

## **Purpose of This Document**

This document and the draft environmental impact report (DEIR) that was circulated in February 2009 constitute the Final EIR for the DS Canal Flume Replacement Project. The information presented in this Final EIR is being provided in accordance with the requirements of the State California Environmental Quality Act (CEQA) Guidelines. This Final EIR includes the following chapters:

- Chapter 1, “Introduction,” discusses the purpose of this document, public review process, CEQA requirements, and use of this document.
- Chapter 2, “Comments on Draft EIR and Responses to Comments,” contains comments received during the public review period for the DEIR and the written responses to those comments.
- Chapter 3, “Text Changes to Draft EIR,” contains changes to the text of the DEIR made in response to comments received during the public review period for the DEIR or for purposes of clarification.
- Chapter 4, “Revised Summary of Impacts and Mitigation Measures,” contains an updated table summarizing the impacts that would result from the proposed project, mitigation measures proposed, and levels of significance before and after mitigation.
- Chapter 5, “New References.”

## **Public Review Process**

The DEIR for this project was distributed to various public agencies, citizen groups, and interested individuals for a 45-day public review period, from February 9, 2009 through March 26, 2009. The DEIR was circulated to state agencies for review through the State Clearinghouse of the Governor’s Office of Planning and Research. Copies of the DEIR were available for public review during normal business hours at the Nevada Irrigation District (NID) office in Grass Valley. Copies of the DEIR were also available for review at County libraries and on NID’s website.

An informational meeting was held for the public on March 18, during the review period for the DEIR. At that time, the public was asked to provide written comments at the meeting or before closure of the public review period.

## CEQA Requirements

As lead agency under CEQA, NID has provided each public agency that commented on the DEIR with a copy of its responses to comments at least 10 days before certifying the Final EIR.

## Use of This Document

The Final EIR allows the public and the lead agency to review revisions to the DEIR, comments, responses to comments, and other components of the EIR before approval of the project. This Final EIR, including the DEIR incorporated by reference, is intended to inform the NID board of the project's potential to result in significant effects on the environment and of means of reducing those impacts, when feasible.

After completing the Final EIR and before approving the project, the NID board must make the following three certifications (State CEQA Guidelines Section 15090):

- The Final EIR has been completed in compliance with CEQA.
- The Final EIR was presented to them, and that they have reviewed and considered the information in the Final EIR before approving the project.
- The Final EIR reflects the NID board's independent judgment and analysis.

In addition, if a Final EIR that has been certified for a project identifies one or more significant environmental impacts, the NID board must adopt findings of fact (State CEQA Guidelines Section 15091[a]). For each significant impact, the board must make one or more of the following findings:

- Changes or alterations have been required in or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency, not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Each finding must be accompanied by a brief explanation of the rationale for the finding. In addition, the NID board must adopt a program for reporting or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen impacts (State CEQA Guidelines Section 15091[d]). The mitigation measures themselves must be fully enforceable through permit conditions, agreements, or other measures. This program is referred to as the mitigation monitoring and reporting program or “MMRP.”

Whenever a lead agency such as NID approves a project that would result in significant and unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing its reasons for supporting the approved action (State CEQA Guidelines Section 15093[b]). This “statement of overriding considerations” will be supported by substantial information in the record, including the Final EIR. Because the proposed project would result in significant and unavoidable impacts, the NID board must adopt a statement of overriding considerations if it approves the project. The statement of overriding considerations is not a substitute for the findings of fact described above.

The recommended certifications, draft findings of fact, and a draft statement of overriding considerations will be included in a separate findings document that accompanies NID’s staff report. The DEIR (incorporated by reference), Final EIR, findings of fact, and statement of overriding considerations will be submitted to the NID board to help inform their deliberations on the proposed project.