

Appendix A

Structure of Joint IS/EA

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3 NEPA and CEQA were signed into law in 1970 by President Richard Nixon and California Governor
4 Ronald Reagan, respectively. NEPA applies only to federal agencies and their proposed actions, while
5 CEQA applies only to California state and local agencies and their proposed discretionary projects.

6 Both NEPA and CEQA require the incorporation of environmental values into governmental decision
7 making. Both statutes require public agencies to consider the environmental impacts of their actions, to
8 document those impacts, and to disclose that documentation to the public. CEQA additionally requires
9 that significant adverse effects are minimized to the extent feasible.

10 NEPA and CEQA each encourage a joint federal and state review where a project requires both federal
11 and state approvals. Because the proposed project requires approvals from federal and state agencies, a
12 joint IS/EA is being prepared. This joint review process will avoid redundancy, improve efficiency and
13 interagency cooperation, and be easier for the public to follow.

14 Despite the similarities between NEPA and CEQA, there are key differences both procedurally and
15 substantively that must be addressed in a joint document. In addition, there are differences in terminology.
16 A description of these key differences and how they will be addressed in this IS/EA is provided in Table
17 1.1.

18 In terms of differences in *terminology*, CEQA terminology will be used when both terms refer to the same
19 or very similar concepts or documents. For example, NEPA involves the evaluation of proposed
20 “actions,” whereas CEQA applies to proposed “projects.” In this case, the CEQA term “project” shall be
21 used to refer to both concepts.

22 In cases when substantive requirements of NEPA and CEQA differ, the more stringent requirements
23 between NEPA and CEQA will be satisfied, and all unique requirements for NEPA and CEQA will both
24 be met. Thus, for instance, greenhouse gas impacts should be considered in the analysis, since that is
25 required pursuant to the CEQA guidelines. Similarly, a socioeconomic impact analysis (as required by
26 NEPA but not necessarily by CEQA) will be conducted in this IS/EA.

27 In cases where procedures differ, both sets of procedures will be followed to ensure full compliance with
28 both NEPA and CEQA. For example, notification procedures differ between the two statutes. In such
29 cases, both sets of procedures shall be followed.

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Table 1.1 Key Differences Between NEPA and CEQA, and How Differences will be Addressed in the IS/EA

NEPA	CEQA	How Addressed in IS/EA
General Terminology		
Proposal for Action (or Proposed Action)	Proposed Project	Proposed Project
Cooperating Agency – any federal agency other than the lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in the proposed Action (40 CFR §1508.5)	Responsible Agency – all public agencies other than the lead agency which have discretionary approval power over the project (CEQA Guidelines §15381) Trustee Agency – agencies without approval authority, but which have jurisdiction by law over resources potentially affected by the Project.	Both NEPA and CEQA terminology will apply to applicable agencies.
Purpose and Need	Goals and Objectives	Goals and Objectives; Purpose and Need (both terminologies will be used due to differing agency missions and authorities)
No Action alternative	No Project alternative	No Project Alternative
Environmentally Preferred Alternative	No term applies in an IS	Environmentally Preferred Alternative
Affected Environment	Environmental Setting	Environmental Setting
Environmental Consequences	Environmental Impacts	Environmental Impacts
Environmental Baseline		
NEPA does not contain specific guidance for using a baseline for determining an action’s significant effects on the quality of the human environment. The No Action alternative may be used as a “benchmark” to compare the magnitude of environmental effects of the action alternatives. Under NEPA, federal agencies have the discretion to define the baseline for assessing environmental effects of the alternatives as the no action alternative.	Baseline conditions are normally defined as physical conditions in the Project Area that exist at the time that the IS is prepared.	When comparing the Proposed Project to baseline conditions, the Proposed Project will be evaluated against existing conditions at the time that the Draft IS/MND is circulated. If the No Action is different than existing conditions, the Action Alternative will be evaluated against the No Action alternative.
Significance		
Significance is defined in terms of context and intensity. Context refers to the need to consider impacts within the setting in which they occur (40 CFR §1508.27(a)). Intensity refers to the severity of the impact, with 10 non-exclusive criteria to consider specified in the regulations (40 CFR §150827(b)).	Significance is defined as “a substantial, or potentially substantial, adverse change within the area affected by the project” (CEQA Guidelines §15382). A “threshold of significance” is “an identifiable quantitative, qualitative, or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the lead	CEQA requires significance determinations for individual impacts, but NEPA does not. Therefore, significance determinations in the document will be made under CEQA.

NEPA	CEQA	How Addressed in IS/EA
	agency and compliance with which means the effect normally will be determined to be less than significant" (CEQA Guidelines §15064.7(a)).	
Socioeconomic Impacts		
Economic and social effects need to be evaluated in an EA when these effects are interrelated with physical effects on the environment (40 CFR 1508.14). In addition, environmental justice impacts must be evaluated.	Economic and social effects need to be evaluated in an IS when these effects result in a direct or indirect change in the physical environment.	NEPA's approach to evaluating socioeconomic impacts will be used in the IS/EA.
Cumulative Impacts		
NEPA defines a cumulative impact as an "impact on the environment which results from the incremental impact of the Action when added to other past, present, and reasonably foreseeable actions regardless of what agency (federal or non-federal) or person undertakes such other actions (40 CFR §1508.7)	CEQA defines a cumulative impact as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts (CEQA Guidelines §15355). The IS should focus on instances in which the proposed project would incrementally contribute to a significant cumulative impact.	The cumulative impact analysis will use a combination of both approaches.
Mitigation		
Mitigation includes avoiding, minimizing, rectifying, reducing over time, or compensating for an impact (40 CFR §1508.20). NEPA guidance says that "all relevant, reasonable mitigation measures that could improve the project are to be identified," even those outside the agency's jurisdiction (NEPA's 40 Most Asked Questions, 19b). The lead agency is not limited to considering mitigation only for significant impacts, but should identify feasible measures for any adverse environmental impacts, even those that are not considered significant (40 CFR §1502.16(h)).	CEQA defines mitigation the same way as NEPA (CEQA Guidelines § 15370). An IS/MND must describe feasible mitigation measures for significant adverse impacts (CEQA Guidelines § 15126.4(a)(1)), and the agency must adopt mitigation measures to reduce the impact to a less-than-significant level. If this is not feasible, or if a fair argument may be made based on substantial evidence that an impact is significant even after implementation of one or more mitigation measures, then an EIR must be prepared. Mitigation measures may also be adopted, but are not required, for environmental impacts that are not found to be significant (CEQA Guidelines § 15126.4(a)(3)).	Mitigation measures are considered for all adverse impacts to environmental resources. The BIA will approach <i>implementation</i> of mitigation measures according to NEPA in its FONSI. CPUC shall adopt all proposed mitigation measures for significant impacts according to CEQA in this MND.
Environmental Review Documents		
Environmental Assessment (EA)	Initial Study (IS)	IS/EA
Finding of No Significant Impact (FONSI)	Mitigated Negative Declaration (MND)	BIA will publish a FONSI in accordance with NEPA. CPUC will adopt a MND in accordance with CEQA.

NEPA	CEQA	How Addressed in IS/EA
Alternatives		
<p>Provided that there are no unresolved conflicts, alternatives do not need to be evaluated in an EA (with the exception of the No Action alternative).</p>	<p>An IS does not need to consider alternatives to the proposed project (except for the No Project)</p>	<p>The proposed project has no unresolved conflicts as defined by BIA's NEPA guidelines. Therefore, this IS/EA only evaluates the proposed project and a No Project alternative.</p>