



Meeting: **Joint Reservoir Committee & Authority Board**
Agenda Item 3.2

July 21, 2023

Subject: **Status Briefing on the Final EIR/EIS**

Requested Action:

Review and comment on the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS), status briefing in preparation for approval of the Project.

Detailed Description/Background:

This staff report provides the sixth of the planned briefings on the Final EIR/EIS in preparation for certification of the California Environmental Quality Act (CEQA) EIR and Project approval. In this segment, we will provide an overview of Reclamation's ongoing review of the Final EIR/EIS and requirements for compliance with the National Environmental Policy Act (NEPA), including the Record of Decision (ROD).

Federal Review Process

As a joint CEQA and NEPA document, the Sites Final EIR/EIS requires approval from the federal government prior to publication. CEQA and NEPA are similar, both in intent and in the review process (see Attachment A). Both statutes encourage joint federal and state review where a project requires both federal and state approvals although there are key differences that require careful coordination. Since 2017, the Authority has worked closely with Reclamation to prepare the EIR/EIS for the Project.

In August 2017, the Authority and Reclamation jointly issued the original Draft EIR/EIS pursuant to their respective lead agency obligations under the CEQA and NEPA. The Revised Draft EIR/Supplemental Draft EIS was prepared to address changes to the Project and was released on November 23, 2021. Preparation of the Final EIR/EIS began after the public comment period on the RDEIR/SDEIS closed on January 28, 2021.

After several months of review and input from Reclamation staff, federal Cooperating Agencies, state Responsible Agencies, and others, a Final EIR/EIS was completed early summer 2023 and submitted for Reclamation Regional Management for review. Once Reclamation Regional Management review is completed, the Final EIR/EIS will undergo review in Reclamation's DC Office along with the Department of Interior (DOI) Assistant Secretary of Water and Science and the DOI Review Team. Once all reviews are completed, Reclamation works with the U.S. Environmental Protection Agency who will publish a Notice of Availability of the Final EIS in the Federal Register. The

Authority will publish the Final EIR on its website once Reclamation is authorized to move forward with its Notice of Availability.

Record of Decision

Under NEPA, Reclamation must make the Final EIS available for 30-days prior to signing a Record of Decision (ROD). Reclamation's approach is to also complete the National Historic Preservation Act Section 106 (Section 106) process and complete the Endangered Species Act (ESA) compliance prior to signing a ROD.

The Section 106 process is ongoing, and the Authority and Reclamation have drafted a Programmatic Agreement (PA). Reclamation submitted the draft PA to the State Historic Preservation Office (SHPO) in March 2022 for review and input. SHPO has not yet responded with comments. Reclamation has requested SHPO review and respond on multiple occasions. The Authority is currently reaching out to the State's strike team for assistance in obtaining SHPOs review of the draft PA. Once SHPO completes its review, Reclamation will revise the PA and resubmit it to all parties for final review. This will include review by Tribes that are consulting under Section 106, the Authority, and final review by SHPO. After final review, Reclamation will finalize the PA and circulate to Signatory, Consulting, and Concurring parties for signature. The PA is finalized once Signatory Parties have signed.

The Project's ESA compliance is underway and an update was provided at the June 2023 Reservoir Committee and Authority Board meeting. No changes in approach or schedule have occurred since the June 2023 update.

Currently, the Authority is anticipating Reclamation sign a ROD for the Project in mid-to late-2024.

Prior Authority Board Action:

June & May 2023: Receive a status briefing on the Final EIR/EIS, Part 3 (continued)

April 2023: Receive a status briefing on the Final EIR/EIS, Part 3

March 2023: Receive a status briefing on the Final EIR/EIS, Part 2

February 2023: Receive a status briefing on the Final EIR/EIS, Part 1

Fiscal Impact/Funding Source:

The preparation of the Final EIR/EIS, including responses to comments, can be completed within the Amendment 3 Work Plan total budget.

Staff Contact: Ali Forsythe

Primary Service Providers: ICF, HDR

Attachments: Attachment A: CEQA and NEPA Process Comparison

Attachment A: Comparison of EIS and EIR Processes

Environmental Impact Statement Process	Environmental Impact Report Process
Notice of Intent	Notice of Preparation
Scoping	Scoping
Draft EIS	Draft EIR
Filing with EPA which publishes a Notice of Availability in the Federal Register	State Clearinghouse Distribution for State Agency Review (if required)
Public and Agency Review and Comment	Public and Agency Review and Comment
Final EIS	Final EIR
	Provide proposed responses to public agency comments at least 10 days prior to certification of the EIR
Filing and EPA Notice of Availability in the Federal Register, Public and Agency Review (if designated)	Certify EIR, adopt Findings on Project' Significant Environmental Impacts and Alternatives, Mitigation Monitoring and Reporting Program, and, if necessary, a Statement of Overriding Considerations
30 Day Review Period (Agency may convert this into a public review and comment period).	
Agency Decision	Agency Decision
Record of Decision	Notice of Determination

Source: White House Council on Environmental Quality and Governor's Office of Planning and Research. 2014. NEPA and CEQA: Integrating Federal and State Environmental Reviews