

HCP/EIR Considerations

2nd Vote

Item 8a

March 12, 2020

HCP/EIR Considerations

Options	Lead Agency	Benefits	Challenges
<p>A. Prepare & Certify EIR Adopt HCP</p>	<p>FORA</p>	<p>Certified EIR.</p> <p>Adopted HCP which may be amended at a later date by permittees subject to State and Federal approval.</p>	<p>Potential exposure to litigation based on incompatibility of the current HCP and revised development projections.</p> <p>Approximately \$200,000+ additional consultant costs.</p>
<p>B. Prepare & Certify EIR w/ No Project Alternative Do not adopt HCP</p>	<p>FORA</p>	<p>Certified EIR based on “no build” scenario.</p>	<p>Reduced exposure to litigation based on incompatibility of the current HCP and revised development projections from agencies circa 2020.</p> <p>Approximately \$200,000+ additional consultant costs.</p>

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<p>C. Prepare and Certify EIR w/ Revised Project Alternative(s) Based on Phased Development/ Do not adopt HCP</p>	<p>FORA</p>	<p>More closely aligns EIR with current development projections circa 2020.</p>	<p>Limited opportunity for public review of proposed alternative, which, although not a requirement under CEQA, may result in potential litigation exposure.</p>
<p>D. Do not complete EIR/ Provide Funds to JPA to Explore Options for Phasing the HCP</p>	<p>FORA</p>	<p>Limited legal exposure to FORA</p>	<p>JPA would require funding</p>

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<p>E. Determine Viability of Phased HCP Implementation and Determine Value of Completing EIR and/or Revising and Recirculating the Document</p>	<p>JPA</p>	<p>Ability to align HCP with agency development projections, assess specific cost/benefit by agency for HCP vs HMP.</p> <p>Provides time for revision and/or amendment and recirculation of EIR.</p> <p>Leaves decision for adoption to JPA.</p>	<p>Would Incur additional cost for HCP refinement and financial models.</p> <p>May require substantial funds for revisions and completion of EIR.</p>

Final EIR Feasibility

Options	March	April	May	June
HWG Board Recommendation	■			
New Alternatives Circulation		■		
Response to Comments		■		
Publish FEIR			■	
Board Certification				■

- i. Receive a report on factors affecting Board HCP/EIR considerations.
- ii. Provide direction to the Executive Officer on HCP/EIR next steps