Informal Guidance for Agencies Requesting Use of State Water Project Facilities: GHG Emissions Assessment for CEQA Purposes

California Department of Water Resources
CEQA Climate Change Committee

Introduction and Use of this Document

The Department of Water Resources (DWR) conveys water through and stores water in State Water Project (SWP) facilities for other agencies when excess conveyance and storage capacity exist in the system and when that conveyance and storage can be provided consistent with any applicable regulatory or operational restrictions. Where the proposed project is subject to compliance with the California Environmental Quality Act[1] (CEQA), DWR's role under CEQA is that of a responsible agency.

The following information does not impose any additional requirement on projects requesting use of SWP facilities for conveyance and storage beyond that contained in the CEQA guidelines. Rather, this guidance is intended to assist agencies in complying with the current CEQA /greenhouse gas (GHG) analysis requirements and ensure that a lead agency's CEQA document contains information necessary for DWR to perform its duties as a CEQA responsible agency. It is important to note that not all projects that make use of SWP facilities are subject to CEQA[2]. DWR recommends that lead agencies consult legal counsel to determine which regulations apply to their specific project. **The guidance in this document applies specifically to projects that are subject to CEQA.**

As a responsible agency under CEQA, DWR must consider the impact of GHG emissions from a proposed project when exercising its discretion to give final approval for use of SWP conveyance and storage facilities. The GHG assessment must be consistent with CEQA Guidelines. As a responsible agency under CEQA, DWR must make an independent determination and findings on the potential environmental impacts of the proposed project that are within the scope of its approval. (See CEQAGuidelines, §15096.)

GHG emission impacts analyses have been a requirement under CEQA since 2010. CEQA practitioners are becoming more familiar with these analyses but standards of practice continue to vary somewhat. DWR is providing this guidance document as an informative tool in an effort to assist proponents of projects subject to CEQA in developing and

[1] The California Environmental Quality Act ("CEQA") is codified at Public Resources Code, §21000, *et seq*. The Guidelines for the Implementation of CEQA ("CEQA Guidelines") are found at title 14 of the California Code of Regulations, §15000, *et seq*.

[2] For example, water transfers based on post-1914 water rights, of one year or less duration, while subject to State Water Resources Control Board jurisdiction, are expressly exempt from CEQA under §1729 of the Water Code.

disclosing GHG emissions information. It is not however, intended to be a source of requirements, rules, or standards of general application.

Addressing GHG Emissions Resulting From the Use of SWP Facilities

In 2012, DWR adopted its Climate Action Plan/Greenhouse Gas Emissions Reduction Plan (GGERP). The GGERP commits DWR to significant reductions in overall GHG emissions by 2020 and 2050 and shows how remaining emissions, if consistent with the GGERP, would have a less than cumulatively considerable impact and would, therefore, be less than significant. The GGERP meets all of the requirements of CEQA Guidelines §15183.5 (Plans to Reduce Greenhouse Gas Emissions) and contains a complete analysis of most activities performed by DWR including a comprehensive analysis of GHG emissions associated with both conveyance of water through and storage of water in SWP facilities. Additional information about DWR's GGERP can be found at:
http://www.water.ca.gov/climatechange/CAP.cfm

DWR included, in the GGERP, analysis of the emissions associated conveyance and storage for other agencies. Therefore, CEQA lead agencies requesting use of SWP facilities may rely on the analysis of GHG emissions done by DWR in the GGERP for the portion of a project that uses SWP facilities to convey and/or store water.

With DWR's GGERP in place, DWR encourages lead agencies whose projects will require use of SWP facilities to convey or store water to refer to the GGERP and the analysis therein to describe the emissions associated with this use of SWP facilities. . This document contains a template that can be used by lead agencies in the GHG emissions analysis section of CEQA documents where SWP facilities are used to convey or store water. Note that ONLY the emissions associated with conveyance of water through and storage of water in SWP facilities are covered by the template language. Other emissions associated with the project may also need to be described, quantified, analyzed and if necessary mitigated by the CEQA lead agency. Please refer to ***Additional Guidance on GHG Emissions Analysis at (www.water.ca.gov/climatechange/docs/CEQA-GHG-Water.pdf)*** for information related to analyzing project GHG emissions related to other aspects of projects e.g., baseline usage of water, future usage of water, construction emissions.

Note that some agencies requesting to use SWP facilities to convey or store water provide non-SWP electricity needed for such use of SWP facilities. In these situations, because the electricity is outside of DWR's power portfolio, the GHG emissions from generation of that electricity have not been analyzed or mitigated by DWR as part of its programmatic GGERP; therefore, the responsibility for analyzing and if necessary mitigating the impacts of GHG emissions from the electricity generation remains with the lead CEQA agency or project proponent.

The template text below should be used by CEQA lead agencies in their CEQA documents to describe emissions from the ***use of SWP facilities and power resources for conveyance and storage of water.***. Use of the template does not affect DWR's obligation as a responsible agency to make its own independent findings and impose appropriate

requirements and mitigation measure, including ones that differ from those of the lead agency nor is this guidance DWR's final decision on either the GHG emissions analysis for a particular proposal nor for approval of the proposal itself

Template: CEQA GHG Emissions Analysis Section for Projects Requiring Use of SWP Facilities for Conveyance and Storage of Water

Instructions:

This template is to be used to assist project proponents with the crafting of text for the GHG Emissions section of CEQA documents that use State Water Project (SWP) facilities and power resources to convey or store water.

The language below is recommended for inclusion in Negative Declarations, Mitigated Negative Declarations, and Environmental Impact Reports for those projects where DWR is the CEQA responsible agency and for which SWP facilities and power resources are used to convey or store water.

*******************DO NOT INCLUDE TEXT ABOVE THIS LINE*******************

GHG Emissions Analysis from Use of State Water Project Facilities to Convey or Store Water

In May 2012, DWR adopted the DWR Climate Action Plan-Phase I: Greenhouse Gas Emissions Reduction Plan (GGERP), which details DWR's efforts to reduce its greenhouse gas (GHG) emissions consistent with Executive Order S-3-05 and the Global Warming Solutions Act of 2006 (Assembly Bill (AB) 32). DWR also adopted the Initial Study/Negative Declaration prepared for the GGERP in accordance with the CEQA Guidelines review and public process. Both the GGERP and Initial Study/Negative Declaration are incorporated herein by reference and are available at: http://www.water.ca.gov/climatechange/CAP.cfm. The GGERP provides estimates of historical (back to 1990), current, and future GHG emissions related to operations, construction, maintenance, and business practices (e.g. building-related energy use). The GGERP specifies aggressive 2020 and 2050 emission reduction goals and identifies a list of GHG emissions reduction measures to achieve these goals.

DWR specifically prepared its GGERP as a "Plan for the Reduction of Greenhouse Gas Emissions" for purposes of CEQA Guidelines §15183.5. That section provides that such a document, which must meet certain specified requirements, "may be used in the cumulative impacts analysis of later projects." Because global climate change, by its very nature, is a global cumulative impact, an individual project's compliance with a qualifying GHG Reduction Plan may suffice to mitigate the project's incremental contribution to that cumulative impact to a level that is not "cumulatively considerable." (See CEQA Guidelines, § 15064, subd. (h)(3).)

DWR and agencies using DWR facilities that were analyzed in the GGERP may rely on the GGERP in the cumulative impacts analyses of later project-specific environmental documents. "An environmental document that relies on a greenhouse gas reduction plan for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project." (CEQA Guidelines § 15183.5, subd. (b)(2).)

The proposed project will use State Water Project facilities and power resources to convey and/or store water. The energy associated with the operation of these facilities will likely result in the emission of GHGs. However, DWR as part of the analysis provided in the GGERP has fully described and analyzed the potential for GHG emissions from operations associated with use of SWP facilities by other agencies to convey and/or store water and has committed to overall near-term and long-term GHG emissions reductions that will ensure that no significant environmental impact will occur as a result of DWR's emissions.

Determination

Based on the analysis provided in the DWR GGERP, GHG emissions associated with the use of State Water Project facilities for this project will not constitute a cumulatively considerable contribution to atmospheric levels of GHG emissions and are therefore, less than significant.