



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

September 22, 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 in preparation for public release of the document, approval of the Project, and certification of the administrative record.

Detailed Description/Background:

This staff report provides the final planned briefing on the Final EIR/EIS in preparation for consideration of certification of the Final EIR and Project approval. An overview of the decision process and associated actions is provided in this segment.

Final EIR/EIS Hearing and Project Decision

As noted last month, the Final EIR/EIS is in the last stages of review and is being forwarded to Reclamation's Washington DC office. Once Reclamation is authorized to release the document, the Authority will post the document on the Sites website (www.sitesproject.org/environmental-review/). The document will be posted at this location at least 10 days prior to the Board meeting and the Board will be notified it is available. A link to the complete document will be included with the staff report on the item.

Authority staff and legal counsel have been coordinating the preparation of the California Environmental Quality Act (CEQA) decision documentation and process for the October meeting. The Board item on the EIR will begin with a staff presentation, including:

- Providing an overview of the Project.
- Review of any additional comments received since the final documents were published.
- Review of prior Board briefings.
- Review of the CEQA process and what it means for the Authority Board, as the CEQA lead agency, to certify the EIR and approve the Project.

A public hearing will then be opened leading to a period for public comments. It is suggested that public comment be offered first to members of the public that are present at the hearing and then for those that are attending virtually. Responses to public comments are not required. After the close of the public hearing, public comment will conclude. The Board will then have the opportunity to ask staff questions and seek clarifications from Staff. After further deliberation, the Board will consider taking the following actions which can be done individually or in one motion:

1. Adopt a Resolution that includes the following:
 - a. Certification of the Final EIR – Certification that the Final EIR complies with CEQA, has been reviewed and considered and reflects the independent judgement and analysis of the Authority.
 - b. Adoption of the CEQA Findings, Mitigation Monitoring and Reporting Program (MMRP), and the Statement of Overriding Considerations (SOC) – Findings will address the environmental review process and content of the Final EIR, significant environmental effects and identified mitigation to be adopted as part of the MMRP, alternatives considered and reasons either rejected or accepted, and a SOC describing how the benefits of the Project outweigh the significant and unavoidable effects.
 - c. Project Approval – Pursuant to CEQA Guidelines Section 15092, after considering the Final EIR and in conjunction with making findings, the Lead Agency may decide whether or how to approve or carry out the project.
 - d. Authorize the Executive Director to file the Notice of Determination (NOD), pay all associated fees, and certify the Record of Proceedings within 5 days of Project approval.

It is important to note that the Reservoir Committee is advising the Authority Board. The Reservoir Committee, in and of itself, is not taking an action, but rather is recommending that the Authority Board take a certain action. In addition, the individual Reservoir Committee members are making a recommendation based on their role as Committee members. An individual Reservoir Committee member vote is not binding on the member's respective agency.

The Authority Board would be voting to take an action that would be binding on the Sites Project Authority. The individual Authority Board members are making

a recommendation based on their role as Authority Board members. An individual Authority Board member vote is not binding on the member's respective agency.

The filing and posting of the NOD start a 30-day statute of limitations on court challenges to project approval under CEQA (Guidelines Section 15094(g)).

Staff continues to prepare the CEQA administrative record (Record of Proceedings) 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. The administrative record is anticipated to be completed and ready to certify within 5 days of the Project decision.

Prior Authority Board Action:

August 2023: Receive a status briefing on the Final EIR/EIS, Public release process and development of the CEQA administrative record

July 2023: Request Certification as an SB149 Eligible Infrastructure Project

July 2023: Receive a status briefing on the Final EIR/EIS, National Environmental Policy Act Process and Record of Determination

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 administrative 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.