



Meeting: **Authority Board Agenda Item 3.2**

August 24, 2022

Subject: **Update on the development of the Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS)**

Requested Action:

Receive a status update on the development of the Final EIR/EIS.

Detailed Description/Background:

This staff report provides a status update on the development of the Project's Final EIR/EIS. On November 23, 2021, the Authority and the Bureau of Reclamation (Reclamation) jointly issued the Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the Project pursuant to their respective lead agency obligations under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The public comment period on the RDEIR/SDEIS closed on January 28, 2021. Since that time, staff and the consultant team have been working on analyzing and preparing responses to the comments received on the RDEIR/SDEIS and preparing the Final EIR/EIS.

The Final EIR/EIS will include three volumes:

- Volume 1 – Chapters from the RDEIR/SDEIS that require revisions.
- Volume 2 – Appendices from the RDEIR/SDEIS that require revisions.
- Volume 3 – Responses to comments on the RDEIR/SDEIS, both master responses to address thematic issues raised in comments as well as individual responses to all comments received.

Updates to Volumes 1 and 2 are also being made as modeling results are available and responses to comments are finalized. The entire administrative draft Final EIR/EIS is expected to be completed in late October. At that time, relevant sections of the administrative draft Final EIR/EIS will be made available to responsible and cooperating agencies for review. Completion of the Final EIR/EIS is anticipated in early 2023.

Decision Process

CEQA requires that a lead agency evaluate the comments received and prepare written responses to comments that raise significant environmental issues. Those comments and responses, along with the analysis contained in the Final EIR must be taken into consideration when making a decision on the project. The CEQA decision process includes the following steps:

1. Certification of the Final EIR – Certify that the Final EIR has been completed in compliance with CEQA, reviewed and considered by the decision-making body and reflects the lead agency’s independent judgment.
2. Adoption of CEQA Findings and a Statement of Overriding Considerations:
 - Written findings must be made for each significant impact, accompanied by a brief explanation of the rationale for each finding.
 - If there are significant and unavoidable impacts that cannot be mitigated to a less-than-significant level, a Statement of Overriding Considerations must be prepared that balances, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks.
 - Significant and unavoidable impacts currently identified for the Project include impacts to water quality, vegetation and wildlife, agriculture, air quality, cultural resources, and Tribal cultural resources.
3. Adoption of a Mitigation Monitoring and Reporting Plan (MMRP) – the MMRP demonstrates enforcement of mitigation required for the Project.
4. Decide whether to approve the Project

The Authority is the CEQA lead agency for the Project; each Reservoir Committee Member is a responsible agency under CEQA. The Authority, as lead agency, will take the first CEQA action. Each Member Agency will take follow on CEQA actions prior to making a final decision to invest in the Project, based on the Authority’s Final EIR/EIS. As each Member Agency takes this follow on CEQA action, they will individually go through the steps identified above, including adoption of a Statement of Overriding Considerations. It is important that each Member Agency be able to take these actions based on Authority’s Final EIR/EIS.

Prior Authority Board Action:

March 2022: Received an update on public comments on the Revised Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS).

Fiscal Impact/Funding Source:

With the additional funds considered under a separate item during this meeting’s agenda which were recommended to be allocated to the ICF task order, the preparation of the Final EIR/EIS, including responses to comments, can be completed within the budgeted funds for this task and within the Amendment 3 work plan total budget.

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Primary Service Providers: ICF, CH2M Operations

Attachments: None