offices in Laguna Beach, and on the District’s website.

The Final EIR, along with other relevant information and public testimony at the Board of Directors’ hearing, will be considered by the District’s Board of Directors in determining whether or not to certify the EIR and approve the Project.

1.2 Organization of the Final EIR

This Final EIR document is organized as follows:

- Section 1 Introduction** - provides a brief introduction to this document.
- Section 2 Draft EIR Comments and Responses** – includes all comments received on the Draft EIR and the District’s responses to those comments, in accordance with CEQA.
- Section 3 Draft EIR Errata** - presents clarifications, amplifications and insignificant modifications to the EIR, identifying revisions to the text of the document.
- Section 4 Final EIR Appendices** - provides information regarding the distribution of the Draft EIR as well as technical memos prepared in response to comments and for the Final EIR.

1.3 CEQA Process History

The District has complied with relevant CEQA Guidelines regarding the preparation and processing of the Project EIR. A brief summary of the Project’s CEQA process is as follows:



- An initial Notice of Preparation (NOP) informing interested parties and agencies of the project was distributed on March 14, 2016.
- Written and verbal testimonies were given at a public scoping meeting held for the Project on March 31, 2016.
- An amended NOP containing refinements to the Project was distributed on November 17, 2017.
- Written and verbal testimonies were given at a further public scoping meeting held for the Project on December 7, 2017.
- The Draft EIR was initially distributed for public review on May 23, 2018, followed by an Amended Notice of Availability and redistribution of the Draft EIR for review beginning on June 6, 2018. The public review period closed on August 6, 2018.
- A Draft EIR public meeting was held on June 26, 2018, to receive public comments on the Draft EIR.
- Following release of the Draft EIR for public review, the District continued to engage with stakeholders, and initiated several technical analyses to further clarify and amplify the Draft EIR (refer to Section 2, Master Response 3 for further discussion).

1.4 Project Design and Funding Status

The “Project” under consideration for approval is the Local Project which could provide up to 5 million gallons per day of potable water. Along with considering certification of the Final EIR as adequate under CEQA, the District’s Board of Directors will also consider whether or not to approve the Project. At present, the District has received a \$10 million grant from the State of California under Proposition 1, and is pursuing additional funding and loan programs. These include a State Revolving Fund (SRF) loan through the State Water Resources Control Board (for low interest loans), a potential federal grant through the Bureau of Reclamation (pending), and a request to Metropolitan Water District to include the Project in its Local Resources Program financial assistance. Refer to Section 2, Master Responses 1 and 2 for additional discussion regarding the Local Project and the potential future Regional Project.

1.5 Summary of Technical Analyses in Final EIR

Through the review of Draft EIR comments and in preparation for the Final EIR, the District has clarified and amplified certain technical analyses and therefore has prepared certain technical memos for the Final EIR. These technical memos can be found in Section 4 of this document as attached appendices, and include the following:

- Coastal Hazard Analysis (Appendix 4.2.1)
- Brine discharge analysis based on Plumes 18b (Appendix 4.2.2)
- Hydrogeologic Analysis to evaluate Project impacts to the San Juan Creek surface water levels and potential upstream bedrock barrier (Appendix 4.2.3.1)



- San Juan Creek Lagoon Technical Memo (Appendix 4.2.3.2)
- Local Hazard Conditions and Drainage Study (Appendix 4.2.4 contains the clarified and amplified figures, while text modifications are shown in Section 3, *Draft EIR Errata*)
- Technical memos regarding marine biological resource effects, in light of above hydrogeology and brine discharge technical memos (Appendices 4.2.5.1 and 4.2.5.2)

As discussed further in Section 2, Master Response 3, these technical memos provide clarification and amplification of Draft EIR analyses, and do not disclose new or substantially more severe environmental impacts or other significant new information.

1.6 Clarifications, Amplifications and Modifications to the Draft EIR

Section 3.0, *Draft EIR Errata*, details the changes to the Draft EIR. CEQA Guidelines §15088.5 describes when an EIR requires recirculation prior to certification, stating in part:

- “(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. ...
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

In response to public comments, specific clarifications have been made to the Project Description to reiterate the scope and phasing of the proposed Project. Text changes have also been made to other sections to clarify and amplify the analysis or mitigation measures, and to make insignificant modifications to the Draft EIR. This information does not rise to the level of significant new information as the resulting impact analysis and alternatives considered remain essentially unchanged, and no new or more severe impacts have been identified. These changes do not warrant Draft EIR recirculation pursuant to CEQA Guidelines §15088.5. As set forth further below and elaborated upon in the respective Response to Comments, none of the Errata below reflect a new significant environmental impact, a “substantial increase” in the severity of an environmental impact for which mitigation is not proposed, or a new feasible alternative or mitigation measure that would clearly lessen significant environmental impacts but is not adopted, nor do the Errata reflect a “fundamentally flawed” or “conclusory” Draft EIR. Therefore, this Final EIR is not subject to recirculation prior to certification. (Refer to Section 2, Master Response 3 for additional discussion).

