

# Joint Reservoir Committee and Authority Board Meeting

Agenda Item 3.1: Final EIR/EIS Status Update

August 18, 2023



# Final EIR/EIS Briefings in Preparation for Project Approval

- February 2023, Part 1
  - Review Final EIR/EIS requirements and format
  - Provide overview of changes to the project based on design refinements and operations
  - Discuss revisions to modeling
- March 2023, Part 2
  - Overview of key comments and master responses; ongoing public and local community, tribal and NGO outreach
- April 2023, Part 3
  - Overview of refinements to impacts and mitigation measures; Mitigation Monitoring and Reporting Program
- May 2023, Part 3, Continued
  - Statement of Overriding Considerations
- June 2023, Part 3, Continued
  - Overview of Findings; Water Quality and Tribal Cultural Resources
- August 2023
  - Public Release and CEQA Administrative Record
- September 2023
  - Any last items
- October 2023, Board Hearing
  - EIR Certification
  - Decision to Approve Project
  - Next steps post EIR

# Release of Final EIR/EIS no Later than October 9

- Final EIR/EIS is almost in review with Reclamation's DC Office
- Once Reclamation is authorized to release the document, Authority will post on our website

# Public Roll Out Similar to RDEIR/SDEIS Roll Out

- Notices in development
  - Required CEQA and NEPA notices
  - Joint Authority/Reclamation press release
  - Landowner mailers
  - E-blasts
- Video segments
- Written materials
  - Fact sheets, community guide and FAQs
  - These plus Executive Summary will be translated to Spanish
- Special attention focused on misinformation and Project changes since 2017

# Admin Record is Important in Litigation

- CEQA admin record, formally called the “Record of Proceedings,” is the entire body of evidence presented to the decision-making agency
- The admin record is important because:
  - Provides the evidence that the agency considered, either directly or indirectly, in making a decision on the project
  - Judicial review is limited to the record, with minor exceptions
- Following admin record content requirements in SB 149 and California Rules of Court for organization

# Content is Broad and Record will be Fairly Extensive

- 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, meeting minutes
- Transcripts and minutes of hearings
- “Remainder” of the record, such as any other written materials relevant to CEQA compliance or project approval

# Limited Materials are Excluded

- Attorney-client privileged communications
- Deliberative process privileged communications
- Confidential documents including cultural and tribal resource locations and details
- Administrative drafts that are not released to the public
- Post-decision documents

# Web Posting of Record is in Progress and on Schedule

- Web posting of Project documents has been ongoing:
  - Staff reports and supporting documents from 2010 onward
  - 2017 Draft EIR/EIS and 2021 RDEIR/SDEIS
  - CEQA public notices, scoping and outreach materials
  - Other Project documents, including Value Planning report, water right information and application links
- Web posting comment letters and references in progress
- Records associated with the CEQA process to-date will be posted by early September
- On track for complete record and ability to certify within 5 days of Project approval



# Next Steps in Briefing Process

- September 2023, Update on Final EIR/EIS
  - Final preparations for the October approval and process for approval hearing
- October 2023, Board Hearing
  - Any last items
  - EIR Certification
  - Adoption of Findings, Statement of Overriding Considerations and Mitigation, Monitoring and Reporting Program
  - Decision to Approve Project

Questions?