

RESOLUTION NO. 132

A RESOLUTION ADOPTING AMENDED LOCAL GUIDELINES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

SUNNYSLOPE COUNTY WATER DISTRICT

RESOLVED, by the Board of Directors of the Sunnyslope County Water District, San Benito County, California, that the guidelines adopted pursuant to Resolution No. 125, A Resolution Adopting Local Guidelines for Implementation of the California Environmental Quality Act of 1970, adopted April 12, 1973, shall be, and they are hereby, repealed and those certain amended guidelines entitled "Local Guidelines Implementing the California Environmental Quality Act of 1970, as Amended", heretofore presented to this Board and which are hereto attached, be, and they are hereby, approved and adopted for all purposes by this Board, pursuant to Section 21082 of the Public Resources Code of the State of California.

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I hereby certify that the foregoing resolution was duly and regularly adopted at a meeting held by the Board of Directors of the Sunnyslope County Water District, San Benito County, California, on the 14th day of February, 1974, by the following vote:

AYES, and in favor thereof, Directors: Churchill, Hassler, Loofbourrow, Porteur, Renz

NOES, Directors: None

ABSENT, Directors: None

APPROVED:

Randolph C Churchill  
Secretary

John W. Harker  
President

LOCAL GUIDELINES IMPLEMENTING THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970,  
AS AMENDED

SUNNYSLOPE COUNTY WATER DISTRICT

ARTICLE I - GENERAL

Section 1. Purposes. These Guidelines implement the purposes and provisions of the California Environmental Quality Act of 1970 as amended (hereinafter referred to as "CEQA") and the Guidelines for Implementation of the CEQA of 1970 which have been adopted by the California Resources Agency (hereinafter referred to as "State Guidelines"). The enhancement and long-term protection of the environment and the encouragement of public participation in achieving these goals are objectives of this measure.

Section 2. Objectives. From time to time and under circumstances as outlined by these Guidelines, a document known as an environmental impact report (hereinafter referred to as an EIR) must be prepared as a prerequisite to approval of a project. The function of an EIR is to inform the Governing Board of the environmental effects of proposed projects. The environmental effects set forth in the report are to be evaluated by the Governing Board before a project is approved. The Board retains existing authority to balance environmental objectives with economic, social, and other relevant objectives of the proposed project.

ARTICLE II - APPLICABILITY

Section 3. Scope of Applicability. These Guidelines apply to all projects which may have a significant effect on the environment involving discretionary decision-making on the part of the District, and which do not fall within any class of categorical exemptions set forth in Article 8 of the State Guidelines and in Article VII hereof, are not emergency projects within the meaning of Article IV hereof, and which do not constitute feasibility or planning projects as described in Article V hereof.

Section 4. Ministerial Projects.

A. These Guidelines do not apply to ministerial projects approved by the District. Generally speaking, a ministerial project is one requiring approval by the District as a matter of law or one involving minimal independent exercise of judgment by the District as to its wisdom or propriety. Examples of such projects include, but are not limited to, individual utility service connections and disconnections, agreements to install in-tract utility facilities to subdivisions, development of which has been approved by other appropriate governmental agencies, and utility service connections and disconnections to potential customers within such subdivision.

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

ARTICLE III - DEFINITIONS

Whenever the following terms are used in these Guidelines, they shall have the following meaning unless otherwise expressly defined:

Section 5. Approval means a decision by the District which commits it to a definite course of action with regard to a particular project. As respects any project to be undertaken directly by the District, approval shall be deemed to occur on the date the Board adopts a resolution making the determination to proceed with a project, which in no event shall be later than the date of adoption of plans and specifications. As respects private projects defined in Section 25A (2) and (3), approval shall be deemed to occur upon the earliest commitment to issue or the issuance by the District of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project. The mere acquisition of land by the District, on the other hand, shall not in and of itself be deemed to constitute approval of a project.

For purposes of these Guidelines, all environmental assessments must be completed as of the time of project approval.

Section 6. Board means the Governing Board of this District.

Section 7. Categorical Exemption means an exemption from the requirement of preparing a negative declaration or an EIR even though the proposed project is discretionary in nature, as more particularly described in Article VII infra.

Section 8. Discretionary Project means a project approval of which requires the exercise of independent judgment, deliberation or decision-making on the part of the District.

Section 9. District means this District.

Section 10. District's Staff means the District's Manager and/or his designee, the Engineer of the District, and any other person or persons designated by the Board.

Section 11. Emergency means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Section 12. Environment means the physical conditions which exist in the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, objects of historic or aesthetic significance.

Section 13. Environmental Documents means Draft and Final EIRs, Initial Studies, Negative Declarations, Notices of Completion and Notices of Determination.

Section 14. EIR means a detailed statement setting forth the matters specified in Section 21100 of the Public Resources Code as more particularly described hereinafter in Section 33.

Section 15. EIS - Environmental Impact Statement means an EIR prepared pursuant to the National Environmental Policy Act (NEPA).

Section 16. Feasible means capable of being accomplished in a successful manner by reasonably available, economic, and workable means.

Section 17. State Guidelines means the Guidelines for Implementation of the CEQA of 1970 adopted by the California Resources Agency as they now exist or hereafter may be amended.

Section 18. Initial Study means a preliminary analysis prepared by the District pursuant to Section 31 to determine whether an EIR or a Negative Declaration must be prepared for a project.

Section 19. Lead Agency means the public agency which has the principal responsibility for preparing environmental documents and for carrying out or approving a project which may have a significant effect on the environment.

Section 20. Negative Declaration means a statement by the lead agency briefly presenting the reasons that the project, although not otherwise exempt, would not have a significant effect on the environment and therefore does not require an EIR.

Section 21. Notice of Completion means a brief report filed with the Secretary for Resources as soon as the District has completed a draft EIR and is prepared to send out copies for review

Section 22. Notice of Determination means a brief notice to be filed by the District when it approves or determines to carry out a project which is subject to the requirements of CEQA.

Section 23. Notice of Intent means a brief report prepared in lieu of a Notice of Completion and filed with the State Clearinghouse in lieu of the Secretary for Resources as soon as the District has completed a draft EIR and is prepared to send out copies for review.

Section 24. Person includes any person, firm, association, organization, partnership, business, trust, corporation, company, district, county, city and county, city, town, the State, and any of the agencies' political subdivisions.

Section 25. Project

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

- (1) an activity directly undertaken by the district;
- (2) an activity undertaken by a person which is supported in whole or in part through contracts, grants, subsidies, loans, or other forms of assistance from the District;
- (3) an activity involving the issuance by the District to a person of a lease, permit, license, certificate, or other entitlement for use.

B. Project does not include:

- (1) anything specifically exempted by state law;
- (2) proposals for legislation to be enacted by the State Legislature;
- (3) continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making, e.g. setting of rates (except as they are applied to specific instances covered above), feasibility or planning studies;



(4) the submittal of proposals to a vote of the people of the state or of a particular community, i.e. the district.

C. The word "project" refers to the underlying activity and not to the District's approval process.

Section 26. Significant Effect means a substantial adverse impact on the environment.

#### ARTICLE IV - EMERGENCY PROJECTS

Section 27. The following emergency projects do not require the preparation of a negative declaration or an EIR and, thus, are outside the scope of these Guidelines:

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

(b) Emergency repairs to any of the District's facilities necessary to maintain service.

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

#### ARTICLE V - FEASIBILITY AND PLANNING STUDIES

Section 28. Feasibility and planning studies of potential projects undertaken by the District are specifically excepted from the requirements of CEQA and thus are outside the scope of these Guidelines, although such studies may contain considerations of environmental factors incident to the potential project.

#### ARTICLE VI - EVALUATING PROJECTS

Section 29. Initial Review for CEQA Exemptions.

A. Preliminary Review. At the outset a proposed activity shall be examined by the District's staff for the purpose of determining whether it is (1) a project as defined in Section 25 supra, (2) ministerial, (3) an emergency project as described in Article IV, supra, (4) a feasibility and planning study as described in Article V, supra, (5) a categorical exemption as described in Article VII, infra, or (6) involves another agency which constitutes the lead agency primarily responsible for the carrying out of the project as described in Section 30, infra.

B. Staff Finding of No Exemption. If in the judgment of District's staff the proposed activity does not fall within one of the foregoing categories, it shall proceed with the project evaluation process as outlined in Section 30. Any person proposing to undertake a project as defined in Section 25A. (2) or A.(3) (i.e. a private project) may present his objection to the staff's determination to the Board at its next regular or special meeting.

C. Staff Finding of Exemption. If in the judgment of the District's staff, a proposed activity does fall within one of the categories enumerated in subparagraph A, it shall so find on a form entitled Preliminary Environmental Assessment (a copy of which is attached hereto as Exhibit "A") unless such activity is specifically exempted in Sections 4 or 34, or is otherwise declared by the Board not to require a written environmental assessment. If so declared or exempted no further environmental assessment shall be necessary and the proposed activity may be carried out in the manner routinely exercised by the District.

D. Retention of Preliminary Environmental Assessment; Availability for Inspection. The Preliminary Environmental Assessment shall be retained at the District's office as part of its usual record-keeping process, and it shall be made available for public inspection during all regular District office hours. Except as otherwise may be determined by the Board, the date of completion and signing of the Environmental Impact Assessment by the Manager or other authorized person shall be deemed to constitute the date of approval of the activity.

### Section 30. Lead Agency.

A. Staff Determination of Lead Agency; Recommendation to Board. Upon a determination that a proposed activity is discretionary in nature and is not otherwise exempt, consideration shall be given by staff to whether another public agency is primarily responsible for carrying it out or approving it. Staff shall consider, among others, the following factors relating to the lead agency principle:

(1) the lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole; and

(2) the lead agency generally is the public agency with general governmental powers, rather than an agency with single or limited purposes which is involved with the project by reason of the need to provide a public service or utility service to the project, such as the District.

(3) when any property to be served by the district requires a change in zoning, conditional use permit, variance, subdivision or tract approval or other land use permits or entitlements, the governmental agency responsible therefor shall be the lead agency. Where the provisions of paragraphs (1) through (3) leave the District and another agency with an equal claim to be the lead agency, the District may, by agreement with such agency, designate which agency will be the lead agency.

B. Staff Finding that District is Agency with Primary Responsibility. If, in the judgment of the District's staff, the project does not involve another public agency which is the lead agency, it shall proceed with the project evaluation process as outlined in Section 31, provided, however, that where other public agencies will have authority for approving or carrying out the project, the District staff shall consult with such other agencies in the preparation of all environmental documents for the project. Any person proposing to undertake a project as defined in Section 25 A.(2) or A.(3) (i.e. a private project) may present his objections to the staff's determination to the Board at its next regular or special meeting.

C. Staff Finding that Another Public Agency is Lead Agency. If, in the judgment of the District's staff, the project does involve another public agency which is the lead agency, it shall so find and shall designate the lead agency on the aforementioned Preliminary Environmental Assessment.

Unless otherwise required by the Board, no further environmental assessment shall be necessary.

Whenever a determination is made that another public agency constitutes the lead agency for undertaking or approving a project, the District shall provide data, upon written request of the lead agency, concerning all aspects of the District's activities required to furnish service to the project. In addition, prior to approving the project, the Board shall consider the lead agency's EIR or negative declaration on the project and shall certify that it has reviewed and considered the information contained in such documents.

The Office of Planning and Research will resolve disputes among public agencies as to which is the lead agency.

Section 31. Initial Study Procedures.

A. Undertaking of Initial Study; by whom; submission of data; costs. Upon a determination that a project is discretionary and is not otherwise exempt, and that the District is the agency with primary responsibility for approval of the project, an initial study shall be undertaken for the purpose of ascertaining whether the proposed project may have a significant effect on the environment, that is, a substantial adverse effect on the environment.

(1) As to projects defined in Article III, Section 25 A.(1) of these Guidelines, the initial study shall be undertaken by the District's staff or by private experts pursuant to contract with the District.

(2) As to projects defined in Article III, Section 25 A.(2) and 25 A.(3), the person or entity proposing to carry out the project shall submit all data and information as may be required by the District to determine whether the proposed project may have a significant effect on the environment. Such data and information shall consider all factors enumerated in subparagraph B infra. All costs incurred by the District in reviewing the data and information submitted by said person or entity, or in conducting its own investigation based upon such data and information for the purpose of determining whether the proposed project might have a significant effect on the environment shall be borne by the person or entity proposing to carry out the project.

B. Evaluating Environmental Significance. In determining whether a project may have a significant effect on the environment, the District shall consider both primary or direct and secondary or indirect consequences. Some examples of consequences which may have a significant effect on the environment are whether the project:

(1) is in conflict with environmental plans and goals that have been adopted by the community where the project is to be located;

(2) has a substantial and demonstrable negative aesthetic effect;

(3) substantially affects a rare or endangered species of animal or plant, or habitat of such a species;

- (4) causes substantial interference with the movement of any resident or migratory fish or wildlife species;
- (5) breaches any published national, state, or local standards relating to solid waste or litter control;
- (6) results in a substantial detrimental effect on air or water quality, or on ambient noise levels for adjoining areas;
- (7) involves the possibility of contaminating a public water supply system or adversely affecting ground water;
- (8) could cause substantial flooding, erosion or siltation;
- (9) could expose people or structures to major geologic hazards;
- (10) is likely to generate growth;

In most instances, affirmative findings as to any of the foregoing will require preparation of an EIR.

C. Mandatory Findings of Significance. In every case where any of the following conditions are found to exist as a result of a project, the project shall be found to have a significant effect on the environment:

- (1) Impacts which have the potential to degrade the quality of the environment or curtail the range of the environment.
- (2) Impacts which achieve short-term, to the disadvantage of long-term, environmental goals. A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.
- (3) Impacts for a project which are individually limited, but cumulatively considerable. A project may affect two or more separate resources where the impact on each resource is relatively small. If the effect of the total of those impacts on the environment is significant, an EIR must be prepared. This mandatory finding of significance does not apply to two or more separate projects where the impact of each is insignificant.
- (4) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

D. Staff Recommendation; Board Action. Staff shall submit its recommendation as to whether a proposed project may or may not have a significant effect on the environment to the Board, which recommendation shall be submitted on a form entitled Environmental Impact Assessment (a copy of which is attached hereto as Exhibit "B"). If the Board finds at a regular or special meeting that the proposed project will not have a significant effect on the environment, it shall order the preparation and filing of a negative declaration in accordance with the provisions of Section 32 infra. If, on the other hand, the Board finds that the proposed project may have a significant effect on the environment, it shall order the preparation and filing of an EIR in accordance with the provisions of Section 33 infra.



E. Public Participation. Members of the public may appear before the Board and present their views prior to the Board's determination under this section.

Section 32. Negative Declaration. Following the initial study as described in Section 31, a negative declaration shall be prepared for all discretionary projects not otherwise exempt upon a finding by the Board that the project will not have a significant effect on the environment. The required contents of a negative declaration and the procedures to be followed in connection with the preparation thereof are as follows:

A. Contents. A negative declaration shall be a concise, one-page statement containing the following information:

- (1) a brief description of the project;
- (2) a finding that the project will not have a significant effect on the environment;
- (3) a brief statement of reasons to support the finding that the project will not have a significant effect upon the environment; and
- (4) a statement indicating who prepared the initial study and where a copy of it may be obtained.

A copy of the form of Negative Declaration is attached hereto marked Exhibit "C".

B. Filed Notice of Negative Declaration. Upon completion of a negative declaration, the Manager or other designated person shall cause a copy of the negative declaration and the initial study to be filed at the District's office, and be available for public inspection.

C. Board Approval or Disapproval of Project. Following the filing of the negative declaration in the District office, but in no event sooner than ten days following the date of filing, the Board may consider the project at a regular or special meeting for purposes of approval or disapproval. Members of the public may appear before the Board and present their views prior to the Board's determination to approve or disapprove the project.

D. Notice of Determination. Following approval of the project, the District shall cause to be prepared a Notice of Determination on a form attached hereto as Exhibit "D" which shall contain the following:

- (1) the decision of the District to approve the project;
- (2) the determination of the District as to whether the project will or will not have a significant effect on the environment; and
- (3) a statement that no EIR has been prepared.

A copy of the Negative Declaration shall be attached to said notice and said notice shall then be filed with the county clerk of the county or counties in which the project is located.

E. Posting Notice of Determination. Simultaneously with the filing of the Notice of Determination the District shall cause a Notice of Determination to be posted at the District's office.

F. Costs. As to projects covered by Article III, Section 25 A.(2) and (3), the person or entity proposing to carry out the project requiring approval by the District shall bear all costs incurred by the District in preparing and filing the Negative Declaration.

Section 33. Environmental Impact Reports. Following the initial study as described in Section 31, an EIR shall be prepared for all discretionary projects not otherwise exempt upon a finding by the Board that the project may have a significant effect on the environment. Before completion of the draft EIR, the District's staff should assure that, to the extent deemed appropriate by such staff, persons and organizations believed to be concerned with the environmental effects of the Project have been consulted. The required contents of an EIR and the procedures to be followed in connection with the preparation thereof are as follows in subparagraphs A, B, and C, infra.

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

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

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

(3) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals and supporting public service facilities.

B. Description of Environmental Setting. An EIR must include a description of the environment in the vicinity of the project, as it exists before commencement of the project, from both a local and regional perspective. Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region. Specific reference to related projects, both public and private, both existent and planned, in the region, should also be included, for purposes of examining the possible cumulative impact of such projects.

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

(1) The Environmental Impact of the Proposed Action: Describe the direct and indirect impacts of the project on the environment, giving due consideration to both the short-term and long-term effects.

It should include specifics of the area, the resources involved, physical changes, alterations to ecological systems

and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development) and other aspects of the resource base such as water, scenic quality and public services.

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

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

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

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

(6) Any Irreversible Environmental Changes Which Would Be Involved in the Proposed Action Should it be Implemented: Uses of non-renewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a non-accessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such consumption is justified.

(7) The Growth-Inducing Impact of the Proposed Action: Discuss the ways in which the proposed project could foster economic or population growth, either directly or indirectly in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major

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

D. Organizations and Persons Consulted. The EIR shall include a section identifying all Federal, state and local agencies, organizations and private individuals consulted in preparing the EIR and the identity of the persons, firm or agency preparing the EIR.

E. Water Quality Aspects. The EIR shall identify any certification, made by a state or interstate organization, that water quality aspects of the proposed project are in substantial compliance with applicable water quality standards.

F. Preparation of Draft EIR; by Whom.

(1) As to projects defined in Article III, Section 25 A.(1) of these Guidelines, the draft EIR shall be undertaken by the District's staff or by private experts pursuant to contract with the District.

(2) As to projects defined in Article III, Section 25 A.(2) and (3) the person or entity proposing to carry out the project shall submit a draft EIR, containing the information required by subparagraph A above, for review and consideration by the District's staff. The District's staff shall analyze the draft EIR submitted pursuant to this subsection to verify its accuracy and objectivity prior to presenting it to the Board. The Manager or other authorized person may require additional information and data, including a statement specifying other public agencies believed to have approval authority over the project, from the person or entity proposing to carry out the project as he may deem necessary for completion of the draft EIR.

G. Completion of Draft EIR; Notice of Completion or Intent. Upon completion, the draft EIR shall be presented to the Board for review at a regular or special meeting. If the Board finds that the Draft EIR is in order and that it reflects the independent judgment of the District, the Board shall authorize the Manager or other authorized person to file a Notice of Completion with the Secretary of the Resources Agency on a form attached hereto as Exhibit "E" or a Notice of Intent with the State Clearinghouse on a form attached hereto as Exhibit "F". The Notice of Intent shall be filed when it is intended that the Draft EIR shall be submitted for review, pursuant to Subsection G to the State Clearinghouse. In all other cases, a Notice of Completion shall be filed. Filing shall be deemed complete when the appropriate Notice has been deposited in the United States mail addressed appropriately or when delivered in person to the appropriate office.



H. Filing of Notices. Simultaneously with the filing of a Notice of Completion or Intent, the District shall cause a copy of said Notice to be filed at the District's office and be available for public inspection.

I. Review of Draft EIR by Other Public Agencies and Persons with Special Expertise.

(1) General

(a) After filing a Notice of Completion or a Notice of Intent, whichever is appropriate, the District shall submit copies of the draft EIR for review and comment to all public agencies having jurisdiction by law over the proposed project. The identity of those public agencies having jurisdiction by law over the project shall be determined on a case-by-case basis. In the event that review and comment by a state agency is sought, the draft EIR shall be submitted through the State Clearinghouse.

(b) The district may send copies of the draft EIR to public agencies or persons with special expertise whose comments relative to the draft EIR would be desirable.

(c) Each public agency and/or person to whom a draft EIR is sent under (a) or (b) above shall be advised in writing that they may submit written comments to the district within the time established for review under paragraph 2 below.

(2) Time for Review. At the time the Board authorizes the filing of the Notice of Completion it shall establish a time period so as to permit adequate review of and comment on the draft EIR by such public agencies or persons. The period of time, to be established in the discretion of the Board, shall be based upon the size and scope of the proposed project; however, in no event shall the review period be less than thirty (30) days after the date of mailing or of delivery in person, or where review by a state agency through the State Clearinghouse is requested, less than the period provided in the state review system operated by the State Clearinghouse.

(3) Failure to Comment. In the event a public agency or person whose comments on a draft EIR are solicited pursuant to Subsection 1 above fails to comment within the time period established pursuant to Subsection 2 above, it shall be presumed, absent a written request for a specific extension of time for review and comment, together with the reasons therefor, that such agency or person has no comment to make. Any extension of time granted by the District shall be reasonable under the circumstances, but ordinarily shall not cover a period greater than the time period initially established for review and comment pursuant to Subsection 2 above.

(4) Continued Planning Activities. Continued planning activities concerning the proposed project, short of formal approval thereof, may continue during the period set aside for review and comment on the draft EIR.

J. Availability of the Draft EIR for Review. Following the filing of the Notice of Completion as required by subparagraph E above, copies of the draft EIR also shall be made available at the District's office for review or acquisition by members of the general public. Any person requesting a copy of the draft EIR from the District shall be charged the actual cost of reproducing it.

M. Adoption of Final EIR by Board; Board Approval or Disapproval of Project. Following preparation of the final EIR, it shall be presented to the Board for review. If the Board finds the final EIR to be in order it shall, at a regular or special meeting, adopt the EIR and certify that it has been completed in compliance with the California Environmental Quality Act of 1970 and the State Guidelines and that the Board has reviewed and considered the information contained in such EIR. Thereupon the Board may proceed immediately to consider the proposed project for purposes of approval or disapproval. Members of the public may appear before the Board and present their views prior to the Board's determination to approve or disapprove the project.

N. Notice of Determination. Following approval of the project, the District shall cause to be prepared a Notice of Determination on a form attached hereto as Exhibit "C" which shall contain the following:

- (1) The decision of the District to approve the project;
- (2) The determination of the Board as to whether the project will or will not have a significant effect on the environment; and
- (3) A statement that an EIR has been prepared.

Said notice shall then be filed with the county clerk of the county or counties in which the project is located.

O. Costs. As to projects covered by Section 25 A.(2) and (3), the person or entity proposing to carry out the project requiring approval by the District shall bear all costs incurred by the District in preparing and filing the EIR, as well as all publication costs incident thereto.

#### ARTICLE VII - CATEGORICAL EXEMPTIONS

Section 34. The following classes of projects, in accordance with and pursuant to Article 8 of the State Guidelines, have been determined not to have a significant effect on the environment, and therefore are declared to be categorically exempt from the requirement of preparing a negative declaration or an EIR. The categorical exemptions listed herein are not intended to be, and are not to be construed to be a limitation on the categorical exemptions set forth in Article 8 of the State Guidelines.

A. Class I: Existing Facilities. Class I consists of the operation, repair, maintenance or minor alteration of all existing District facilities, structures, equipment or other property of every kind which activity involves negligible or no expansion of use beyond that previously existing, including but not limited to:

- (1) street improvements and conveyance facilities, including pipelines, conduits and service facilities;
- (2) service connection facilities, including all appurtenances;
- (3) public safety facilities;
- (4) storage reservoirs, ponds, disposal areas;

- (5) pump stations;
- (6) buildings and structures; and
- (7) treatment plants and waste disposal facilities.

B. Class II: Replacement or Reconstruction. Class II consists of replacement or reconstruction of any District facilities, structures or other property where the new facility or structure will be located on the same site as the replaced or reconstructed facility or structure and will have substantially the same purpose and capacity as the replaced or reconstructed facility or structure, including but not limited to:

- (1) street improvements and conveyance facilities, including pipelines, conduits and service facilities;
- (2) service connection facilities, including all appurtenances;
- (3) public safety facilities;
- (4) storage reservoirs, ponds, disposal areas;
- (5) pump stations;
- (6) buildings and structures; and
- (7) treatment plants and waste disposal facilities.

C. Class III: New Construction of Small Structures. Class III consists of construction of new small facilities or structures and installation of small new equipment or facilities, including but not limited to service extensions and appurtenances and auxiliary facilities required to serve newly constructed small structures as follows:

- (1) single family residences not in conjunction with the building of two or more such units;
- (2) motels, apartments and duplexes designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;
- (3) stores, offices, and restaurants if designed for an occupant load of 20 persons or less, if not in conjunction with the building of two or more such structures;
- (4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences.

D. Class IV: Minor Alterations to Land. Class IV consists of minor alterations in the condition of land, water, and/or vegetation, which do not involve removal of mature, scenic trees except for forestry or agricultural purposes including but not limited to:

- (1) small, inconspicuous structures, improvements and facilities;
- (2) minor cutting or mowing of grass, weeds and brush for fire protection and aesthetic reasons;
- (3) grading on land with a slope of less than 10 percent except where it is to be located in a waterway, in any wetland, in an officially designated (by Federal, State or local governmental action) scenic area, or in officially mapped areas of severe geologic hazard;
- (4) new gardening or landscaping;
- (5) filling of earth into previously excavated land with material compatible with the natural features of the site;
- (6) minor alterations in land, water and vegetation on existing officially designated wildlife management areas of fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
- (7) minor temporary uses having negligible or no permanent effects on the environment;
- (8) minor trenching and backfilling where the surface is restored.

E. Class V: Information Collection. Class V consists of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These activities may be undertaken strictly for information gathering purposes or as part of a study leading toward the undertaking of a project.

F. Class VI: Actions for Protection of Natural Resources. Class VI consists of actions taken by the District 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 the protection of the environment. Construction activities are not included in this exemption.

G. Class VII. Actions for Protection of the Environment. Class VII consists of actions taken by the District as authorized by state law or local ordinance to assure the maintenance, restoration or enhancement of the environment where the regulatory process involves procedures for the protection of the environment. Construction activities are not included in this exemption.

H. Class VIII: Inspection. Class VIII consists of inspection activities, including but not limited to inquiries into the performance of an operation and examinations of the quality, health or safety of a project.

I. Class IX: Accessory Structures. Class IX consists of the construction or placement of minor structures accessory to or appurtenant to existing commercial, industrial or institutional facilities, including small parking lots.

J. Class X: Surplus Property. Class X consists of sales of surplus District personal or real property, except land located in an area of statewide interest or potential area of critical concern as identified in the Governor's Environmental Goals and Policy Report of June 1, 1973.

ARTICLE VIII -  
RETENTION OF COMMENTS AND  
AVAILABILITY OF COMMENTS FOR REVIEW

Section 35. All written comments received on a draft EIR through the formal consultation process provided for in Section 30 E, as well as all written comments that may be received independently of said process, shall be retained at the District's office for a period of at least one year following approval or disapproval of the project to which they relate. In addition, said comments shall be made available for public inspection at all reasonable times.

ARTICLE IX -  
SUBSEQUENT EIR'S

Section 36. Where an EIR has been prepared, no additional EIR need be prepared unless:

- A. Substantial changes are proposed in the project which will require major revisions of the EIR, due to the involvement of new environmental impacts not considered in the previous EIR.



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

ARTICLE X -  
USE OF A SINGLE EIR FOR MORE THAN ONE PROJECT

Section 37.

A. Two Projects Undertaken at the Same Time. A single EIR may be utilized to describe more than one project when the projects are essentially the same in terms of environmental impacts. Any environmental impacts peculiar to any one of the projects must be separately set forth and explained.

B. Later Projects. An EIR on an earlier project may be utilized to apply to a later project if the environmental impacts of the projects are essentially the same. If there are environmental impacts applicable to the later project which were not associated with the earlier project, the earlier EIR must be amended to separately set forth and explain said impacts.

ARTICLE XI -  
MISCELLANEOUS

Section 38. Partial Invalidity. In the event any part or provision of these Guidelines shall be determined to be invalid, the remaining portions hereof which can be separated from the invalid unenforceable provisions, shall nevertheless continue in full force and effect.

Section 39. Effective Date. The effective date of these Guidelines shall be February 15, 1974.

\* \* \* \*

EXHIBIT "A"

\_\_\_\_\_ DISTRICT

\_\_\_\_\_ (address)

PRELIMINARY ENVIRONMENTAL ASSESSMENT

Name of Project:

Location:

Entity or Person Undertaking Project:

A. \_\_\_\_\_ District

B. Other:

- 1. Name:
- 2. Address:

Staff Determination

The District's staff, having undertaken and completed a preliminary review of this project in accordance with the District's guidelines entitled "Local Guidelines Implementing the California Environmental Quality Act of 1970, as Amended", has concluded that this project does not require further environmental assessment because:

- ( ) 1. The proposed action does not constitute a project within the meaning of Section 25.
- ( ) 2. The project is a Ministerial Project under Section 4.
- ( ) 3. The project is an Emergency Project under Section 27.
- ( ) 4. The project constitutes a feasibility or planning study under Section 28.
- ( ) 5. The project is Categorically Exempt under Section 34.  
Applicable Exemption Class \_\_\_\_\_
- ( ) 6. The project involves another public agency which constitutes the lead agency.

Name of Lead Agency \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_ Authorized Person

EXHIBIT "B"

\_\_\_\_\_ DISTRICT

\_\_\_\_\_ (address)

ENVIRONMENTAL IMPACT ASSESSMENT

Name of Project:

Location:

Entity or Person Undertaking Project:

A. \_\_\_\_\_ District

B. Other:

- 1. Name:
- 2. Address:

Staff Determination

The District's staff, having undertaken and completed an initial study of this project in accordance with Section 31 of the District's guidelines entitled "Local Guidelines Implementing the California Environmental Quality Act of 1970, as Amended", for the purpose of ascertaining whether the proposed project might have a significant effect on the environment, has reached the following conclusion:

- ( ) 1. The project could not have a significant effect on the environment; therefore, a negative declaration should be prepared.
- ( ) 2. The project could have a significant effect on the environment; therefore, an EIR will be required.

Date: \_\_\_\_\_

\_\_\_\_\_ Authorized Person

EXHIBIT "C"

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION MAKING A NEGATIVE DECLARATION  
AND PROVIDING FOR NOTICE THEREOF

\_\_\_\_\_ DISTRICT

RESOLVED, by the Board of Directors of \_\_\_\_\_  
District, \_\_\_\_\_ County, California, that

WHEREAS, the project concerning which this determination is  
made is described as follows:

WHEREAS, an initial study of the environmental effects of  
said Project has been undertaken and completed by \_\_\_\_\_,  
and the results thereof have been reviewed by this Board;

NOW, THEREFORE, IT IS HEREBY FOUND, DECLARED and ORDERED  
as follows:

1. That, for the following reasons, it is hereby found that  
said Project will not have a significant effect upon the environment:

- (a)
- (b)
- (c)

2. That the Secretary be, and (he) (she) is hereby, authorized  
and instructed to file a certified copy of this Resolution and of the  
aforesaid initial study at the District office to be available for  
public inspection and copying.

\* \* \* \* \*

CERTIFICATE OF DISTRICT



EXHIBIT "D"

\_\_\_\_\_ DISTRICT

NOTICE OF DETERMINATION

\_\_\_\_\_ Responsible Agency

\_\_\_\_\_ Name of Project

\_\_\_\_\_ Location

\_\_\_\_\_ Contact Person

\_\_\_\_\_ Area Code

\_\_\_\_\_ Phone Extension

The Governing Board of \_\_\_\_\_ District,  
on \_\_\_\_\_, 19\_\_\_\_, determined to (approve) (disapprove)  
the above project and on \_\_\_\_\_, 19\_\_\_\_, determined  
that the project (will) (will not) have a significant effect on  
the environment.

An EIR (has) (has not) been prepared pursuant to the provisions  
of the California Environmental Quality Act of 1970, as amended.

Date: \_\_\_\_\_

\_\_\_\_\_ Authorized Person

EXHIBIT "E"

\_\_\_\_\_ DISTRICT

\_\_\_\_\_ (address)

TO: State of California  
The Resources Agency  
Secretary for Resources  
1416 Ninth Street, Room 1311  
Sacramento, California 95814

NOTICE OF COMPLETION

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Address Where Copy of EIR is Available \_\_\_\_\_

\_\_\_\_\_

Review Period \_\_\_\_\_

Contact Person \_\_\_\_\_ Area Code \_\_\_\_\_ Phone \_\_\_\_\_ Extention \_\_\_\_\_

\_\_\_\_\_