

Discussion Paper

Development of the No-Action Alternative and Cumulative Actions List for the CALFED Bay-Delta Program

INTRODUCTION

This discussion paper addresses the development of the no-action alternative/no-project alternative and the cumulative actions list for the CALFED Bay-Delta Program. In particular, this document:

- describes the role of the no-action alternative and no-project alternative in National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) processes,
- discusses a process for developing a description of the no-action alternative for the CALFED Bay-Delta Program,
- discusses the purpose of cumulative impact analysis and the role of cumulative actions, and
- discusses screening criteria to be considered when developing the cumulative actions list for the CALFED Bay-Delta Program.

NEPA and CEQA Requirements

Both NEPA and CEQA require a discussion of changes to the environment that are considered likely to occur in the absence of a proposed action. Although NEPA and CEQA use slightly different terms to describe this no-action or no-project scenario, the requirements are identical. Because the respective terms refer to the same set of conditions, they will be referred to as the no-action alternative.

Both NEPA and CEQA require that the impacts of the action alternatives be identified by using the no-action alternative as the baseline. The primary difference between the two acts is that

CEQA also requires the impacts of the alternatives, including those of the no-action alternative, be assessed using existing conditions as a baseline. Because the CALFED Bay-Delta Program is preparing an EIS/EIR, the document will compare the action alternatives to both the no-action alternative and the existing conditions.

Role of the No-Action Alternative

The purpose of the no-action alternative in an environmental document is to provide a "reasonable" baseline for assessing the impacts of the action alternatives. Generally, actions not yet implemented should not be included in the no-action alternative unless they are considered highly likely to occur, can be adequately described, and would have an important and measurable effect on the analyses to be conducted for the EIS/EIR.

The no-action alternative is not intended to be a listing of the facilities that will actually be constructed or the projects that will actually be implemented during the period of analysis or to endorse any such actions. Further, the no action alternative is not intended to help identify the consequences of actions which might not have been the subject of a previous environmental document. The no action alternative is only a tool for illuminating the potential consequences of implementing the alternatives.

Actions not included in the no-action alternative will be considered for inclusion in the cumulative actions list and the cumulative impact analysis.

The exclusion of an action from the no-action alternative may be arguable or controversial. If these controversies develop there could be supplemental or "sensitivity" analyses to isolate the effects of these actions rather than including the actions in the no-action alternative. Although this approach can be used effectively, it is important that it be used judiciously so that the CALFED Bay-Delta Program is not diverted into unnecessary analyses that detract from completion of the programmatic EIS/EIR.

Role of Cumulative Impact Analysis

The purpose of the cumulative impact analysis is to examine the effects of the preferred action alternative in combination with those of past, present, and reasonably foreseeable future actions to determine whether the impacts are significant when viewed collectively. The criteria for including future actions in the cumulative actions list are appropriately less rigorous than those for the no-action alternative because predicting reasonably foreseeable future actions for the cumulative impact analysis can be less certain. As mentioned above, projects not included in the no-action alternative will be considered for inclusion in the cumulative actions list and cumulative impact analysis.

PROCESS FOR DEVELOPING THE NO-ACTION ALTERNATIVE

The process for developing the no-action alternative consists of two steps:

- identifying future actions that are predictable and well-defined; and
- projecting changes to elements based on current trends.

We also include a brief description of how these future actions and elements lead to the future physical, biological, social, and economic conditions..

Future Actions That Are Predictable and Well-Defined

NEPA and CEQA do not provide specific guidelines for selecting future actions to include in the no-action alternative. We are proposing to use screening criteria to determine which future actions are to be included in the no-action alternative. The criteria will screen the candidate future actions in order to distinguish those actions that are highly likely to occur and sufficiently described from those which are not highly likely to occur. Potential future actions that meet all applicable criteria would be included in the no-action alternative. Potential future actions that do not meet all of the applicable criteria would be considered for inclusion in the cumulative projects list. Proposed criteria for determining whether an action should be considered for inclusion are:

Criterion 1: Has the Action Been Approved for Implementation?

This criterion would apply to both institutional and policy changes and construction-related projects. In the case of construction-related projects, the criterion would apply to authorization for design and construction.

Criterion 2: Does the Action Have Funding for Implementation?

This criterion would also apply to both institutional and policy changes and to construction-related projects. In the case of construction-related projects, it would apply to funding for design and construction.

Criterion 3: Does the Action Have Final Environmental Documents?

This criterion would be satisfied if an action has obtained a Record of Decision on a Final EIS from a federal lead agency .

Criterion 4: Does the Action Have Final Environmental Permits and Approvals?

Other environmental permits and approvals may be required for compliance with the Endangered Species Act or Clean Water Act.

Criterion 5: Will the Action be a Part of the No Action Alternative and Not a Part of the Action Alternative?

A comparison of the action alternatives to the no action alternative would be distorted if an action was included in both the no action and action alternatives.

Criterion 6: Would the Effects of the Action be Identifiable at the Level of Detail Being Considered for Analysis?

If a project's effects would be undetectable or minor in the programmatic impact analysis, it need not be included in the no action alternative.

Appendix A presents a preliminary list of future actions for consideration in developing the no-action alternative. The list includes policies, projects, programs, plans, studies, and designs that could be implemented within the planning time frame of the CALFED Bay-Delta Program but independent of the CALFED Bay-Delta Program.

The list of potential actions presented in Appendix A was developed based on the CVPIA PEIS no-action alternative and has been modified to include actions that have been approved and funded as of 1995. Potential future actions that have been defined since the completion of the PEIS evaluation have also been included for screening.

Projected Changes to Elements Based on Current Trends

In addition to identifying actions that will be a part of the no action alternative, we need to add in elements such as future population projections and related water demands which will also be a part of the future. We are proposing to start with the population and water demand projections made in DWR Bulletin 160-93 and will modify the assumptions made in the document relative to population and water demand based on the actions we assume will be part of the no action alternative.

Future Conditions

Describing the physical, biological, social, and economic conditions that would result from implementing future actions and accounting for projected changes to elements begins with describing existing conditions. For purposes of the CALFED Bay-Delta Program, it is proposed to define existing conditions as those in place as of 1995. More specifically, existing conditions will be defined as the existing physical, biological, social, and economic conditions that have resulted from past and present land use patterns, facilities, operations, management practices, regulatory requirements, population growth and related water demands. A detailed description of existing

conditions is the subject of another effort currently underway. That description of existing conditions will include a historical perspective of issues that have influenced present conditions.

Changes to the existing conditions are brought about by implementing the future actions (e.g., new facilities, additions to and modifications of existing actions and new or modified operating agreements) while accounting for projected changes to elements (e.g., future population and related water demands). The conditions that result from this effort are the physical, biological, social and economic conditions of the no action alternative. In other words, the conditions of the no action alternative are a result of the affect the future actions, population projections and related water demand have on existing conditions.

Possible Phasing of Analyses

The CALFED Bay-Delta Program is considering conducting a phased analysis of the impacts of the action alternatives. If such an approach were taken, it might be necessary to develop a phased no-action alternative. The purpose of conducting a phased impact analysis would be to determine the relative environmental impacts and benefits of the alternatives at different stages of implementation.

The possible benefit of conducting a phased analysis of impacts is that it would provide additional detail regarding the effects of the alternatives on a time-stepped basis that may reveal aspects of the impacts and benefits of the alternatives that would not otherwise be identifiable.

The potential drawbacks to such an approach are that it would considerably complicate the impact analysis and require substantial additional efforts to determine an appropriate phasing plan for each of the alternatives. Therefore, unless the results of such an analysis would be fundamentally important to selecting the CALFED Bay-Delta Program alternatives, it may not be worthwhile.

GUIDELINES FOR DEVELOPMENT OF THE CUMULATIVE ACTIONS LIST

In a NEPA and CEQA evaluation, the preferred alternative is evaluated with the combined effects of the cumulative actions in a single analysis. Cumulative impacts are defined by NEPA and CEQA as incremental impacts on the environment that result from other related past, present, and "reasonably foreseeable" future actions. The impacts of the related past and present actions will be identified as part of the discussion of the existing conditions. Therefor this effort to identify a list of actions for the cumulative analyses, focuses on potential future actions particularly those that do not meet the criteria for inclusion in the no-action alternative. It is proposed to use the following criteria to identify actions to be included in the cumulative actions list:

Criteria for Developing Cumulative Actions List

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- **Is the action under active consideration?** Active consideration is defined as having current funding and staff support for planning and/or design.
- **Does the action have completed environmental documents or are environmental documents in some active stage of completion?** This criterion is intended to eliminate actions that have been under consideration for a long period of time but for which no recent effort has been undertaken that would allow a reasonable projection for completion.
- **Would the action be completed and operational within the time frame being considered for the Program (currently assumed to conclude in 2030)?**
- **Does the action, in combination with the Program action alternatives, have the potential to affect the same resources?** This criterion is intended to exclude actions that meet the other criteria but that have little or no potential to result in cumulative impacts.