



Meeting: **Joint Reservoir Committee & Authority Board**  
**Agenda Item 3.1**

**August 18, 2023**

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

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**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, public release and admin record preparation.

**Detailed Description/Background:**

This staff report provides the seventh of the planned briefings on the Final EIR/EIS in preparation for consideration of certification of the Final EIR and Project approval at the Authority Board's October meeting. An overview of the public release process and associated materials along with the development of the CEQA administrative record is provided in this segment.

**Final EIR/EIS Public Release**

The Final EIR/EIS is in the last stages of review in Reclamation's Regional and Washington DC offices. Once Reclamation is authorized to release the document, the Authority will post the document on our website. This is expected to occur no later than October 9.

The team is planning for a number of notifications of the release of the document, including the required notices under CEQA and NEPA, a joint Authority/Reclamation press release, postcard mailers to impacted and adjacent landowners, e-blasts, and release of video segments. The team is also preparing a number of written materials to accompany the document, including fact sheets, a community guide, and frequently asked question sheet. The Final EIR/EIS Executive Summary, fact sheets, community guide, and frequently asked question sheet will be translated into Spanish.

Special attention is being paid to ensuring our rollout communications help to clear up any misinformation about the Project that others may be confused about. Several significant Project changes have occurred since the 2017 release of the Draft EIR/EIS, largely due to helpful and constructive public input, and it is important that the general public have to the most up to date information prior to bringing any final input before an action is taken to select and move forward with the Project.

## **Administrative Record**

The CEQA admin record, formally called the “Record of Proceedings,” is the entire body of evidence presented to the decision-making agency during the CEQA process. The admin record is important because it provides the substantial evidence that the agency considered, either directly or indirectly, in making a decision on a project. In addition, judicial review is typically limited to the record; lead agency decisions have been overturned by courts in cases due to, among other things, admin record issues.

Under CEQA the admin record is broad and the Project’s admin record will be fairly extensive. The record will generally include the following:

- Notice of Determination
- Project approval resolutions
- Findings and Statement of Overriding Considerations
- Draft and Final EIR, notices, comments and references cited in the documents
- Related staff reports, presentations, and meeting minutes
- Transcripts and minutes of hearings
- “Remainder” of the admin record, such as any other written materials relevant to the CEQA compliance or project approval

Limited materials are excluded from the record, such as attorney-client privileged communications, deliberative process communications, cultural and tribal resource locations and details, administrative drafts of documents not released to the public, and documents developed post agency decision on the project.

Staff is working to prepare the CEQA admin record and is currently collecting and organizing it consistent with the requirements in SB 149. A substantial amount of the record has been available on the Authority’s website throughout development of the Project. Since July, staff has prepared an outline of the complete admin record in coordination with legal counsel and has actively been posting additional materials to the Authority’s website, including comment letters and references cited in the EIR. All records associated with the CEQA process to-date will be uploaded by early September. The admin record is anticipated to be completed and ready to certify within 5 days of the Project decision, currently scheduled to occur in October 2023.

## **Prior Authority Board Action:**

July 2023: Request Certification as an SB149 Eligible Infrastructure Project

July 2023: Receive a status briefing on the Final EIR/EIS, NEPA Process and ROD

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 the admin record, can be completed within the Amendment 3 Work Plan total budget.

**Staff Contact**: Ali Forsythe

**Primary Service Providers**: ICF, HDR, Perkins Coie

**Attachments**: None