



Topic: **Authority Board Agenda Item 7-1**

2019 Mar 25

Subject: **Sites Project Authority Local CEQA Guidelines**

Requested Action:

Consider adoption of the Sites Project Authority Local CEQA Guidelines as presented in Attachment 1.

Detailed Description/Background:

The California Environmental Quality Act (CEQA) Guidelines, Section 15022(a) requires that each public agency issue local procedures for implementing the State CEQA Guidelines in order to ensure the orderly evaluation and preparation of environmental documents.

Section 15022(d) of the State CEQA Guidelines allows public agencies to incorporate the State CEQA Guidelines by reference, and then to adopt only specific procedures or provisions necessary to tailor the general provisions of the CEQA Guidelines to specific agency operations. Local procedures or guidelines would be revised as necessary to be kept current with changes to the State CEQA Guidelines and/or changes in agency operations.

Authority staff have been coordinating with legal counsel to develop the Sites Authority Local CEQA Guidelines.

Prior Reservoir Committee Action:

None.

Fiscal Impact/Funding Source:

None.

Staff Contact:

Rob Thomson

Attachments:

Attachment A – Sites Project Authority CEQA Guidelines



LOCAL CEQA Guidelines

Sites Project Authority

LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT

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ARTICLE 1. GENERAL PROVISIONS

§ 1.1 ADOPTION OF GUIDELINES

1.1.1 ADOPTION OF STATE GUIDELINES

Pursuant to section 15022(d) of the State Guidelines, the Sites Project Authority herein adopts and incorporates by reference the State Guidelines promulgated for the implementation of the California Environmental Quality Act, codified as Title 14, Chapter 3 of the California Code of Regulations, including any subsequent amendments thereto, subject to the Authority's power to adopt and revise these guidelines at any time in its sole discretion.

1.1.2 PURPOSE OF LOCAL GUIDELINES

These Local Guidelines are adopted pursuant to section 15022(a) of the State Guidelines to provide objectives, criteria, and specific procedures consistent with CEQA and the State Guidelines. These Local Guidelines are expressly intended to be consistent with the requirements of CEQA and the State Guidelines and shall be given a construction that complies with those requirements.

§ 1.2 DECISION MAKING AUTHORITY

1.2.1 BOARD OF DIRECTORS

The Board of Directors is the legislative body of the Sites Project Authority and shall have the final responsibility for the approval of any project, subject to the provisions of the Authority's Bylaws, and for determining whether an Environmental Impact Report, Negative Declaration, Mitigated Negative Declaration, or Notice of Exemption shall be prepared for any project. The Board of Director's determination shall be final and conclusive on all persons, including Responsible Agencies and Trustee Agencies, except as provided in Section 15050(c) of the State CEQA Guidelines.

1.2.2 DELEGATION TO COMMITTEES

The Board of Directors may, in its discretion, delegate its authority to approve a project or class of projects to a standing or ad hoc committee of its members. If it does so, such committee shall determine whether an Environmental Impact Report, Negative Declaration, Mitigated Negative Declaration, or Notice of Exemption shall be prepared for that project or class of projects. Such determination shall have the same effect as a determination made by the Board of Directors, subject to an appeal to the Board of Directors. Any such appeal must be initiated within 30 days of the determination by way of a letter to the Board of Directors.

§1.3 DEFINITIONS

1.3.1 CEQA

“CEQA” means the California Environmental Quality Act, codified as Division 13 of the Public Resources Code, as amended from time to time by the legislature.

1.3.2 STATE GUIDELINES

“State Guidelines” means the regulations promulgated for the implementation of the California Environmental Quality Act, codified as Title 14, Chapter 3 of the California Code of Regulations, including any subsequent amendments thereto.

1.3.3 LOCAL GUIDELINES

“Local Guidelines” means these guidelines, as amended from time to time by the Board of Directors.

1.3.4 AUTHORITY

The “Authority” means the Sites Project Authority.

1.3.5 STAFF

“Staff” means the Authority personnel and/or independent contractors assigned a given task by the Board of Directors, the General Manager, or the Environmental Planning and Permitting Manager.

ARTICLE 2. PROCEDURES FOR CEQA REVIEW

§ 2.1 PRELIMINARY REVIEW

2.1.1 ACTIONS SUBJECT TO CEQA

Before commencing review under CEQA, Staff shall define the proposed activity and determine whether the proposed activity is subject to CEQA review by the Authority. An action is not subject to CEQA review by the Authority if

- a) it does not constitute a “project” subject to CEQA,
- b) it is a ministerial action as defined in the State Guidelines, or
- c) another public agency is involved and is the Lead Agency under CEQA.

If Staff determines the proposed activity is not subject to CEQA review by the Authority, it shall record that determination on the form entitled “Preliminary CEQA Determination” (Appendix A) and submit it to the Board of Directors for approval.

2.1.2 EXEMPTION REVIEW

After determining that a proposed activity is subject to CEQA review by the Authority, Staff shall determine whether any exemption from CEQA applies to the project and whether exceptions exist pursuant to section 15300.2 of the State Guidelines

If Staff determines the proposed activity is exempt, it shall record that determination on the form entitled “Preliminary CEQA Determination” (Appendix A) and submit it to the Board of Directors for approval.

2.1.3 INITIAL STUDY

After determining that a project subject to CEQA review is not exempt from such review, Staff shall perform an Initial Study in compliance with CEQA and present such Initial Study to the Board of Directors. Staff may also present its recommendation regarding the form of environmental document to be prepared.

APPENDIX A: PRELIMINARY CEQA DETERMINATION

Preliminary CEQA Determination

Sites Project Authority

1	Proposed Activity	
2	Detailed Description	
3	Location (Preferably, attach a USGS 15' or 7 1/2' topographical map identified by quadrangle name.)	
4	Actions Subject to CEQA	<input type="checkbox"/> The proposed activity is not a "project" subject to CEQA review. <input type="checkbox"/> The proposed activity is a ministerial action not subject to CEQA review. <input type="checkbox"/> Another government agency is involved that constitutes the lead agency under CEQA. Agency: _____
5	Exemption Review	<input type="checkbox"/> The proposed activity is subject to a statutory exemption from CEQA. Exemption: _____ <input type="checkbox"/> The proposed activity is subject to a categorical exemption from CEQA. Exemption: _____ <input type="checkbox"/> The proposed activity is subject to the common sense exemption from CEQA. Comments: _____

Date: _____

Signature: _____

Name: _____

Title: _____