

OPTIONS FOR RELEASE OF EIS/EIR

Each of the CALFED agencies is currently reviewing the Administrative Draft of the Programmatic Draft EIS/EIR. Once the draft is reviewed and approved by the agencies for public release, we have several options for how to file the notices required by federal and State law.

As described in our November 10, 1997 memorandum to the CALFED Policy, Management and Program Coordination Teams, we propose to work with all agencies in drafting the Notices of Availability and Notices of Completion. (See attached summary from that memorandum.)

Signing Notices. In addition, we have several options on how to sign these various documents. These range from having all federal and State agencies sign both the federal and State notices to having the co-lead agencies delegate authority to Lester Snow to sign for them. A key factor in deciding which option to choose is the time differential in obtaining signatures from each agency.

Legally the lead agencies are responsible for filing the notices, but the responsible agencies are also critical participants in the release of the draft EIS/EIR.

In any event, we need to have each agency tell CALFED staff what you need to get internal approval for release. It is also important to note that while we have some flexibility in how we release this Draft Programmatic EIS/EIR, when the Final is approved, it is advisable that all CALFED agencies sign it to show their approval of the document.

Cover letter. In addition, we propose to work with all agencies in preparing a letter transmitting the draft EIS/EIR to the public, and to coordinate with agency public affairs offices on news releases. The range of options for signature is similar to that for release of the draft EIS/EIR, but there is no legal requirement that any particular agency sign the cover letter.

Public Comment Period. We also propose that the Public Comment Period be 60 days, with public hearings taking place during that same period. Public workshops are proposed following the public hearings, during the time when the responses to comments are being prepared.

January 20, 1998

Filing and distribution of the draft EIS/EIR involves a variety of actions. Efforts and suggested approaches follow. We would appreciate any comments or suggestions.

Filing Notice of Availability of Draft EIS/EIR and Notice of Public Hearings

- Propose to work with all agencies in drafting Notice of Availability/Public Hearings.
- Propose to follow Reclamation's format for Notice of Availability/Public Hearing (example attached).
- Propose to follow Reclamation's Federal Register Notice Process.
- Propose to prepare the State's Public Notice of Draft's Availability and distribute the Notice following CEQA guidance.
- Propose to work with agency public affairs offices on News Release(s).

Filing the draft with EPA/OPR

- Propose to follow Reclamation's Process for Filing EISs with EPA.
- Propose to submit the Notice of Completion and draft programmatic EIS/EIR to the State Clearinghouse.

Distribution to Public

- Propose to work with all agencies in preparing letter transmitting draft EIS/EIR to the public.

Attachment