



## **Board Policy No. 525**

### **Environmental Evaluations of Transit District Projects**

**ADOPTED:** 7/12/1989

**RECENT AMENDMENT:** 8/2019

**SEE ALSO:** 110, 544

**SUBJECT CATEGORY:** SECTION 500, PLANNING AND SERVICE DEVELOPMENT

**SUBSECTION:** ENVIRONMENTAL REVIEW

**CONTROL DEPARTMENT:** GENERAL COUNSEL'S OFFICE

#### **I. PURPOSE**

The Board of Directors hereby adopts these procedures and guidelines for the environmental evaluation of projects which it may undertake. These procedures augment the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 et seq. and the Regulations of the California Natural Resources Agency Establishing Guidelines for Implementation of the California Environmental Quality Act (Division 6, Title 14, California Code of Regulations [CCR]). The objective of these procedures and guidelines is to provide the District with a means of orderly compliance with the requirements of CEQA, thereby furthering the protection of environmental quality in California.

The Board shall review and consider all final Environmental Impact Reports, Mitigated Negative Declarations, and Negative Declarations prior to approving any project not exempt from the requirements of the California Environmental Quality Act, and shall make such findings as are required by law (Public Resources Code Sections 21000 et seq.; 14 CCR, Sections 15000 et seq).

#### **II. PERSONS AFFECTED**

Capital Projects, Planning and Engineering

#### **III. DEFINITIONS**

**“Statutory Exemptions”** are projects that the California Legislature has provided a blanket exemption from CEQA procedures and policies.

**“Categorical Exemptions”** are projects that the Secretary of the Resources Agency for the State of California has determined do not have a significant impact on the environment and are therefore exempt from CEQA procedures and policies. Unlike Statutory Exemptions, Categorical Exemptions are not blanket exemptions and circumstances of the project may call for environmental review despite the presence of a categorical exemption.

#### **IV. POLICY**

##### **A. Administrative Responsibilities**

The General Manager, and staff designated by the General Manager, shall be responsible for ensuring District compliance with the requirements of CEQA and the Guidelines of the Natural Resources Agency, (referred to here as the state CEQA Guidelines, 14 CCR, Sections 15000 et seq.). They shall be responsible for the following functions, which are set forth in detail in the District CEQA Guidelines (Section IV of this Policy):

1. Identification of Projects Which are Exempt From CEQA, Including:

- a. A determination that there is no possibility that the project may have a significant effect on the environment.
- b. A determination that the project is exempt as a ministerial project, including, but not limited to certain projects undertaken in compliance with laws relating to persons with disabilities, and certain transfers of property initiated by voter petition (District CEQA Guidelines 3.1).
- c. A determination that the project is within one of the following classes, further detailed in the District Environmental Quality Handbook, and is therefore categorically exempt (District CEQA Guidelines 3.6)
  - i. Existing facility modification.
  - ii. Replacement or reconstruction of existing structures and facilities on the same site.
  - iii. New projects and equipment construction or conversion of small structures.
  - iv. Minor alterations to land.
  - v. Minor alterations in land use limitations.
  - vi. Information collection
  - vii. Actions by regulatory agencies for protection of natural resources.
  - viii. Actions by regulatory agencies for protection of the environment.
  - ix. Inspections.
  - x. Loans.
  - xi. Construction or placement of minor accessory structures.
  - xii. Surplus government property sales.
  - xiii. Acquisition of land for wildlife conservation purposes.
  - xiv. Minor additions to schools.
  - xv. Minor land divisions.
  - xvi. Transfer of ownership of land in order to create parks.
  - xvii. Open space contracts or easements.
  - xviii. Designation of wilderness areas.
  - xix. Annexation of existing facilities and lots for exempt facilities.
  - xx. Changes in organization of local agencies.
  - xxi. Enforcement actions by regulatory agencies.
  - xxii. Educational or training programs involving no physical changes.
  - xxiii. Normal operations of facilities for public gatherings.

- xxiv. Regulations of working conditions.
- xxv. Transfers of ownership of interest in land to preserve existing natural conditions and historical resources.
- xxvi. Acquisition of housing for housing assistance programs.
- xxvii. Sale of surplus government property.
- xxviii. Leasing new facilities.
- xxix. Small hydroelectric projects at existing facilities.
- xxx. Cogeneration projects at existing facilities.
- xxxi. Minor actions to prevent, minimize, stabilize, mitigate or eliminate the release or threat of release of hazardous waste or hazardous substances.
- xxxii. Historical Resource Restoration/Rehabilitation
- xxxiii. In-fill development projects.

2. Performance of Initial Studies

3. Preparation of Negative Declarations and Mitigated Negative Declarations

4. Preparation of Environmental Impact Reports

5. Consultation with Appropriate Agencies and Persons

6. Receiving, Evaluating and Responding to Public Comments on Environmental Documents

7. Filing All Necessary Documents and Notices

**B. Implementation Procedures**

These procedures are designed to be used with the Guidelines contained in Section IV of this Policy. All references in these procedures, unless otherwise noted, are to the Guidelines in Section IV.

1. Determination of District Responsibility for Compliance with CEQA:

- a. If a preliminary review indicates that CEQA applies to a proposed project, the General Manager or his or her designee shall determine whether the District should act as the Lead Agency or as a Responsible Agency (Guidelines 2.1, 2.2.). This preliminary review should take place early in the project planning process to allow for timely CEQA documentation and public noticing.
- b. If the District is to be the Lead Agency, these procedures and guidelines shall be followed. If the District is determined to be a Responsible Agency, it shall assist the Lead Agency as required by law (Guidelines 2.2.).

- c. Unless the District is the Lead Agency, it is not responsible for the preparation of environmental documents under these procedures.
- d. In the case where an agreement with a private entity is contemplated, the Board may direct the General Manager to include in the terms of the agreement any conditions relating to the protection of environmental quality that the Board may deem appropriate.

## 2. Exemptions

- a. As part of the preliminary review, the General Manager or his or her designee shall determine whether the proposed project is exempt from CEQA (Guidelines 3.1-3.4).
- b. If the proposed activity is ministerial in nature (Guidelines 3.1), or is undertaken due to an emergency (Guidelines 3.2), or falls within a categorical or statutory exemption or there is no possibility that the activity in question may have a significant effect on the environment (Guidelines 3.4), the General Manager or his or her designee, upon approval of the project by the Board, shall file a Notice of Exemption (Guidelines 3.5; Form 1) with the Alameda and Contra Costa County clerks and the county clerk of any other county affected by the project.

## 3. Initial Study

- a. If a proposed project is determined to be subject to the requirements of CEQA, does not fall under any exemption, and the District is the sole participating agency or the Lead Agency (Guidelines 2.1, 2.2, 2.3), the General Manager or his or her designee shall conduct an initial study to determine whether the project may have a significant effect on the environment (Guidelines 4.1, 4.2, 4.3, 4.5; Form 2).
- b. If one or more other public agencies will be involved in undertaking or approving the project, the General Manager or his or her designee shall consult with these agencies prior to determining whether a negative declaration, mitigated negative declaration or an environmental impact report is required for the proposed project (14 CCR, Section 15086).
- c. If a proposed project is to be carried out by a private person or organization, the General Manager or his or her designee may require that person or organization to submit an Environmental Information Form to assist the General Manager or his or her designee in preparing the Initial Study (Guidelines 4.4; Form 2). Persons or organizations requested to submit an Environmental Information Form shall have no more than thirty (30) days to submit the information. The period of time may be shorter, but shall not exceed thirty (30) days.

- d. If an Environmental Information Form has been required, the General Manager or his or her designee shall complete the initial study within fifteen (15) days from receipt of a complete Environmental Information Form. The period of time may be extended if the General Manager or his or her designee determines that the potential impacts arising from the proposed project requires additional time to complete the Initial Study. The required time extension will be communicated in writing within 15 days from receipt of the complete Environmental Information Form.
4. Negative Declaration or Mitigated Negative Declaration
- a. If the initial study shows that a proposed project will have no significant effect on the environment, a determination to that effect is made. Then, the General Manager or his or her designee shall prepare a Negative Declaration to be circulated for public review prior to Board consideration of the project (Guidelines 5.1).
  - b. If the initial study identifies potentially significant effects on the environment, a determination to that effect is made. The General Manager or his or her designee may recommend such modifications of the proposed project as are necessary to mitigate such effects. If the project is modified in such a way as to mitigate potentially significant effects on the environment to less than significant levels, the General Manager or his or her designee shall prepare a Mitigated Negative Declaration describing the potential effects and the proposed mitigation measures (Guidelines 5.1). (Note: hereafter in this Policy, references to negative declarations include mitigated negative declarations; i.e., the processes and procedures set forth hereafter are the same for both types of negative declarations, those with mitigation measures and those without.)
  - c. Notice of the public hearing to consider adoption of a Negative Declaration shall be given in the manner prescribed in the Guidelines, at least ten (10) days prior to a hearing by the Board. The General Manager or his or her designee shall make copies of the Negative Declaration and supporting documents available to the public for review (Guidelines 5.3).
  - d. At any duly noticed meeting, held more than thirty (30) days after the notice that the District intends to adopt a Negative Declaration is posted, the Board may conduct a hearing on the proposed Negative Declaration. Both oral and written comments on the Negative Declaration shall be considered at the hearing.
  - e. At the conclusion of the hearing, or any continuance thereof, or at its next regular meeting, the Board may adopt the Negative Declaration or direct the General Manager or his or her designee to prepare an Environmental Impact Report.
  - f. If the Negative Declaration is adopted and if the project is approved, the Office of the General Counsel shall file a Notice of Determination with the County Clerk of the

Counties of Alameda and Contra Costa and any other county with resources affected by the project (Guidelines 5.6, 5.7).

5. Environmental Impact Report

- a. If the General Manager or his or her designee or the Board determines that a project or activity, not otherwise exempted by law, will have a significant effect on the environment, the project or activity shall not be authorized or undertaken until an Environmental Impact Report has been prepared and certified by the Board.
- b. Immediately after deciding that an environmental impact report is required for the proposed project, the District shall send (by certified mail) a Notice of Preparation to the Office of Planning and Research, to each Responsible Trustee agency, if any, and to each federal agency involved in approving or funding the project (Guidelines 6.1; [Form 4](#)). This Notice will state that an environmental impact report will be prepared and include other project, site and regulatory information as required by the state CEQA Guidelines.
- c. Within one hundred and twenty (120) days of completion of the Initial Study or determination of potential environmental impact, or as soon as practical for more complex projects, a Draft EIR shall be prepared by District staff, outside consultants or both. It shall be an objective and accurate analysis of the environmental consequences of the intended action and shall contain all of the data required by law (Guidelines 6.2.).
- d. Upon completion of the Draft EIR, District staff shall file a Notice of Completion with the Office of Planning and Research and shall prepare and circulate a Notice of Availability of a Draft EIR to the public, including all organizations and individuals who have previously requested such notice in writing, and Responsible, Trustee and other interested agencies as required by the state CEQA Guidelines (14 CCR, sections 15085-15087).
- e. The District shall consult with and request comments on the draft EIR from all Responsible Agencies, Trustee Agencies with resources affected by the project and any other state, federal, and local agencies which have jurisdiction by law over the project or other agencies as required by 14 CCR, Section 15086. Any comments elicited through this process shall be appended to the Draft EIR (Guidelines 6.4).
- f. A public hearing shall be conducted on the Draft EIR. Notice to the public of the completion of the Draft EIR shall be given as prescribed in these Guidelines, at least thirty (30) days before the hearing, and copies of the Draft EIR and supporting documents shall be made available to the public (Guidelines 6.6; [Form 5](#)).

- g. At the hearing, members of the public shall be afforded an opportunity to express their opinions concerning the contents or adequacy of the Draft EIR, either orally or in writing.
- h. The essence of statements regarding the Draft EIR shall be recorded in the minutes of the hearing and included in the Final EIR along with written comments on the Draft EIR received during the public comment period and responses to those comments as described in the Guidelines.
- i. The Final EIR shall be considered by the District before approving or approving with conditions, the project. The Board shall make a statement of findings where required by law to do so. (Guidelines 6.10.)
- j. If a project is approved which would result in significant and unavoidable effects on the environment identified in the EIR, a statement of overriding considerations must be adopted by the Board as part of the required CEQA Findings. (Guidelines 6.11.)
- k. Thereafter, a Notice of Determination shall be filed with the County Clerk of the Counties of Alameda and Contra Costa and the county clerk of any other county affected by the project. (Guidelines 6.12; Form 3).

## **V. AUTHORITY**

### **A. Board Authority**

The Board has the authority to approve or deny any changes to Board Policies.

## **VI. ATTACHMENTS**

Appendix A – Guidelines for Board Policy 525

Appendix B – Forms for Board Policy 525

## **APPENDIX A: GUIDELINES**



## I. DISTRICT CEQA GUIDELINES

The Guidelines are designed to assist the District in implementing the Procedures contained in Part III of this document. References in these Guidelines, unless otherwise noted, are to the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 et seq., and to the Regulations of the California Resources Agency Establishing Guidelines for Implementation of the California Environmental Quality Act, Division 6, Title 14, California Code of Regulations (CCR), Sections 15000 et seq.

### 1. DETERMINATION OF APPLICABILITY OF CEQA

Certain types of activities do not fall within the requirements of CEQA. Therefore, these procedures and guidelines do not apply to the following activities:

- 1.1 Where it can be seen with certainty that there is no possibility that the activity in question may 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 documents do not apply. (14 CCR Section 15061 (b) (3).) This determination may be made at the administrative level. Doubts should be resolved in favor of fullest protection to the environment. (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App. 4<sup>th</sup> 1307).

### 2. DISTRICT RESPONSIBILITY FOR COMPLIANCE WITH CEQA

- 2.1 Where a project is to be carried out or approved by the District alone, the District shall be the Lead Agency and shall be responsible for preparation of environmental documents. (14 CCR Section 15051 (a).)
- 2.2 Where the District will share involvement in a project with one or more public agencies, the Lead Agency shall be determined according to 14 CCR Section 151051 (a)–(d). If a dispute regarding this determination cannot be resolved by the agencies, the matter shall be submitted to the Office Planning and Research for resolution according to 14 CCR Section 15053 before completing a Draft Environmental Impact Report or Negative Declaration.

### 3. EXEMPTIONS

#### 3.1 Ministerial

Activities which are entirely ministerial in nature, involving no exercise of discretion on the part of the Board, are exempt. (Public Resources Code [PRC] Section 21080 (b) (1); 14 Cal. CCR Section 15268.) These include:

- i) Formation or consolidation of Districts or transfer of parts thereof when initiated by petition of the voters of the District rather than by discretionary Board action;
- ii) Merger or transfer of District property by operation of law;
- iii) Modification of facilities to meet the needs of persons with disabilities as required by law.

### 3.2 Emergency

Emergency repairs to public facilities are exempt when necessary to maintain service essential to the public health, safety or welfare, as are other specific actions when necessary to prevent or mitigate an emergency. Projects 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 the California Emergency Services Act, commencing with Government Code Sections 8500 et seq., are likewise exempt. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to PRC Section 5028(b). (PRC Sections 21080 (b) (2), (3), (4), 21172; 14 CCR Section 15269.)

### 3.3 Rates, Tolls, Fares, and Charges

Also exempt are the establishment, modification, structuring, restructuring, and approval of rates, tolls, fares, and other charges which the District 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 those intra-city transfers as are authorized by city charter.

Rate increases to fund capital projects for the expansion of a system are not covered by this exemption. (PRC Section 21080 (b) (8); 14 CCR Section 15273.)

### 3.4 Regulatory Programs

Projects undertaken to implement a rule or regulation imposed by a state agency, board or commission under a certified regulatory program are exempt, except that any site-specific effect of the project which was not analyzed as a significant effect in a plan or other written documentation containing environmental information required by law is subject to this division. (PRC Section 21080 (b) (15), 21080.5.)

### 3.5. State and Regional Transportation Improvement Programs

The development or adoption of a regional transportation improvement program, the state transportation improvement program, or a congestion management program is exempt. Individual projects developed pursuant to these programs remain subject to CEQA. (PRC Section 21080 (b) (13); CCR Section 15276.)

### 3.6. Categorical

The following classes of activities are categorically exempt from the environmental impact assessment procedure (14 CCR Section 15300):

#### Class 1: Existing Facilities (Section 15301)<sup>1</sup>

Consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are 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, and other alterations such as the addition of bicycle facilities, including but not limited to bicycle

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<sup>1</sup> Each class refers to corresponding class in the State CEQA Guidelines

- parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes);
- 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:
    - 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 pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);
  - i. Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, stream flows, 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 this subdivision:
    - 1. A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished;
    - 2. A store, motel, office, restaurant, and similar small commercial

structure if designed for an occupant load of 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;

3. 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 117600, et seq., of the Health and Safety Code) and accepts no offsite waste;
- p. Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.

#### Class 2: Replacement or Reconstruction (Section 15302)

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 electrical utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

#### Class 3: New Construction or Conversion of Small Structures (Section 15303)

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 numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

- a. One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption;
- b. A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units;
- c. A store, motel, office, restaurant and/or similar small commercial structures not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive;
- d. Water main, sewage, electrical, gas, and other utility extensions, including street improvements, 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 a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

Class 4: Minor Alterations to Land  
(Section 15304)

Minor public or private alterations in the condition of land, water and/or vegetation which do not involve the removal of healthy, 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 such as an Alquist-Priolo Earthquake Fault Zone or within an Official Seismic Hazard Zone, as delineated by the State Geologist;
- b. New gardening or landscaping, including the replacement of existing conventional landscaping with water-efficient or fire-resistant 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 or 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;
  - i. Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

Class 5: Minor Alterations in Land Use Limitations  
(Section 15305)

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 setback 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  
(Section 15306)

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 for strictly information-gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted or funded.

Class 7: Actions by Regulatory Agencies for Protection of Natural Resources  
(Section 15307)

Consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

Class 8: Actions by Regulatory Agencies for Protection of the Environment  
(Section 15308)

Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

Class 9: Inspections  
(Section 15309)

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 misleading, misrepresentation, or adulteration of products.

Class 10: Loans  
(Section 15310)

Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 10 includes but is not limited to the following examples:

- a. Loans made by the Department of Veterans Affairs under the



- Veterans Farm and Home Purchase Act of 1943;
- b. Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.

Class 11: Accessory Structures  
(Section 15311)

Consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

- a. On-premise signs;
- b. Small parking lots;
- c. Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use

Class 12: Surplus Government Property Sales  
(Section 15312)

Consists of sales of surplus government property except for parcels of land located in an area of statewide, regional or areawide concern identified in Section 15206 (b) (4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:

- a. The property does not have significant values for wildlife habitat or other environmental purposes; and
- b. Any of the following conditions exist:
  - 1. The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or
  - 2. The property to be sold would qualify for an exemption under any other class of categorical exemption in these guidelines; or
  - 3. The use of the property and adjacent property has not changed since the time of purchase by the public agency.

Class 13: Acquisition of Land for Wildlife Conservation Purposes  
(Section 15313)

Acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the

land in its natural condition.

Class 14: Minor Additions to Schools  
(Section 15314)

Consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

Class 15: Minor Land Divisions  
(Section 15315)

Consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

Class 16: Transfer of Ownership of Land in Order to Create Parks  
(Section 15316)

Consists of the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either:

- a. The management plan for the park has not been prepared; or
- b. The management plan proposes to keep the area in a natural condition or preserve the historical or archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource.

Class 17: Open Space Contracts or Easements  
(Section 15317)

Consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action

subject to the CEQA process.

Class 18: Designation of Wilderness Areas  
(Section 15318)

Consists of the designation of wilderness areas under the California Wilderness System.

Class 19: Annexations of Existing Facilities and Lots for Exempt Facilities  
(Section 15319)

Consists of only the following annexations:

- a. Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities;
- b. Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

Class 20: Changes in Organization of Local Agencies  
(Section 15320)

Consists of changes in the organization or reorganization of local governmental agencies 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 of a district lying entirely within the boundaries of the city.

Class 21: Enforcement Actions by Regulatory Agencies  
(Section 15321)

Consists of:

- a. Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law,

general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:

1. The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement;
  2. The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.
- b. Law enforcement activities by peace officers acting under any law that provides a criminal sanction;
- c. Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.

Class 22: Educational or Training Programs Involving No Physical Changes  
(Section 15322)

- a. Consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to: Development of or changes in curriculum or training methods;
- b. Changes in the grade structure in a school which do not result in changes in student transportation.

Class 23: Normal Operations of Facilities for Public Gatherings  
(Section 15323)

Consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, “past history” shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.

Class 24: Regulations of Working Conditions

(Section 15324)

Consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following:

- a. Employee wages;
- b. Hours of work, or;
- c. Working conditions where there will be no demonstrable physical changes outside the place of work.

Class 25: Transfers of Ownership in Land to Preserve Existing Natural Conditions and Historical Resources

(Section 15325)

Consists of transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

- a. Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats;
- b. Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas;
- c. Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats;
- d. Acquisition, sale, or other transfer to prevent encroachment of development into flood plains;
- e. Acquisition, sale, or other transfer to preserve historical resources;
- f. Acquisition, sale, or other transfer to preserve open space or lands for park purposes.

Class 26: Acquisition of Housing for Housing Assistance Programs

(Section 15326)

Consists of actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.

Class 27: Leasing New Facilities

(Section 15327)

- a. Consists of the leasing of a newly constructed or previously

unoccupied privately owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA. To be exempt under this section, the proposed use of the facility:

1. Shall be in conformance with existing state plans and policies and with general, community, and specific plans for which an EIR or negative declaration has been prepared;
  2. Shall be substantially the same as that originally proposed at the time the building permit was issued;
  3. Shall not result in a traffic increase of greater than 10% of front access road capacity;
  4. Shall include the provision of adequate employee and visitor parking facilities.
- b. Examples of Class 27 include, but are not limited to:
1. Leasing of administrative offices in newly constructed office space;
  2. Leasing of client service offices in newly constructed retail space;
  3. Leasing of administrative and/or client service offices in newly constructed industrial parks.

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

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 five 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;
  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;
- i. Construction will not occur in the vicinity of any endangered, rare, or threatened species.

Class 29: Cogeneration Projects at Existing Facilities  
(Section 15329)

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 industrial facilities, the installation of cogeneration facilities will be exempt if the installation will:
  - 1. Meet all the criteria described in Subsection (a);
  - 2. Result in no noticeable increase in noise to nearby residential structures;
  - 3. Be contiguous to other commercial or institutional structures.

Class 30: Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances  
(Section 15330)

Consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

- a. No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences or businesses, or the action involves the potential release into the air

of volatile organic compounds as defined in Health and Safety Code Section 25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site.

b. Examples of such minor cleanup actions include but are not limited to:

1. Removal of sealed, non-leaking drums or barrels of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;
2. Maintenance or stabilization of berms, dikes, or surface impoundments;
3. Construction or maintenance of interim or temporary surface caps;
4. Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;
5. Excavation and/or offsite disposal of contaminated soils or sludges in regulated units;
6. Application of dust suppressants or dust binders to surface soils;
7. Controls for surface water run-on and run-off that meets seismic safety standards;
8. Pumping of leaking ponds into an enclosed container;
9. Construction of interim or emergency ground water treatment systems;
10. Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.

Class 31: Historical Resource Restoration/Rehabilitation  
(Section 15331)

Consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.



Class 32: In-Fill Development Projects  
(Section 15332)

Consists of projects characterized as in-fill development meeting the conditions described in this section.

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- c. The project site has no value as habitat for endangered, rare or threatened species;
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;
- e. The site can be adequately served by all required utilities and public services.

3.7. Notice of Exemption

The Office of the General Counsel shall file a notice of exemption within three days following approval of a project whenever the District determines a project is exempt. This notice shall include:

- a. A brief description of the project;
- b. The location of the project;
- c. A finding that the project is exempt from CEQA, including a citation of the State Guidelines section or the Public Resources Code section under which it is found to be exempt; and
- d. A brief statement of reasons to support the findings. (14 CCR Section 15062; [Form 1](#).)

4. INITIAL STUDY

- 4.1 Following the preliminary review and a determination that a project is not exempt, the District shall conduct an initial study to determine if the project may have a significant effect on the environment. All phases of project planning, implementation, and operation must be considered in the initial study of the project. (14CCR Section 15063 (a).)
- 4.2 The purposes of an initial study are to:

- a. Enable the District to determine whether to prepare an EIR or Negative Declaration;
- b. Enable the District to modify a project, mitigating adverse impacts before a Negative Declaration or EIR is prepared;
- c. Focus an EIR, if one is required, on potentially significant environmental effects;
- d. Facilitate environmental assessment early in the design of a project;
- e. Provide documentation of the factual basis for finding in a Negative Declaration that a project will not have significant effect on the environment;
- f. Eliminate unnecessary EIR's
- g. Determine whether a previously prepared EIR could be used with the project (14 CCR Section 15063 (c).)

4.3 An initial study shall contain in brief form:

- a. A description of the project, including the location of the project;
- b. An identification of the environmental setting;
- c. An identification of environmental effects by use of a checklist such as that found in [Appendix G](#) of the state CEQA Guidelines, matrix, or other method;
- d. A discussion of ways to mitigate the significant effects identified, if any;
- e. An examination of whether the project is consistent with existing zoning, plans and other applicable land use controls;
- f. The name of the person or persons who prepared or participated in the Initial Study. (14 CCR Section 15063 (d).)

4.4 If the project is to be carried out by a private person or private organization, the District may require that person or organization to submit data and information which will enable the District to prepare the Initial Study. (14 CCR Section 15063 (e); [Form 2](#).)

4.5 The District may complete the Initial Study by the use of the Initial Study Form attached to these guidelines. Data received by the District as a result of consultation with other Responsible Agencies or through submission of Environmental Information forms shall be used by the District in determining whether a project may have a significant effect on the environment.

## 5. NEGATIVE DECLARATION

5.1 The District must prepare a Negative Declaration for a project subject to

CEQA when:

- a. The initial study shows that there is no substantial evidence that the project may have a significant effect on the environment; or
- b. The initial study identifies potential significant effects but revisions in the project plans, agreed to by the applicant before release of the Negative Declaration for public review, will avoid or mitigate the effects so that clearly no significant effects will occur. There must be no substantial evidence that the project as revised may have a significant effect on the environment. (14 CCR Section 15070.)

5.2 A Negative Declaration 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 and the name of the project proponent;
- c. A finding that the project will not have a significant effect on the environment;
- d. An attached copy of the Initial Study documenting reasons to support the finding;
- e. Mitigation measures, if any, included in the project to avoid potential significant effects. (14 CCR Section 15071).

5.3 The District shall provide a Notice Of Intent To Adopt A Negative Declaration or Mitigated Negative Declaration to responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located at least ten (10) days prior to a hearing to discuss the draft Negative Declaration and not less than thirty (30) days prior to consideration of adoption of the proposed project and Negative Declaration by the Board. Notice of Intent to Adopt a Negative Declaration and the time and place a hearing shall be conducted thereon, shall be given as follows:

- a. If a proposed project is limited to a specific location, such as a new building or yard, notice shall be posted, along with the Negative Declaration in the following places:
  - Site of proposed project;
  - General Office of the Alameda-Contra Costa Transit District; and
  - Main branch of public libraries in cities whose resources may be affected by the project.

Notice within the timeframes listed above shall also be published at least once in a newspaper of general circulation in the area affected by the proposed project; shall also be given to all organizations and individuals who have previously requested such notice; and shall also be given by direct mailing to owners and occupants of contiguous properties as shown on the latest equalized assessment roll.

- b. If a proposed project is not limited to a specific location but affects a large area, such as a new or modified bus route, notice requirements may be satisfied by publication in a newspaper of general circulation in the area affected by the proposed project and to all organizations and individuals who have previously requested such notice, within the same timeframes listed above under 5.3.a. (14 CCR Section 15072)

- 5.4 Copies of the Negative Declaration supporting documents shall be made available for public review at least ten (10) days prior to a hearing to discuss the draft Negative Declaration and not less than thirty (35) days prior to consideration of adoption of the proposed project and Negative Declaration by the Board at Alameda-Contra Costa Transit District, 1600 Franklin Street, Oakland, Office of the District Secretary, Monday-Friday, 8:30 a.m. to 5:00 p.m.
- 5.5 The Board may adopt the Negative Declaration and adopt the project at the same meeting at which the hearing on the Negative Declaration is held, as long as the minimum 30-day public review period has been met, unless it appears that substantial issues have been raised at the hearing which were not dealt with in the initial study, and which cannot be addressed without further study by staff. In that case, the Board may continue the matter to its next regularly scheduled meeting. The Board shall adopt the Negative Declaration if it finds on the basis of the initial study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment. (14 CCR Section 15074.)
- 5.6 If the Board decides to carry out or approve a project for which a Negative Declaration has been adopted, a Notice of Determination shall be prepared and filed within five (5) working days, or as soon as practical, after deciding to carry out or approve the project. (14 CCR Section 15075 (a).)

The Notice of Determination shall contain:

- a. An identification of the project including the project title as

identified on the proposed negative declaration, its location and State Clearinghouse identification number if the notice of determination is filed with the State Clearinghouse;

- b. A brief description of the project;
- c. The decision of the agency to approve the project, and the date on which it was approved;
- d. The determination of the agency that the project will not have a significant effect on the environment;
- e. A statement that a Negative Declaration has been adopted pursuant to the provisions of CEQA;
- f. A statement indicating whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted.
- g. The address where a copy of the Negative Declaration may be examined. (14 CCR Section 15075 (b)).

- 5.7 The notice of determination shall be filed with the County Clerks of the Counties of Alameda and Contra Costa and the clerks of any other county affected by the proposed project.

If the project requires discretionary approval from any State agency, the notice of determination also shall be filed with the Office of Planning and Research of the State of California. (14 CCR Section 15075 (d).)

- 5.8 When adopting, a Negative Declaration, the District shall also adopt a reporting or monitoring program for any changes to the project which it has adopted or made a condition of project approval in order to mitigate significant effects on the environment. This program shall ensure compliance during project implementation.

## 6. ENVIRONMENTAL IMPACT REPORT

- 6.1 A Notice of Preparation ([Form 4](#)) is a brief notice which must be sent to the Office of Planning and Research, the County Clerk for each county in which the project will be located, and other public agencies which may be involved in the project as Responsible or Trustee Agencies (see Guidelines 2.1-2.3). A copy of the initial study may be included. (14 CCR Sections 15082.)
- 6.2 The preparation and contents of the Draft EIR shall conform to the requirements of law, as set forth in 14 CCR Sections 15120-15132.
- 6.3 Upon completion of the Draft EIR, the District must consult with and obtain comments from agencies having jurisdiction by law, and may also consult

with the counties of Alameda and Contra Costa and the city or cities in which major environmental effects will occur whether or not they have direct jurisdiction. Consultation with persons having relevant special expertise is also desirable. Such consultation may take place during the 45 day public notice period.

6.4 Notice of Availability of the Draft EIR and the time and place a hearing shall be conducted thereon shall be given as follows:

a. If a proposed project is limited to a specific location, notice shall be posted, along with the Draft EIR in the following places:

- The General Office of the Alameda-Contra Costa Transit District;
- The City Hall of any city with resources affected by the project;
- The main branch of public libraries in cities with resources affected by the project.

Notice shall also be published in a newspaper of general circulation in the area affected by the project not less than thirty (30) days prior to a Board hearing to discuss the Draft EIR. Notice shall also be given to all organizations and individuals who have previously requested such notice in writing. Notice shall also be given by direct mailing to owners and occupants of property contiguous to the project site.

b. If a proposed project is not limited to a specific location but affects a large area, such as a new or modified bus route, notice requirements may be satisfied by publication in a newspaper of general circulation in the area affected by proposed project, as well as by mail to all organizations and individuals who have previously requested such notice in writing. (14 CCR Sections 15087 (a).)

6.5 Copies of the Draft EIR and supporting documents shall be made available for public review at least thirty (30) days before a Board hearing to discuss the Draft EIR at Alameda-Contra Costa Transit District offices, 1600 Franklin Street, Oakland, Office of the District Secretary, Monday-Friday, 8:30 a.m. to 5:00 p.m.

6.6 As soon as the Draft EIR is complete, a separate Notice of Completion ([Form 5](#)) shall be filed with the Office of Planning and Research of the State of California (14 CCR Section 15085.)

6.7 If the District is the lead agency, it is responsible for the evaluation of and response to comments received from persons who reviewed the Draft EIR.

- a. The District's response to each comment must 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 District'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. (14 CCR Section 15088.) The District must provide a good faith, reasoned analysis in response. Conclusory statements, unsupported by factual information will not suffice.
- b. The response to comments may take the form of a revision to the Draft EIR, or it may be a separate section in the Final EIR.
- c. Any important changes in the information contained in the text of the Draft EIR which are made by the District's response should be clearly noted.

6.8 The Final EIR shall consist of:

- a. The Draft EIR or a revision of the draft;
- b. Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c. A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d. The responses of the District to significant environmental points raised in the review and consultation process.
- e. Any other information added by the District. (14 CCR Section 15132.)

6.9 If the EIR identifies one or more significant effects on the environment, the Board shall direct that written findings be made for each of those significant effects, accompanied by a statement of facts supporting each finding, and shall adopt them as part of the EIR. Such findings shall be adopted in the following circumstances and shall be supported by substantial evidence in the record:

- a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR. Such a finding shall be supported by substantial evidence in the record.

- b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. (14 CCR Section 15091.)

6.10 The CEQA Findings shall contain a statement of overriding considerations, when appropriate. Such a statement is necessary when the decision of the Board approves a project that will result in a significant effect, as identified in the Final EIR, which cannot be avoided or substantially lessened. The statement shall enumerate the specific economic, legal, social, or other considerations which support its action based on the Final EIR and/or other information in the record, consistent with Section 15091 of the state CEQA Guidelines. If applicable, a Statement of Overriding Considerations shall be specifically adopted by the Board in addition to its adoption of the EIR and mentioned in the Notice of Determination.

6.11 Prior to approving the project, the Board shall certify that the Final EIR has been completed in compliance with CEQA and the State Guidelines, that the Board has reviewed and considered the information contained in the EIR prior to the approval of the project, and that the Final EIR reflects the independent judgement and analysis of the Board. (14 CCR Section 15090.)

6.12 If the project is approved, a Notice of Determination ([Form 3](#)) shall be filed with the clerks of Alameda and Contra Costa counties and the clerk of any other county affected by the proposed project. If the project requires discretionary approval of a state agency, the notice shall also be filed with the Office of Planning and Research of the State of California. (14 CCR Section 15094 (d).)

6.13 When certifying a Final EIR, the District shall also adopt a reporting or monitoring program for any changes to the project which it has adopted or made a condition of project approval in order to mitigate significant effects on the environment. This program shall ensure compliance during project implementation.

## 7. GENERAL GUIDELINES

7.1 The General Manager or his or her designee shall perform all functions



which may be delegated by law in administering CEQA, including but not limited to:

- a. Determining whether a project is exempt;
- b. Conducting an Initial Study and deciding whether to prepare a Draft EIR or Negative Declaration;
- c. Preparing a Negative Declaration or EIR;
- d. Determining that a Negative Declaration has been completed within a period of 180 days;
- e. Unless the project is exempt from CEQA, file a request for a no effect determination with the California Department of Fish and Wildlife when the applicable CEQA document has been released to the public ([Form 6](#));
- f. Preparing responses to comments on environmental documents;
- g. Certifying that the Board has reviewed and considered an EIR or Negative Declaration; and
- h. Filing of notices. (14 CCR Section 15025 (a).)

7.2 The Board shall perform the following non-delegable functions:

- a. Reviewing and considering a Final EIR or Negative Declaration prior to approving a project;
- b. Making findings as required by 14 CCR Sections 15091 and 15093. (14CCR Section 15025 (b).)

7.3 In the case of multiple projects which are essentially the same in terms of environmental impact, or on-going normal operations such as the use of District facilities by the public, the projects may be handled administratively as a single project, with a single Notice of Exemption, Negative Declaration or EIR being prepared. (14 CCR Section 15165.

7.4 These Procedures and Guidelines are designed to be used in conjunction with CEQA, Pub. Res. Code Sections 21000 et seq., and especially with the CEQA Guidelines of the California Natural Resources Agency, 14 CCR Sections 15000 et seq. The Guidelines of the Natural Resources Agency should be consulted for definitions and criteria, particularly in the determination of potential effect on the environment and in the preparation of a Draft EIR.

7.5 Any lawsuit seeking to set aside or annul any decision of the Board pursuant to these Procedures and Guidelines shall, unless otherwise specified by law, be instituted within 30 days from the filing of a Notice of Determination, or within 35 days from the filing of a Notice of Exemption. (PRC Section 21167).

## **APPENDIX B: FORMS**

## **FORM 1**

# Notice of Exemption

## Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**From:** (Public Agency): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Address)

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location - Specific: \_\_\_\_\_

Project Location - City: \_\_\_\_\_ Project Location - County: \_\_\_\_\_

Description of Nature, Purpose and Beneficiaries of Project: \_\_\_\_\_

Name of Public Agency Approving Project: \_\_\_\_\_

Name of Person or Agency Carrying Out Project: \_\_\_\_\_

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: \_\_\_\_\_
- ☐ Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt: \_\_\_\_\_

Lead Agency \_\_\_\_\_

Contact Person: \_\_\_\_\_ Area Code/Telephone/Extension: \_\_\_\_\_

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

☐ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

## **FORM 2**

## Appendix G

### Environmental Checklist Form

NOTE: The following is a sample form and may be tailored to satisfy individual agencies' needs and project circumstances. It may be used to meet the requirements for an initial study when the criteria set forth in CEQA Guidelines have been met. Substantial evidence of potential impacts that are not listed on this form must also be considered. The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

1. Project title: \_\_\_\_\_
2. Lead agency name and address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Contact person and phone number: \_\_\_\_\_
4. Project location: \_\_\_\_\_
5. Project sponsor's name and address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. General plan designation: \_\_\_\_\_ 7. Zoning: \_\_\_\_\_
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Surrounding land uses and setting: Briefly describe the project's surroundings:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils                     |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning      | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities / Service Systems        | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.



## SAMPLE QUESTION

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Production (as defined by Government Code section 51104(g))?				
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
de) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>VII. GREENHOUSE GAS EMISSIONS --</b> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS -</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
for people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>IX. HYDROLOGY AND WATER QUALITY --</b>				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XI. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XIII. POPULATION AND HOUSING --** Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XIV. PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XV. RECREATION --**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XVI. TRANSPORTATION/TRAFFIC -- Would the project:**

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
could cause significant environmental effects?				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --</b>				
a) Does the project have the potential to 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 a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

## **FORM 3**

## Notice of Determination

## Appendix D

**To:**

☐ Office of Planning and Research  
U.S. Mail: \_\_\_\_\_ Street Address: \_\_\_\_\_  
P.O. Box 3044 1400 Tenth St., Rm 113  
Sacramento, CA 95812-3044 Sacramento, CA 95814

☐ County Clerk

County of: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

**From:**

Public Agency: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

Lead Agency (if different from above): \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

***SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.***

State Clearinghouse Number (if submitted to State Clearinghouse): \_\_\_\_\_

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location (include county): \_\_\_\_\_

Project Description:

This is to advise that the \_\_\_\_\_ has approved the above  
(☐ Lead Agency or ☐ Responsible Agency)

described project on \_\_\_\_\_ and has made the following determinations regarding the above  
(date)  
described project.

1. The project [☐ will ☐ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☐ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☐ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☐ was not] adopted for this project.
6. Findings [☐ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

\_\_\_\_\_  
Signature (Public Agency): \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ Date Received for filing at OPR: \_\_\_\_\_

## **FORM 4**

## Notice of Preparation

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### Notice of Preparation

To: \_\_\_\_\_ From: \_\_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Address)

**Subject: Notice of Preparation of a Draft Environmental Impact Report**

\_\_\_\_\_ will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study ( ☐ is ☐ is not ) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to \_\_\_\_\_ at the address shown above. We will need the name for a contact person in your agency.

**Project Title:** \_\_\_\_\_

**Project Applicant, if any:** \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

Title \_\_\_\_\_

Telephone \_\_\_\_\_

**Reference:** California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

## **FORM 5**

**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

<b>SCH #</b>
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**Project Title:** \_\_\_\_\_

Lead Agency: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_

**Project Location:** County: \_\_\_\_\_ City/Nearest Community: \_\_\_\_\_

Cross Streets: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Longitude/Latitude (degrees, minutes and seconds): \_\_\_\_\_° \_\_\_\_\_' \_\_\_\_\_" N / \_\_\_\_\_° \_\_\_\_\_' \_\_\_\_\_" W Total Acres: \_\_\_\_\_

Assessor's Parcel No.: \_\_\_\_\_ Section: \_\_\_\_\_ Twp.: \_\_\_\_\_ Range: \_\_\_\_\_ Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: \_\_\_\_\_ Waterways: \_\_\_\_\_

Airports: \_\_\_\_\_ Railways: \_\_\_\_\_ Schools: \_\_\_\_\_

**Document Type:**

CEQA: <input type="checkbox"/> NOP	<input type="checkbox"/> Draft EIR	NEPA: <input type="checkbox"/> NOI	Other: <input type="checkbox"/> Joint Document
<input type="checkbox"/> Early Cons	<input type="checkbox"/> Supplement/Subsequent EIR	<input type="checkbox"/> EA	<input type="checkbox"/> Final Document
<input type="checkbox"/> Neg Dec	(Prior SCH No.) _____	<input type="checkbox"/> Draft EIS	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Mit Neg Dec	Other: _____	<input type="checkbox"/> FONSI	

**Local Action Type:**

<input type="checkbox"/> General Plan Update	<input type="checkbox"/> Specific Plan	<input type="checkbox"/> Rezone	<input type="checkbox"/> Annexation
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Prezone	<input type="checkbox"/> Redevelopment
<input type="checkbox"/> General Plan Element	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Use Permit	<input type="checkbox"/> Coastal Permit
<input type="checkbox"/> Community Plan	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Land Division (Subdivision, etc.)	<input type="checkbox"/> Other: _____

**Development Type:**

<input type="checkbox"/> Residential: Units _____ Acres _____	<input type="checkbox"/> Transportation: Type _____
<input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Mining: Mineral _____
<input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Power: Type _____ MW _____
<input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Waste Treatment: Type _____ MGD _____
<input type="checkbox"/> Educational: _____	<input type="checkbox"/> Hazardous Waste: Type _____
<input type="checkbox"/> Recreational: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Water Facilities: Type _____ MGD _____	

**Project Issues Discussed in Document:**

<input type="checkbox"/> Aesthetic/Visual	<input type="checkbox"/> Fiscal	<input type="checkbox"/> Recreation/Parks	<input type="checkbox"/> Vegetation
<input type="checkbox"/> Agricultural Land	<input type="checkbox"/> Flood Plain/Flooding	<input type="checkbox"/> Schools/Universities	<input type="checkbox"/> Water Quality
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Forest Land/Fire Hazard	<input type="checkbox"/> Septic Systems	<input type="checkbox"/> Water Supply/Groundwater
<input type="checkbox"/> Archeological/Historical	<input type="checkbox"/> Geologic/Seismic	<input type="checkbox"/> Sewer Capacity	<input type="checkbox"/> Wetland/Riparian
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Minerals	<input type="checkbox"/> Soil Erosion/Compaction/Grading	<input type="checkbox"/> Growth Inducement
<input type="checkbox"/> Coastal Zone	<input type="checkbox"/> Noise	<input type="checkbox"/> Solid Waste	<input type="checkbox"/> Land Use
<input type="checkbox"/> Drainage/Absorption	<input type="checkbox"/> Population/Housing Balance	<input type="checkbox"/> Toxic/Hazardous	<input type="checkbox"/> Cumulative Effects
<input type="checkbox"/> Economic/Jobs	<input type="checkbox"/> Public Services/Facilities	<input type="checkbox"/> Traffic/Circulation	<input type="checkbox"/> Other: _____

**Present Land Use/Zoning/General Plan Designation:**

**Project Description:** (please use a separate page if necessary)

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Regional WQCB # _____
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Fish & Game Region # _____	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Native American Heritage Commission	

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### Local Public Review Period (to be filled in by lead agency)

Starting Date \_\_\_\_\_ Ending Date \_\_\_\_\_

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### Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

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Signature of Lead Agency Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



## **FORM 6**



Requests should be submitted when the CEQA document is released for public review, or as early as possible in the public comment period. Requests should include sufficient documentation to support a no effect determination, and must be submitted to the appropriate [Regional Office](#). Requests for projects with multi-region or statewide impacts should be submitted to the [Habitat Conservation Planning Branch](#).

Date Submitted:

<b>Applicant Name:</b>			<b>Phone Number:</b>		
<b>Address:</b>			<b>Fax Number:</b>		
			<b>Email:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip:</b>			
<b>Contact Person:</b>			<b>Phone Number:</b>		
<b>Address:</b>			<b>Fax Number:</b>		
			<b>Email:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip:</b>			
<b>CEQA Lead Agency:</b>					
<b>Project Name:</b>					
<b>SCH Number and/or Local Agency ID number:</b>			<b>CEQA Document Type:</b>		
<b>Project Location:</b> (Include street address, city, county, lat/long, township/range/section, or other description that clearly indicates the location of the project site. Submit an aerial photograph and/or topographic map showing the project location if otherwise not included with the CEQA document)					
Use "Comment" section on next page if more room is needed.					
<b>Brief Project Description:</b> (Include details on the type of project; e.g. new construction [with square footage], demolition of existing buildings, adaptive reuse of existing buildings, zoning amendments, general plan amendments, conditional use for sale of alcoholic beverages, etc.)					
Use "Comment" section on next page if more room is needed.					
<b>Justification of No Effect Determination</b> [Explain how the proposed project has no effect on fish and wildlife consistent with 14 CCR § 753.5(d)]:					
Use "Comment" section on next page if more room is needed.					



State of California - Department of Fish and Wildlife  
**NO EFFECT DETERMINATION REQUEST**  
DFW 866 (Rev 01/13)

**COMMENTS (Continued from previous page)**

**Project Location:** (Include street address, city, county, lat/long, township/range/section, or other description that clearly indicates the location of the project site. Submit an aerial photograph and/or topographic map showing the project location if otherwise not included with the CEQA document)

**COMMENTS (Continued from previous page)**

**Brief Project Description:** (Include details on the type of project; e.g. new construction [with square footage], demolition of existing buildings, adaptive reuse of existing buildings, zoning amendments, general plan amendments, conditional use for sale of alcoholic beverages, etc.)

**COMMENTS (Continued from previous page)**

**Justification of No Effect Determination** [Explain how the proposed project has no effect on fish and wildlife consistent with 14 CCR § 753.5(d)]:



<b>No Effect Determination Request Form Instructions</b>	
Applicant Name and Address	Full name and address of the CEQA project applicant
Date Submitted	Date of No Effect Determination Request Form submission
Phone Number	CEQA project applicant's phone number
Email	CEQA project applicant's email address
Fax Number	Primary fax line for the CEQA project applicant
Contact Person and Address	Full name and address of the person that should be contacted should additional information be needed to issue an NED
Phone Number	Contact person's direct phone or cell number
Email	Contact person's email address
Fax Number	Contact person's direct fax number (if available)
CEQA Lead Agency	The agency responsible for primary approval of the project, and for filing the Notice of Determination, or Decision, and any applicable findings
SCH Number and/or Local Agency ID Number	State Clearinghouse Number – "SCH" – tracking number generated by Office of Planning and Research (OPR) when a project's CEQA documents are filed/circulated with/through OPR's State Clearinghouse  Local Agency ID Number – tracking/file number generated by the local agency (e.g. city or county) when a local agency is CEQA lead AND the project's CEQA documents will not be filed/circulated with/through OPR's State Clearinghouse
CEQA Document Type	Options include: <ul style="list-style-type: none"><li>• Negative Declaration,</li><li>• Mitigated Negative Declaration,</li><li>• Environmental Impact Report, or</li><li>• Document for Certified Regulatory Program</li></ul>
Project Location	May be the project's street address including city and county, geographic coordinates (latitude/longitude, UTM), public land survey system coordinates (township/range/section), or other description that clearly indicates the location of the project site  Submit an aerial photograph and/or topographic map showing the project location if otherwise not included with the CEQA document
Brief Project Description	Please include details on the type of project; e.g. new construction (with square footage), demolition of existing buildings, adaptive reuse of existing buildings, zoning amendments, general plan amendments, conditional use for sale of alcoholic beverages, etc.
Justification of No Effect Determination	Explain how the proposed project has no effect on fish and wildlife consistent with CCR Title 14 § 753.5(d)