

# CV-SALTS Salt and Nitrate Management Plan and Basin Plan Amendments: *Draft CEQA Assessment Work Plan*

## Introduction

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### BACKGROUND

On November 7, 2014 the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) Executive Committee (EC) authorized release of a Request for Qualifications (RFQ) for the remainder of the technical work to be completed by CV-SALTS. The CDM Smith/Robertson-Bryan Inc. (RBI) Team responded to the RFQ on December 19, 2014 and based on the CV-SALTS Selection Committee's recommendation, on February 20, 2015 the EC accepted the CDM-Smith/RBI Team as qualified firms to receive proposal requests for remaining CV-SALTS technical work. At the EC Administration meeting on November 6, 2015, the EC authorized the CDM Smith/RBI Team to develop a work plan to complete the required California Environmental Quality Act (CEQA) analyses to support the Central Valley Salt and Nitrate Management Plan (SNMP).

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) is developing an SNMP and related policies to address existing and future potential accumulations of salt and nitrate in surface and ground waters in the Central Valley region. Implementation of the SNMP will occur through the adoption of policies and amendments to the Central Valley Water Board Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and Tulare Lake Basin (collectively, Basin Plans).

The Central Valley Water Board amends its Basin Plans through a structured process involving peer review (as necessary), public participation, and environmental review. The Board must comply with CEQA (Pub. Res. Code, § 21000 et seq.) when amending its Basin Plans. However, the Secretary of Natural Resources has certified the Board's basin planning process as exempt from the CEQA requirement to prepare an environmental impact report because a sufficiently rigorous environmental review is incorporated into the basin planning process itself. (Pub. Res. Code, § 21080.5.; Cal. Code Regs., tit. 14, § 15251(g).) Before adopting amendments to the Basin Plans, the Board prepares and circulates a substitute environmental document or "SED", rather than an environmental impact report. In the SED, the Board analyzes any potential adverse environmental effects associated with the proposed amendment(s).

Robertson-Bryan, Inc. (RBI) has developed this Work Plan to define the scope of work, schedule, and budget for preparing the CEQA assessment of the Basin Plan amendments that could be adopted by the Central Valley Water Board to implement the SNMP and related policies. The CEQA assessment to be completed by the CDM Smith/RBI Team will be conducted concurrent with work being done by the Larry Walker Associates (LWA) Team for the antidegradation analysis and economic analysis of the SNMP. The CEQA assessment, antidegradation analysis, and economic analysis will require evaluation of the effects that SNMP implementation would have on the physical environment. Thus, the CDM Smith/RBI and LWA Teams will coordinate closely throughout development of the CEQA assessment,

antidegradation analysis, and economic analysis to ensure consistency in approach and assumptions, as further described in the Scope of Work.

## **OVERVIEW OF THE PROPOSED PROJECT**

The goals and implementation approach for the SNMP is summarized below to provide context for the Scope of Work in this Work Plan.

The SNMP goals are to:

1. Assure a safe drinking water supply,
2. Achieve balanced salt/nitrate loading within a managed area, and
3. Implement a managed aquifer restoration program where needed to reduce salinity/nitrate concentrations in groundwater.

To achieve these goals, the SNMP will include an implementation framework that provides a mechanism to implement alternative water supplies, means to authorize discharges from modern agricultural practices, strategy to prevent further degradation of salt and nitrate in surface and groundwater, and planned actions to restore degraded groundwater where it is reasonably feasible to do so. The formation of local management zones will facilitate the implementation of these actions on a local scale. Participating dischargers within the management zones become responsible for meeting the requirements of the SNMP within their groundwater management zone. The implementation of the SNMP is expected to be phased over time so that the highest priority efforts addressing health risks (e.g., providing alternative water supplies) can be implemented first, followed by actions to achieve salt and nitrate balance, and finally restoration actions to restore groundwater quality where achievable.

Implementation of the SNMP is intended to be supported through adoption of Basin Plan amendments that incorporate recommendations into new policies and modifications to existing policies. These policies are listed below.

- Management Zone Policy
- Nitrate Permitting Strategy
- Exceptions Policy
- Offsets Policy
- Secondary Maximum Contaminant Level Policy
- Agricultural Beneficial Use (AGR) Policy (Salinity Permitting Strategy)
- Conservation and Drought Policy
- Maximum Benefit Policy
- Assimilative Capacity Policy

Following the Basin Plan amendments that incorporate the SNMP and its supporting implementation framework and policies into the Basin Plan, commitments for implementation of the recommended actions necessary to achieve the SNMP goals will be achieved through modified discharger Waste Discharge Requirements (WDRs) and Conditional Waivers.

The CEQA assessment will evaluate how implementation of the SNMP through Basin Plan amendments and modified WDRs and Conditional Waivers may directly or indirectly cause existing environmental conditions to change and, if so, whether the anticipated environmental changes will have less than significant, significant, or beneficial impacts on the various resource categories assessed.

## Scope of Work

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The Scope of Work consists of four tasks:

- Task 1 – Management and Coordination Activities
- Task 2 – Prepare Regulatory and Environmental Settings
- Task 3 – Define Proposed Project and No Project Alternative
- Task 4 – Prepare CEQA Assessment

The Scope of Work addresses the accelerated timeframe under which the CEQA assessment must be completed through incorporation of intermediate deliverables prior to completion of the final report. Coordination with the LWA Team, CV-SALTS and Central Valley Water Board staff are incorporated into each task to receive timely feedback and avoid substantial late revisions near the project deadline.

### **TASK 1 – MANAGEMENT AND COORDINATION ACTIVITIES**

Due to the compressed schedule for this work, it will be important for the CDM Smith/RBI Team to communicate and exchange information effectively and efficiently with the LWA Team and CV-SALTS management to coordinate the activities, maintain a clear focus on the assignments, clearly communicate progress on the necessary technical information, and apply the collective knowledge effectively.

Specific activities under this task will include project management and administration activities, including project start up, technical coordination meetings invoicing, budget and schedule monitoring, reporting, and project closeout. CDM Smith will prepare a monthly progress report for submittal along with each invoice that describes the work completed each month by its Team.

Throughout the duration of the project RBI and/or CDM Smith will participate in bi-weekly conference calls, as needed, with the LWA Team to ensure that the CEQA assessment work is highly coordinated with the antidegradation and economic analyses. These meetings are budgeted to be no more than one (1) hour in length. In addition, our Team will participate in periodic teleconferences or face-to-face meetings with Board staff to discuss project status and issues. This Scope of Work assumes up to four (4) meetings will occur with Board staff. It is assumed that up to four of these meetings will be face-to-face at the Board's office in Rancho Cordova, and attended by two RBI team members; CDM Smith staff will participate by phone or in person as needed.

#### *Deliverables:*

- Monthly progress reports and invoices.
- Participation in up to six (6) bi-weekly coordination meetings with the LWA Team.
- Two RBI team members will participate in up to four (4) coordination meetings with staff, in person in Rancho Cordova, CA. CDM Smith staff will participate by phone or in person as needed.

### **TASK 2 – PREPARE REGULATORY AND ENVIRONMENTAL SETTINGS**

The Regulatory Setting establishes the regulations that are in effect presently, including water quality objectives, and thus provides a baseline against which the effects of adopting and implementing the SNMP and its associated policies and recommendations are evaluated. The Regulatory Setting will focus on Central Valley Water Board water quality objectives, programs of implementation, and policies that

would be changed by the SNMP, or otherwise relate to implementation of the SNMP (e.g., WDRs and Conditional Waivers). To ensure completeness, the CDM Smith/RBI Team will develop a list of regulatory plans and policies, or specific aspects of plans and policies, which should be addressed in the Regulatory Setting. This list will be shared with the LWA Team to ensure consistency between the CEQA, antidegradation, and economic assessments, to develop a final list. The final list of plans and policies to be included in the Regulatory Setting will be shared with the Project Committee (PC), including Board staff, for review and input. With the list of plans and policies to be included defined, the CDM Smith/RBI Team, in coordination with the LWA Team, will develop brief descriptions of the relevant plans and policies, including a description of how they are currently implemented to address salt and nitrate levels in surface and groundwater, for the Regulatory Setting portion of the CEQA assessment.

Similarly, the Environmental Setting establishes the affected environment and baseline or existing conditions against which changes to the affected environment resulting from implementation of the SNMP are assessed. For the resource category of water quality, the CDM Smith/RBI Team will work closely with the LWA Team to compile available information developed through the CV-SALTS process that characterizes the existing salt and nitrate conditions throughout the Central Valley basins. The baseline or existing conditions defined will be used for both the CEQA assessment and antidegradation analysis. For other resource categories (e.g., biological resources, hydrology), the baseline will be identified as the existing conditions that occur within the basins at the time of preparation of the CEQA assessment.

Draft Regulatory and Environmental Settings will be prepared and submitted for CDM Smith and Central Valley Water Board staff review.

*Deliverables:*

- Regulatory Setting section of CEQA assessment
- Environmental Setting section of CEQA assessment
- Conference call with PC

### **TASK 3 – DEFINE PROPOSED PROJECT AND NO PROJECT ALTERNATIVE**

Under this task, the CDM Smith/RBI Team will work with Board staff and the LWA Team to define the specific elements of the Proposed Project and the No Action Alternative for CEQA assessment purposes. It is critically important to have both the Proposed Project and the No Project Alternative clearly defined so that the CEQA assessment effectively and clearly addresses how the environment would be changed as a result of implementing either the Proposed Project or the No Project Alternative. By so doing, decision makers can clearly see the environmental ramification of implementing the Proposed Project versus not doing so (i.e., implementing the No Project Alternative).

As discussed above, implementation of the SNMP will be supported through the adoption of Basin Plan amendments that incorporate recommendations in the following related policies that are being developed in conjunction with the SNMP:

- Management Zone Policy
- Nitrate Permitting Strategy
- Exceptions Policy
- Offsets Policy
- Secondary Maximum Contaminant Level Policy
- Agricultural Beneficial Use (AGR) Policy (Salinity Permitting Strategy)
- Conservation and Drought Policy

- Maximum Benefit Policy
- Assimilative Capacity Policy

The project description that is developed would define the goals of the SNMP and the objectives of each supporting policy, identify the recommended actions directed by the SNMP and its supporting policies, and identify how the plan and policies are proposed to be implemented. The project description will clearly identify the aspects of the above policies that would result in Basin Plan amendments or otherwise result in new regulation of water quality that could result in changed conditions in the environment.

A definition of the No Project Alternative would similarly be developed in coordination with Board staff and the LWA Team. The focus of the No Project Alternative definition would be to describe the resulting regulatory condition from not adopting the SNMP and associated policies and resulting actions that the discharger community would be expected to take to comply with existing regulations. This No Project Alternative definition would then be the basis for identifying physical changes to the environment that could occur relative to the baseline (existing) conditions.

The draft descriptions of the Proposed Project and No Project Alternative developed will be circulated to PC for review and comment. Because the descriptions of the Proposed Project and the No Action Alternative set up the basis for the CEQA assessment (and antidegradation and economics analyses), obtaining concurrence on these descriptions will be essential and will be the critical path item for the CEQA assessment.

*Deliverables:*

- *Description of Proposed Project*
- *Description of No Project Alternative*
- *Conference Call with PC*

#### **TASK 4 – PREPARE CEQA ASSESSMENT**

RBI of the CDM Smith Team will lead the preparation of the CEQA assessment for the SNMP. The CEQA documentation for the Proposed Project will consist of the CEQA Environmental Checklist Form with narrative address of each question in the checklist to provide the basis for the impact determination made for each resource category and subcategory assessed, which will include the following.

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services

- Recreation
- Transportation and Traffic
- Utilities and Service Systems

The CEQA assessment of the Proposed Project also will address “Mandatory Findings of Significance,” including a discussion of impacts that are individually limited (i.e., less than significant), but cumulatively considerable.

The CEQA assessment of the Proposed Project will be programmatic in nature and will be sufficiently broad in its scope and coverage to accommodate the need for future refinements to the SNMP and its supporting policies and recommended actions prior to their incorporation into the Basin Plans via the actual Basin Plan amendments. In approaching the CEQA assessment in this broad programmatic manner, it will allow for such refinements and the resulting modified project will likely remain within the scope of the environmental assessment, assuming the goals of the SNMP and the objectives of the Basin Plan amendments and modifications of WDRs and Conditional Waivers that ultimately occur remain consistent with those defined in the Project Description of the CEQA document. This approach provides Board staff with substantial flexibility to make refinements to the project, as needed, which will not necessarily require any additional CEQA assessment. Should future changes to one or more elements of the SNMP or its supporting policies occur such that the resulting environmental conditions may no longer fall within the scope and coverage of the CEQA assessment performed, then a supplemental CEQA assessment could be performed, as needed, to address such substantial changes to the project, and the resulting environmental changes that are determined to be outside the scope of those assessed originally. Finally, any recommended actions that themselves, when implemented, may result in significant environmental impacts, and are not defined at a sufficient level of detail at the time this CEQA assessment is performed to enable a project-level assessment, will require separate project-specific CEQA assessment in the future.

In addition to the assessment of the SNMP, RBI of the CDM Smith Team will address the potential effects of the No Project Alternative. The No Project Alternative assessment will address impacts that would occur from dischargers taking actions to comply with existing Central Valley Water Board regulations, policies and permitting practices. Assessment of alternatives to a Proposed Project for CEQA is only required when the Proposed Project would have significant environmental impacts. It is not anticipated that implementation of the SNMP will result in any significant environmental impacts and, therefore, assessment of alternatives to the Proposed Project would not be necessary. Nevertheless, assessment of a No Project Alternative will inform decision makers of the environmental consequences of not adopting the SNMP, even if the SNMP itself does not result in significant environmental impacts. In addition, the development of the SNMP through the stakeholder process involved consideration of various alternative components to the SNMP. The CEQA document will include a discussion of alternative elements and/or policies that were considered by Board staff and the stakeholders, but not included in the final SNMP.

The water quality impact assessment of the Proposed Project and No Project Alternative will rely on the Antidegradation Analysis being prepared by the LWA Team, which will assess anticipated changed water quality conditions and degradation that would be expected to occur under the Proposed Project and No Project conditions.

The Scope of Work and Budget assumes a single round of review and comment by Central Valley Water Board staff on the draft CEQA assessment to prepare the final CEQA assessment for incorporation into the Staff Report.

*Deliverables:*

- *Draft CEQA Assessment Report to PC*
- *Final CEQA Assessment Report to PC*
- *Response to Comments Matrix*

## **Budget and Schedule**

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The budget for completing the CEQA assessment defined in this Work Plan is provided below in Table 1. Due to contractual obligations, all work must be completed by October 1, 2016; it is assumed that a notice to proceed will be received on or about July 12, 2016. In recognition of the aggressive schedule under which the work must be completed, proposed completion dates for interim deliverables— Settings and Definition of Project and No Project Alternative—are provided in Table 1. Meeting these interim deadlines will be key to completing the entire CEQA assessment by October 1, 2016.

**Table 1. SNMP CEQA Assessment Budget and Schedule**

<b>Task</b>	<b>Budget</b>	<b>Proposed Completion Date</b>
<i>Work Plan Development</i> <sup>1</sup>	<i>\$10,000</i>	<i>Ongoing</i>
Task 1 – Management and Coordination Activities	\$25,000	Ongoing
Task 2 – Regulatory and Environmental Settings	\$25,000	July 25, 2016
Task 3 – Definition of Proposed Project and No Project Alternative	\$40,000	August 8, 2016
Task 4 – Administrative Draft CEQA Document / Final CEQA Document	\$90,000	September 9, 2016 / October 1, 2016
<b>Total (including Work Plan development)</b>	<b>\$190,000</b>	

Should certain tasks require additional time (which may occur for a variety of reasons), the CDM Smith/RBI Team will take all reasonable measures to accommodate the changes while minimizing disruption to other schedule elements. However, delayed completion of schedule elements can cause delays in completion of other related work. RBI will, in all instances, promptly identify the best possible manner to rectify the schedule and communicate a revised schedule to CDM Smith, in coordination with LWA.

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<sup>1</sup> The development of the Work Plan was previously authorized by CV-SALTS in November 2015. However, the development of this Work Plan was delayed due to additional time necessary to develop the Central Valley SNMP.