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Imperial Irrigation District

Rules and Regulations to Implement California Environmental Quality Act (CEQA)

As Amended

Public Resources Code 21000 et. seq.

Prepared by:
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9/22/98
ption Date

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APPROVAL TRACKING

IMPERIAL IRRIGATION DISTRICT

AMENDED CEQA RULES AND REGULATIONS

ACTION:	DATE:
Adopted – Resolution Number 8-86	1/30/86
Amended	9/22/98

Imperial Irrigation District Departments Transmittal Record

- ◊ General Manager
- ◊ External Affairs Department
- ◊ Human Resources Services Department
- ◊ Finance and Accounting Department – General Files
- ◊ Power Department – Assistant General Manager
- ◊ Power Department – Construction & Maintenance
- ◊ Power Department – Distribution
- ◊ Power Department – Electrical Engineering
- ◊ Power Department – Power Generation
- ◊ Power Department - SCADA/Telecommunications/Relay
- ◊ Power Department – Planning
- Power Department – La Quinta Administration
- ◊ Power Department – La Quinta Construction & Maintenance
- ◊ Power Department – La Quinta Engineering
- ◊ Water Department – Assistant General Manager
- ◊ Water Department – Special Projects
- ◊ Water Department – Administrative Services
- ◊ Water Department – Maintenance
- ◊ Water Department – Project Management
- ◊ Water Department – Operations
- ◊ Water Department – Water Resources
- ◊ Water Department – Mechanical
- ◊ Water Department – Operations (River)
- ◊ Water Department – Biological Control
- ◊ Water Department – Real Estate
- ◊ Water Department - Engineering
- ◊ Legal
- ◊ Board of Directors (each member)
- ◊ Imperial County

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Section 1: POLICY

The policy of the Imperial Irrigation District (District) shall be the same as, and in support of, those policies defined by the State Legislature in the California Environmental Quality Act of 1970 (CEQA), (Division 13, Public Resources Code, (PRC), 21000 et. seq.) as may be amended by Legislative Act.

Section 2: APPLICABILITY

This document applies to all District activities which are projects as defined in State CEQA Guidelines, Section 15378 (PRC 21065).

Section 3: PURPOSE

These Rules and Regulations to Implement CEQA are designed to implement CEQA and the Guidelines thereto, which are contained in Division 6, Title 14 of the California Administrative Code, now cited as the California Code Of Regulations, commencing with Section 15000.

These Rules and Regulations to Implement CEQA shall apply to any project for which the District is the Lead Agency. The rules and regulations contained herein are not intended to replace either the terms of CEQA or the terms of the accompanying Guidelines. In the event that any of the following rules or procedures conflicts with the provisions of CEQA or the Guidelines, the provisions of CEQA or the Guidelines shall control.

All previous District implementing guidelines are hereby rescinded. The following Rules and Regulations are adopted in accordance with CEQA. The State CEQA Guidelines are incorporated herein by reference. The specific procedure and provision which is necessary to tailor the general provisions of the State CEQA Guidelines to the specific operation of the District, is described in the State CEQA Guidelines Section 15022.

Section 4: DEFINITIONS

- **Project** is defined as the whole of an action which has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. CEQA applies only to government activities that are defined as projects.

  A project under CEQA is considered as an activity directly undertaken by the District, as a public agency; an activity that is supported, in whole or in part,

through District contracts, grants, subsidies, loans, or other assistance from the District; or an activity involving the District issuance of a lease, permit, license, certificate, or other entitlement for use by the District.

- **Decision-Making Body** shall refer to the Imperial Irrigation District Board of Directors authorized by law to approve or disapprove the project under consideration. The decision must be supported by findings and the findings must be supported by substantial evidence on record.

- **Environmental Compliance Supervisor** shall refer to the supervisor of the District's Environmental Compliance Section and shall also include staff designee(s). This position is responsible for determining the type of environmental documentation necessary for the project being reviewed.

- **Guidelines** shall refer to the State CEQA Guidelines adopted by the California Resources Agency of February 3, 1973, and as thereafter amended.

- **Lead Agency** is the California government agency that has the principal responsibility for carrying out or approving a project and therefore the principal responsibility for preparing CEQA documents. The Environmental Compliance Section, representing the District as the Lead Agency, is responsible for deciding if a project is exempt from CEQA review or if a Negative Declaration, a Mitigated Negative Declaration or an Environmental Impact Report (EIR) will be required and will cause the document to be prepared. A Lead Agency has a duty to produce a comprehensive environmental document that can be used by a Responsible Agency in making decisions.

- **Responsible Agency** is an agency other that the Lead Agency that has a legal responsibility for also carrying out or approving a project. A Responsible Agency must actively participate in the Lead Agency's CEQA process, review the Lead Agency's CEQA document, and use that document when making a decision on the project. Where the District is called upon to grant an approval for a project subject to CEQA for which another public agency was the appropriate Lead Agency, the District shall begin to act as the Lead Agency when the following conditions occur:

    1. The original Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the original Lead Agency.

2. The original Lead Agency prepared environmental documents for the project, but the following conditions occur: (a) A subsequent EIR is required pursuant to Section 15162, (b) The original Lead Agency has granted a final approval for the project, and (c) The statute of limitations for challenging the original Lead Agency's action under CEQA has expired.

3. The original Lead Agency prepared inadequate environmental documents without consulting with the District as required by Sections 15072 or 15082 of the CEQA Guidelines, and the statute of limitations has expired for a challenge to the action of the original Lead Agency.

- **Trustee Agency** is a state agency with legal jurisdiction over natural resources held in trust for the people of the State of California and which are affected by a project. Trustee Agencies include:

  The California Department of Fish and Game with regard to the fish and wildlife of the state, to designate rare or endangered native plants, and the game refuges, ecological reserves, and other areas administered by the department.

  The State Land Commission with regard to state owned "sovereign" lands such as the beds of navigable water and state school lands.

  The State Department of Parks and Recreation with regard to units of the State Park System.

  The University of California with regard to sites within the Natural Land and Water Reserves System.

- **District Project Applicant** shall refer to each department of the District which proposes a project subject to CEQA.

Section 5: GENERAL RESPONSIBILITIES OF THE ENVIRONMENTAL COMPLIANCE SECTION

The Environmental Compliance Supervisor or designated staff shall have the following responsibilities with respect to the implementation of CEQA by the District.

1. The Environmental Compliance Supervisor or designated staff shall be responsible for reviewing each project application submitted to or by the District to determine the appropriate action to be taken under the standards and condition set by CEQA and these rules.

   Such actions include:

   - Determination of whether a project is exempt.

   - Performance of an Initial Study and the initial determination of whether the project may have a significant effect on the environment.

     Preliminary Review (CEQA 15060)

     (a) The District is allowed 30 days to review for completeness applications for permits or other entitlements for use. While conducting this review for completeness, the District should be alert for environmental issues that might require preparation of an EIR or that may require additional explanation by the District project applicant.

     (b) Except as provided in Section 15111, the District, as Lead Agency, shall begin the formal environmental evaluation of the project after accepting an application as complete and determining that the project is subject to CEQA. Accepting an application as complete does not limit the authority of the District to require the District project applicant to submit additional information needed for environmental evaluation of the project.

     (c) If the District can determine that an EIR will clearly be required for a project, the District may skip further initial review of the project and begin work directly on the EIR process described in Article 9, commencing with Section 15080. In the absence of an Initial Study, the District shall still focus the EIR on the significant effects of the project and indicate briefly its reasons for determining that other effects would not be significant or potentially significant.

- Preparation of the Negative Declaration, Mitigated Negative Declaration or EIR and responses to comments thereon.

- Filing of public notices.

- Presentation of Negative Declarations, Mitigated Negative Declarations and EIRs to the District Board of Directors as complete for the purpose of complying with the time limitations set forth in Section 11 of these Rules and Regulations.

2. The Environmental Compliance Supervisor or designated staff shall be responsible for assuring that the mandated time periods prescribed by CEQA and this document are met.

3. The Environmental Compliance Supervisor or designated staff, at the discretion of the General Manager, may hold hearings on Draft Negative Declarations, Draft Mitigated Negative Declarations and Draft EIRs at the request of a District project applicant or the Board of Directors. Such public hearings shall be held near the end of the public review period.

4. The Environmental Compliance Supervisor or designated staff shall be available to any District department upon request to aid in the evaluation of the environmental impact of projects and the preparation of appropriate environmental documents.

5. Where projects of other public agencies may impact the environment in a manner of concern to the District, the Environmental Compliance Supervisor or designated staff shall monitor the environment analyses for such projects, ensure that appropriate District departments are provided an opportunity to review Negative Declarations, Mitigated Negative Declarations and EIRs for such projects and make such reports to the Board of Directors as are appropriate.

6. The Environmental Compliance Supervisor or designated staff, with concurrence of the General Manager, shall prescribe the necessary forms for implementation of these Rules and Regulations.

7. In all cases where environmental documents have been submitted to the Board of Directors as a Decision-Making Body for its consideration, the Environmental Compliance Supervisor or designated staff shall be responsible for the following:

(a) Copies of Negative Declarations, Mitigated Negative Declarations and EIRs shall be delivered to each Board member concurrent with the Board of Directors' calendar containing the item for which the documents would be considered by the Board of Directors.

(b) The Environmental Compliance Supervisor or designated staff shall file appropriate Notices of Determination with the County Clerk of the county or counties where the project will be located no later than five working days after the Board of Directors' action of projects with Negative Declarations, Mitigated Negative Declarations and EIRs becomes final.

(c) The following functions of the environmental review process are reserved for the Board of Directors and shall not be delegated:

- Reviewing and considering a Final EIR, Negative Declaration or Mitigated Negative Declaration prior to approving a project.
- Approving the Final EIR, Negative Declaration or Mitigated Negative Declaration.
- The making of findings as required by Section 8 and Section 10 of these Provisions.

8. The Environmental Compliance Supervisor or designated staff shall review or coordinate the review of all environmental documents for other agencies that require review and comment by the District.

Section 6: EXEMPTIONS FROM CEQA

Statutory Exemptions

The Legislature has established a variety of statutory exemptions from CEQA. A project that is statutorily exempt is entitled to a blanket exemption from all of CEQA's procedures and policies. The District shall incorporate written findings in the record of any proceeding in which an exemption under this section is claimed and the basis for claiming such exemption.

- Ministerial Projects (CEQA 15369)

  "Ministerial" describes a government decision applying fixed, objective standards with little or no judgment required as to the wisdom or manner of

carrying out the project. Examples of ministerial projects include final subdivision map approvals and most building permits. A building permit is considered ministerial if the ordinance requiring the permit limits the public official to determine whether the zoning allows the structure to be built in the requested location.

Generally speaking, a ministerial project is one requiring approval by the District as a matter of law or the use of fixed standards or objective measurements without personal judgment. Examples of such projects include, but are not limited to: individual water and power service connections and disconnections; agreements to install water and power facilities, development of which has been approved by other appropriate governmental agencies; and water and power service connections and disconnections to potential customers.

The decision as to whether or not a proposed project is ministerial in nature and thus outside the scope of this enactment shall be made by the District on a case-by-case basis or as part of these Provisions as hereinafter set forth.

- Emergency Situations [PRC 21080(b)(2), (3), (4); CEQA 15359 & 15269]

  Emergency situations are exempt from CEQA review when they involve repairs to District facilities that are necessary to maintain service, projects affecting disaster areas where the Governor has proclaimed a state of emergency, pursuant to the California Emergency Services Act, and specific actions necessary to prevent or mitigate an emergency.

  A situation is considered an "emergency" if it is a sudden, unexpected occurrence involving a clear and imminent danger that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential District services. Emergencies include such occurrences as fires, floods, earthquakes, or other soil or geologic movements, as well as riots, accidents, or sabotage.

- Rejected or Disapproved Projects [PRC 21080(b)(5); CEQA 15270]

  Rejected or disapproved projects are exempt from CEQA review when the District determines that the application for project approval should be rejected. The District is allowed initial screening of projects on their merits, allowing quick disapproval of a project prior to initiation of the CEQA process when the District can determine at that point that the project cannot be approved.

- Rates, Tolls, Fares, and Charges (CEQA 15273)

  (a) CEQA does not apply to the establishment, modification, structuring, restructuring, or approval or rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of:

  (1) Meeting operating expenses, including employee wage rates and fringe benefits,
  (2) Purchasing or leasing supplies, equipment, or materials,

  (3) Meeting financial reserve needs and requirements,

  (4) Obtaining funds for capital projects, necessary to maintain service within existing service areas, or

  (5) Obtaining funds necessary to maintain such intra-city transfers as are authorized by city charter.

  (b) Rate increases to fund capital projects for the expansion of a system remain subject to CEQA. The agency granting the rate increase shall act either as the Lead Agency if no other agency has prepared environmental documents for the capital project or as a Responsible Agency if agency has already complied with CEQA as the Lead Agency.

  (c) The public agency shall incorporate written finds in the record of any proceeding in which an exemption under this section is claimed setting forth with specificity the basis for the claim of exemption.

- Feasibility and Planning Studies (CEQA 15262)

  A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or Negative Declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities.

Categorical Exemptions

CEQA directs the Resources Agency to designate classes of projects that should be exempt from CEQA review. [PRC 21080(b)(9), 21084] A categorical exemption is an exemption from CEQA unless an exception to the categorical exemption exists, for a class

of projects that generally will not have a significant effect on the environment. The Resources Agency has established 29 classes of categorical exemptions.

As with statutory exemptions, some categorical exemptions are more commonly used than others. The following are summaries of some of the most frequently used categorical exemptions by the District. When the Environmental Compliance Section is interested in relying on a particular exemption, it must refer to the Guidelines to make sure the proposed activity falls within the exemption.

◊ Class 1: Existing Facilities (CEQA 15301)

Class 1 consists of the operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;

(b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), except where the activity will involve removal of a scenic resource such as a stand of trees, a rock outcropping, or a historic building);

(d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as an earthquake, landslide, or flood;

(e) Additions to existing structures provided that the addition will not result in an increase of more than:

1. 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or

2. 10,000 square feet if:

(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and

(B) The area in which the project is located is not environmentally sensitive.

(f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment or topographical features including navigational devices;

(g) New copy on existing on and off-premise signs;

(h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code);

(i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;

(j) Fish stocking by the California Department of Fish and Game;

(k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;

(l) Demolition and removal of individual small structures listed in the subsection, except where the structures are of historic, archeological, or architectural significance:

1. One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.

2. A duplex or similar multi-family residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished.

3. A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load or 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.

4. Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

(m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.

(n) Conversion of a single-family residence to office use.

(o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 25015, et seq., of the Health and Safety Code) and accepts no offsite waste.

Some examples of District activities that may be included, but not limited to:

- the water conveyance and power transmission system facilities
- the water and power connection facilities, including meter boxes
- storage reservoirs
- pump stations
- channel cleaning
- canal bank maintenance
- pipe maintenance
- concrete lining repair
- brush and weed control
- breaker change out

◊ Class 2: Replacement or Reconstruction (CEQA 15302)

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

(a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent.

(b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

(c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

(d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

District examples of this categorical exemption may include:

- the automation of irrigation canal check structures
- an upgrade of less than 50 kV along a power transmission line
- distribution upgrade 4 kV to 12 kV
- subsection (d) above

◊ Class 3: New Construction or Conversion of Small Facilities. (CEQA 15303)

Class 3 consists of construction and location of limited numbers of new, small facilities, or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section is the maximum allowable on any legal parcel or to be associated with a project within a two-year period. Examples of this exemption include, but are not limited to:

(a) Single-family residences not in conjunction with the building of two or more such units. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

(b) Apartments, duplexes, and similar structures, with no more than four dwelling units if not in conjunction with the building or conversion of two or more such structures. In urbanized areas, exemption applies to single apartments, duplexes, and similar structures designed for not more than six dwelling units if not constructed in conjunction with the building or conversion of two or more such structures.

(c) Stores, motels, offices, restaurants, and similar small commercial structures not involving the use of significant amounts of hazardous substances, if designed for an occupant load of 30 persons or less if not constructed in conjunction with two or more such structures. In urbanized areas, the exemption also applies to commercial buildings on sites zoned for such use, if designed for an occupant load of 30 persons or less if not constructed in conjunction with the building of four or more such structures and if not involving the use of significant amounts of hazardous substances.

(d) Water main, sewage, electrical, gas, and other utility extensions of reasonable length to serve such construction.

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences.

(f) An accessory steam sterilization unit for the treatment of medical waste at an existing facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 25015, et seq., of the Health and Safety Code) and accepts no offsite waste.

District examples to this categorical exemption may include:

- placement of a maintenance shed at one of the drops this also includes the water main, sewage, electrical, gas and other utility extensions of reasonable length to serve such construction.

- placement of a control house inside a substation

- a minor powerline extension
- a minor pipeline extension

◊ Class 4: Minor Alterations of Land, Water, or Vegetation. (CEQA 15304)

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to:

(a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard;

(b) New gardening or landscaping;

(c) Filling of earth into previously excavated land with material compatible with the natural features of the site;

(d) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas of fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;

(e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;

(f) Minor trenching and backfilling where the surface is restored;

(g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;

(h) The creation of bicycle lanes on existing rights-of-way.

District examples of this categorical exemption may include:

- clay harvesting
- maintenance dredging
- grading along transmission line corridors

◊ Class 5: Minor Alterations in Land Use Limitations. (CEQA 15305)

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

(a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;

(b) Issuance of minor encroachment permits;

(c) Reversion to acreage in accordance with the Subdivision Map Act

◊ Class 6: Information Collection (CEQA 15306)

Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which the District has not yet approved, adopted, or funded.

◊ Class 9: Inspections of Operation or Projects. (CEQA 15309)

Class 9 consists of activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products.

The inspection of power poles along a transmission line would be an example of a District activity that would fall under this category.

◊ Class 20: Changes in Organization of the District (CEQA 15320).

Class 20 consists of changes in the organization or reorganization of the District where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

(a) Establishment of a subsidiary district

(b) Consolidation of two or more districts having identical powers

(c) Merger with a city or a district lying entirely within the boundaries of the city

District examples of this categorical exemption may include:

- Establishment as a flood control district
- Establishment as a public water supplier or waste water treatment district

◊ Class 28: Small Hydroelectric Projects at Existing Facilities (CEQA 15328)

Class 28 consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

(a) The capacity of the generating facilities is 5 megawatts or less

(b) Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:

1. Rate and volume of flow;
2. Temperature;
3. Amounts of dissolved oxygen to a degree that could adversely affect aquatic life; and
4. Timing of release

(c) New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river,

(d) Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment;

(e) There will be no significant upstream or downstream passage of fish affected by the project;

(f) The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure;

(g) The project will not cause violations of applicable state or federal water quality standards;

(h) The project will not entail any construction on or alteration of a site included in, or eligible for inclusion in the National Register of Historic Places; and

(i) Construction will not occur in the vicinity of any endangered, rare, or threatened species.

◊ Class 29: Cogeneration Projects at Existing Facilities (CEQA 15329)

Class 29 consists of the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in this section.

(a) At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:

1. Result in no net increases in air emissions from the industrial facility, or will produce emissions lower than the amount that would require review under the new source review rules applicable in the county

2. Comply with all applicable state, federal, and local air quality laws

(b) At commercial and institutional facilities, the installation of cogeneration facilities will be exempt if the installation will:

1. Meet all the criteria described in subsection (a) above

2. Result in no noticeable increase in noise to nearby residential structures

3. Be contiguous to other commercial or institutional structures

Exceptions to Categorical Exemptions [PRC 21083, 21087; CEQA 15300.2]

Categorical exemptions represent activities that generally do not result in significant environmental impacts. However, unlike statutory exemptions, these exemptions are not absolute. There are six exemptions to categorical exemptions. A person challenging the use of a categorical exemption must produce substantial evidence that the project has the potential for significant environmental impacts and that, therefore, an exception applies. The District is not required by CEQA to write findings to explain why the exceptions to the exemption do not apply.

A categorical exemption does not apply if:

- A reasonable possibility exists that the activity may have a significant environmental impact because of unusual circumstances
- Cumulative impacts would be significant
- A project within certain categories of exemption occurs in certain specified sensitive environments
- A project affects scenic resources within official state scenic highways
- A project is located on listed toxic sites maintained by the California Environmental Protection Agency
- A project causes substantial adverse changes in significant historic resources

Notice of Exemption (Optional) (CEQA 15062)

When the District decides that a project is either statutorily or categorically exempt from CEQA and approves or determines to carry out the project, the District may file a Notice of Exemption, although it is not required to so. If a Notice of Exemption is filed at all, it should include a brief description of the project, a finding that the project is exempt from CEQA, citations to the applicable exemption in the law or state Guidelines, and a brief statement of reasons supporting the finding of exemption and is filed after approval of the project. Appendix E of the CEQA Guidelines is a recommended Notice of Exemption form.

If a Notice of Exemption is filed, it should be filed with the County Clerk in each county where the project is located and the Office of Planning and Research, depending on the District filing notice. If the Notice of Exemption is filed, copies of all such notices shall be available for public inspection and such notices shall be posted within 24 hours of receipt

in the office of the County Clerk. Each notice shall remain posted for a period of 30 days. Thereafter, the clerk shall return the notice to the District with a notation of the period it was posted. The District shall retain the notice for not less than 9 months. The filing of a Notice of Exemption and the posting on the list of notices start a 35-day statute of limitations period on legal challenges to the District's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180-day statute of limitations will apply.

Section 7: INITIAL STUDY (CEQA 15063)

Following preliminary review, the Environmental Compliance Section shall conduct an Initial Study to determine if the project may have a significant effect on the environment. If the Environmental Compliance Section can determine that an EIR will clearly be required for the project, an Initial Study is not required but may still be desirable.

All phases of project planning, implementation, and operation must be considered in the Initial Study of the project.

To meet the requirements of an Initial Study, the Environmental Compliance Section may use an Initial Study or a similar analysis prepared pursuant to the National Environmental Policy Act (NEPA).

Results (CEQA 15070)

The Environmental Compliance Section shall prepare a Negative Declaration if the section finds no substantial evidence, in light of the whole record before the District, that the project or any of its aspects may have a significant effect on the environment.

A Mitigated Negative Declaration may be prepared if the Initial Study identifies a potentially significant effect for which the project's proponent, before public release of a proposed Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects. However, a Mitigated Negative Declaration may not be used if any substantial evidence indicates that the revised project may have a significant environmental effect. For such a Mitigated Negative Declaration, specific mitigation measures should be developed and agreed to before project approval (CEQA 15070).

If the Environmental Compliance Section determines that there is substantial evidence, in light of the whole record before the District, that an aspect of the project may cause a significant effect on the environment, the section shall prepare an EIR, or use a previously prepared EIR, which would adequately analyze the project at hand. The significant effect can be either individual or cumulative and is considered regardless of whether the overall effect of the project is adverse or beneficial (CEQA 15064).

Purposes

The purposes of an Initial Study are to:

- Provide the Environmental Compliance Section with information to use as the basis for deciding whether to prepare a Negative Declaration, a Mitigated Negative Declaration or an EIR;

- Enable the District project applicant to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration or a Mitigated Negative Declaration;

- Assist the preparation of an EIR, if one is required, by focusing the EIR on the effects determined to be significant, identifying the effects determined not to be significant and explaining the reasons for determining that potentially significant effects would not be significant due to changes made to the project to minimize those impacts.

- Facilitate environmental assessment early in the design of the project;

- Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;

- Eliminate unnecessary EIRs;

- Determine whether a previously prepared EIR could be used with the project.

Contents

CEQA requires Initial Studies to include a description of the project, identification of the environmental setting, potential environmental impacts and mitigation measures for any significant effects. The Initial Study must also address consistency of the proposed project with zoning, plans and other applicable land use controls. The name of the person who prepared the Initial Study is also required for inclusion in the Initial Study [CEQA 15063(d)].

When describing potential environmental effects in an Initial Study, the Environmental Compliance Section may use a checklist, matrix or other form so long as the entries are briefly explained to indicate that evidence exists to support the entries. The brief explanation may be provided through either a narrative or a reference to another information source such as attached maps, photographs, or earlier Negative Declarations, Mitigated Negative Declarations or EIRs. A reference to another document should include,

where appropriate, a citation to the page or pages where the information is found [CEQA 15063(d)(3)].

Submission of Data

If the project is to be carried out by a private person or private organization, the Environmental Compliance Section may require such person or organization to submit data and information which will enable the Environmental Compliance Section to prepare the Initial Study. Any person may submit information in any form to the Environmental Compliance Section in preparing an Initial Study or an Environmental Checklist.

Format

The Initial Study may use a checklist format but must explain the factual data or evidence used to reach conclusions regarding impact significance. The Environmental Compliance Section must undertake a reasonable investigation of potential impacts when it prepares an Initial Study. Thus, fact-based explanations must by used to support the checklist.

Sample forms for an applicant's project description and a review form for use by the Environmental Compliance Section is contained in Appendices H and I of the State CEQA Guidelines. When used together, these forms would meet the requirements for an Initial Study. These forms are only suggested, and the District is free to devise its own format for an Initial Study. A previously prepared EIR may also be used as the Initial Study for a later project.

Consultation

As soon as the Environmental Compliance Section has determined that an Initial Study will be required for the project, the Environmental Compliance Section shall consult informally with all Responsible Agencies and all Trustee Agencies responsible for resources affected by the project. The purpose of interagency consultation is to ensure that all affected agencies have a voice in the threshold decision. If an agency with jurisdiction over an affected environmental resource recommends that an EIR be prepared and presents substantial evidence to support that recommendation, the Environmental Compliance Section shall either prepare an EIR or develop mitigation measures that satisfy the requirements of the other agency. During or immediately after preparation of an Initial Study for a District project, the Environmental Compliance Section may consult with the District project applicant to determine if the District project applicant is willing to modify the project to reduce or avoid the significant effects identified in the Initial Study.

Early Comments and Information Availability

Comments from the public and public agencies on the environmental effects of a project shall be made to the District as soon as possible in the review of environmental documents. This includes, but is not limited to, Draft EIRs, Draft Negative Declarations and Draft Mitigated Negative Declarations, in order to allow the District to identify, at the earliest possible time in the environmental review process, potential significant effects of a project, alternatives, and mitigation measures which would substantially reduce the effects. Information relevant to the significant effects of a project, alternatives, and mitigation measures, which would substantially reduce the effects, shall be made available as soon as possible by the District, other public agencies, and interested persons and organizations. (PRC 21003.1)

Section 8: DETERMINING THE SIGNIFICANCE OF THE ENVIRONMENTAL EFFECTS CAUSED BY A PROJECT (CEQA 15064)

(a) Determining whether a project may have a significant effect plays a critical role in the CEQA process. A significant effect on the environment is generally defined as a substantial or potentially substantial adverse change in the physical environment (CEQA 15358). "Environment" as used in this definition means the physical conditions that exist within the area affected by a proposed project, including, but not limited to, land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The "environment" includes both natural and man-made conditions. "The area that will be affected" means the area in which significant effects would occur either directly or indirectly as a result of the project (CEQA 15360).

1. If there is substantial evidence, in light of the whole record before the District, that a project may have a significant effect on the environment, the District shall prepare a Draft EIR.

2. When a Final EIR identifies one or more significant effects, the District and each Responsible Agency shall make a finding under Section 15091 for each significant effect and may need to make a Statement of Overriding Considerations under Section 15093 for the project.

(b) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.

(c) In determining whether an effect will be adverse or beneficial, the District shall consider the views held by members of the public in all areas affected as expressed in the whole record before the District. Before requiring the preparation of an EIR, the Environmental Compliance Section must still determine whether environmental change itself might be substantial.

(d) In evaluating the significance of the environmental effect on a project, the District shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

1. A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from construction of a sewage treatment plant and possible odors from operation of the plant.

2. An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution.

3. An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

(e) Some examples of physical changes which may be deemed to be a significant effect on the environment are contained in Appendix G.

(f) Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.

(g) The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the District.

1. If the District determines there is substantial evidence in the record that the project may have a significant effect on the environment, the Environmental Compliance Section shall prepare an EIR. Said another way, if the District is presented with a fair argument that a project may have a significant effect on the environment, the District shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.

2. If the District determines there is substantial evidence in the record that the project may have a significant effect on the environment but the District determines that revisions in the project plans or proposals made by, or agreed to by, the District project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the District that the project, as revised, may have a significant effect on the environment then a Mitigated Negative Declaration shall be prepared.

3. If the District determines there is no substantial evidence that the project may have a significant effect on the environment, the District shall prepare a Negative Declaration.

4. The existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.

5. Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

6. Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment.

(h) After application of the principles set forth above in Section 15064 (g), and in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the District shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the District shall treat the effect as significant and shall prepare an EIR.

(i) If an air emission or water discharge meets the existing standard for a particular pollutant, the District may presume that the emission or discharge of the pollutant will not be a significant effect on the environment. If other information is presented suggesting that the emission or discharge may cause a significant effect, the District shall evaluate the effect and decide whether it may be significant.

Mandatory Findings of Significance (CEQA 15065)

The District, as Lead Agency, shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where any of the following conditions occur:

(a) The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.

(b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

(c) The project has possible environmental effects which are individually limited but cumulatively considerable. As used in the subsection, "cumulatively considerable"

means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of reasonably anticipated future projects as defined in Section 15130.

(d) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

Section 9: PREPARATION OF NEGATIVE DECLARATIONS, INCLUDING MITIGATED NEGATIVE DECLARATIONS

Mitigated Negative Declaration (CEQA 15369.5)

"Mitigated Negative Declaration" means a Negative Declaration prepared for a project when the Initial Study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the District project applicant before the proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the District that the project, as revised, may have a significant effect on the environment.

Unless otherwise noted, all discussions regarding Negative Declarations in the following section also applies to Mitigated Negative Declarations.

Decision to Prepare a Negative or Mitigated Negative Declaration (CEQA 15070)

The District shall prepare or have prepared a proposed Negative Declaration or Mitigated Negative Declaration for a project subject to CEQA when:

(a) The Initial Study shows that there is no substantial evidence, in light of the whole record before the District, that the project may have a significant effect on the environment, or

(b) The Initial Study identifies potentially significant effects but

1. Revisions in the project plans or proposals made by or agreed to by the District project applicant were made before a proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigated to a point where clearly no significant effects would occur

2. There must not be any substantial evidence, in light of the whole record before the District that the project as revised may have a significant effect on the environment.

Contents (CEQA 15071)

A Negative Declaration circulated for public review shall include:

(a) A brief description of the project, including a commonly used name for the project, if any;

(b) The location of the project, preferably shown on a map, and the name of the project proponent;

(c) An attached copy of the Initial Study documenting reasons to support the finding; and

(d) Mitigation measure, if any, included in the project to avoid potentially significant effects.

Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (CEQA 15072)

(a) The District, as Lead Agency, shall provide a Notice of Intent to adopt a Negative Declaration or Mitigated Negative Declaration to the public, Responsible Agencies, Trustee Agencies, and the county clerk of each county within which the proposed project is located, sufficiently prior to adoption by the District of the Negative Declaration or Mitigated Negative Declaration to allow the public and agencies the review period provided under Section 15105.

(b) The District shall mail a Notice of Intent to adopt a Negative Declaration or Mitigated Negative Declaration to the last known name and address of all organizations and individuals who have previously requested such notice in writing and shall also give Notice of Intent to adopt a Negative Declaration or Mitigated Negative Declaration by at least one of the following procedures to allow the public the review period provided under Section 15105:

1. Publication at least one time by the District in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

2. Posting of notices by the District on and off site in the area where the project is to be located.

3. Direct mailing to the owners of property contiguous to the project as such owners be shown on the latest equalized assessment roll.

(c) The alternatives for providing notice specified in subsection (b) shall not preclude the District from providing additional notice by other means if the District so desires, nor shall the requirements of this section preclude the District from providing the public notice at the same time and in the same manner as the public notice required by any other laws for the project.

(d) The county clerk of each county within which the proposed project is located shall post such notices in the office of the county clerk within 24 hours of receipt for a period of at least 20 days.

(e) For a project of statewide, regional, or areawide significance, the District shall also provide notice to transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project as specified in PRC 21092.4(a). "Transportation facilities" includes: major local arterials and public transit within five miles of the project site and freeways, highways and rail transit service with 10 miles of the project site.

(f) A Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration shall specify the following:

1. A brief description of the proposed project and its location.

2. The starting and ending dates for the review period during which the District, as Lead Agency, will receive comments on the proposed Negative Declaration or Mitigated Negative Declaration. This shall include starting and ending dates for the review period. If the review period has been shortened pursuant to Section 15105, the notice shall include a statement to that effect.

3. The date, time, and place of any scheduled public meetings or hearings to held by the District, as Lead Agency, on the proposed project, when known to the District at the time of notice.

4. The address or addresses where copies of the proposed Negative Declaration or Mitigated Negative Declaration, including the revisions developed under Section 15070(b) and all documents referenced in the proposed Negative

Declaration or Mitigated Negative Declaration, are available for review. This location or locations shall be readily accessible to the public during the District's normal working hours.

5. The presence of the site on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to lists of hazardous waste facilities, land designated as hazardous waste disposal sites, and the information in the Hazardous Waste and Substances Statement required under subsection (f) of that section.

6. Other information specifically required by statute or regulation for a particular project or type of project.

Public Review of a Proposed Negative Declaration or Mitigated Negative Declaration (CEQA 15073)

(a) The District, as Lead Agency, shall provide a public review pursuant to Section 15105 of not less than 20 days. When a proposed Negative Declaration or Mitigated Negative Declaration and Initial Study are submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 30 days, unless a shorter period is approved by the State Clearinghouse under Section 15105(d).

(b) When a proposed Negative Declaration or Mitigated Negative Declaration and Initial Study have been submitted to the State Clearinghouse for review by state agencies, the public review period shall be at least as long as the review period established by the State Clearinghouse.

(c) A copy of the proposed Negative Declaration or Mitigated Negative Declaration and the Initial Study shall be attached to the Notice of Intent to adopt the proposed declaration that is sent to every Responsible Agency and Trustee Agency concerned with the project and every other public agency with jurisdiction by law over resources affected by the project.

(d) Where one or more state agencies will be a Responsible Agency or a Trustee Agency or will exercise jurisdiction by law over natural resources affected by the project, or where the project is on statewide, regional, or areawide environmental significance, the District shall send copies of the proposed Negative Declaration or Mitigated Negative Declaration to the State Clearinghouse for distribution to the state agencies.

(e) The District shall notify in writing any public agency which comments on a proposed Negative Declaration or Mitigated Negative Declaration of any public hearing to be held for the project for which the document was prepared. A notice that is provided to a public agency pursuant to Section 15072 satisfies this requirement.

Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration (CEQA 15074)

(a) Any advisory body of the District making a recommendation to the District Board of Directors shall consider the proposed Negative Declaration or Mitigated Negative Declaration before making its recommendation.

(b) Prior to approving a project, the Board of Directors of the District shall consider the proposed Negative Declaration or Mitigated Negative Declaration together with any comments received during the public review process. The Board of Directors shall adopt the proposed Negative Declaration or Mitigated Negative Declaration only if it finds, on the basis of the whole record before it (including the Initial Study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration or Mitigated Negative Declaration reflects the District's independent judgement and analysis.

(c) When adopting a Negative Declaration or Mitigated Negative Declaration, the District shall specify the location and custodian of the documents or other material, which constitute the record of proceedings upon which its decision is based.

(d) When adopting a Mitigated Negative Declaration, the District shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

(e) The District shall not adopt a Negative Declaration or Mitigated Negative Declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

Substitution of Mitigation Measures in a Proposed Mitigated Negative Declaration (CEQA 15074.1)

(a) As a result of the public review process for a proposed Mitigated Negative Declaration, including any administrative decisions or public hearings conducted on the project prior to its approval, the District, as Lead Agency, may conclude that certain mitigation measures identified in the Mitigated Negative Declaration are infeasible or otherwise undesirable. Prior to approving the project, the District may, in accordance with this section, delete those mitigation measures and substitute for them other measures which the District determines are equivalent or more effective.

(b) Prior to deleting and substituting for a mitigation measure, the District shall do both of the following:

1. Hold a public hearing on the matter. Where a public hearing is to be held in order to consider the project, the public hearing required by this section may be combined with that hearing. Where no public hearing would otherwise be held to consider the project, then a public hearing shall be required before a mitigation measure may be deleted and a new measure adopted in its place.

2. Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.

(c) No recirculation of the proposed Mitigated Negative Declaration pursuant to Section 15072 is required where the new mitigation measures are made condition of, or are otherwise incorporated into, project approval in accordance with this section.

(d) "Equivalent or more effective" means that the new measure will avoid or reduce the significant effects to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure.

Notice of Determination on a Project for which a Proposed Negative or Mitigated Negative Declaration has been Approved (CEQA 15075)

(a) After deciding to carry out or approve a project for which a Negative Declaration or Mitigated Negative Declaration has been approved, the District shall file a Notice of Determination. For projects with phases, the District shall file a Notice of Determination after deciding to carry out or approve each phase.

(b) The Notice of Determination must include:

1. An identification of the project including its common name where possible, and its location.

2. A brief description of the project.

3. The date on which the agency approved the project.

4. The determination of the agency that the project will not have a significant effect on the environment.

5. A statement that a Negative Declaration or a Mitigated Negative Declaration has been prepared pursuant to the provisions of CEQA.

6. The address where a copy of the Negative Declaration or Mitigated Negative Declaration may be examined.

(c) If the Lead Agency is a state agency, the Lead Agency shall file the Notice of Determination with the Office of Planning and Research (OPR).

(d) The District shall file the Notice of Determination with the county clerk of the county or counties in which the project will be located within five working days after approval of the project by the District. If the project requires a discretionary approval from any state agency, the District shall also file with the OPR.

(e) All notices filed pursuant to this section shall be available for public inspection and shall be posted by the county clerk with 24 hours of receipt. Each notice shall remain posted for a period of at least 30 days. Thereafter, the clerk shall return the notice to the District with a notation of the period it was posted. The District shall retain the notice for not less than 9 months. The filing of the Notice of Determination and the posting on a list of such notices starts a 30-day statute of limitations of court challenges to the approval under CEQA.

Section 10: ENVIRONMENTAL IMPACT REPORT (EIR) PROCESS (Section 15080)

An EIR is a detailed informational document prepared by a Lead Agency that analyzes a project's potential significant effects and identifies mitigation measures and reasonable alternatives to avoid the significant effects. The primary purposes of an EIR are to inform decision makers and the public about a project's significant environmental effects and ways to reduce them, demonstrate to the public that the environment is being protected,

and ensure political accountability by disclosing to citizens the environmental values held by their elected and appointed officials.

To the extent possible, the EIR process should be combined with the existing planning, review, and project approval process used by the District.

Decision to Prepare an EIR (CEQA 15081)

The EIR process starts with the decision to prepare an EIR. This decision will be made either during preliminary review under Section 15060 or at the conclusion of an Initial Study after applying the standards described in Section 15120.

The District, as Lead Agency, should select the appropriate type of EIR based on the particular decision-making process and project. Although CEQA requirements for the EIR procedure and content are generally applicable to all types of EIRs, certain types of EIRs may assist the Lead and Responsible Agencies in streamlining and focusing the environmental review of the proposed action.

The following variations in EIR documents are tailored to different situations and intended uses. These variations are not exclusive. The Environmental Compliance Section may use other variations consistent with the Guidelines to meet the needs of other circumstances.

Specific Types of EIRs

- Project EIR (CEQA 15161)

  The most common type of EIR, the Project EIR analyzes the impacts of an individual activity or specific project. This type of EIR should focus primarily on the changes in the environment. The EIR shall examine all phases of the project including planning, construction and operation.

- Subsequent EIRs and Negative Declarations (CEQA 15162)

(a) When an EIR has been certified or a Negative Declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the District, as Lead Agency, determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new

significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with exercise or reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

   (A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;

   (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a Negative Declaration, the District shall prepare a Subsequent EIR if required under subsection (a). Otherwise the District shall determine whether to prepare a Subsequent Negative Declaration, an Addendum, or no further documentation.

(c) If the project was approved prior to the occurrence of the conditions described in subsection (a), the Subsequent EIR or Negative Declaration shall be prepared by the public agency, which grants the next discretionary approval for the project. In this situation no other Responsible Agency shall grant an approval for the project until the Subsequent EIR has been certified or Subsequent Negative Declaration adopted.

(d) A Subsequent EIR or Subsequent Negative Declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A Subsequent EIR or Negative Declaration shall state where the previous document is available and can be reviewed.

- Supplement to an EIR (CEQA 15163)

(a) The District, as Lead or Responsible Agency, may choose to prepare a Supplement to an EIR rather than a Subsequent EIR if:

1. Any of the conditions described in Section 15162 would require the preparation of a Subsequent EIR, and

2. Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

(b) The Supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

(c) A Supplement to an EIR shall be given the same kind of notice and public review as given to a Draft EIR under Section 15087.

(d) A Supplement to an EIR may be circulated by itself without recirculating the previous Draft or Final EIR.

(e) When the District decides whether to approve the project, the Board of Directors shall consider the previous EIR as revised by the Supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

- Addendum to an EIR or Negative Declaration (CEQA 15164)

(a) The District, as Lead or Responsible Agency, shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred.

(b) An Addendum to an adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

(c) An Addendum need not be circulated for public review but can be included in or attached to the Final EIR or adopted Negative Declaration.

(d) The Board of Directors, as the Decision-Making Body, shall consider the Addendum with the Final EIR or adopted Negative Declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a Subsequent EIR pursuant to Section 15162 should be included in an Addendum to an EIR, the District's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

- Multiple and Phased Projects (CEQA 15165)

Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single Program EIR for the ultimate project as described in Section 15168. Where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect.

- Staged EIR (CEQA 15167)

(a) Where a large capital project will require a number of discretionary approvals from government agencies and one of the approvals will occur more than two years before construction will begin, a Staged EIR may be prepared covering the entire project in a general form. The Staged EIR shall evaluate the proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of the entire project. The aspect of the project before the public agency for approval shall be discussed with a greater degree of specificity.

(b) When a Staged EIR has been prepared, a Supplement to the EIR shall be prepared when a later approval is required for the project, and the information available at the time of the later approval would permit consideration of additional environmental impacts, mitigation measures, or reasonable alternatives to the project.

(c) Where a statute such as the Warren-Alquist Energy Resources Conservation and Development Act provides that a specific agency shall be the Lead Agency for a project and requires the Lead Agency to prepare an EIR, a Responsible Agency which must grant an approval for the project before the Lead Agency has completed the EIR may prepare and consider a Staged EIR.

(d) An agency requested to prepare a Staged EIR may decline to act as the Lead Agency if it determines, among other factors, that:

1. Another agency would be the appropriate Lead Agency; and

2. There is no compelling need to prepare a Staged EIR and grant an approval for the project before the appropriate Lead Agency will take its action on the project.

- Program EIR (CEQA 15168)

(a) General. A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

1. Geographically,

2. As logical parts in the chain of contemplated actions,

3. In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or

4. As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

(b) Advantages. Use of a Program EIR can provide the following advantages. The Program EIR can:

1. Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,

2. Ensure consideration of cumulative impacts that might be sighted in a case-by-case analysis,

3. Avoid duplicative reconsideration of basic policy considerations,

4. Allow the District to consider broad policy alternatives and programwide mitigation measures at an early time when the District has greater flexibility to deal with basic problems or cumulative impacts, and

5. Allow reduction in paperwork.

(c) Use with Later Activities. Subsequent activities in the program must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared.

1. If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.

2. If the District finds that pursuant to Section 15162, no new mitigation measures would be required by the Program EIR, and no new environmental document would be required, the District can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental document would be required.

3. The District shall incorporate feasible mitigation measures and alternatives developed in the Program EIR into subsequent actions in the program.

4. Where the subsequent activities involve site specific operations, the District should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the Program EIR.

5. A Program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the Program EIR, and no further environmental documents would be required.

(d) Use with Subsequent EIRs and Negative Declarations. A Program EIR can be used to simplify the task of preparing environmental documents on later parts of the program. The Program EIR can:

1. Provide the basis in an Initial Study for determining whether the later activity may have any significant effects.

2. Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.

3. Focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before.

(e) Notice with Later Activities. When a law other than CEQA requires public notice when the District later proposes to carry out or approve an activity within the program and to rely on the Program EIR for CEQA compliance, the notice for the activity shall include a statement that:

1. This activity is within the scope of the program approved earlier, and

2. The Program EIR adequately describes the activity for the purposes of CEQA.

- Master Environmental Assessment (CEQA 15169)

(a) General. The District may prepare a Master Environmental Assessment, inventory, or database for all, or a portion of, the territory subject to its control in order to provide information which may be used or referenced in EIRs or Negative Declarations. Neither the content, the format, nor the procedures to be used to develop a Master Environmental Assessment are prescribed by these Guidelines. The descriptions contained in this section are advisory. A Master Environmental Assessment is suggested solely as an approach to identify and organize environmental information for a region or area of the state.

(b) Contents. A Master Environmental Assessment may contain an inventory of the physical and biological characteristics of the area for which it is prepared and may contain such additional data and information as the District determines is useful or necessary to describe environmental characteristics of the area. It may include identification of existing levels of quality and supply of air and water, capacities and levels of use of existing services and facilities, and generalized incremental effects of different categories of development projects by type, scale, and location.

(c) Preparation.

1. A Master Environmental Assessment or inventory may be prepared in many possible ways. For example, a Master Environmental Assessment may be prepared as a special, comprehensive study of the area involved, as part of the

EIR on a general plan, or as a database accumulated by indexing EIRs prepared for individual projects or programs in the area involved.

2. The information contained in a Master Environmental Assessment should be reviewed periodically and revised as needed so that it is accurate and current.

3. When advantageous to do so, Master Environmental Assessments may be prepared through a joint exercise of powers agreement with neighboring local agencies or with the assistance of the appropriate Council of Governments.

(d) Uses.

1. A Master Environmental Assessment can identify the environmental characteristics and constraints of an area. This information can by used to influence the design and location of individual projects.

2. A Master Environmental Assessment may provide information the Environmental Compliance Section can use in Initial Studies to decide whether certain environmental effects are likely to occur and whether certain effects will be significant.

3. A Master Environmental Assessment can provide a central source of current information for use in preparing individual EIRs and Negative Declarations.

4. Relevant portions of a Master Environmental Assessment can be referenced and summarized in EIRs and Negative Declarations.

5. A Master Environmental Assessment can assist in identifying long range, areawide, and cumulative impacts of individual projects proposed in the area covered by the assessment.

6. A Master Environmental Assessment can assist a city or county in formulating a general plan or any element of such a plan by identifying environmental characteristics and constraints that need to be addressed in the general plan.

7. A Master Environmental Assessment can serve as a reference document to assist public agencies which review other environmental documents dealing with activities in the area covered by the assessment. The public agency preparing the assessment should forward a completed copy to each agency which will review projects in the area.

- Joint EIR-EIS (CEQA 15170)

The District under CEQA may work with a federal agency to prepare a joint document which will meet the requirements of both CEQA and NEPA. Use of such a joint document is described in Article 14, beginning with Section 15220.

- Master EIR (CEQA 15175)

(a) The Master EIR procedure is an alternative to preparing a Project EIR, Staged EIR, or Program EIR for certain projects which will form the basis for later decision making. It is intended to streamline the later environmental review of projects or approval included with the project, plan or program analyzed in the Master EIR. Accordingly, a Master EIR shall, to the greatest extent feasible, evaluate the cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects.

(b) A Lead Agency may prepare a Master EIR for any of the following examples and classes of projects:

1. A general plan, general plan update, general plan element, general plan amendment, or specific plan.

2. Public or private projects that will be carried out or approved pursuant to, or in furtherance of, a redevelopment plan.

3. A project that consists of smaller individual projects which will be carried out in phases.

4. A rule or regulation which will be implemented by later projects.

5. Projects that will be carried out or approved pursuant to a development agreement.

6. A state highway project or mass transit project which will be subject to multiple stages of review or approval.

7. A plan proposed by a local agency, including a joint powers authority, for the reuse of a federal military base or reservation that has been closed or is proposed for closure by the federal government.

8. A regional transportation plan or congestion management plan.

9. Regulations adopted by the California Department of Fish and Game for the regulation of hunting and fishing.

(c) The District may develop and implement a fee program in accordance with applicable provisions of law to generate the revenue necessary to prepare a Master EIR.

- Contents of a Master EIR (CEQA 15176)

The District, as Lead Agency, shall include in a Master EIR all of the following:

(a) A detailed discussion as required by Section 15126.

(b) A description of anticipated subsequent projects that are within the scope of the Master EIR, including information with regard to the kind, size, intensity, and location of the subsequent projects, including, but not limited to all of the following:

1. The specific type of project anticipated being undertaken such as a single-family development, office-commercial development, sewer line installation or other activities.

2. The maximum and minimum intensity of any anticipated subsequent project, such as the number of residences in a residential development, and with regard to a public works facility, its anticipated capacity and service area.

3. The anticipated location for any subsequent development projects, and, consistent with the rule of reason set forth in Section 15126, subdivision (d)(5), alternative locations for any such projects.

4. A capital outlay or capital improvement program, or other scheduling or implementing device that governs the submission and approval of subsequent projects, or an explanation as to why practical planning considerations render it impractical to identify any such program or scheduling or other device at the time of preparing the Master EIR.

(c) A description of potential impacts of anticipated projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the Master EIR. This description shall not be construed as a limitation on the impacts which may be considered in a Focused EIR.

(d) Where a Master EIR is prepared in connection with a project identified in subdivision (b)(1) or Section 15175, the anticipated subsequent projects included

within a Master EIR may consist of later planning approvals, including parcel-specific approvals, consistent with the overall planning decision (e.g., general plan, or specific plan, or redevelopment plan) for which the Master EIR has been prepared. Such subsequent projects shall be adequately described for purposes of subdivision (b) or of this Section (15176) if the Master EIR and any other documents embodying or relating to the overall planning decision identify the land use designations and the permissible densities and intensities of use for the affected parcel(s). The proponents of such subsequent projects shall not be precluded from relying on the Master EIR solely because that document did not specifically identify or list, by name, the subsequent project as ultimately proposed for approval.

- Subsequent Projects within the Scope of the MEIR (CEQA 15177)

(a) After a Master EIR has been prepared and certified, subsequent projects which the District, as Lead Agency, determines, as being within the scope of the Master EIR will be subject to only limited environmental review.

(b) Except as provided in subsection (2) of this subdivision, either a new environmental document nor the preparation of findings pursuant to Section 15091 shall be required of a subsequent project when all the following requirements are met:

1. The Lead Agency for the subsequent project is the Lead Agency or any Responsible Agency identified in the Master EIR.

2. The Lead Agency for the subsequent project prepares an Initial Study on the proposal. The Initial Study shall analyze whether the subsequent project was described in the Master EIR and whether the subsequent project may cause any additional significant effect on the environment which was not previously examined in the Master EIR.

3. The Lead Agency for the subsequent project determines, on the basis of written findings, that no additional significant environmental effect will result from the proposal, no new additional mitigation measures or alternatives may be required, and that the project is within the scope of the Master EIR. "Additional significant environmental effect" means any project-specific effect which was not addressed as a significant effect in the Master EIR.

(c) Whether a subsequent project is within the scope of the Master EIR is a question of fact to be determined by the District, as Lead Agency, based upon a review of the Initial Study to determine whether there are additional significant effects or new

additional mitigation measures or alternatives required for the subsequent project that are not already discussed in the Master EIR.

(d) Prior to approval of the proposed subsequent project, the District shall incorporate all feasible mitigation measures or feasible alternatives appropriate to the project as set forth in the Master EIR and provide notice in the manner required by Section 15087.

(e) When the District approves a project pursuant to this section, the District shall file a notice in the manner required by Section 15075.

- Subsequent Projects Identified in the MEIR (CEQA 15178)

(a) When a proposed subsequent project is identified in the Master EIR, but the District, as Lead Agency, cannot make a determination pursuant to Section 15177 that the subsequent project is within the scope of the Master EIR, and the District determines that the cumulative impacts, growth inducing impacts and irreversible significant effects analysis in the Master EIR is adequate for the subsequent project, the District shall prepare a Mitigated Negative Declaration or a Focused EIR if, after preparing an Initial Study, the District determines that the project may result in new or additional significant effects. Whether the cumulative impacts, growth inducing impacts and irreversible significant effects analyses are adequate is a question of fact to be determined by the District based upon a review of the proposed subsequent project in light of the Master EIR.

(b) The District, as Lead Agency, shall prepare a Mitigated Negative Declaration for any proposed subsequent project if both of the following occur:

1. The Initial Study prepared pursuant to Section 15177 has identified potentially new or additional significant environmental effects that were not analyzed in the Master EIR; and

2. Feasible mitigation measures or alternatives will be incorporated to revise the subsequent project before the Negative Declaration is released for public review pursuant to Section 15073 in order to avoid or mitigate the identified effects to a level of insignificance.

(c) The District shall prepare a Focused EIR if the subsequent project may have a significant effect on the environment and a Mitigated Negative Declaration pursuant to subdivision (b) of this section cannot be prepared.

1. The Focused EIR shall incorporate by reference the Master EIR and analyze only the subsequent project's additional significant environmental effects and any new or additional mitigation measures or alternatives that were not identified and analyzed by the Master EIR. "Additional significant environmental effects" are those project-specific effects on the environment, which were not addressed as significant in the Master EIR.

2. A Focused EIR need not examine those effects which the District, prior to public release of the focused EIR, finds, on the basis of the Initial Study, related documents, and commitments from the proponent of a subsequent project, have been mitigated in one of the following manners:

   (A) Mitigated or avoided as a result of mitigation measures identified in the Master EIR which the District will require as part of the approval of the subsequent project;

   (B) Examined at a sufficient level of detail in the Master EIR to enable those significant effects to be mitigated or avoided by specific revisions to the project, the imposition of conditions of approval, or by other means in connection with approval of the subsequent project; or

   (C) The mitigation or avoidance of which is the responsibility of and within the jurisdiction of another public agency and is, or can and should be, undertaken by that agency.

3. The District's findings pursuant to subdivision (2) shall be included in the Focused EIR prior to public release pursuant to Section 15087.

4. A Focused EIR prepared pursuant to this section shall analyze any significant environmental effects when:

   (A) Substantial new or additional information shows that the adverse environmental effect may be more significant than was described in the Master EIR; or

   (B) Substantial new or additional information shows that mitigation measures or alternatives which were previously determined to be infeasible are feasible and will avoid or reduce the

significant effects of the subsequent project to a level of insignificance.

(d) The District shall file a Notice of Determination pursuant to Section 15075 if a project has been approved for which a Mitigated Negative Declaration has been prepared pursuant to this section and a Notice of Determination shall be filed pursuant to Section 15094 if a project has been approved for which a Focused EIR has been prepared pursuant to this section.

(e) When the District determines that the cumulative impacts, growth inducing impacts and irreversible significant effects analysis in the Master EIR is inadequate for the subsequent project, the subsequent project is no longer eligible for the limited environmental review available under the Master EIR process and shall be reviewed according to Article 7 (commencing with Section 15080) of the Guidelines. The District shall tier the project specific EIR upon the Master EIR to the extent feasible under Section 15152.

- Limitations on the Use of the Master EIR (CEQA 15179)

The certified Master EIR shall not be used in accordance with this article if either (i) it was certified more than five years prior to the filing of an application for a later project, or (ii) a project not identified in the certified Master EIR as an anticipated subsequent project is approved and the approved project may affect the adequacy of the Master EIR, unless the District does one of the following:

(a) Reviews the Master EIR and finds that no substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, or that there is no new available information which was not known and could not have been known at the time the Master EIR was certified; or

(b) Prepares a subsequent or supplemental EIR that updates or revises the Master EIR and which either (i) is incorporated into the previously certified Master EIR, or (ii) references any deletions, additions or other modifications to the previously certified Master EIR.

- Focused EIRs and Small Projects (CEQA 15179.5)

(a) When a project is a multiple family residential development of 100 units or less or is a residential and commercial or retail mixed-use commercial development of not more then 100,000 square feet, whether or not the project is identified in the Master EIR, a Focused EIR shall be prepared pursuant to this section when the following conditions are met:

1. The project is consistent with a general plan, specific plan, community plan, or zoning ordinance for which an EIR was prepared within five years of certification of the Focused EIR; and

2. The parcel on which the project is to be developed is either:

   (A) Surrounded by immediately contiguous urban development;

   (B) Previously developed with urban uses; or

   (C) Within one-half mile of an existing rail transit station.

(b) A Focused EIR prepared pursuant to this section shall be limited to a discussion of potentially significant effects on the environment specific to the project, or which substantial new information shows will be more significant than described in the prior EIR. No discussion shall be required of alternatives to the project, cumulative impacts of the project, or the growth-inducing impacts of the project.

(c) This section does not apply where the District, as Lead Agency, can make a finding pursuant to Section 15177 that the subsequent project is within the scope of the Master EIR, where the District can prepare a Mitigated Negative Declaration or Focused EIR pursuant to Section 15178, or where, pursuant to Section 15162 or Section 15163, the EIR referenced in sub-division (a)(1) of this section must be updated through the preparation of a Subsequent EIR or Supplemental EIR.

Determination of Scope of EIR (CEQA 15082)

Scoping helps to identify the range of actions, alternatives, environmental effects, and mitigation measures to be analyzed in depth, and eliminates from detailed study those issues that are not important to the decision at hand.

(a) Notice of Preparation. Immediately after deciding that an EIR is required for a project, the District, as Lead Agency, shall send to each Responsible Agency a Notice of

Preparation (NOP) stating that an EIR will be prepared. This notice shall also be sent to every federal agency involved in approving or funding the project and to each Trustee Agency responsible for natural resources affected by the project.

1. The NOP shall provide the Responsible Agencies with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response. At a minimum, the information should include:

   (A) Description of the project

   (B) Location description of the project indicated either on an attached map (preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name, or by a street address in an urbanized area), and

   (C) Probable environmental effects of the project.

2. A sample of a NOP is shown in State Guidelines Appendix J. The District is free to devise its own format for this notice. A copy of the Initial Study may be sent with the NOP to supply the necessary information.

3. To send copies of the NOP, the District shall use either certified mail or any other method of transmittal which provides it with a record that the notice was received.

4. The District may begin work on the Draft EIR immediately without awaiting responses to the NOP. The Draft EIR in preparation may need to be revised or expanded to conform to responses to the NOP. The District shall not circulate a Draft EIR for public review before the time period for responses to the NOP has expired.

(b) Response to Notice of Preparation. Within 30 days after receiving the NOP, each Responsible Agency shall provide the District with specific detail about the scope and content of the environmental information related to the Responsible Agency's area of statutory responsibility which must be included in the Draft EIR.

1. The response shall identify:

   (A) The significant environmental issues and reasonable alternatives and mitigation measures which the Responsible Agency will need to have explored in the Draft EIR; and

   (B) The response shall also address whether the agency will be a Responsible Agency or Trustee Agency for the project.

2. If a Responsible Agency fails by the end of the 30-day period to provide the District with either a response to the notice or a well justified request for additional time, the District may presume that the Responsible Agency has no response to make.

3. A generalized list of concerns not related to the specific project shall not meet the requirements of this section for a response.

(c) Meetings. In order to expedite the consultation, the District, as Lead Agency; a Responsible Agency; a Trustee Agency; or a District project applicant may request one or more meetings between representatives of the agencies involved to assist the District in determining the scope and content of the environmental information which the Responsible Agency may require. The District shall convene such meetings as soon as possible, but no later than 30 days, after the meetings were requested. On request, the OPR will assist in convening meetings which involve state agencies.

(d) State Clearinghouse. When one or more state agencies will be a Responsible Agency or a Trustee Agency, the District, as Lead Agency, shall send a NOP to each state Responsible Agency and each Trustee Agency with a copy to the State Clearinghouse in the OPR. The State Clearinghouse will ensure that the state Responsible Agencies and Trustees reply to the District within the required time.

(e) Identification Number. When the NOP is submitted to the State Clearinghouse, the state identification number issued by the Clearinghouse shall be the identification number for all subsequent environmental documents on the project. The identification number should be referenced on all subsequent correspondence regarding the project, specifically on the title page of the Draft and Final EIR and on the Notice of Determination.

Early Public Consultation (CEQA 15083)

Prior to completing the Draft EIR, the District may also consult directly with any person or organization it believes will be concerned with the environmental effects of the project. Many public agencies have found that early consultation solves many potential problems that would arise in more serious forms later in the review process. This early consultation may be called scoping. Scoping will be necessary when preparing an EIR/EIS jointly with a federal agency.

(a) Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.

(b) Scoping has been found to be an effective way to bring together and resolve the concerns of affected federal, state and local agencies, the proponent of the action, and other interested persons including those who might not be in accord with the action on environmental grounds.

(c) Where scoping is used, it should be combined to the extent possible with consultation under CEQA 15082.

City or County Consultation with Water Agencies (CEQA 15083.5)

This Guideline addresses consultation between a city or county and affected water agencies at the Notice of Preparation stage of environmental review.

(a) This Guideline shall apply only to projects which meet all of the following criteria:

1. The project consists of any of the following activities for which an application has been submitted to a city or county:

   (A) A residential development of more than 500 dwelling units.

   (B) A shopping center or business establishment that will employ more than 1,000 persons or have more than 250,000 square feet of floor space.

   (C) A commercial office building that will employ more than 1,000 persons or have more than 250,000 square feet of floor space.

   (D) A hotel, motel or both with more than 500 rooms.

(E) An industrial, manufacturing, or processing plant, or industrial park intended to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

(F) Any mixed-use project that would demand an amount of water equal to, or greater than, the amount of water needed to serve a 5,000-dwelling unit project.

2. As part of approval of the project, any of the following are required:

(A) An amendment to, or revision of, the land use element of a general plan or a specific plan, which would result in a new increase in the stated population density or building intensity to provide for additional development.

(B) The adoption of a specific plan, unless the city or county has previously complied with this section for the project. Notwithstanding the foregoing provisions of this subsection (a)(2), when a project is identified in connection with the revision of any part of a general plan, that project is subject to the requirements of this section only if the project results in a net increase in the stated population density or building intensity, and if the city or county has not previously complied with the requirements of this section for the project in question.

3. A city or county has determined that an EIR is required in connection with the project.

(b) For projects subject to this Guideline, a city or county shall identify any water system that is, or may become, a public water system, as defined in Section 10912 of the Water Code, that may supply water for the project. When a city or county releases a Notice of Preparation for review, it shall send a copy of the notice to each public water system which serves or would serve the proposed project and request that the system both indicate whether the projected water demand associated with the proposed project was included in its last urban water management plan and assess whether its total projected water supplies available during normal, single-dry, and multiple-dry water years as included in the 20-year projection contained in its urban water management plan will meet the projected water demand associated with the proposed project, in addition to the system's existing and planned future uses.

(c) The governing body of a public water system shall approve and submit its water supply assessment to the city or county no later than 30 days after the date on which the request and Notice of Preparation were received. If the public water system fails to

submit its assessment within the allotted time, the Lead Agency may assume, unless there has been a request for a specific extension of time from the public water system, that the public water system has no information to submit. If a public water system concludes that there would be insufficient water to serve the proposed project, it shall provide the city or county with its plans for acquiring additional water supplies.

(d) The Lead Agency shall include within the EIR the public water system's assessment and any other information provided by the water agency, up to a maximum of ten typewritten pages. The assessment and information may only exceed that length with the approval of the Lead Agency. The Lead Agency may independently evaluate the water system's information and shall determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the proposed project, in addition to existing and planned future uses. If the Lead Agency determines that water supplies will not be sufficient, the Lead Agency must include that determination in its findings for the project pursuant to Sections 15091 and 15093.

(e) For purposes of this section, "public water system" means a system as defined in Section 10912 of the Water Code with 3,000 or more service connections.

(f) This section does not apply to the County of San Diego and the cities in the county as provided in Section 10915 of the Water Code.

Preparing the Draft EIR (CEQA 15084)

(a) The Draft EIR shall be prepared directly by the District or under contract to the District. The required contents of a draft EIR are discussed beginning with Section 15120.

(b) The District, as Lead Agency, may require the District project applicant to supply both data and information to determine whether the project may have a significant effect on the environment and to assist the District in preparing the Draft EIR. The requested information should include an identification of other public agencies which will have jurisdiction by law over the project.

(c) Any person, including the District project applicant, may submit information or comments to the District to assist in the preparation of the Draft EIR. The submittal may be presented in any format, including the form of a Draft EIR. The District must consider all information and comments received. The information or comments may be included in the Draft EIR in whole or in part.

(d) The District may choose one of the following arrangements or a combination of them for preparing a Draft EIR:

1. Preparing the Draft EIR directly with its own staff.

2. Contracting with another entity, public or private, to prepare the Draft EIR.

3. Accepting a Draft EIR prepared by the District project applicant, a consultant retained by the District project applicant, or any other person.

4. Executing a third party contract or memorandum of understanding with the District project applicant to govern the preparation of a Draft EIR by an independent contractor.

5. Using a previously prepared EIR.

(e) Before using a draft prepared by another person, the District shall subject the draft to its own review and analysis. The Draft EIR, which is sent out for public review, must reflect the independent judgment of the District. The District is responsible for the adequacy and objectivity of the Draft EIR.

Notice of Completion (CEQA 15085)

(a) As soon as the Draft EIR is completed, a Notice of Completion must be filed with OPR.

(b) The Notice of Completion shall include:

1. A brief description of the project,

2. The proposed location of the project,

3. An address where copies of the Draft EIR are available, and

4. The period during which comments will be received on the Draft EIR.

(c) A form for the Notice of Completion is included in State Guidelines Appendix C.

(d) Where the EIR will be reviewed through the state review process handled by the State Clearinghouse, the cover form required by the State Clearinghouse will serve as the Notice of Completion.

Consultation Concerning Draft EIR (CEQA 15086)

(a) The District, as Lead Agency, shall consult with and request comments on the Draft EIR from:

1. Responsible Agencies,

2. Trustee Agencies with resources affected by the project, and

3. Other state, federal, and local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project.

(b) The District may consult directly with any person who has special expertise with respect to any environmental impact involved.

Public Review of Draft EIR (CEQA 15087)

(a) The District, as Lead Agency, shall provide public notice of the availability of a Draft EIR at the same time as it sends a Notice of Completion to OPR. This notice shall be given as provided under Section 15105. Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing and shall also be given by at least one of the following procedures:

1. Publication at least one time by the District in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

2. Posting of notices by the District on and off the site in the area where the project is to be located.

3. Direct mailing to owners of property contiguous to the parcel or parcels on which the project is located as those owners shown on the latest equalized assessment roll.

(b) The alternatives for providing notice previously specified shall not preclude the District from providing additional notice by other means if it so desires, nor shall the requirements of this section preclude the District from providing the public notice required by this section at the same time and in the same manner as public notice otherwise required by law for the project.

(c) The notice shall disclose the following:

1. A brief description of the proposed project and its location.

2. The starting and ending dates for the review period during which the District will receive comments. If the review period is shortened, the notice shall disclose that fact.

3. The date, time, and place of any scheduled public meetings or hearings to be held by the District on the proposed project when known to the District at the time of notice.

4. A list of the significant environmental effects anticipated as a result of the project, to the extent which the District knows such effects at the time of notice.

5. The address where copies of the EIR and all documents referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the District's normal working hours.

6. The presence of the site on any of the lists of sites enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subsection (f) of that Section.

(d) The notice required under this section shall be posted in the office of the county clerk of each county in which the project will be located for a period of at least 30 days. The county clerk shall post such notices within 24 hours of receipt.

(e) In order to provide sufficient time for public review, the review period for a Draft EIR shall be as provided in Section 15105. The review period shall be combined with the consultation required under Section 15086. When a Draft EIR has been submitted to the State Clearinghouse, the public review period shall be at least as long as the review period established by the Clearinghouse.

(f) The District, as a public agency, shall use the State Clearinghouse to distribute Draft EIRs to state agencies for review and should use area-wide clearinghouses to distribute the documents to regional and local agencies.

(g) To make copies of EIRs available to the public, the District should furnish copies of Draft EIRs to the public library system serving the area involved. Copies should also be available at the District.

(h) The District should compile listings of other agencies, particularly local agencies, which have jurisdiction by law and/or special expertise with respect to various projects and project locations. Such listings should be a guide in determining which agencies should be consulted with regard to a particular project.

(i) Public hearings may be conducted on the environmental documents, either in separate proceedings or in conjunction with other proceedings of the District. Public hearings are encouraged, but not required as an element of the CEQA process.

Evaluation of and Response to Comments (CEQA 15088)

(a) The District, as Lead Agency, shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The District shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.

(b) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the position of the District is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith and reasoned analysis in the response. Conclusory statements unsupported by factual information will not suffice.

(c) The response to comments may take the form of a revision to the Draft EIR or may be a separate section in the Final EIR. Where the response to comments makes important changes in the information contained in the text of the Draft EIR, the District should either:

1. Revise the text in the body of the EIR, or

2. Include marginal notes showing that the information is revised in the response to comments.

Recirculation of an EIR Prior to Certification (CEQA 15088.5)

(a) The District, as Lead Agency, is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project but the project's proponents decline to adopt it.

4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modification in an adequate EIR.

(c) If the revision is limited to a few chapters or portions of the EIR, the District need only recirculate the chapters or portions that have been modified.

(d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.

(e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

Preparation of Final EIR (CEQA 15089)

(a) The District, as Lead Agency, shall prepare a Final EIR before approval of the project. The contents of a Final EIR are specified in Section 15132 of these Guidelines.

(b) The District may provide an opportunity for review of the Final EIR by the public or by commenting agencies before approval of the project. The review of a Final EIR should focus on the responses to comments on the Draft EIR.

The responses to comments on the Draft EIR must include good faith, well-reasoned responses to all comments received on the Draft EIR. The Final EIR must include a list of persons, agencies, and organizations commenting on the Draft EIR; and the District's response to those comments. The responses may take the form of a revision to the Draft EIR or may be a separate action in the Final EIR. The District must also provide a copy of its responses to any public agency that submitted comments at least ten days prior to certifying the Final EIR [PRC 21092.5 (a)].

Certification of the Final EIR (CEQA 15090)

(a) Prior to approving a project the District shall certify that:

1. The Final EIR has been completed in compliance with CEQA;

2. The Final EIR was presented to the Board of Directors of the District and that the Board of Directors reviewed and considered the information contained in the Final EIR prior to approving the project; and

3. The Final EIR reflects the District's independent judgement and analysis.

(b) When an EIR is certified by a non-elected Decision-Making Body with a local Lead Agency, that certification may be appealed to the local Lead Agency's elected Decision-Making Body, if one exists. For example, certification of an EIR for a tentative subdivision map by a city's planning commission may be appealed to the city council. Each local Lead Agency shall provide for such appeals.

Findings (CEQA 15091)

To support its decision on the project for which an EIR was prepared, the Lead and Responsible Agency must prepare written findings of fact for each significant environmental impact identified in the EIR. Each finding must contain an ultimate

conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion.

The findings must be based on substantial evidence in the administrative record and must include an explanation that bridge the gap between evidence in the record and the conclusions required by CEQA. Responsible Agencies, in granting subsequent approvals for projects initially studied in an earlier EIR, cannot rely on the Lead Agency's findings, but must make their own findings.

(a) The District Board of Directors shall not approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the Board of Directors makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings include:

1. Changes or alterations that have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the District. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

(c) The finding in subsection (a)(2) shall not be made if the District has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.

(d) When making the findings required in subsection (a)(1), the District shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The District shall specify the location and custodian of the documents or other material, which constitute the record of the proceedings upon which its decision is based.

Approval (CEQA 15092)

(a) After considering the Final EIR and in conjunction with making findings under Section 15091, the Board of Directors may decide whether or how to carry out the project.

(b) The District shall not decide to approve or carry out a project for which an EIR was prepared unless either:

1. The project as approved will not have a significant effect on the environment, or

2. the District has:

(A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and

(B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

(c) With respect to a project which includes housing development the Lead Agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level or mitigation.

Statement of Overriding Considerations (CEQA 15093)

(a) CEQA requires that the Board of Directors balance as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) Where the decision of the District allows the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the District shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if the District also makes a finding under Section 15091(a)(2) or (a)(3).

If the District makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

Notice of Determination (CEQA 15094)

The District must file a Notice of Determination after deciding to approve a project for which an EIR is prepared. No Notice of Determination is required if the District decides to disapprove the project.

(a) The District, as Lead Agency, shall file a Notice of Determination within 5 working days after approval of the project by the District. The notice must include:

1. An identification of the project including its common name where possible and its location.

2. A brief description of the project.

3. The date when the agency approved the project.

4. The determination of the District whether the project in its approved form will have a significant effect on the environment.

5. A statement that an EIR was prepared and certified pursuant to the provisions of CEQA.

6. Whether mitigation measures were made a condition of the approval of the project.

7. Whether findings were made pursuant to Section 15091.

8. Whether a Statement of Overriding considerations was adopted for the project.

9. The address where a copy of the Final EIR and the record of project approval may be examined.

(b) If a state agency is the Lead Agency, the Notice of Determination shall be filed with OPR.

(c) If the District, or another local agency, is the Lead Agency, the Notice of Determination shall be filed within five working days after the approval or determination becomes final with the county clerk of the county or counties in which the project will be located. If the project requires discretionary approval from a state agency, the Notice of Determination shall also be filed with OPR.

(d) A Notice of Determination filed with the county clerk is available for public inspection and shall be posted within 24 hours of receipt for a period of at least 30 days. Thereafter, the clerk shall return the notice to the District with a notation of the period during which it was posted. The District shall retain the notice for not less than 9 months.

(e) A Notice of Determination filed with OPR is available for public inspection and shall be posted for a period of at least 30 days.

(f) The filing of the Notice of Determination and the posting of such notice starts a 30-day statute of limitations on court challenges to the approval under CEQA.

Disposition of a Final EIR (CEQA 15095)

The District, as Lead Agency, shall:

(a) File a copy of the Final EIR with the appropriate planning agency of any city, county, or city and county where significant effects on the environment may occur.

(b) Include the Final EIR as part of the regular project report which is used in the existing project review and budgetary process if such a report is used.

(c) Retain one or more copies of the Final EIR as public records for a reasonable period of time.

(d) Require the District project applicant to provide a copy of the certified, Final EIR to each Responsible Agency.

Process for a Responsible Agency (CEQA 15096)

(a) General. A Responsible Agency complies with CEQA by considering the EIR, Negative Declaration or Mitigated Negative Declaration prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project involved. This section identifies the special duties the District will have when acting as a Responsible Agency.

(b) Response to Consultation. The District, as a Responsible Agency shall respond to consultation by the Lead Agency in order to assist the Lead Agency in preparing adequate environmental documents for the project. By this means, the District will ensure that the documents it will use will comply with CEQA.

1. In response to consultation, the District, as a Responsible Agency, shall explain its reasons for recommending whether the Lead Agency should prepare an EIR, Negative Declaration or Mitigated Negative Declaration for a project. Where the District disagrees with the Lead Agency's proposal to prepare a Negative Declaration for a project, the District should identify the significant environmental effects which it believes could result from the project and recommend either that an EIR be prepared or that the project be modified to eliminate the significant effects.

2. As soon as possible, but not longer than 45 days after receiving a Notice of Preparation from the Lead Agency, the District, as a Responsible Agency, shall send a written reply by certified mail or any other method which provides the District with a record showing that the notice was received. The reply shall specify the scope and content of the environmental information which would be germane to the District 's statutory responsibilities in connection with the proposed project. The Lead Agency shall include this information in the EIR.

(c) Meetings. The District, as a Responsible Agency, shall designate employees or representatives to attend meetings requested by the Lead Agency to discuss the scope and content of the EIR.

(d) Comments on Draft EIRs and Negative Declarations. The District, as a Responsible Agency, should review and comment on Draft EIRs, Negative Declarations and Mitigated Negative Declarations for projects which the District would later be asked to approve. Comments should focus on any shortcomings in the EIR, the appropriateness of using a Negative Declaration or a Mitigated Negative Declaration, or on additional alternatives or mitigation measures which the EIR should include. The comments shall be limited to those project activities which are within the District's area of expertise or which are required to be carried out or approved by the District or which will be subject to the exercise of powers by the District. Comments shall be as specific as possible and supported by either oral or written documentation.

(e) Decision on Adequacy of EIR or Negative Declaration. If the District, as a Responsible Agency, believes that the Final EIR, Negative Declaration or Mitigated Negative Declaration prepared by the Lead Agency is not adequate for use by the District, the District must either:

1. Take the issue to court within 30 days after the Lead Agency files a Notice of Determination;

2. Be deemed to have waived any objection to the adequacy of the EIR, Negative Declaration or Mitigated Negative Declaration;

3. Prepare a subsequent EIR if permissible under Section 15162; or

4. Assume the Lead Agency role as provided in Section 15052(a)(3).

(f) Consider the EIR or Negative Declaration. Prior to reaching a decision on the project, the District, as a Responsible Agency, must consider the environmental effects of the project as shown in the EIR, Negative Declaration or Mitigated Negative Declaration. A subsequent or supplemental EIR can be prepared only as provided in Sections 15162 or 15163.

(g) Adoption of Alternatives or Mitigation Measures.

1. When considering alternatives and mitigation measures, the District, as a Responsible Agency, is more limited than a Lead Agency. The District has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.

2. When an EIR has been prepared for a project, the District, as a Responsible Agency, shall not approve the project as proposed if the District finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. With respect to a project which includes housing development, the Responsible Agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

(h) Findings. The District, as a Responsible Agency shall make the findings required by Section 15091 for each significant effect of the project and shall make the findings in Section 15093 if necessary.

(i) Notice of Determination. The District, as a Responsible Agency, should file a Notice of Determination in the same manner as a Lead Agency under Sections 15075 or 15094 except that the District does not need to state that the EIR, Negative Declaration or Mitigated Negative Declaration complies with CEQA. The District should state that

it considered the EIR, Negative Declaration or Mitigated Negative Declaration as prepared by a Lead Agency.

Section 11: TIME LIMITS

General (CEQA 15100)

(a) The District, as a public agency, shall adopt time limits to govern its implementation of CEQA consistent with this article.

(b) The District should carry out its responsibilities for preparing and reviewing EIRs within a reasonable period of time. The requirement for the preparation of an EIR should not cause undue delays in the processing of applications for permits or other entitlements to use.

Review of Application for Completeness (CEQA 15101)

The District, as Lead Agency or Responsible Agency, shall determine whether an application for a permit or other entitlement for use is complete within 30 days from the receipt of the application except as provided in Section 15111. If no written determination of the completeness of the application is made within that period, the application will be deemed complete on the 30th day.

Initial Study (CEQA 15102)

The District, as Lead Agency, shall determine within 30 days after accepting an application as complete whether it intends to prepare an EIR, a Negative Declaration or a Mitigated Negative Declaration or use a previously prepared EIR, Negative Declaration or Mitigated Negative Declaration except as provided in Section 15111. The 30-day period may be extended 15 days upon the consent of the District and the District project applicant.

Response to Notice of Preparation (CEQA 15103)

The District, as a Responsible Agency or Trustee Agency, shall provide a response to a Notice of Preparation to the Lead Agency within 30 days after receipt of the notice. If a Responsible Agency fails to reply within the 30 days with either a response or a well-justified request for additional time, the District, as a Lead Agency, may assume that the Responsible Agency has no response and may ignore a late response.

Convening of Meetings (CEQA 15104)

The District, as Lead Agency, shall convene a meeting with agency representatives to discuss the scope and content of the environmental information that a Responsible Agency will need in the EIR as soon as possible but no later than 30 days after receiving a request for the meeting. The meeting may be requested by the Lead Agency, a Responsible Agency, or by the District project applicant.

Public Review Period for a Draft EIR or a Proposed Negative Declaration or Mitigated Negative Declaration (CEQA 15105)

(a) The public review period for a Draft EIR shall not be less than 30 days nor should be longer than 60 days except in unusual circumstances. When a Draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless the State Clearinghouse approves a shorter period, not less than 30 days.

(b) The public review period for a proposed Negative Declaration or Mitigated Negative Declaration shall not be less than 20 days. When a proposed Negative Declaration or Mitigated Negative Declaration is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 30 days, unless a shorter period, not less than 20 days, is approved by the State Clearinghouse.

(c) If a Draft EIR or Negative Declaration or Mitigated Negative Declaration has been submitted to the State Clearinghouse for review by state agencies, the public review period shall be at least as long as the review period established by the State Clearinghouse.

(d) A shortened Clearinghouse review period may be granted in accordance with the provisions of Appendix L and the following principles:

1. A shortened review shall not be granted for any proposed project of statewide, areawide, or regional environmental significance.

2. Requests for shortened review periods shall be submitted to the Clearinghouse in writing by the Board of Directors as the Decision-Making Body of the District, or a representative authorized by ordinance, resolution, or delegation of the Board of Directors.

3. The Lead Agency has contacted Responsible and Trustee Agencies and they have agreed to the shortened review period.

Completion of Negative Declaration (CEQA 15107)

With a private project, the Negative Declaration or Mitigated Negative Declaration must be completed and ready for approval within 105 days from the date when the District accepted the application as complete. The Negative Declaration or Mitigated Negative Declaration may be approved at a later time when the permit or other entitlement is approved.

Completion and Certification of EIR (CEQA 15108)

With a private project, the District shall complete and certify the Final EIR as provided in Section 15090 within one year after the date when the District, as Lead Agency, accepted the application as complete. District procedures may provide that the one-year time limit may be extended once for a period of not more than 90 days upon consent of the District and the District project applicant.

Suspension of Time Periods (CEQA 15109)

An unreasonable delay by a District project applicant in meeting requests by the District necessary for the preparation of a Negative Declaration, a Mitigated Negative Declaration or an EIR shall suspend the running of the time periods described in Sections 15107 and 15108 for the period of unreasonable delay. Alternatively, the District may disapprove a project application where there is unreasonable delay in meeting requests. The District may allow a renewed application to start at the same point in the process where the application was when it was disapproved.

Projects with Federal Involvement (CEQA 15110)

(a) At the request of a District project applicant, the District may waive the one-year time limit for completing and certifying a Final EIR or the 105-day period for completing a Negative Declaration or a Mitigated Negative Declaration if:

1. The project will be subject to CEQA and to the National Environmental Policy Act,

2. Additional time will be required to prepare a combined EIR/EIS or combined Negative Declaration-Finding of No Significant Impact as provided in Section 15221, and

3. The time required to prepare the combined document will be shorter than the time required preparing the documents separately.

(b) Additional time limits for taking final action on a permit for a development project may also be waived where a combined EIR/EIS will be prepared.

(c) The time limits for processing permits for development projects under Government Code Sections 65950-65960 shall not apply if federal statutes or regulations require time schedules which exceed the state time limits. In this event, any state agencies involved shall make a final decision on the project within the federal time limits.

Projects with Short Time Periods for Approval (CEQA 15111)

(a) A few statutes or ordinances require agencies to make decisions on permits within time limits that are so short that review of the project under CEQA would be difficult. To enable the Lead Agency to comply with both the permit statute and CEQA, the Lead Agency shall deem an application for a project not received for filing under the permit statute or ordinance until such time as progress toward completing the environmental documentation required by CEQA is sufficient to enable the Lead Agency to finish the CEQA process within the short time limit. This section will apply where all of the following conditions are met:

1. The enabling legislation for a program, other than Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code, requires the Lead Agency to take action on an application within a specified period of time that is six months or less, and

2. The enabling legislation provides that the project will become approved by operation of law if the Lead Agency fails to take any action within such specified time period, and

3. The project involves the issuance of a lease, permit, license, certificate, or other entitlement for use.

(b) Examples of time periods subject to this section include, but are not limited to:

1. Action within 50 days on a tentative subdivision map for which an EIR is being or will be prepared pursuant to Article 2 (commencing with Section 66452) of Chapter 3, Division 2, Title 2 of the Government Code, but a Negative Declaration for a subdivision map must be completed within the 50-day period (see Government Code Section 66452.1(c)),

2. Action on timber harvesting plan by the Director of Forestry within 15 days pursuant to Section 4582 7 of the Public Resources Code,

3. Action on a permit by the San Francisco Bay Conservation and Development Commission within 90 days pursuant to Section 66632(f) of the Government Code, and

4. Action on an oil and gas permit by the Division of Oil and Gas within 10 days pursuant to Sections 3203 or 3724 of the Public Resources Code.

(c) In any case described in this section, the environmental document shall be completed or certified and the decision on the application shall be made within one year from the date on which an application requesting approval of such project has been received and accepted as complete for CEQA processing by the Lead Agency. This one-year time limit may be extended once for a period not to exceed 90 days upon consent of the Lead Agency and the applicant.

Statute of Limitations (CEQA 15112)

(a) CEQA provides unusually short statutes of limitations on filing court challenges to the approval of projects under the Act.

(b) The statute of limitations periods are not public review periods or waiting periods for the person whose project has been approved. The project sponsor may proceed to carry out the project as soon as the necessary permits have been granted. The statute of limitations cuts off the right of another person to file a court action challenging approval of the project after the specified time period has expired.

(c) The statute of limitations periods under CEQA are as follows:

1. Where the District filed a Notice of Determination in compliance with Sections 15075 or 15094, 30 days after the filing of the notice and the posting on a list of such notices.

2. Where the District filed a Notice of Exemption in compliance with Section 15062, 35 days after the filing of the notice and the posting on a list of such notices.

3. Where a certified state regulatory agency files a Notice of Decision in compliance with the PRC Section 21080.5(d)(2)(v), 30 days after the filing of the notice.

4. Where the Secretary for Resources certifies a state environmental regulatory agency under PRC 21080.5, the certification may be challenged only during the 30 days following the certification decision.

5. Where none of the other statute of limitations periods in this section apply, 180 days after either:

   (A) The District's decision to carry out or approve the project, or

   (B) Commencement of the project if the project is undertaken without a formal decision by the District.

Section 12: SUBSCRIPTIONS TO CHAPTER 3, DIVISION 6, TITLE 14, OF THE CALIFORNA ADMINISTRATIVE CODE (Guidelines for Implementation of the California Environmental Quality Act)

The Environmental Compliance Section maintains a current subscription to Title 14 which shall be made available to other District departments upon request. The Environmental Compliance Section will inform the other District departments of any statutory changes to CEQA or amendments to the accompanying State Guidelines.

The Environmental Compliance Section should revise the District Rules and Regulations to Implement CEQA to conform to amendments to the State Guidelines within 120 days after the effective date of the amendments. During the period while the Environmental Compliance Section is revising the District procedures, the District must conform to any statutory changes in the CEQA that have become effective regardless of whether the District has revised its formally adopted procedures to conform to the statutory changes [CEQA 15022(c)].

Each department of the District which proposes a project subject to CEQA shall become thoroughly familiar with the Rules and Regulations to Implement CEQA set forth in this document and with the State CEQA Guidelines incorporated herein by reference.