
California Special Districts Association

SAMPLE POLICY HANDBOOK

POLICY TITLE: Environmental Review Guidelines
POLICY NUMBER: 6020

ARTICLE I - GENERAL

Section 1. Purposes. These guidelines implement the California Environmental Quality Act of 1970 (CEQA) as amended and ensure that consideration is given to the environmental effects of projects that are subject to CEQA. An EIR, or environmental impact report, is a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways either to mitigate or avoid the effects. It is an information document which, when fully prepared in accordance with CEQA and these guidelines, will inform public decision makers and the general public of the significant environmental effects of projects proposed to be carried out or approved. The information in an EIR constitutes evidence that the District shall consider along with any other information that may be presented to the District. While CEQA requires that major consideration be given to preventing EIR damage, it is recognized that public agencies have obligations to balance other public objectives including economic and social factors in determining whether and how a project should be approved. Economic information may be included in an EIR or may be presented in whatever form the District desires. The District retains its existing authority to balance environmental objectives with economic and social objectives and to weigh the various long term and short-term costs and benefits of a project in making the decision to approve or disapprove it.

Section 2. General Implementing Procedures. The regulations contained in Title 14, Division 6, Chapter 3 of the California Administrative Code are incorporated by reference as if set out in full and shall be applicable, except as modified herein, to these procedures. (14 Code of Cal. Regs. Section 5022).

Section 3. Definitions.

- A. "District" means the [NAME OF DISTRICT].
- B. "Board" means the District's Board of Directors.
- C. "District staff" means the District's General Manager or other delegated District employee.
- D. "Lead Agency" means the public agency that has the principal responsibility for carrying out or approving a project.
- E. "Responsible Agency" means the public agency that proposes to carry out or approve a project, for which the Lead Agency is preparing or has prepared an EIR.
- F. "Trustee Agency" means the state agency with legal jurisdiction over natural resources held in trust for the people of the state, and which are affected by a project.
- G. "Substantial evidence" means facts, fact-related reasonable assumptions and expert opinion.
- H. "Cumulative Impact" means two or more environmental effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- I. Other definitions as found in 14 Code of Ca. Regs. Section 15350, *et seq.*

ARTICLE II - APPLICABILITY

Section 4. Scope of Applicability. These Guidelines apply to all discretionary projects that are carried out, approved or financed by the District.

Section 5. Statutory Exemptions. The following activities are exempt from the requirements of CEQA and these Guidelines and consequently no environmental documents are required therefore.

A. Ministerial Projects. Generally speaking, a ministerial project is one requiring approval by the District as a matter of law or the use of fixed standards or objective measurements without personal judgment. 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, utility service connections and disconnections to potential customers within such subdivision and the District's issuance of facility encroachment permits. (14 Code of Cal. Regs. Section 15369).

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 Board on a case-by-case basis or as part of these Guidelines as set forth hereafter.

B. Emergency Projects. The following emergency projects: (14 Code of Cal. Regs. Section 15269).

(a) 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 Section 8550 of the Government Code.

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

(c) Specific actions necessary to prevent or mitigate an emergency.

C. Feasibility and Planning Studies. A project involving only feasibility or planning studies for possible future actions that the District has not approved, adopted or funded, does not require the preparation of environmental documentation, but does require consideration of environmental factors. (14 Code Cal. Regs. Section 15252).

D. Pipelines in Public Right of Ways. A project of less than one mile in length within a public street or highway or any other public right of way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, replacement, removal, or demolition of an existing pipeline. A pipeline includes subsurface facilities but does not include any surface facility related to the operation of the underground facility. (Public Resources Code, Division 13, Paragraph 21080.21).

Section 6. Categorical Exemptions. The Secretary of Resources, State of California has found that specific classes of projects do not have a significant effect on the environment and they are declared to be categorically exempt from the requirement for the preparation of environmental documents. A list of these exemption classes commonly found in District operations, along with the specific activities that the District has found to be within these categorical exemptions follows. The categorical exemptions listed herein are not

intended to be, and are not to be construed to be a limitation of the exemption classes set forth in 14 Code Cal. Regs. Section 15300, *et seq.*

A. Class I: Existing Facilities. 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 or use beyond that previously existing, including, but not limited to:

- (1) treated water conveyance facilities and appurtenant structures;
- (2) water connection facilities, including meter boxes;
- (3) fire hydrants;
- (4) storage reservoirs;
- (5) pump stations;
- (6) treatment plants;
- (7) recreational facilities;
- (8) buildings; and,
- (9) dams.

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

- (1) treated water conveyance facilities and appurtenant structures;
- (2) water connection facilities, including meter boxes;
- (3) fire hydrants;
- (4) storage reservoirs;
- (5) pump stations;
- (6) buildings;
- (7) treatment plants;
- (8) recreational facilities, and
- (9) dams and appurtenant structures.

For the purpose of determining the extent of this class exemption for buried pipelines under the water conveyance facility category, the following shall apply. A replacement of a buried pipeline will be considered as categorically exempt under Class II if the replacement is within 30 feet of the existing pipeline, the nominal inside diameter of the replacement pipe is no larger than the existing pipeline or 8-inch, whichever is greater, and no substantial clearing of mature trees or bushes is necessary.

C. Class III. New Construction or Conversion of Small Structures. 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. Examples of this exemption include but are not limited to:

- (1) Raw water conveyance facility appurtenances, including control and measuring structures.
- (2) Treated water conveyance facility appurtenances, including meter boxes, fire hydrants, blow offs and air release valves.
- (3) Water conveyance facility appurtenances, including water meters, booster pumps, gate, ball and check made in the interior of the structure. Examples of this exemption include but are not limited to valves, blowoffs, valve boxes, etc.

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

- (1) small water diversion facilities;
- (2) grading on land with a slope of less than ten percent (10%), except that grading shall not be exempt 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;
- (3) new gardening or landscaping but not including tree removal;
- (4) filling of earth into previously excavated land with material compatible with the natural features of the site;
- (5) minor alterations in land, water and vegetation on existing officially designated wildlife management areas or fish production facilities that result in improvement of habitat for fish and wildlife resources or greater fish production;
- (6) minor temporary uses of land having negligible or no permanent effects on the environment;
- (7) maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal agencies.

E. Class V: Information Collection. 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: Inspection. Inspection activities, including but not limited to inquiries into the performance of an operation and examination of the quality, health or safety of a project.

G. Class VII: Accessory Structures. The construction or placement of minor structures accessory to or appurtenant to existing commercial, industrial or institutional facilities, including small parking lots.

H. Class VIII: Surplus Government Property Sales. Sales of surplus government property except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in 14 Code Cal. Ergs. Section 15206. However, if the surplus property to be sold is located in any of those areas even its sale is exempt if:

- (1) the property does not have significant values for wildlife habitat or other environmental purposes;
and,
- (2) any of the following conditions exist:

- (a) the property is of such size or shape that it is incapable of independent development or use, or
- (b) the property to be sold would qualify for an exemption under any other class of categorical exemption in Section 6 of these Guidelines, or
- (c) the use of the property and adjacent property has not changed since the time of purchase by the District.

I. Class IX: Annexations of Existing Facilities and Lots for Exempt Facilities. The following annexations:

- (1) annexations to the 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.
- (2) annexations of individual small parcels of the minimum size for facilities exempted by Class III, New Construction or Conversion of Small Structures.

D. Class X: Changes in Organization of the District. Changes in the organization or reorganization of the District where the changes do not modify the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- (1) establishment of an improvement district;
- (2) consolidation of two or more districts having identical powers;
- (3) merger with a district lying entirely within the boundaries of the District.

K. Class XI: Small Hydroelectric Projects at Existing Facilities. Installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

- (1) the capacity of the generating facilities is 5 megawatts or less;
- (2) operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
 - (a) rate and volume of flow;
 - (b) temperature;
 - (c) amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and;
 - (d) timing of releases.
- (3) 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;
- (4) repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment;
- (5) there will be no significant upstream or downstream passage of fish affected by the project;
- (6) the discharge from the powerhouse will not be located more than 300 feet from the toe of the diversion structure;
- (7) the project will not cause violations of applicable state or federal water quality standards;
- (8) 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; and,
- (9) construction will not occur in the vicinity of any rare or endangered species.

L. Class XII: Acquisition of Land for Wildlife Conservation. Acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.