

Chapter 1 Introduction and Approach to Responses to Comments

This Volume 3, *Responses to Comments*, contains responses to comments received on the Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the Sites Reservoir Project (Project). The RDEIR/SDEIS was released for public review on November 12, 2021, and the public comment period closed on January 28, 2022. Prior to Sites Project Authority (Authority) certification of the Final EIR/EIS and approval of the Project, and Bureau of Reclamation (Reclamation) issuance of its Record of Decision, the agencies will consider the responses to comments in Volume 3, along with Volumes 1 and 2, all of which are part of the Final EIR/EIS.

This chapter describes (1) comments received and other public input regarding the RDEIR/SDEIS; (2) the general approach taken by the Authority and Reclamation in considering and responding to comments; (3) the format, content, and organization of Volume 3; and (4) modifications to the RDEIR/SDEIS reflected in Volumes 1 through 3.

Public Participation and Comments Received

The public comment period for the RDEIR/SDEIS was set for 60 days and scheduled to close on January 11, 2022. In response to requests from multiple commenters, the Authority and Reclamation granted a 17-day extension to the public comment period. The Authority and Reclamation closed the public comment period at 5:00 p.m. PST on January 28, 2022.

The Authority and Reclamation received approximately 101 unique letters and communications during the extended public comment period from federal, State, and local/regional agencies; elected officials; stakeholders; non-governmental organizations; and members of the public. Based on their review of these letters and communications, the Authority and Reclamation identified approximately 1,000 discrete comments. No letters were received outside of the public comment period. The Authority and Reclamation also conducted two CEQA/NEPA virtual public meetings on December 15 and 16, 2021, during which the agencies accepted verbal comments regarding the RDEIR/SDEIS.

Comments were submitted in many different formats, including form letters, petitions, and unique letters. Form letters are those that are identical in content and provided by multiple commenters. Petitions have multiple signatures on one letter identifying one or more unique comment(s) and may be attached to form letters. Unique letters are single letters with individual unique comments contained therein submitted by a single or multiple commenters; each verbal comment received at the two public meetings is being treated as if it were a unique letter. One form letter was submitted by 112 individuals, and a petition with approximately 1,315 signatures

was received. In addition, approximately 101 unique letters were received (these include the transcripts of comments received during the virtual public meetings).

The comments covered a broad range of policy and environmental issues. Major topic areas that elicited frequent comments included stakeholder engagement and the public comment process, the description of the alternatives and operation of the alternatives, surface water quality impacts, aquatic biological resources impacts, terrestrial wildlife and vegetation impacts, and cumulative impacts. The responses to comments provided in Volume 3 represent the Authority's and Reclamation's best effort to carefully and objectively review and consider the comments and any supporting evidence provided by commenters.

Regulatory Context

The purpose of public review of a draft EIR/EIS is to provide agencies and the public the opportunity to review the environmental analysis for compliance with CEQA and NEPA, respectively, and to provide comments on the environmental impacts of a proposed project. The Authority is the lead agency under CEQA, and Reclamation is the lead agency under NEPA.

The CEQA Guidelines describe the general approach to agency responses to public comments as follows:

(c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

(d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should consider either: (1) Revise the text in the body of the EIR, or (2) Include marginal notes showing that the information is revised in the response to comments. (Cal. Code Regs., tit. 14, § 15088, subd. (c) and (d).)

CEQA does not require a lead agency to undertake every suggestion given them by commenters, provided that the agency responds to significant environmental issues and makes a good-faith effort at disclosure in a reasoned way. For example, the CEQA Guidelines state:

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. [...] 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 commenters. 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. (Cal. Code Regs., tit. 14, § 15204, subd. (a) (emphasis added).)

For NEPA, the approach used to develop responses to comments was based on requirements and guidance from the Council on Environmental Quality (CEQ), Title 40 of the Code of Federal Regulations, section 1503.4 (40 C.F.R. § 1503.4), and the Reclamation NEPA Handbook (sections 8.15.2, 8.15.2.1).

The CEQ requirements (40 C.F.R. § 1503.4) for agency responses to comments on an EIS are as follows:

- (a) An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to: (1) Modify alternatives including the proposed action, (2) Develop and evaluate alternatives not previously given serious consideration by the agency, (3) Supplement, improve, or modify its analyses, (4) Make factual corrections, (5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.
- (b) All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous), should be attached to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement.
- (c) If changes in response to comments are minor and are confined to the responses described in paragraphs (a)(4) and (5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases, only the comments, the responses, and the changes and not the final statement need be circulated (§1502.19). The entire document with a new cover sheet shall be filed as the final statement (§1506.9).

Section 8.15.2 in the Reclamation NEPA Handbook contains the aforementioned CEQ requirements and states that responses to comments must be factual and nonargumentative, should clearly address the issue(s) raised, and may acknowledge a comment if it is simply offering an opinion or if it contains advice not pertinent to the EIS. Section 8.15.2.1 discusses the format of responses to comments and indicates that, when comments are repetitive, the significant comments may be summarized and consolidated to condense the volume of the responses.

Given the above, neither CEQA nor NEPA requires the Authority and Reclamation to respond to comments unrelated or not germane to the evaluation of potential environmental impacts contained in the RDEIR/SDEIS.

Approach

The Authority and Reclamation have made a good-faith effort to ensure that all comments were identified, considered, and responded to in Volume 3 of the Final EIR/EIS. Electronic copies (i.e., pdfs) of the full text of comment letters and transcripts are available on the Project website (<https://sitesproject.org/environmental-review/>). The following summarizes the approach the Authority and Reclamation used when identifying, considering, and responding to the comments received.

- The Authority and Reclamation received some general or unspecific comments on the RDEIR/SDEIS. Although the Authority and Reclamation are not required to respond to comments that do not raise significant environmental issue(s), the Authority and Reclamation address general comments received in Master Response 1, *CEQA and NEPA Process, Regulatory Requirements, and General Comments*.
- The Authority and Reclamation received numerous form letters from multiple different commenters. The Authority and Reclamation identified an example of the form letter as a *primary form*. The comments in the primary form were reviewed and responded to one time while the additional versions were counted, instead of responding to the same form letter repeatedly. The remaining form letters were reviewed to confirm consistency with the primary form and counted, and the total count of each form received was recorded. Volume 3, Chapter 2, *Indices of Commenters and Index of Primary Forms*, identifies the primary form and its associated letter number. The responses to the form letter are found in Volume 3, Chapter 4, *Responses to Comments*.
- The Authority and Reclamation determined whether form letters contained any unique comments in addition to the form content. Any unique portion of these *form plus letters* was responded to separately from the form letter portion of the comment. Readers and commenters may refer to the responses to the form letters by looking at the primary form list in Volume 3, Chapter 2, *Indices of Commenters and Index of Primary Forms*. Commenters may look up their name to view responses to their unique comment(s) in the form plus letters in Volume 3, Chapter 2, *Indices of Commenters and Index of Primary Forms*.
- The Authority and Reclamation received one petition. This petition was responded to as if it was a primary form letter. General comments in the petition were addressed in Master Response 1. Comments in the petition that raised significant environmental issues were addressed in unique responses or other master responses as appropriate. An index of the signatories to the petition is provided in Volume 3, Chapter 2, *Indices of Commenters and Index of Primary Forms*.
- In an effort to facilitate the review process by responding only to those comments contained in the comment letters, the Authority and Reclamation refrained from directing the reader to responses to comments outside of the commenter's specific letter. However, if a comment referenced, incorporated by reference, or cited comments sent to the Authority or Reclamation by other commenters, the readers may refer to Volume 3, Chapter 2, *Indices of Commenters and Index of Primary Forms*, to identify the letter numbers they are interested in reviewing.
- Comment letters sometimes had attachments and exhibits. Attachments included materials physically attached to the hard copy of the comment letter or contained in the same electronic file (e.g., pdf) as the comment letter; they also may consist of separate files submitted with the comment letter. Exhibits consisted of figures, graphs, charts, maps, and other visual aids provided by commenters that were embedded in the text of comment letters.
- Attachments and exhibits for comment letters use numbers assigned by the Authority and Reclamation through the coding and review process and are not the numbers provided by

the commenter. Generally, each attachment or exhibit is described in a comment; the content of that comment simply includes information that describes the item and may include the provided title or content summary.

- The Authority and Reclamation provided individual responses to information contained in an attachment to a comment letter if the attachment commented on substantive issues related to the environmental analysis in the RDEIR/SDEIS. If the attachment did not meet this criterion, no specific response was provided, although the attachment was reviewed and additional information to assist the commenter was referenced when available (e.g., reference to a master response).
- The two virtual public meetings were transcribed by a court reporter and the transcripts were reviewed and are included in the responses to comments. Individual public speakers are identified, and a transcription of each speaker's comments is classified as a unique letter and responded to in the response to comments. In some cases, the verbal comments were not clearly understood for the purpose of the transcription, likely due to the dynamic and conversational nature of the verbal public comments. Every attempt was made to understand the substance of a speaker's verbal comments in order to provide a response. However, the Authority and Reclamation cannot and did not infer the meaning or intent of comments.
- Speakers at the virtual public meetings may also have submitted written comments via letters or emails. The Authority and Reclamation reviewed all comments from a single commenter, even if that commenter provided comments both verbally (captured in a transcript) and in a letter. In this manner, the Authority and Reclamation completely reviewed and responded to all comments from the same commenter, even if they were made at different times during the public comment period and in different formats.
- The Authority and Reclamation reviewed comments in the exact form they were provided by commenters. This included reviewing comments with misspellings, grammatical errors, or unclear writing. Every attempt was made to understand the commenters' comments in order to provide responses. However, the Authority and Reclamation cannot and did not infer the meaning or intent of comments. If a comment was not clearly understood, the Authority and Reclamation made a note to that effect in their response.
- As described in the RDEIR/SDEIS Executive Summary; Chapter 1, *Introduction*; Chapter 34, *Revised Draft EIR/Supplemental Draft EIS Document Distribution*; and Appendix 2B, *Additional Alternatives Screening and Evaluation*, the environmental analysis was revised pursuant to CEQA and NEPA to reflect refinements to the Project that occurred since issuance of the 2017 Draft EIR/EIS. Reviewers of the RDEIR/SDEIS were encouraged to focus on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which the potentially significant impacts of the Project alternatives might be avoided or mitigated. Pursuant to CEQA and given the full revision of the 2017 Draft EIR, the Authority is not responding to comments on the 2017 Draft EIR. Reclamation responded to comments on the 2017 Draft EIS, and responses to those comments can be found in Volume 3, Appendix 4A, *Reclamation Responses to 2017 Draft EIS Comments*. If a commenter referenced comments they made on the 2017 document or attached comments they made on the

2017 document to their 2021/2022 comments, a standard response is provided in Volume 3, Chapter 4, *Responses to Comments*.

- During the process of reviewing and responding to comments on the RDEIR/SDEIS, and as a result of refinements to Alternatives 1A, 1B, and 3, refined CALSIM model runs were performed (described in detail in Master Response 3, *Hydrology and Hydrologic Modeling*).

Organization of Volume 3

All chapters and appendices mentioned in Volume 3 of this Final EIR/EIS are referring to portions of Volumes 1 and 2, respectively, unless otherwise specified. For example, both Volumes 2 and 3 have an Appendix 4A, but they are separate appendices. Appendix 4A of Volume 3 contains Reclamation responses to comments on the 2017 Draft EIS.

Volume 3 is organized as follows.

- This chapter, *Introduction and Approach to Responses to Comments*, contains a description of the public participation and public comments received on the RDEIR/SDEIS; the approach to reviewing and responding to comments; and the format, content (including terminology), and organization of Volume 3.
- Chapter 2, *Indices of Commenters and Index of Primary Forms*, provides a list of the comment letter numbers and titles of commenters, when provided, from federal agencies and elected officials; Tribal governments; State agencies and elected officials; local/regional agencies and elected officials; non-governmental organizations; and members of the public and include form plus letters and form letter commenters. These indices are organized by organization, commenter name, and letter number. Readers and commenters can use these indices to identify the letter number or comment numbers associated with the submissions and then find the comments and responses in Chapter 4, *Responses to Comments*.
- Chapter 3, *Master Responses*, contains an introduction with a summary table identifying the number of master responses and a general description of the topics addressed by each master response. The RDEIR/SDEIS was the subject of multiple comments on substantially similar topics or recurring comment themes or issues. The master responses were prepared to provide responses to these frequently raised topics, themes, or issues to avoid repetition and to provide a comprehensive response. Each master response provides a brief overview of the topics, issues, or themes that it addresses; a table of contents to orient the reader to specific subtopics; the master response text; and a list of references cited. Master responses are described in Chapter 3 to familiarize readers with some of the most commonly raised topics and responses before the presentation of responses to individual comments in Chapter 4.
- Chapter 4, *Responses to Comments*, presents individual comments and responses in chronologic numeric order. Chapter 4 also provides a list of references cited in the

responses to individual public comments.¹ Comment letters, emails, and other written or transcribed comments were assigned an identifying letter number as they were received and processed by the Authority and Reclamation. Letters were numbered starting with “SRP_RSD_” as an identifier.

- Where the comment was a request for information, such as a request for an electronic copy of the document or extended speaking time at a public meeting, that letter may have been assigned a number but was not included in Chapter 4 because it did not include any substantive comment on the RDEIR/SDEIS. These requests were responded to separately from the response-to-comments process. Although not included in these responses to comments, the letters are included in the administrative record under general correspondence.
- Commenters occasionally submitted a comment by email and by a duplicate hard copy via the U.S. Postal Service or a courier. Once the duplication was identified, the second copy was marked as a duplicate and only the one copy was included in the tables for a response.

Modifications Contained in Volumes 1 through 3

Modifications of the RDEIR/SDEIS reflected in the Final EIR/EIS do not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact that was not previously analyzed in the RDEIR/SDEIS. New information added to this Final EIR/EIS merely clarifies, amplifies, or makes modifications to the RDEIR/SDEIS environmental analysis to better characterize the Project. Modifications made to Volumes 1 or 2 are identified with a vertical line in the left margin of a page so readers can identify modifications between the RDEIR/SDEIS and the Final EIR/EIS. Volume 2 appendices that are new or that have changes since the RDEIR/SDEIS but that do not have a vertical line in the margin include Appendices 2D1, 5B1 through 5B5, 5C, 6B1 through 6B5, 6C, 6D, 6F1, 11H, 11I1, 11I2, 11M7 through 11M9, 15A, 17A, 20C1 through 20C3, and 21A. Minor editorial changes and clarifications are not identified.

Volume 3 includes clarifying information regarding the alternatives evaluated. Clarifying information is contained in Chapters 3 and 4 and includes modifications to facilities or footprints, as well as revisions to the operations of the alternatives. In addition, Volumes 1, 2, and 3 include additional information related to modeling the alternatives, including the No Project Alternative. This information clarifies and amplifies modeling analyses within the range of results presented in the RDEIR/SDEIS. The additional information is relevant to the discussion of impacts already disclosed in the RDEIR/SDEIS and does not alter substantive conclusions about those impacts. The information supports the conclusions about potential environmental and other impacts of all alternatives disclosed and considered in the RDEIR/SDEIS.

¹ References in Volumes 1 and 2 of the Final EIR/EIS are contained at the end of the chapter or appendix and have been updated to reflect any changes made in the chapter or appendix, as appropriate, in responding to comments.