



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

January 26, 2012

Mr. Horst Greczmiel
Associate Director
National Environmental Policy Act (NEPA) Oversight
722 Jackson Place NW
Washington, DC 20503

Sent Via Regular Mail and E-Mail

Dear Mr. Greczmiel:

Draft NEPA Guidance on Improving the Process for Efficient & Timely Environmental Reviews

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the above the subject draft guidance (FR Doc No. 2011-31983) as posted in the Federal Register (Volume 76, Number 239, 13 December 2011, Pages 77492-77498). Metropolitan is pleased to submit comments to the Council on Environmental Quality (CEQ) for its consideration.

Metropolitan provides supplemental wholesale water supplies for domestic and municipal uses to its 26 member agencies making it the largest wholesale water supplier in California. Our mission is to provide adequate and reliable supplies of high quality water to meet present and future needs in an environmentally and economically responsible way. Metropolitan's service area includes about 5,200 square miles in Los Angeles, Orange, San Diego, Riverside, San Bernardino, and Ventura counties.

Metropolitan supports and encourages federal agencies on conducting timely coordination with non-federal agencies like Metropolitan in the NEPA process, including conducting early scoping and establishing definitive schedules as identified in the CEQ's draft guidance. The CEQ's direction on substantive, technical, and formatting approaches in the NEPA process will also help federal agencies to streamline their environmental process and documentation (e.g., not having to republish the entire draft environmental impact statement when proceeding to the final environmental impact statement).

Additionally, here are five specific comments concerning the draft guidance document:

1. **Pages 6-8 (Item No. 2. Early NEPA Integration in Planning):** The CEQ's draft guidance does not describe in detail how federal entities coordinate where the initial planning process begins with non-federal entities. Instead, it refers to the requirement that federal entities, through their NEPA implementation procedures, must provide access

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to designated federal staff or other information that will inform the non-federal entity on possible jurisdictional issues. Given the recent directives and executive orders by President Obama on efficiencies and redundancies within the federal government, it would be prudent for the CEQ's draft guidance to include existing measures that would lead to more successful integration of local/state agencies/federal agencies planning efforts under NEPA and state environmental laws (such as the California Environmental Quality Act (CEQA)).

2. **Page 8 (Item No. 2. Early NEPA Integration in Planning):** The CEQ draft guidance states: "For actions initiated at the request of a non-federal entity, federal agencies should begin the NEPA process for preparing their EA or EIS as early as possible but no later than upon receipt of a complete application." Similar to CEQA, "a complete application" is a long process prior to even initiating a NEPA process. A better approach would be to commence an early NEPA process, by working with the non-federal entities as soon as an application is submitted and not wait until it is considered complete.
3. **Page 9 (Item No. 3. Scoping):** More examples should be provided on how a federal lead agency under NEPA can delegate responsibility for EIS preparation and analysis among cooperating and non-federal agencies during the scoping process. The CEQ draft guidance should mention the NEPA Pilot Program that is being implemented in limited parts of the country. In that program, certain federal agencies can delegate their NEPA duties and responsibilities to a non-federal agency. For example, the Federal Highway Administration has delegated its NEPA responsibilities for certain highway projects in California to the California Department of Transportation. CEQ should explore if such delegation opportunities can exist for other types of infrastructure projects at the federal/state levels, including that of water supply and reliability programs.
4. **Page 10 (Item No. 4. Inter-Governmental Coordination (State, Local, or Tribal Environmental Reviews):** Except where barred by federal law, joint federal/non-federal environmental documentation are encouraged by CEQ policies. In reality, however, such cooperation and coordination doesn't always happen. It would be preferable if the CEQ's draft guidance explicitly identified when it is appropriate for the federal agency to opt out of cooperative arrangements. Also, the draft document is vague on how to "encourage" the federal agency to comply with the timeframe of the non-federal agency's environmental process. Without more specificity, no mechanism exists currently to commit the federal agency to follow a definitive schedule. As a result, the NEPA process and the state's equivalent environmental law can be delayed by the federal agency, even though the non-federal agency has participated in good faith.

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5. **Page 11 (Item No. 6. Adoption):** The CEQ draft guidance supports one federal agency adopting a final environmental impact statement prepared and processed by other federal agencies, as applicable, to make NEPA more efficient. The guidance also details when this part of the process requires public review. Metropolitan requests that the CEQ consider an opportunity for non-federal agencies to prepare NEPA-like documents for adoption by the federal agencies, akin to the NEPA Pilot Program. Under the CEQA process, there is a protocol where the lead CEQA agency can use a NEPA document for the project, instead of preparing a separate CEQA document, so long as certain procedures are followed and the NEPA document fulfills CEQA requirements. It would be advantageous, efficient, and cost effective if this approach were to be considered within the overall NEPA process as well.

Metropolitan appreciates the opportunity to provide comments to the CEQ concerning its draft guidance on improving the NEPA process through efficient and timely reviews. Please contact me at (213) 217-6217 should you have any further questions.

Very truly yours,



Delaine W. Shane

Principal Environmental Specialist