MARIPOSA COUNTY ORDINANCE NO. 793

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ENVIRONMENTAL REVIEW POLICIES AND PROCEDURES FOR THE PURPOSE OF IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE CEQA GUIDELINES.

WHEREAS, Section 15022(a) of Title 14, Division 6, Chapter 3 of the California Administrative Code requires public agencies to adopt objectives, criteria, and specific procedures consistent with CEQA and the CEQA Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and the preparation of environmental documents; and

WHEREAS, Mariposa County adopted comprehensive Environmental Review Policies and Procedures for the purpose of implementing CEQA and the CEQA Guidelines within the County of Mariposa, on May 13, 1986 by Resolution 86-151 and by ordinance on July 19, 1988; and

WHEREAS, the State has established fees to assist in the funding of the State Department of Fish and Game through the adoption of AB 3180 that require County implementation within the environmental review process, and it is desirable to formalize the implementation procedures by revision to the County's Environmental Review Policies and Procedures;

NOW THEREFORE, the Board of Supervisors ordains the following additions to the Environmental review Policies and Procedures:

SECTION I: A Section 2.300(13) shall be added:

Determining whether or not projects are subject to the Department of Fish and Game fees in accordance with the
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procedures established in this title.

SECTION II: A Section 3215 A., B., and C., shall be added:

3.215 Determining Applicability of Fish and Game Fee

Section 7111.4 et. seq. of the California Fish and Game Code requires the payment of a fee for all projects approved with a Negative Declaration or an Environmental Impact Report. The code provides an exemption of the fee payment for those projects determined by the lead agency to have a "De Minimus" impact on wildlife resources. This section provides administrative procedures for determining projects that have a de minimus impact on wildlife resources.

A. All projects located within areas containing rare and endangered wildlife species identified on the Mariposa County Natural Diversity Data Base Mapping or within areas identified as containing special biological importance as identified on the Department of Fish and Games Areas of Special Biological Importance Map No. 22 shall be subject to the fee payment unless a finding is made, based upon substantial evidence, that the project will not have a significant effect on wildlife. Such evidence may include project revisions or conditions agreed to by the project proponent.

B. All projects located outside areas containing rare and endangered wildlife species identified on the Mariposa County Natural Diversity Data Base Mapping or
outside areas identified as containing special biological
ing importance as identified on the Department of Fish and
Game Areas of Special Biological Significance Map No. 22
shall be exempt from the fee unless a finding is made,
based upon substantial evidence, that the project will
have a significant impact on wildlife.

C. The preliminary determination relative to the
applicability of the fee shall be made by the Planning
Department at/or before the time the initial study is
completed. The preliminary finding of exemption or
applicability of the fee shall be provided to the
Department of Fish and Game as part of the early
consultation process. The Department of Fish and Game
shall have 30 days from the date of mailing to respond to
the preliminary finding. If no response is provided, it
shall be conclusively determined that the Department of
Fish and Game concurs with the preliminary finding.

Information submitted by the Department of Fish and Game
shall be considered by the Planning Department in
formulating the findings set forth in paragraphs A. or B.
of this section. A project applicant, interested party,
or the Department of Fish and Game may object to the
preliminary staff determination at any time prior to the
final environmental determination by the lead agency. If
an objection is received, the lead agency shall determine
whether or not the project will have a de-minimis effect
on wildlife at the time the environmental determination
is considered.

SECTION III: A section 3.220 (C) shall be added:

3.220 C. Prior to completing the initial study, the lead agency shall identify and consult with all known local and State responsible, affected and trustee agencies. Comments from these agencies shall be considered in the final preparation of the initial study. The preliminary finding of the applicability of the State Department of Fish and Game fees (Section 3.215) shall be forwarded to the State Department of Fish and Game during this consultation process.

SECTION IV: A section 3.320 (B)(7) shall be added:

3.320 B.

7. A statement relative to the applicability of the State Department of Fish and Game fee and whether or not it was paid at the time of filing of the Notice of Determination.

SECTION V. This ordinance shall become effective thirty (30) days from the date of final passage pursuant to California Government Code Section 25123.

PASSED AND ADOPTED this 22nd day of January, 1991 by the Mariposa County Board of Supervisors by the following vote:

AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH, TABER

NOES: NONE

ABSTAINED: NONE

EXCUSED: NONE

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GEORGE RADANOVIĆ, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

JEFFREY GREEN, County Counsel