

1 **Summary**

2 In sum, even a superficial consideration of the 17 factors FERC committed to considering
3 shows that the EIS must examine decommissioning and other similar reasonable alternatives. At
4 a bare minimum, FERC must adequately evaluate the above 17 factors before determining not to
5 include such alternatives.

6 **VI. FERC Should Coordinate a Joint NEPA/CEQA Analysis with the State Board.**

7 Under section 401(a)(1) of the Clean Water Act (“CWA”) the Commission may not issue
8 a license for a hydroelectric project unless the State Board has issued a water quality
9 certification for the Project. In issuing such a certification, the State Board must comply with
10 CEQA. *See* Pub. Res. Code § 21065(c); Cal. Code Regs., tit. 22, § 3856(f). The Conservation
11 Groups strongly encourage the Commission to coordinate its responsibilities under NEPA with
12 those of the State Board under CEQA regarding its processing of the required 401 certification
13 for the Project by combining those analyses into a joint NEPA/CEQA document.

14 Federal regulations require agencies to cooperate “to reduce duplication between NEPA and
15 State and local requirements,” and further provide that “such cooperation shall to the fullest
16 extent possible include . . . joint environmental assessments.” 40 C.F.R. § 1506.2. “A joint
17 [NEPA and CEQA] review process can avoid redundancy, improve efficiency and interagency
18 cooperation, and be easier for applicants and citizens to navigate.” Council on Env'tl. Quality &
19 Cal. Off. of Planning & Research, NEPA and CEQA: Integrating Federal and State
20 Environmental Reviews 1 (2014). For example, as noted above, CEQA requires a different “no
21 project” alternative than the NEPA “no action alternative.” It would be far more efficient and
22 conducive to public input for a joint NEPA/CEQA document to include all the relevant
23 alternatives now and compare and contrast them, rather than for the agencies and the public to
24 have to juggle this information in two sets of reviews.

25 If FERC and the State Board are unable for any reason to prepare a joint environmental
26 review, at an absolute minimum FERC should endeavor to include information in the EIS that
27 can be later used in the CEQA analysis, such as the required CEQA “no project” alternative. By
28 including all the relevant environmental analysis of the Project in the initial review document,

1 FERC will demonstrate its commitment to an open and cooperative public process, as well as
2 reduce the demands of these environmental review processes on FERC's and the State Board's
3 own resources.

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