



Meeting: **Joint Reservoir Committee & Authority Board**
Agenda Item 2.3

October 20, 2023

Subject: **Request Certification as an SB149 Eligible Infrastructure Project**

Requested Action:

Reservoir Committee and Authority Board consider authorizing the Executive Director to post required public notices in accordance with SB149 should the Governor's certification of the Sites Project for California Environmental Quality Act (CEQA) streamlining be received.

Detailed Description/Background:

On July 10, 2023, the Governor signed into law a set of bills aimed at reforming permitting with the end goal of building critical infrastructure in California faster. Among the package, SB149 was of interest to Sites because it includes a streamlined process related to CEQA lawsuits for certain water infrastructure projects deemed eligible by the Governor. In accordance with the Board's July 2023 authorization, Staff submitted an application and these materials have now been posted on the Office of Planning and Research website for 15 days, concluding on October 23, 2023. It is expected that the Governor's certification could occur within the next few weeks after that date which would necessitate that Sites post a public notice that it intends to move forward under such determination. The posting would conclude this process. Authorization to make the posting will ensure Staff can move quickly, should the certification occur, making sure the public is notified of the approach being taken in accordance with the law and, potentially, in advance of the consideration of the Final EIR/EIS which is anticipated for November 17, 2023.

Another specified condition of SB149 is that the CEQA admin record must be compiled and made available to the public as the project progresses. Staff have made good progress on this front. There is now a page on the Authority's website (www.sitesproject.org/ceqa-record-of-proceeding/) where these materials are being made available as they are compiled. The Authority will continue to compile and upload the admin record until it is completed which must occur within 5 days of Project approval.

Staff previously interpreted that the SB149 certification had to occur prior to the certification of the Final EIR/EIS by the Authority. Staff has recently learned that this interpretation may be incorrect, but Staff continue to seek an expeditious conclusion to this process with the goal of receiving the SB149 certification prior to Final EIR/EIS certification.

Prior Action:

July 2023: Authorized the Executive Director to submit the request to receive the Governor's certification as an SB149 eligible infrastructure project including agreeing to pay costs of 1) trial court and court of appeal and 2) preparing record of proceedings.

June 2023 (Special Meeting): The Board took a support position on legislation to streamline CEQA and reclassify State Protected Species which was introduced by the Governor as a package of bills to reform permitting for certain water infrastructure projects, like Sites.

Fiscal Impact/Funding Source:

The Board previously authorized commitment of funds needed to cover court costs if they were to occur, and to proceed with preparing the admin record to meet the legislative timelines. Costs associated with posting of notice of certification are minimal and can be covered within existing budgeted funds.

Attachments:

None.