



**A RESOLUTION OF THE SITES PROJECT AUTHORITY BOARD OF DIRECTORS
RELATED TO THE SITES RESERVOIR PROJECT
CERTIFYING THE FINAL EIR; ADOPTING CEQA FINDINGS, STATEMENT OF
OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND
REPORTING PROGRAM; APPROVING THE PROJECT; AND DIRECTING THE
EXECUTIVE DIRECTOR TO FILE THE NOTICE OF DETERMINATION AND CERTIFY
THE RECORD OF PROCEEDINGS**

Resolution No. 2023-02

WHEREAS, the California Department of Water Resources (“DWR”) originally published a notice of preparation (“NOP”) for the Sites Reservoir Project Environmental Impact Report (“EIR”) pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”) on November 5, 2001; and

WHEREAS, the Sites Project Authority (“Authority”) assumed the role of CEQA lead agency, and issued a supplemental NOP on February 2, 2017, conducted two scoping meetings in February 2017, and prepared a scoping report following those meetings; and

WHEREAS, in 2017 the Authority prepared a Draft Environmental Impact Report (“Draft EIR”) (SCH No. 2001112009) for the Sites Reservoir Project (“Project”) in accordance with CEQA and the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.); and

WHEREAS, the Draft EIR evaluated four surface water reservoir size and conveyance alternatives, ranging from 1.3 to 1.8 million-acre feet in reservoir size and included a new Delevan Pipeline to convey water to and from the Sacramento River; and

WHEREAS, the Authority issued a notice of availability (“NOA”) of the Draft EIR on August 14, 2017, with the public review period extended to January 15, 2018, during which 137 comment letters and emails were received, along with comments received at two public hearings held during the public comment period; and

WHEREAS, in October 2019, the Authority initiated a value planning process to identify and evaluate additional alternatives that could make the Project more affordable for the Sites Storage Partners while also reducing impacts and addressing comments on the 2017 Draft EIR; and

WHEREAS, refinements from the value planning process resulted in the identification of three new alternatives (including one alternative with two variants) with reservoir sizes ranging from

1.3 to 1.5 million-acre feet, utilizing existing conveyance facilities to the extent practical, and eliminating the Delevan Pipeline; and

WHEREAS, based on the value planning process and pursuant to Section 15088.5 of the CEQA Guidelines, on April 22, 2020, the Board of Directors (“Board”) of the Authority, as the decision-making body, directed staff to prepare and recirculate the 2017 Draft EIR as a Revised Draft EIR (“RDEIR”), completely revising the analysis to reflect the changes to the Project and the environmental analysis; and

WHEREAS, on November 12, 2021, the Authority issued an NOA and released the RDEIR for a public review period that was extended to January 28, 2022, holding two public meetings on December 15, 2021, and December 16, 2021; and

WHEREAS, during the public review period, written and oral comments were received including 101 unique communications with approximately 1,000 discrete comments; and

WHEREAS, on November 2, 2023, the Authority released a Final EIR that includes comments received during the public comment period together with responses to those comments raising significant environmental issues, and that incorporates information obtained since the release of the RDEIR, including additions, clarifications, and modifications to the analysis in the RDEIR; and

WHEREAS, pursuant to Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), the Authority provided written responses to all public agencies that submitted timely comments on the RDEIR at least 10 days prior to certification of the EIR; and

WHEREAS, the Authority made the Final EIR publicly available on its website (<https://sitesproject.org/>) on November 2, 2023; and

WHEREAS, the Final EIR has been prepared in accordance with the requirements of CEQA and the CEQA Guidelines; and

WHEREAS, the Final EIR sufficiently analyzes both the feasible mitigation measures that could avoid or substantially lessen the Project’s significant impacts and a reasonable range of alternatives in accordance with CEQA and the CEQA Guidelines; and

WHEREAS, the findings and conclusions made by the Authority pursuant to this Resolution are based upon oral and written evidence presented as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, the Board at its regular meeting on November 17, 2023, reviewed and considered the analysis in the Final EIR and the significant impacts of the Project, and this review included, but was not limited to, the information and data in the Final EIR; the comments on the RDEIR received during the public review period; and written and oral testimony given at the Authority’s meetings and hearings; and

WHEREAS, the information and clarifications added to the RDEIR, the comments made in the public hearings conducted by the Authority, and the information submitted to the Authority, do not constitute significant new information requiring another round of recirculation under CEQA Guidelines Section 15088.5; and

WHEREAS, the Authority has prepared detailed findings under CEQA in accordance with Public Resources Code Sections 21081 and 28081.5 and CEQA Guidelines Sections 15091 and 15092 for each significant impact of the Project identified in the Final EIR and for each alternative evaluated in the Final EIR, including an explanation of the rationale for each finding by the Authority (attached to this resolution, including Exhibits A and B to the findings); and

WHEREAS, the Project will have significant impacts that cannot feasibly be mitigated to less than significant levels, and the Authority has accordingly prepared a Statement of Overriding Considerations (included as part of the attached findings) in accordance with Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, which concludes that specific economic, legal, social, technological, and other benefits of the Project outweigh the significant and unavoidable impacts identified in the Final EIR; and

WHEREAS, the Authority has prepared a Mitigation Monitoring and Reporting Program in compliance with Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097 (attached as Exhibit B to the findings) to ensure implementation of the mitigation measures identified in the Final EIR during implementation of the Project; and

WHEREAS, the Authority has identified the location and custodian of materials that constitute the record of proceedings in this matter; and

WHEREAS, on November 6, 2023, California Governor Gavin Newsom certified the Sites Reservoir Project as an infrastructure project qualifying for judicial streamlining under Senate Bill 149 (Chapter 60, Statutes of 2023), Public Resources Code Section 21189.80 et seq., and the Sites Project Authority has issued the public notices as required; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred:

NOW THEREFORE, BASED ON THE FOREGOING, BE IT RESOLVED THAT THE BOARD certifies pursuant to CEQA Guidelines Section 15090 that:

1. The Final EIR (SCH# 2001112009) has been completed in compliance with CEQA and the CEQA Guidelines.
2. The Final EIR was presented to the Board and the Board reviewed and considered the information in the Final EIR, prior to approval of the Sites Reservoir Project.
3. The Final EIR reflects the Authority's independent judgement and analysis.

BE IT FURTHER RESOLVED that the Board makes and adopts the findings as required by Public Resources Code Sections 21081 and 21081.5 and CEQA Guidelines Sections 15091 and 15092, which are attached and are incorporated fully herein by this reference; and

BE IT FURTHER RESOLVED that the Board adopts the Statement of Overriding Considerations as required by Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, which is attached and is incorporated fully herein by this reference; and

BE IT FURTHER RESOLVED that the Board adopts the Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097, which is attached as Exhibit B to the findings and is incorporated fully herein by this reference; and

BE IT FURTHER RESOLVED that the Board approves the Project as described in the attached CEQA findings and directs the Executive Director to file the Notice of Determination, pay all associated fees, and certify the record of proceedings, consistent with CEQA and Senate Bill 149.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of the Sites Project Authority this 17th of November 2023 by the following vote:

AYES: 8

NOES: 0

ABSTAIN: 0

ABSENT: Place County Water Agency

I, Fritz Durst, Chair of the Authority Board of the Sites Project Authority, do hereby certify that the resolution set forth above is a true and accurate copy of the resolution of the Sites Project Authority at a duly called meeting of the Board on **17th of November, 2023** and that said resolution has not been rescinded, amended, or modified and is in full force and effect as of the date hereof..

In Witness Whereof, I have executed this certificate this 17th of November 2023.

A handwritten signature in black ink that reads "FRITZ DURST". The signature is written in a cursive, slightly stylized font. The first name "FRITZ" is written in all caps, and "DURST" is written in a mix of caps and lowercase letters. There is a horizontal line drawn under the signature.

Fritz Durst, Chair Authority Board, Sites Project Authority

Attachment: Sites Project Authority Certification of the Final Environmental Impact Report for the Sites Reservoir Project; Adoption of California Environmental Quality Act Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; Approval of the Sites Reservoir Project; and Direction to the Executive Director to File the Notice of Determination and Certify the Record of Proceedings