BOARD OF SUPERVISORS - COUNTY OF MARIPOSA

RESOLUTION NO. 73-27

BE IT RESOLVED that the Board of Supervisors of the County of Mariposa hereby adopts the State Guidelines for Implementation of the California Environmental Quality Act of 1970 as amended, attached herewith.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, State of California, this 6th day of March, 1973 by the following vote:

AYES: Davis, Hurlbert, Moffitt, Richardson
NOES: Long
ABSENT: None
NOT VOTING: None

[Signature]
Chairman of the Board

ATTEST:
RAY STARKS, County Clerk and ex-officio Clerk of the Board

[Signature]
Deputy
ORDER ADOPTING REGULATIONS OF THE CALIFORNIA
RESOURCES AGENCY

Pertaining to the Environmental Quality Act of 1970

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Section 21083 of the Public Resources Code, and to implement, interpret, or make specific Sections 21000 through 21174 of the Public Resources Code, the California Resources Agency hereby adopts its regulations in Division 6, Title 14, California Administrative Code as follows:

CHAPTER 3. GUIDELINES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

ARTICLE 1. General

15000. Authority. The regulations contained herein are prescribed by the Secretary for Resources pursuant to authority granted in Public Resources Code Section 21083 to be followed by all state agencies, boards, and commissions, all counties, cities and counties, cities including charter cities, regional agencies, public districts, redevelopment agencies, and all other political subdivisions of the State in the implementation of the Environmental Quality Act of 1970 dealing with environmental quality, the evaluation of projects, and the preparation and evaluation of environmental impact reports. These Guidelines have been developed by the Office of Planning and Research for adoption by the Secretary for Resources in accordance with Section 21083. Additional information may be obtained by writing:
15005. **Purpose.** The purpose of these Guidelines is to provide public agencies with principles, objectives, criteria, and definitions of statewide application to be used in the implementation of the California Environmental Quality Act of 1970, Public Resources Code Sections 21000-21174 as amended by Chapter 1154 of the Statutes of 1972 (AB 839). Implementation of the act includes the orderly evaluation of projects and the preparation of environmental impact reports.

ARTICLE 3. Policy

15010. **Legislative Declaration.** The Legislature has declared that:

(a) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.

(b) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage.

15011. **State Policy.** The Legislature has declared that it is the policy of the state to:

(a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.

(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

(c) Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.
(d) Ensure that the long-term protection of the environment shall be the guiding criterion in public decisions.

(e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

(f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.

(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

15012. Informational Document. An Environmental Impact Report is an informational document which, when fully prepared in accordance with the CEQA and these Guidelines, will inform public decision-makers and the general public of the environmental effects of projects they propose to carry out or approve. The EIR process is intended to enable public agencies to evaluate a project to determine whether it may have a significant effect on the environment, examine and institute methods of reducing adverse impacts, and consider alternatives to the project as proposed. These things must be done prior to approval or disapproval of the project. An EIR may not be used as an instrument to rationalize approval of a project, nor do indications of adverse impact, as enunciated in an EIR, require that a project be disapproved -- public agencies retain existing authority to balance environmental objectives with economic and social objectives.

15013. Early Preparation. An EIR is a useful planning tool to enable environmental constraints and opportunities to be considered before project plans are finalized. EIR's should be prepared as early in the planning process as possible to enable environmental considerations to influence project program or design.

15014. Application. These Guidelines have only general application to the diversity of projects undertaken or approved by public agencies. They provide basic principles, objectives, criteria and definitions which individual public agencies shall adopt for internal use, interpreting these Guidelines in terms of specific projects. Such internal procedures must be consistent
with these Guidelines, and shall be adopted within sixty days after these Guidelines are adopted.

Individual public agencies shall also coordinate the procedures outlined in these Guidelines with procedures they have been using up to April 5, 1973, in undertaking or approving projects -- in doing so, however, agencies are not free to compromise the basic principles, objectives, criteria, and definitions included here.

ARTICLE 4. Definitions

15020. General. Whenever the following words are used in these Guidelines, unless otherwise defined, they shall have the meaning ascribed to them in this article. These definitions are intended to clarify but not to replace or negate the definitions used in CEQA.

15021. Approval means the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances. Legislative action in regard to a project often constitutes approval.

In connection with private activities, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project.


15023. Categorical Exemption. Categorical Exemption means an exception from the requirement for the preparation of an environmental impact report for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.

15024. Discretionary Project. Discretionary project means an activity defined as a project which requires the exercise of judgment, deliberation, or decision on the part of the public agency or body in the process of approving or
disapproving a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

15025. Emergency. Emergency means a sudden and catastrophic calamity caused by an occurrence or combination of occurrences of statewide or local impact, such as fire, flood, earthquake or other natural disaster, riot, war, accident, or sabotage.

15026. Environment. Environment means the physical conditions which exist in the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, objects of historic or aesthetic significance.

15027. EIR - Environmental Impact Report. Environmental Impact Report (EIR) means a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 21100 of the California Environmental Quality Act.

(a) Draft EIR means an EIR containing the information specified in Sections 15141, 15142, and 15143 of these Guidelines.

(b) Final EIR means an EIR containing the information specified in Sections 15141, 15142, and 15143 of these Guidelines, a section for comments received in the consultation process, and the response of the Responsible Agency to the comments received. This term is discussed in detail in Section 15146.

15028. EIS - Environmental Impact Statement. Environmental Impact Statement (EIS) means an environmental impact report prepared pursuant to the National Environmental Policy Act (NEPA). The Federal Government uses the term EIS in the place of the term EIR which is used in CEQA.

15029. Feasible. Feasible means capable of being accomplished in a successful manner by reasonably available, economic, and workable means.

15030. Lead Agency. Lead Agency means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect on the environment where more than one public agency is involved with the same underlying activity.
15031. Local Agency. Local agency means any public agency other than a state agency, board or commission. Local agency includes but is not limited to cities, counties, charter cities and counties, special districts, redevelopment agencies and any board, commission, or organizational subdivision of a local agency when so designated by order or resolution of the governing legislative body of the local agency.

15032. Ministerial Projects. Ministerial projects as a general rule, include those activities defined as projects which are undertaken or approved by a governmental decision which a public officer or public agency makes upon a given state of facts in a prescribed manner in obedience to the mandate of legal authority. With these projects, the officer or agency must act upon the given facts without regard to his own judgment or opinion concerning the propriety or wisdom of the act although the statute, ordinance, or regulation may require, in some degree, a construction of its language by the officer.

15033. Negative Declaration. Negative declaration means a statement by the public agency that will carry out or approve a project that a project, although not categorically exempt, would not have a significant effect on the environment and therefore does not require an EIR. The term "Exemption Declaration" is interchangeable with the term "Negative Declaration".

15034. Notice of Completion. Notice of Completion means a brief report filed with the Secretary for Resources as soon as a public agency has completed a draft EIR and is prepared to send out copies for review. The contents of this notice are explained in Section 15085(c).

15035. Notice of Determination. Notice of Determination means a brief notice to be filed by a public agency when it approves or determines to carry out a project which is subject to the requirements of CEQA. The contents of this report are explained in Section 15085(g).

15036. Person. Person includes any person, firm, association, organization, partnership, business, trust, corporation, company, district, county, city and county, city, town, the State, and any of the agencies political subdivisions of such entities.
15037. Project.

(a) Project means the whole of an action, resulting in physical impact on the environment, directly or ultimately, that is any of the following:

(1) an activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption of local General Plans or elements thereof.

(2) an activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

(3) an activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.
(b) Project does not include:

(1) Anything specifically exempted by state law;

(2) Proposals for legislation to be enacted by the state Legislature.

(3) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making (except as they are applied to specific instances covered above), feasibility or planning studies.

(4) The submittal of proposals to a vote of the people of the State or of a particular community.

15038. Public Agency. Public agency includes any state agency, board or commission and any local or regional agency, as defined in these Guidelines. It does not include the courts of the State. This term does not include agencies of the federal government.

15039. Responsible Agency. Responsible agency means the public agency which proposes to undertake or approve a project, and is responsible for making a Negative Declaration or for the preparation of an EIR.

15040. Significant Effect. Significant effect means a substantial adverse impact on the environment.

ARTICLE 5. General Responsibilities

15050. Public Agencies. All public agencies are responsible for complying with the CEQA, according to these Guidelines. They must develop their own procedures consistent with these Guidelines. Where a public agency prepares an EIR itself or contracts with private experts to do the preparation, the public agency is responsible entirely for the adequacy and objectivity of the EIR.

15051. Office of Planning and Research (OPR). OPR is responsible for the preparation and development of principles, objectives, criteria and definitions to implement the CEQA, prior to adoption by the Secretary for Resources. OPR also, as part of guideline development, shall consider proposals for Categorical Exemption and makes appropriate recommendations to the Secretary for Resources. OPR shall be responsible for resolving disputes over Lead Agency designation.
15052. The Secretary of the Resources Agency. The guidelines shall be officially adopted by the Secretary of the Resources Agency, including a finding that each class of projects given a Categorical Exemption will not have a significant effect on the environment. He also has the responsibility for consolidating all state comments on federally sponsored projects. The Secretary of the Resources Agency may issue supplements to these Guidelines, containing amendments and/or additions.

15053. Fees.

(a) All public agencies preparing EIRs for projects to be carried out by some entity other than the public agency itself may charge and collect a reasonable fee from such person or entity, in order to recover the estimated costs incurred in preparing the EIR.

(b) Public agencies may charge and collect a fee from members of the public for the actual cost of reproducing a copy of an EIR requested by the member of the public.

15054. Timely Compliance. Public agencies should carry out their responsibilities for preparing and reviewing EIR's 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.
ARTICLE 6. Application of the Act to Projects

15060. General Rule. The requirements set forth in these Guidelines apply to projects which may have a significant effect on the environment and which involve discretionary governmental action. Where it can be seen with certainty that the activity in question will not have a significant effect on the environment, the activity is not covered by the requirements set forth in CEQA, and these Guidelines concerning the evaluation of projects and the preparation and review of environmental impact reports do not apply.

15061. State and Local Agency Projects (Public Projects).

(a) When a public agency plans to carry out a project which may have a significant effect on the environment, the public agency shall prepare an EIR through its own efforts or through contract.

(b) Where a project which may have a significant effect on the environment is to be carried out by a non-governmental person subject to approval, financial support, or some other involvement by a public agency, the public agency will prepare an EIR by its own efforts or by contract. However, the agency may require the person to supply data and information, both to determine whether the project may have a significant impact on the environment, and to assist
in the preparation of an EIR by the agency. This information may take the form of a draft EIR, if the agency desires.

(c) Where the project is to be undertaken by a local agency, as defined in these Guidelines, but requires state approval or financial assistance, the state agency shall require the local agency to prepare the EIR or Negative Declaration, to be submitted with the request for approval of the proposed project. This must also be done where federal funds are involved, but only if a state agency has discretionary authority over the use of those funds. If the local project has been mandated on the local agency by a state agency, the EIR prepared by the local agency may be limited to consideration of those factors and alternatives which do not conflict with the order.

(d) The EIR may be prepared as a separate document, or as part of a project report. If prepared as a part of the project report, it must still contain in one separate and distinguishable section the elements required of an EIR, including the seven elements specified in Section 15143 of these Guidelines.

(e) All public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, which shall be deemed approved at the time of adoption of the redevelopment plan by the legislative body. The EIR in connection with the redevelopment plan shall be submitted in accordance with Section 33352 of the Health and Safety Code.

(f) All of the above is subject to modification according to the regulations governing the lead agency principle, that not more than one EIR shall be prepared in connection with the same underlying activity.

15062. Private Projects. Projects undertaken by a person other than a public agency which are supported in whole or part through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or which involve the issuance to a person of a lease, permit, license, certificate, or other entitlement to use by one or more public agencies require the preparation of an environmental impact report if the project may have a significant effect on the environment and the project involves discretionary governmental action unless the project is otherwise exempted by these Guidelines. The
public agency with discretionary control over the project shall be responsible for preparing the environmental impact report.


(a) In regard to any proposed federal project in this state which may have a significant effect on the environment and on which the state officially comments, the state officials responsible for such comments shall include in their comments an EIR setting forth the matters specified in Section 15143 of these Guidelines.

(b) In cases where these Guidelines require the preparation of an EIR by a responsible agency and an EIS has been or will be prepared for the same project pursuant to the requirements of the National Environmental Policy Act of 1969 and implementing regulations thereto, all or any part of such statement may be submitted in lieu of all or any part of an EIR required by these Guidelines, provided that the EIS or the part thereof so used, shall comply with the requirements of these Guidelines. In most cases where the federal EIS is used, discussion of mitigation measures and growth inducing impact will have to be added because these elements are required by CEQA but not by the National Environmental Policy Act.

15064. Lead Agency Principle. Where a project is to be carried out or approved by more than one public agency, only one EIR or Negative Declaration shall be made, and it will be prepared by the Lead Agency. For the purposes of these Guidelines, only one EIR or Negative Declaration shall be made by the Lead Agency for an ongoing activity even where the activity involves, at different stages, more than one definition of a project as defined in Section 15037(a).
15065. Designation of Lead Agency. Where two or more public agencies are involved with a project, which agency shall be the Lead Agency shall be determined by the following principles:

(a) The Lead Agency shall be the public agency which proposes to carry out the project.

(b) If the project is to be carried out by a nongovernmental person, the Lead Agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole. The Lead Agency will generally be the agency with general governmental powers rather than an agency with a single or limited purpose which is involved by reason of the need to provide a public service or public utility to the project; in such cases, the single or limited purpose agency will, upon request, provide data concerning all aspects of its activities required to furnish service to the project to the agency drafting the EIR, and no separate EIR will be required in regard to such activities.

(c) Where more than one public agency equally meet the criteria set forth in paragraph b above, the agency which is to act first on the project in question shall be the Lead
Agency (following the principle that the environmental impact should be assessed as early as possible in governmental planning).

(d) In the event that the designation of a Lead Agency is in dispute among public agencies, any public agency may submit the question to the Office of Planning and Research which shall designate the Lead Agency based on consideration of the above priorities, along with consideration of the capacity of such agency to adequately fulfill the requirements of the CEQA.

15066. Obligations of a Lead Agency.

(a) In these Guidelines, wherever reference is made to the responsible agency for a project, this shall be the Lead Agency when more than one public agency is involved in undertaking or approving the project. The Lead Agency shall meet all obligations for which the responsible agency is responsible, including the determination of whether the project will or will not have a significant effect on the environment.

(b) The Lead Agency shall prepare or cause to be prepared the EIR or Negative Declaration after consultation with all other public agencies which must approve the project in question or a part of the project. To insure that the EIR or Negative Declaration reflects the concerns of all the public agencies involved, the Lead Agency should consult with public agencies which will issue approvals for the project. This consultation shall be done at an early stage of the development of the EIR.

(c) A Lead Agency shall include in its Notice of Completion a statement to the effect that it is a Lead Agency.

(d) The EIR prepared by the Lead Agency shall be considered by every public agency prior to its approval or disapproval of the project.
15067. **Subsequent EIR.** Where an EIR has been prepared, no additional EIR need be prepared unless:

(a) Substantial changes are proposed in the project which will require major revisions of the EIR, due to the involvement of new environmental impacts not considered in the original EIR;

(b) There are substantial changes with respect to the circumstances under which the project is to be undertaken, such as a change in the proposed location of the project, which will require major revisions in the EIR due to the involvement of new environmental impacts not covered in the original EIR.

15068. **Use of a Single EIR.** A responsible agency may employ a single EIR to describe more than one project, if such projects are essentially the same in terms of environmental impact. Further, a responsible agency may use an earlier EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. Agencies may elect to write EIRs in advance for entire programs or regulations, in order to be prepared for project applications to come. Whenever an agency chooses to utilize any of these alternatives, however, it must find that the environmental effects of the projects are similar enough to warrant the same treatment in an EIR and that the EIR will adequately cover the impacts of any single project. If these tests are not met, an agency should amend the EIR it prepares for a program to apply it to an individual project with unusual characteristics.

15069. **Multiple and Phased Projects.**

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 responsible agency or Lead Agency must prepare a single EIR for the ultimate project. Where an individual project is a necessary precedent for action on a larger project, or commits the Responsible Agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project, subject to the limitation of Section 15066 of these Guidelines. 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 should in either case comment upon the combined effect.
project and from imposing reasonable fees on the appropriate private person or entity for preparing an environmental report. Local agencies may require environmental reports for projects covered by this paragraph pursuant to local ordinances during this interim period.

(e) Where a project involving the issuance of a lease, permit, license, certificate, or other entitlement to use has been granted a discretionary governmental approval for part of the project before April 5, 1973, and requires another or additional discretionary governmental approvals after April 5, 1973, the project shall require the preparation of an EIR only if the approval or approvals after April 5, 1973, involve a greater degree of responsibility and control over the project as a whole.

15071. Emergency Projects. The following emergency projects are exempt from the requirement for an environmental impact report:

(a) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1, Title 2 of the Government Code.

(b) Emergency repairs to public service facilities necessary to maintain service.

(c) Projects undertaken as immediate action necessary to prevent or mitigate an emergency.

15072. Feasibility and Planning Studies. 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 environmental impact report but does require consideration of environmental factors as required by Section 21102 of CEQA.

15073. Ministerial Projects. Ministerial projects do not require the preparation of environmental impact reports. The determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and it is anticipated that each public agency will make such determination either as a part of its implementing
15083. **Negative Declaration.** A Negative Declaration shall be prepared for a project which would ordinarily be expected to have a significant effect on the environment, but which the Public Agency finds will have no significant effect on the environment due to circumstances peculiar to the specific project.

(a) A Negative Declaration must include a description of the project as proposed, and a finding that the project will not have a significant effect on the environment.

(b) The Negative Declaration followed by notice of the action taken regarding the approval or disapproval of the project must be filed with the Secretary for Resources, if the responsible agency is a state agency, board or commission. If the responsible agency is a local agency, as defined in these Guidelines, these documents shall be filed with the county clerk of the county, or counties, in which the project will be located. The Negative Declaration shall be filed with sufficient time before the project is approved to provide an opportunity for members of the public to respond to the finding. The Negative Declaration should not exceed one page in length.

(c) After completing a Negative Declaration, the responsible agency shall file a copy of the Negative Declaration and a Notice of Determination. The Notice of Determination shall include the decision of the agency to approve or disapprove the project, the determination of the agency whether the project will have a significant effect on the environment, and whether an EIR has been prepared pursuant to the provisions of CEQA.

(1) If the responsible agency is a state agency, the Notice of Determination shall be filed with the Secretary of Resources.

(2) If the responsible agency is a local agency, the Notice of Determination shall be filed with the county clerk of the county or counties in which the project will be located.

15084. **Decision to Prepare an EIR.** If the responsible agency finds, after an initial study, that the project may have a significant effect on the environment, the responsible agency must prepare or cause to be prepared an Environmental Impact Report.

15085. **EIR Process.** The following steps shall be followed after the responsible agency decides to prepare an EIR.
(a) If the project is to be carried out by a nongovernmental person, the responsible agency may require such person to submit data and information necessary to enable the public agency to prepare the EIR. This information may be transmitted in the form of a draft EIR, but the responsible agency must examine this draft and the information contained within it to assure itself of its accuracy and objectivity and amend the draft if necessary. The EIR in its final form must reflect the independent judgment of the responsible agency.

(b) The content of an EIR is described in article 9 of these Guidelines. Each element of an EIR required by these Guidelines must be covered, and these elements should be separated into distinct sections. After completing a draft EIR consisting of the information specified in Sections 15141, 15142, and 15143 of these Guidelines, the responsible agency must consult with, and obtain the comments of, any public agency which has jurisdiction by law with respect to the project and may consult with any person who has special expertise with respect to any environmental impact involved. Opportunity for comments from the general public should be provided.

(c) As soon as the draft EIR is completed, but before copies are sent out for review, an official notice stating that the draft EIR has been completed must be filed with the Secretary of the Resources Agency. The notice shall include a brief description of the project, its proposed location, and an address where copies of the EIR are available. This notice shall be referred to as a Notice of Completion. A form for this notice is provided in the Appendices.

(d) The responsible agency shall evaluate comments received from persons who reviewed the draft EIR.

(e) The responsible agency shall prepare a final EIR. The contents of a final EIR are specified in Section 15146 of these Guidelines.
(f) The final EIR shall be presented to the decision-making body of the responsible agency. The decision-making body shall adopt the final EIR and consider the contents of the report when it makes a decision on the project.

(g) After making a decision on the project, the responsible agency shall file a notice of action taken on the project. This notice shall be referred to as a Notice of Determination. Such notice shall include (1) the decision of the agency to approve or disapprove the project, (2) the determination of the agency whether the project will or will not have a significant effect on the environment, and (3) whether an EIR has been prepared pursuant to the provisions of CEQA.

(1) If the responsible agency is a state agency, the Notice of Determination shall be filed with the Secretary for Resources.

(2) If the responsible agency is a local agency, the Notice of Determination shall be filed with the county clerk of the county or counties in which the project would be located.

(h) If the responsible agency is a state agency, a copy of the final EIR shall be filed with the appropriate planning agency of any city, county, or city and county which will be affected by the project.

15086. EIR Combined with Existing Planning and Review Process. To the extent possible, the EIR process should be combined with the existing planning, review, and project approval process being used by the responsible agency. The responsible agency shall include the EIR as a part of the regular project report where such a report is used in the existing review and budgetary process.
ARTICLE 8. Categorical Exemptions

15100. Categorical Exemptions. Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of the Environmental Quality Act of 1970.

In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment and they are declared to be categorically exempt from the requirement for the preparation of an EIR.

15101. Class 1: Existing Facilities. 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 convey or distribute electric power, natural gas, sewage, etc.;

(c) Existing highways and streets (within already established rights-of-way) sidewalks, gutters, bicycle and pedestrian trails, and similar facilities;

(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 earthquake, landslide or flood;

(e) Additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition or alteration, or 2500 square feet, whichever is less;

(f) Addition of safety or health protection devices for use during construction or in conjunction
with existing structures, facilities or mechanical equipment, or topographical features (including navigational devices) where these devices do not have or result in an adverse environmental impact;

(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 rental units into condominiums.

(l) Demolition and removal of buildings and related structures except where they are of historical, archaeological or architectural consequence as officially designated by Federal, State or local governmental action.

15102. Class 2: Replacement or Reconstruction. 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%.

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

15103. Class 3: New Construction of Small Structures. Class 3 consists of construction and location of single, new facilities or structures listed in this notice and installation of new equipment and facilities including but not limited to:

(a) Single family residences not in conjunction with the building of two or more such units.

(b) Motels, apartments, and duplexes designed for not more than four dwelling units if not in conjunction with the building of two or more such structures.
(c) Stores, offices, and restaurants if designed for an occupant load of 20 persons or less, if not in conjunction with the building of two or more such structures.

(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.

15104. Class 4: Minor Alterations to Land. Class 4 consists of minor public or private alterations in the condition of land, water and/or vegetation, including but not limited to:

(a) Grading on land with a slope of less than 10 percent, except where it is to be located in a waterway, in any wetland, in an officially designated (by Federal, State or local governmental action) scenic area, or in officially mapped areas of severe geologic hazard.

(b) New gardening or landscaping but not including tree removal.

(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 uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.
15115. Revisions To List of Categorical Exemptions.

(a) Any public agency may, at any time, request that a new class of Categorical Exemptions be added, or an existing one deleted. This request must be made in writing to the Office of Planning and Research. If a new class is to be added, it will be referred to, pending adoption, as a Proposed Class for Categorical Exemption, and shall include detailed information about the type of projects involved. The Proposed Class for Categorical Exemption must also give detailed information supporting the contention that the type of projects in question do not significantly affect the environment. Where the projects may potentially be carried out in substantially differing environments, specific mention should be made as to the type of environment in which the exemption may be applied, or not applied.

(b) If the request is to delete an existing class of Categorical Exemptions, detailed information must be included to support the contention that the type of projects does significantly affect the environment. The request may, instead of proposing full deletion, only propose limitation on the applicability of the class of Categorical Exemption to certain environments, or out of certain environments.

(c) The Office of Planning and Research will consider the request, and deliver the request as soon as possible, with a recommendation supporting or opposing the request, to the Secretary for Resources, who shall make the final determination on accepting or rejecting the proposal. Adoption of the revision will require an amendment to these guidelines. Amendments must be made in accord with the Administrative Procedure Act, including provisions for notice and public comment.

15116. Application by Public Agencies. The classes listed in this article are broadly drawn, as are the examples given with each. Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each class, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes.
ARTICLE 9. Contents of Environmental Impact Reports

15140. General.

Environmental impact reports shall contain the information outlined in this article.

15141. Description of Project.

The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

(a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.

(b) A statement of the objectives sought by the proposed project.

(c) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals.

15142. Description of Environmental Setting.

An EIR must include a description of the environment in the vicinity of the project, as it exists before commencement of the project, from both a local and regional perspective.

Knowledge of the regional setting is critical to the assessment of environmental impacts.

Special emphasis should be placed on environmental resources that are rare or unique to that region.

Specific reference to related projects, both public and private, both existent and planned, in the region should also be included, for purposes of examining the possible cumulative impact of such projects.

15143. Environmental Impact.

All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development and operation. The following subjects shall be discussed, preferably in separate sections or paragraphs.

(a) The Environmental Impact of the Proposed Action:

Describe the direct and indirect impacts of the project on the environment, giving due consideration to both the short-term and long-term effects.

It should include specifics of the area, the resources involved, physical changes, alterations to ecological systems and changes induced in population distribution, population concentration, the human use of the land (including commercial and
residential development) and other aspects of the resource base such as water, scenic quality and public services.

(b) Any Adverse Environmental Effects Which Cannot Be Avoided if the Proposal is Implemented:
Describe any adverse impacts, including those which can be reduced to an insignificant level but not eliminated. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described. Do not neglect impacts on any aesthetically valuable surroundings, or on human health.

(c) Mitigation Measures Proposed to Minimize the Impact:
Describe any mitigation measures written into the project plan to reduce significant environmentally adverse impacts to insignificant levels, and the basis for considering these levels acceptable. Where a particular mitigation measure has been chosen from among several alternatives should be discussed and reasons should be given for the choice made.

(d) Alternatives to the Proposed Action:
Describe any known alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, and why they were rejected in favor of the ultimate choice. The specific alternative of "no project" must also always be evaluated, along with the impact. Attention should be paid to alternatives capable of substantially reducing or eliminating any environmentally adverse impacts, even if these alternatives substantially impede the attainment of the project objectives, and are more costly.

(e) The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity:
Describe the cumulative and long-term effects of the proposed project which adversely affect the state of the environment. Special attention should be given to impacts which narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. In addition, the reasons why the proposed project is believed by the sponsor to be justified now, rather than reserving an option for further alternatives, should be explained.
(f) Any Irreversible Environmental Changes Which Would Be Involved in the Proposed Action Should It Be Implemented:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a nonaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

(g) The Growth-Inducing Impact of the Proposed Action:

Discuss the ways in which the proposed project could foster economic or population growth, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may further tax existing community service facilities so consideration must be given to this impact. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

15144. Organizations and Persons Consulted

The identity of all federal, state or local agencies, other organizations and private individuals consulted in preparing the EIR, and the identity of the persons, firm or agency preparing the EIR, by contract or other authorization must be given.
15145. Water Quality Aspects.

With respect to water quality aspects of the proposed project which have been previously certified by the appropriate state or interstate organization as being in substantial compliance with applicable water quality standards, reference to the certification should be made.


(a) The Final EIR shall consist of the Draft EIR containing the elements described in Sections 15141, 15142, and 15143 of these Guidelines, a section containing the comments received through the consultation process described in Article 10, either verbatim or in summary, and the response of the Responsible Agency to the significant environmental points raised in the review and consultation process.

(b) The response of the Responsible Agency to comments received may take the form of a revision of the Draft EIR or may be an attachment to the Draft EIR. The 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 issues raised when the Responsible Agency's position 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, and factors of overriding importance warranting an override of the suggestions.
ARTICLE 10. Evaluation of Environmental Impact Reports

15160. Adequate Time for Review and Comment.

The Responsible Agency (should) provide adequate time for other public agencies and members of the public to review and comment on an EIR that it has prepared.

(a) These Guidelines do not provide a fixed period of time for this review and consultation process in order to allow variations according to local needs. Public Agencies may establish time periods for review in their implementing procedures and shall notify reviewing agencies of the time periods.

(b) In setting time periods for review, public agencies shall give consideration to their obligation to obtain comments from public agencies having jurisdiction by law with respect to the project and to the policy favoring public participation.

(c) While state and local agencies are not bound by federal guidelines for implementing the National Environmental Policy Act, the time limits in the federal guidelines provide an example that may be followed in some situations. The federal guidelines require at least 90 days for the review of a draft EIR and another 30 days for the review of a final EIR. Review periods of this length may be desirable for some large, public projects, but shorter periods may be provided where the shorter period will still allow adequate review.

(d) A review period for an EIR does not require a halt in other planning activities related to a project. Planning should continue in conjunction with environmental evaluation.
15161. Review of Environmental Impact Reports

(a) Public agencies must develop procedures to ensure that project sponsors obtain and receive adequate comments on their EIRs from public agencies which have jurisdiction by law with respect to the project. Such procedures should include provisions for consultation with persons who have special expertise in environmental matters. It is suggested that public agencies utilize existing state, and regional or local clearinghouses to distribute EIR's and other environmental documents to appropriate agencies.

(b) Cities and counties should compile listings of other agencies, particularly local agencies, which have legal jurisdiction and/or special expertise with respect to various projects and project locations. Appendix B to these Guidelines identifies state agencies which have legal jurisdiction over, or special expertise in, various impacts. This could be the basis for a part of such listings.

(c) Reviewers should focus on the sufficiency of the EIR in discussing possible impacts upon the environment, ways in which adverse effects might be minimized, and alternatives to the project, in light of the intent of the act to provide decision-makers with useful information about such factors.

(d) Upon completion of reviewing an EIR, it is suggested that reviewing agencies supply the project sponsor with the name of a contact person who is available for later consultation should this prove necessary.

15162. Failure to Comment.

If any public agency or person who is consulted with regard to an EIR fails to comment within a reasonable time as specified by the Responsible Agency, it shall be assumed, absent a request for a specific extension of time, that such agency or person has no comment to make.

15163. Requests for Environmental Documents

The Responsible Agency, after preparing an EIR or other environmental document described in these Guidelines, is responsible for making such documents available to the public for inspection. Members of the general public requesting copies of the EIR may be charged for the actual cost of reproducing that copy.
15166. Retention and Availability of Comments.

Comments received through the consultation process shall be kept on file for a reasonable period and available for public inspection at an address given in the Final EIR. Comments which may be received independently of the review of the Draft EIR shall also be considered and kept on file.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>SUBJECT</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Purpose</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Policy</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>Definitions</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>General Responsibilities</td>
<td>7</td>
</tr>
<tr>
<td>6</td>
<td>Application of the Act to Projects</td>
<td>8</td>
</tr>
<tr>
<td>7</td>
<td>Evaluating Projects</td>
<td>16</td>
</tr>
<tr>
<td>8</td>
<td>Categorical Exemptions</td>
<td>22</td>
</tr>
<tr>
<td>9</td>
<td>Contents of EIR's</td>
<td>28</td>
</tr>
<tr>
<td>10</td>
<td>Evaluation of EIR's</td>
<td>32</td>
</tr>
</tbody>
</table>

## APPENDICES

<table>
<thead>
<tr>
<th>APPENDICES</th>
<th>SUBJECT</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Environmental Impact Report Process</td>
<td>A-1</td>
</tr>
<tr>
<td></td>
<td>Flow Chart</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Statutory Authority of State Departments</td>
<td>B-1</td>
</tr>
<tr>
<td>C</td>
<td>Notice of Completion Form</td>
<td>C-1</td>
</tr>
</tbody>
</table>
GUIDELINES FOR IMPLEMENTATION OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

STATE OF CALIFORNIA
OFFICE OF THE SECRETARY FOR RESOURCES
1416 NINTH STREET, SUITE 1311
SACRAMENTO  95814
APPENDIX B FOOTNOTES

1. Agricultural - (1) Air quality and air pollution control
   Effects on plants and animals

2. Agriculture - (12) Human Ecology
   Protection of food and fibre

3. Agriculture - (24) Sanitation and waste systems
   Agricultural, dairy and feed lot systems

4. Agriculture - (28) Transportation and handling of hazardous materials
   As pertains to transportation, handling, storage and decontamination of pesticides.

5. Agriculture - (30) Fish and wildlife
   Pesticide effects, predatory animal control, bird control

6. CHP - (1) Air quality and air pollution control
   Enforcement of motor vehicle regulations

7. Public Health - (3) Coastal areas, wetlands, etc.
   Beach sanitation, water pollution, solid waste and mosquito control

8. Public Health - (4) Congestion in urban areas, housing and building displacement
   Pertains to health component

9. Public Health - (7) Environmental effects with special impact in low-income neighborhoods
   Most of these are strongly related to health

10. Public Health - (16) Navigable airways
    Pertains to noise

11. Public Health - (22) Regional comprehensive planning
    Pertains to personal and environmental health components

    As it may pertain to human health hazards
13. **Public Health** - (31) Activities with special impact on regional jurisdictions 
   Pertains to comprehensive health planning

14. **Colorado River Board** - (2), (3), (5), (6), (8), (10), (13), (17), (19), 
    (21), (22), (24), (26), (27), (29), (30), (31), (32) and (33). 
   As pertains to the Colorado, New and Alamo Rivers

15. **Fish and Game** - (15) Natural gas energy development, generation and supply 
   As field development and distribution systems may affect fish and wildlife

16. **Fish and Game** - (16) Navigable airways 
   As may affect migrating and resident wildlife

17. **Fish and Game** - (18) Noise control and abatement 
   As excessive noise may affect wildlife

18. **Fish and Game** - (24) Sanitation and waste systems 
   As water quality may affect fish and wildlife

19. **Parks and Recreation** - (7) Environmental effects with special impact in 
    low-income neighborhoods
    In impacted areas only

20. **Reclamation Board** - (8), (17) and (32) 
    In areas of Board's jurisdiction only

21. **State Water Resources Control Board** - (4), (30), (33) and (34) 
    As may pertain to water quality

22. **Conservation** - (5), (10), (20) and (23) 
    With respect to forest land

23. **Conservation** - (6) and (32) 
    As related to fire protection or State (fire protection) responsibility land

24. **Air Resources Board** - (4), (22), (32), (33) and (36) 
    As may pertain to residential, commercial, industrial or transportation growth
State of California
The Resources Agency
SECRETARY FOR RESOURCES
1416 Ninth Street, Room 1311
Sacramento, California 95814

NOTICE OF COMPLETION

<table>
<thead>
<tr>
<th>Responsible Agency</th>
<th>Division</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>City</th>
<th>County</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Person</th>
<th>Area Code</th>
<th>Phone</th>
<th>Ext</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROJECT DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Location City</th>
<th>Project Location County</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time Period Provided For Review</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address Where Copy of Draft EIR is Available</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
### Appendix B

#### Statutory Authority of State Departments in Areas of Environmental Concern

<table>
<thead>
<tr>
<th>Agency</th>
<th>Statutory Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture and Resource Agency</td>
<td>- An agency and air pollution control</td>
</tr>
<tr>
<td>- Chemical contamination and food products</td>
<td></td>
</tr>
<tr>
<td>- Coastal areas, wetlands, estuaries, waterfowl refuges, and beaches</td>
<td></td>
</tr>
<tr>
<td>- Competition in urban areas, housing and building displacement</td>
<td></td>
</tr>
<tr>
<td>- Disease control</td>
<td></td>
</tr>
<tr>
<td>- Electric energy generation and supply</td>
<td></td>
</tr>
<tr>
<td>- Environmental effects with special impact in low-income neighborhoods</td>
<td></td>
</tr>
<tr>
<td>- Flood plains and watersheds</td>
<td></td>
</tr>
<tr>
<td>- Food additives and food sanitation</td>
<td></td>
</tr>
<tr>
<td>- Herbicides</td>
<td></td>
</tr>
<tr>
<td>- Historic and Archaeological sites</td>
<td></td>
</tr>
<tr>
<td>- Human ecology</td>
<td></td>
</tr>
<tr>
<td>- Microbiological contamination</td>
<td></td>
</tr>
<tr>
<td>- Mineral land reclamation</td>
<td></td>
</tr>
<tr>
<td>- Natural gas energy development generation and supply</td>
<td></td>
</tr>
<tr>
<td>- Navigable airways</td>
<td></td>
</tr>
<tr>
<td>- Navigable waterways</td>
<td></td>
</tr>
<tr>
<td>- Noise control and abatement</td>
<td></td>
</tr>
<tr>
<td>- Parks, forests, trees and outdoor recreation areas</td>
<td></td>
</tr>
<tr>
<td>- Pesticides</td>
<td></td>
</tr>
<tr>
<td>- Radiation and radiological health</td>
<td></td>
</tr>
<tr>
<td>- Regional comprehensive planning</td>
<td></td>
</tr>
<tr>
<td>- Rodent control</td>
<td></td>
</tr>
<tr>
<td>- Sanitation and waste systems</td>
<td></td>
</tr>
<tr>
<td>- Shellfish sanitation</td>
<td></td>
</tr>
<tr>
<td>- Soil and plant life, sedimentation erosion and hydrologic conditions</td>
<td></td>
</tr>
<tr>
<td>- Toxic materials</td>
<td></td>
</tr>
<tr>
<td>- Transportation and handling of hazardous materials</td>
<td></td>
</tr>
<tr>
<td>- Water quality and water pollution control</td>
<td></td>
</tr>
<tr>
<td>- Fish and wildlife</td>
<td></td>
</tr>
<tr>
<td>- Activities with special impact on regional jurisdictions</td>
<td></td>
</tr>
<tr>
<td>- Water project formulation</td>
<td></td>
</tr>
<tr>
<td>- Geothermal energy</td>
<td></td>
</tr>
<tr>
<td>- Oil and petroleum development, generation and supply</td>
<td></td>
</tr>
<tr>
<td>- Statewide land use patterns</td>
<td></td>
</tr>
<tr>
<td>- Open space policy</td>
<td></td>
</tr>
<tr>
<td>- Statewide overview - cumulative impact of separate projects</td>
<td></td>
</tr>
</tbody>
</table>

---

B-1
APPENDICES

Appendix A  Flow Chart
Appendix B  Statutory Authority of State Departments
Appendix C  Notice of Completion Form