

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. These guidelines are provided for use by a developer who is complying with County (as lead agency under CEQA) environmental requirements. District responsibility in this process is to review the documentation submitted by the developer. This process will be completed with the approval of the Tuolumne County Board of Supervisors.

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 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 Groveland Community Services 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, which in this case is Tuolumne County, with input from the District.

- 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.

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 disconnection’s 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).
 - 1. 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.

2. Emergency repairs to public service facilities necessary to maintain service.
 3. 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 valves 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:
- A. 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.
 - B. Annexations of individual small parcels of the minimum size for facilities exempted by Class III, New Construction or Conversion of Small Structures.

J. 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.

ARTICLE III ENVIRONMENTAL REVIEW PROCEDURES

SECTION 7 GENERAL

The requirements set forth in these Guidelines apply to projects which may have a significant effect on the environment and which involve discretionary governmental action. When the District knows for certain that the activity in question will not have a significant effect on the environment, the activity is not covered by the requirements set forth in CEQA. However, these Guidelines should be consulted to determine the procedures necessary to verify that conclusion. The procedures to be followed are summarized in the flow chart included as Exhibit A of these Guidelines.

ARTICLE IV PRELIMINARY REVIEW AND INITIAL STUDY

SECTION 8 PRELIMINARY REVIEW

At the outset, a proposed activity shall be examined by County staff for the purpose of determining whether it is either statutory or categorically exempt or involves another agency as the lead agency (14 Code Cal. Regs. Section 15050, *et seq.*). If it is determined that the project is exempt from CEQA, or the District is not the lead agency, County staff may complete a Preliminary Environmental Assessment. If the County staff determines that the project is exempt from CEQA and the County approves or determines to carry out the project, the County may file with the County Clerk of the county in which the project will be located, a Notice of Exemption on the form provided as Exhibit C.

SECTION 9 INITIAL STUDY

If the project is determined not to be exempt and the County is the lead agency, County staff shall conduct an initial study to determine if there is substantial evidence “in light of the whole record” that the project may have a significant environmental effect. In making such a study, County staff shall prepare a written determination using the Environmental Checklist Form. Prior to determining if a Negative Declaration or Environmental Impact Report (EIR) is required for a project, County staff shall consult informally with all responsible agencies and all trustee agencies responsible for resources affected by the project. If the project is determined to be of statewide, regional, or area wide significance as defined in 14 Code Cal. Regs. Section 14206, County staff will consult with transportation planning agencies and other public agencies which have transportation facilities within their jurisdictions which could be affected by the project. Consultation will be conducted in the same manner as for responsible agencies and will be for the purpose of obtaining information concerning the project’s effect on major local arterials, public transit, freeways, highways, and rail transit service within the jurisdiction of a transportation planning agency or a public agency. “Transportation Facilities” includes major local arterials and public transit within five (5) miles of the project site and freeways, highways, and rail transit service within ten (10) miles of the project site.

If there is substantial evidence “in light of the whole record” that the project may have a significant environmental effect, regardless of whether the overall effect of the project is adverse or beneficial, then an EIR must be prepared.

SECTION 10 THE EXISTENCE OF PUBLIC CONTROVERSY

The mere existence of public controversy over the environmental effects of a project is no longer enough to require the preparation of an EIR. Substantive evidence is needed including facts, reasonable assumptions predicated upon facts and expert opinion supported by facts. If there is disagreement among expert opinion then the County will treat the effect as significant and prepare an EIR.

A mitigated Negative Declaration will be prepared instead of an EIR when the initial study has identified potentially significant environmental effects but, prior to public review of the proposed Negative Declaration, the initial study was revised, providing for the mitigation of the effects of the proposed project to less than significant levels, and when there is no substantial evidence “in light of the whole record” that the project, as revised, will have a significant environmental effect.

SECTION 11 DEVELOPMENT AND PUBLICATION CRITERIA

The County is encouraged to develop and publish the thresholds that it uses to determine the significance of environmental effects caused by projects it reviews. By identifying criteria that it uses, the County can show some predictability in its determination process and an interested party can ascertain the standard of significance for a particular resource in the community. If thresholds are to be adopted as part of the County’s environmental review process then they must be adopted by ordinance, resolution, rule, or regulation after a public review period.

SECTION 12 CONSIDERATION OF CUMULATIVE EFFECTS

The cumulative effects of a project will be considered in the decision of whether an EIR is needed. An EIR must be prepared if the cumulative impacts may be significant and the project’s incremental effect is cumulatively considerable and will not be lessened through the mitigation measures set forth in a Mitigated Negative Declaration. “Cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past, current, and probable future projects (14 Code Cal. Regs. Section 15064(I)). If the cumulative impact will not be considerable, then a Negative Declaration can be prepared.

The County Staff, at the conclusion of the initial study, will complete an Environmental Impact Assessment form.

ARTICLE V NEGATIVE DECLARATION

SECTION 13 PROPOSED NEGATIVE DECLARATION

If the County staff determines that there is no substantial evidence “in light of the whole record” that the project will have a significant environmental effect, the County will give notice that they propose to adopt a Negative Declaration. (14 Code Cal. Regs. Section 15072). Notice will be provided to the public no less than twenty (20) calendar days prior to adoption by the District of Negative Declaration in the following manner:

- A. Mailed to the last know name and address of all organizations and individuals who have previously requested such notice in writing;
- B. Mailed to all responsible and trustee agencies;
- C. Posted in the office of the County Clerk of each county in which the project will be located within 24 hours of receipt for a period of at least twenty (20) days.
- D. Sent to the State Clearinghouse, Office of Planning and Research, if any state agencies or trustee agencies are responsible and the review period is extended to thirty (30) calendar days.
- E. Where the project meets the definition of statewide, regional or area-wide significance as defined in 14 Code Cal. Regs. Section 15206, notice will also be submitted to the State Clearinghouse and to the appropriate Metropolitan Area Council of Governments for review and comment.

The public review period is thirty (30) days unless a shorter period is approved by the State Clearinghouse (not less than 20 days). Notice will also be given by at least one of the following procedures:

- A. Publication at least one time by the County in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, publication in the newspaper with largest circulation from among the newspapers of general circulation in those areas;
- B. Posting of notice by the County on and off site in the area where the project is to be located;
- C. Direct mailing to owners and occupants, as shown on the latest equalized assessment roll, of property contiguous to the project.

The alternatives for providing notice specified above shall not preclude the County from providing additional notice by other means if they desire, nor shall these requirements preclude the them from providing the public notice at the same time and in the same manner as public notice required by any other law for the project.

The County shall make copies of the proposed Negative Declaration available for public inspection for at least 20 days. Copies of the Negative Declaration may be provided to any person upon payment to

them for a fee established by the County Board of Supervisors to cover nominal copying and staff processing costs

The County shall hold a hearing on the proposed Negative Declaration after notice is given as provided above. Comments relating to the inadequacies of a proposed Negative Declaration should identify the environmental effect, explain why the reviewer believes the effect would occur and explain why they believe the effect would be significant. Reviewers should explain the basis of their comments and whenever possible, should submit data or references in support of the comments. Prior to approving the project, the County shall consider the proposed Negative Declaration together with any comments received during the public review process. If the County determines that there is substantial evidence “in light of the whole record” that the project may have a significant environmental effect, it shall require that an EIR be prepared.

SECTION 14 RECIRCULATION OF NEGATIVE DECLARATION

A Negative Declaration will be recirculated for public review before it is adopted and the project approved when it has been significantly revised. This happens when a new, avoidable significant effect is identified and mitigation measures or project revisions must be added to reduce the effect or when the County determines proposed mitigation measures will not properly reduce effects thus new measures or revisions are required. There will not be a recirculation when: 1) mitigation measures are replaced with equal or more effective measures; 2) new project revisions are added which are not new, avoidable significant effects; 3) measures or conditions are optional under CEQA that do not create new significant effects and are not necessary to mitigate an avoidable a significant effect; or 4) new information is added to clarify, amplify, or make insignificant modifications (14 Code Cal. Regs. Section 15073.5).

SECTION 15 ADOPTION OF NEGATIVE DECLARATION

At a hearing, if the County determines that there is no substantial evidence “in light of the whole record” that the project may have a significant environmental effect; it shall adopt the Negative Declaration. If the Negative Declaration is to be prepared under contract, such contract must be executed within forty-five (45) days from the County’s determination that it is required.

SECTION 16 NOTICE OF DETERMINATION FOR NEGATIVE DECLARATION

After the final approval has been made on the Negative Declaration, and the project is reviewed by the Board, County staff shall prepare a Notice of Determination and file it with the County Clerk of the County. Such filing shall be done within five (5) working days of the approval of the project, be posted for thirty (30) days, and be retained in the agency files for nine (9) months. If the project requires discretionary approval from a State agency, the Notice of Determination shall be filed with the State Clearinghouse in the Office of Planning and Research (OPR). For a project of statewide, regional, or area-wide significance, a transportation planning agency or public agency which provides information to District staff shall be notified of and provided with copies of, environmental documents pertaining to the project.

SECTION 17 PROPOSED MITIGATED NEGATIVE DECLARATION

If the County determines through the initial study that there are potentially significant effects to the environment, but (1) revisions in project plans or proposals made or agreed to by the applicant prior to release for public review of the Proposed Negative Declaration and initial study will avoid or mitigate the effects, and (2) there is not substantial evidence “in light of the whole record” that the revised project will have a significant effect on the environment, then the County will give the same notice as for a Negative Declaration. The format for this notice is given Exhibit F of these Guidelines.

ARTICLE VI ENVIRONMENTAL IMPACT REPORT

SECTION 18 NOTICE OF PREPARATION

If the Board determines that there is substantial evidence “in light of the whole record” that the project may have a significant environmental effect, it will require that an EIR be prepared. Immediately after deciding that an environmental impact report is required for the project, the District staff shall send to each responsible or trustee agency, any public agency which has jurisdiction by law with respect to the project, and any city or county which borders on a city or county within which the project is located, a Notice of Preparation, by certified mail or any other method of transmittal which provides a record that the notice was received, stating that an EIR will be prepared. Such Notice of Preparation must also be published in a newspaper of general circulation.

The Notice of Preparation shall provide the addressee agencies with a brief description of the project, project location, and project effects on the environment; the date, time and place of a public hearing on the notice; the address where documents relating to the projects are available and where written comments may be sent and the deadline for submitting comments. Within thirty (30) calendar days after receiving the Notice of Preparation, each addressee agency shall provide the County with specific details about the scope and content of the environmental information related to each affected agency’s area of statutory responsibility, which must be included in the draft EIR.

When one or more State agencies will be a responsible or trustee agency, the District shall send a Notice of Preparation to each affected State agency with a copy to the State Clearinghouse.

A copy of the Notice of Preparation will be posted at the District’s main office. The Notice shall also be posted in the Office of the County Clerk of the county or counties in which the project will be located and shall remain posted for a period of thirty (30) days.

SECTION 19 DRAFT EIR

The draft EIR shall be prepared directly by or under contract to the County. If it is prepared under contract, such contract must be executed within forty-five (45) days after a project application has been accepted as complete. The required contents of a draft EIR are discussed in 14 Code Cal. Regs. Section 15120, *et seq.* A standard format must be used whenever feasible.

If the project is determined to be of statewide, regional, or area-wide significance, the draft EIR shall be submitted to the State Clearinghouse and should be submitted also to the appropriate Metropolitan Area Council of Governments, as well as to a transportation planning agency or public agency which provides transportation information to District staff for review and comment.

Prior to completing the draft EIR, the County may consult directly with any person or organization it believes will be concerned with the environmental effects of the project.

SECTION 20 NOTICE OF COMPLETION OF DRAFT EIR

As soon as the draft EIR is completed and approved by the County, the County will file, with the State Clearinghouse, a Notice of Completion of Draft EIR

SECTION 21 REVIEW OF DRAFT EIR

After completing a draft EIR, the County shall consult with and obtain comments from public agencies having jurisdiction by law with respect to the project and should consult with persons having special expertise with respect to any environmental impact involved. Others might need to be consulted, including any city or county bordering the city or county of the project; transportation planning and public agencies which have transportation facilities within their jurisdictions that might be affected, for statewide, regional or area-wide projects; and California Department of Water Resources for a subdivision project within one mile of a facility of the State Water Resources Development System. The County shall provide the general public with an opportunity to comment on the draft EIR.

The County shall provide Public Notice of the Completion of a Draft EIR, on the form attached as Exhibit K, at the same time as it sends a Notice of Completion of Draft EIR to the State Clearinghouse. Notice shall be mailed to all organizations and individuals who have previously requested such notice and shall also be given by:

- A. Publication at least one time by the County in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, publication in the newspaper with largest circulation from among the newspapers of general circulation in those areas;
- B. Posting of notice by the County on and off site in the area where the project is to be located;
- C. Direct mailing to owners and occupants, as shown on the latest equalized assessment roll, of property contiguous to the project.

The alternative for providing notice specified above will not preclude the County from providing additional notice by other means if it so desires, nor will these requirements preclude the District from providing the public notice at the same time and in the same manner as public notice required by any other law for the project.

The County shall use the State Clearinghouse to distribute EIRs and other environmental documents to state agencies for review. The County will identify to the State Clearinghouse those state agencies that are likely to be interested and provide at least 10 copies of the Draft EIR to the State Clearinghouse along with an electronic format on diskette or by e-mail.

In making copies of draft EIRs available to the public, the District will, whenever possible, make environmental information available on the Internet on a Web site maintained or used by the District.

In order to provide sufficient time for public review, review periods for draft EIRs will not be less than thirty (30) calendar days, nor longer than sixty (60) calendar days from the date of the notice except in unusual situations. If a State responsible or trustee agency is reviewing the draft EIR, the public review period must be not less than forty-five (45) calendar days.

Public hearings may be conducted by the Board on the draft EIR, either in separate proceedings, or in conjunction with other proceedings of the County. Reviewers of a draft EIR should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.

SECTION 22 FINAL EIR

The District staff shall review comments on environmental issues received from persons and organizations that reviewed the draft EIR and coordinate with County on a written response to all comments received during the review period.

The County staff shall prepare a final EIR, which 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 County to significant environmental points raised in the review and consultation process.
- E. Any other information added by the County.

The response of the County to comments received may take the form of a revision to the draft EIR or may be a separate section in the final EIR, as an attachment. The major issues raised when the District's position is at odds with the recommendations and objections raised in the comments must be addressed in detail, giving reasons why specific comments and suggestions were not accepted and listing factors of importance warranting an override of the suggestions.

The County may provide an opportunity for review of the final EIR by the public or commenting agencies. When significant new information is added to the EIR after the close of public comments period but before certification of the Final EIR, then the Draft EIR will be recirculated.

SECTION 23 CERTIFICATION OF FINAL EIR

After completion of the review period, the Board of Supervisors shall consider by resolution certifying that:

- A. the final EIR has been completed in compliance with CEQA; and
- B. the final EIR was presented to the Board and the Board reviewed and considered the information contained in the final EIR prior to approving the project; and
- C. the Final EIR represents the Board's independent judgment and analysis.

CEQA requires the County to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, then they may be considered acceptable through the Board passing a statement of overriding considerations (14 Code of Cal. Regs. Section 15093). Moreover, when evaluating the feasibility of mitigation measures, the Board may cite legal, social and technological factors, as well as the provision of highly trained job opportunities as reasons for deciding that certain mitigation measures are infeasible.

After Board of Supervisors approval of the project, copies of the certified final EIR shall be filed with the appropriate planning agency of any city or county where significant effects on the environment may occur and to each responsible and trustee agency. The Board will be made aware of all appeals concerning the Board of Supervisors decision to certify an EIR.

SECTION 24 NOTICE OF DETERMINATION FOR EIR

After said approval or a determination to carry out the project is made by the Board of Supervisors, the County shall prepare a Notice of Determination and file it with the County Clerk within five (5) working days of the approval of the project. The Notice of Determination shall include a statement of overriding considerations if adverse environmental impacts have been identified and not mitigated. If the project requires discretionary approval from a State agency, the Notice of Determination shall also be filed with the State Clearinghouse (14 Code of Cal. Regs. Section 15094).

ARTICLE VII MASTER EIR

SECTION 25 PROCESS

The filing of a Master EIR is an optional process designed to streamline the entire CEQA process. A Master EIR may be filed in lieu of an EIR for the adoption of plans, phased or multiple approval

projects, development agreement projects and rules and regulations to be carried out in subsequent projects. The Master EIR can be used to limit subsequent project reviews for subsequent projects.

SECTION 26 CONTENTS

A Master EIR must contain the same information as a standard EIR. In addition, a Master EIR must give sufficient information concerning the anticipated projects within its scope. Such additional information must include the size, location and alternatives for the subsequent projects, the intensity, and the schedule governing the submission and approval of the subsequent projects.

The Master EIR must also discuss the potential impacts of the anticipated subsequent projects, which cannot be fully assessed at the time the Master EIR is prepared.

SECTION 27 SUBSEQUENT PROJECTS

When the anticipated subsequent projects are up for approval, the County must conduct an Initial Study to determine if the subsequent projects and its significant environmental effects were included in the Master EIR. If no new impacts are discovered, and if no new mitigation measures or alternatives are necessary, the District may simply adopt a finding that the subsequent project was adequately covered by the Master EIR. The District must also provide public notice, using the form provided as Exhibit M, of its intent to approve the project and incorporate all feasible, applicable mitigation measures.

Public notice will be mailed to the last known name and address of all organizations and individuals that have previously requested notice in writing and in at least one of the following ways:

- A. Publication at least one time in a newspaper of general circulation in the area affected by the proposed project or if more than one area is affected then in the newspaper with the largest circulation from those areas,
- B. Posting notices on and off the site in the area where the project is to be located.
- C. Direct mailing to the owners as shown on the last equalized assessment roll and occupants of the property contiguous to the project location.

After the District approves the subsequent project a Notice of Approval of a Subsequent Project will be filed with the OPR using the form provided as Exhibit N.

If the District finds during its Initial Study that new environmental impacts do exist, which may now be mitigated, it must prepare a mitigated Negative Declaration or a Focused EIR for the subsequent project. See Sections 17 and 28.

A Master EIR must be reviewed periodically to determine that it is still an adequate analysis of the significant environmental effects of the project for which it was prepared. This can be done by using the Environmental Checklist provided as Exhibit D. Updating the Master EIR, including preparing

subsequent or supplemental EIRs, maintains its effectiveness as the basis for streamlined review of projects that are within its scope.

If the District discovers new impacts, which cannot be mitigated, it must prepare either a new EIR or a Focused EIR before it may approve the project. See Section 18-24 and 28.

SECTION 28 FOCUSED EIR

District has the choice of preparing a Focused EIR, instead of a completely new EIR, prior to approval of a project that was previously covered by a Master EIR when new significant impacts have been discovered and a Mitigated Negative Declaration cannot be prepared. The Focused EIR must examine the additional significant environmental effects not covered by the Mater EIR and any new mitigation measures not covered in the Master EIR. It must also analyze the significant environmental effects previously covered in the Master EIR for which substantial new information exists that demonstrates that these effects may be more significant than described in the Master EIR.

The District must also examine those mitigation measures previously found to be infeasible in the Mater EIR which new information shows may now be feasible. The Focused EIR need not cover the effects successfully mitigated by the measures as discussed in the Master EIR for which mitigation is the responsibility of another agency.

SECTION 29 TIME LIMITS

The Master EIR may be used to limit the review of subsequent projects. The lead agency may only use the Master EIR after it has reviewed its adequacy and found no new information is applicable and no new changes are apparent.

SECTION 30 OTHER PROJECTS

If, during the approval of a later project not within the scope of the Master EIR, substantial changes are made to or new relevant information concerning the Master EIR is discovered, the lead agency must: (1) prepare a new or supplemental Master EIR based upon the changes and/or new information; (2) prepare a mitigated Negative Declaration for all subsequent projects within the scope of the Master EIR; or (3) prepare a Focused EIR for all subsequent projects within the scope of the Master EIR.

ARTICLE VIII MISCELLANEOUS

SECTION 31 MITIGATION MONITORING OR REPORTING

To ensure that mitigation measures and project revisions identified in the EIR or Negative Declaration are implemented, the District must adopt a program for monitoring or reporting on the revisions it has required in the project and the measures it has imposed, to mitigate or avoid significant environmental effects. The District can delegate such reporting and monitoring responsibilities to another public

agency or to a private entity that accepts the delegation. However, the District remains responsible for ensuring implementation of the mitigation measures until such measures have been completed.

The District has the choice of monitoring mitigation, reporting on mitigation, or both. “Reporting” consists of a written compliance review presented to the decision making body or authorized staff person. It ensures that the District is informed of compliance. “Monitoring” is an ongoing or periodic process of project oversight. It ensures that compliance is checked on a regular basis. At times there is no clear distinction between reporting and monitoring, but the following, form 14 Code Cal. Regs. Section 15097, provides a guide:

- A. Reporting is suited to projects with readily measurable or quantitative mitigation measures or already involves regular reviews.
- B. Monitoring is suited to projects with complex mitigation measures that may exceed the expertise of the local agency to oversee, are expected to be implemented over time, or require careful implementation to assure compliance.
- C. Both are suited to all but the simplest projects.

SECTION 32 DISTRICT PROJECTS

The District, when it is the lead agency on a Non-District Project, can require the proposed project applicant to submit information that the District considers necessary for preparing the environmental documentation.

The applicant shall pay all costs incurred for administration and preparation of environmental documentation. The costs for environmental impact report preparation and administration shall include public hearing attendance, printing costs, consultant’s fees, and any other relevant expenses incurred by the District. The applicant will be required to deposit with the District the estimated cost of preparation of the required environmental documentation, as determined by the District. The applicant will be responsible for paying all related costs on a time and material basis. If the costs are greater than the deposit, the applicant shall pay the additional amounts within ten (10) calendar days of notice by the District. In the event that payment is not received for the additional amounts, the District may immediately cease processing the environmental documentation.

SECTION 33 DE MINIMIS IMPACT FINDING

In order to determine the necessity of paying Department of Fish and Game fees, the District must determine if the project has an adverse effect on wildlife resources. Projects found by the District in the initial study to be categorically exempt or to be *de minimis* in their effect on wildlife resources shall pay no fee.

The District will file two (2) copies with the County Clerk of the county in which the project will be located a Certificate of Fee Exemption on the form provided as Exhibit L if either of the following findings can be made.

- A. The District determines, when considering the record as a whole, that there is no evidence before the District that the project will have a potential for adverse effect on wildlife resources as defined in Fish and Game Code Section 711.2.
- B. The District rebuts the presumption of adverse effect on wildlife resources contained in 14 Code of Cal. Regs. Section 753.5(d).

For purposes of signing the Certificate of Fee Exemption, the District's General Manager is considered the Chief Planning Official.

SECTION 34 HISTORIC AND ARCHEOLOGICAL RESOURCES

A project that may cause a "substantial adverse change" in the significance of a historical resource may also have a significant effect on the environment. A historical resource is included in a local historical register or any object, building, structure, site, area, place, record, or manuscript which a District determines "in light of the whole record" to be historically significant because of the architectural, engineering, economic, agricultural, educational, social, political or cultural significance to California. If the project affects a state-owned historical resource, the State Historic Preservation Office (SHPO) will be consulted.

If a project will impact an archaeological site, then the Board will be determined whether the site meets the definition of a historical resource. If the project is a historical resource, then it will be treated as such. If not, then the it will be determined if it is a "unique archaeological resource" as defined in Pub. Res. Code sec. 21083.2. If the project meets neither definition, then the impact will not be considered significant.

SECTION 35 PARTIAL INVALIDITY

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

CEQA GUIDELINES—EXHIBIT INDEX

<u>INDEX</u>	<u>TITLE</u>
600-I-A	CEQA Process Flow Chart
600-I-B	Preliminary Environmental Assessment
600-I-C	Notice of Exemption
600-I-D	Environmental Checklist Form
600-I-E	Environmental Impact Assessment
600-I-F	A Notice of Preparation of Negative Declaration
600-I-G	Negative Declaration Regarding Environmental Impact
600-I-H	Notice of Determination
600-I-I	Notice of Preparation of Draft EIR
600-I-J	Notice of Completion of Draft EIR
600-I-K	Public Notice of Completion of a Draft EIR
600-I-L	Public Notice of Intent to Approve Subsequent Project Under Master EIR
600-I-M	Notice of Approval of Subsequent Project [<i>not included in sample handbook</i>]
600-I-N	Certificate of Fee Exemption and Attachment

EXHIBIT 600-I-A CEQA PROCESS FLOW CHART

EXHIBIT 600-I-B PRELIMINARY ENVIRONMENTAL ASSESSMENT

Groveland Community Services District
P.O. Box 350
Groveland, CA 95321-0350

Name of Project: _____

Location: _____

Entity or Person Undertaking Project

- A. Groveland Community Services District
- B. Other

Name: _____

Address: _____

Staff Determination:

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

- _____ 1. The activity does not involve the exercise of discretionary powers by a public agency.
- _____ 2. The Activity will not reasonably foreseeable indirect physical change on the environment.
- _____ 3. The proposed action does not constitute a Project within the meaning of 14 Code of Cal. Regs. Section 15378.
- _____ 4. The project is Statutorily Exempt under Section 15260 *et seq.*

Applicable Exemption Class _____

- _____ 5. The project is Categorical Exempt under Section 15300 *et seq.*
- _____ 6. The project involves another public agency that constitutes the Lead Agency.

_____7. The project will be rejected or disapproved by a public agency.

Name of Lead Agency _____

Date

[signature of District General Manager]

EXHIBIT 600-I-C NOTICE OF EXEMPTION

To: County Clerk
County of Tuolumne

From: Groveland Community Services District
P.O. Box 350
Groveland, CA 95321-0350

OR
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Project Title

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)

___ Statutory Exemption. Type and section number _____

___ Ministerial Exemption. Type and section number _____

___ Declared Emergency. Type and section number _____

___ Emergency Project. Type and section number _____

___ Categorical Exemption. Type and section number _____

Reasons why project is exempt.:

Contact Person

Area Code Telephone Extension

If filed by applicant:

- a. Attach certified document of exemption finding.
- b. Has a notice of exemption been filed by the public agency approving the project?
_____ yes _____ no

Date

[signature of District General Manager]

Date received for filing at OPR: _____

EXHIBIT 600-I-D ENVIRONMENTAL CHECKLIST FORM

ENVIRONMENTAL CHECKLIST FORM

Project Title: _____

1. Lead agency name and address:
2. Contact person and phone number:
3. Project location:
4. Project sponsor's name and address:
5. General plan designation:
6. Zoning;
7. Description of Project (describes 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. Attached additional sheets if necessary):
8. Surrounding land uses and setting. (Briefly describe the project's surroundings):
9. Other 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"/> Utilities/Service | <input type="checkbox"/> Mandatory findings of Significance |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Hydrology/Water | <input type="checkbox"/> Land/Use/Planning |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Noise | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Recreation | | |

EXHIBIT 600-I-E ENVIRONMENTAL IMPACT ASSESSMENT

Name of Project: _____

Location: _____

Entity or Person Undertaking Project

A. Groveland Community Services District

B. Other

Name: _____

Address: _____

Staff Determination:

The District's staff, having undertaken and completed an Initial Study of this project in accordance with Title 14 Code of Cal. Regs. Section 15063 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

[signature District General Manager]

EXHIBIT 600-I-F NOTICE OF PREPARATION OF NEGATIVE DECLARATION OR
MITIGATED NEGATIVE DECLARATION

PROJECT TITLE: _____

PROJECT LOCATION: _____

PROJECT DESCRIPTION: _____

The site _____ is\ _____ is not present on any of the lists enumerated under Government Code Section 65962.5.

Pursuant to the CEQA Guidelines adopted by [name of district], a Proposed Negative Declaration on the above named project has been prepared and is available for review starting _____ until _____ during which the District will receive comments, at the District's main office complex located at [physical address of district].

Final adoption of the Negative Declaration will be considered at the District Board of Directors' Regular Meeting, the [date of regularly monthly meeting] each month commencing at [time of meeting at [meeting location)]; or on any other date, time or place as is properly noticed.

Any appeals to this action may be made to the District in writing at any time prior to said Board meeting, or verbally during said Board meeting.

Mailing Address: District Secretary
Groveland Community Services District
P.O. Box 350
Groveland, CA 95321-0350

EXHIBIT 600-I-G NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACT

1. NOTICE IS HEREBY GIVEN that the project described below has been reviewed pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code 21100, *et seq.*) and a determination has been made that it will not have a significant effect upon the environment.
2. PROJECT NAME: _____
3. DESCRIPTION OF PROJECT: _____
4. LOCATION OF PROJECT: _____
5. NAME AND ADDRESS OF PROJECT PROPONENT: _____
6. MITIGATION MEASURES FOR MITGATED NEGATIVE DECLARATIONS: _____
7. A copy of the initial study regarding the environmental effect of this project is Attached (Must Be Attached).

This study was:

_____ Adopted as presented.

_____ Adopted with changes. Specific modifications and supporting reasons are attached.

8. A public hearing on this Negative Declaration was held by the District Board of Directors on _____(date).

9. Determination:

On the basis of the initial study of environmental impact, the information presented at hearings, comments received on the proposal and our own knowledge and independent research:

_____ We find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby adopted.

_____ We find that the project COULD have a significant effect on the environment but will not in this case because of attached mitigation measures described in Item 6 above which are by this reference made conditions of project approval. A conditional NEGATIVE DECLARATION is hereby adopted.

Date

[signature of District General Manager]

The EIR or Negative Declaration and record of project approval may be examined at the District's office at [physical address of district].

3. Mitigation measures ____ were, ____ were not, made a condition of the approval of the project.
4. A Statement of Overriding Considerations ____ was, ____ was not, adopted for this project.

Date

[signature of District General Manager]

EXHIBIT 600-I-I NOTICE OF PREPARATION OF DRAFT EIR

TO: (Responsible Agency)

FROM: Groveland Community Services District

Address: _____

P.O. Box 350

Groveland, CA 95321-0350

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

Groveland Community Services District 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 that 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 probable 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 the Groveland Community Services District (phone [209-962-7161] at the address shown above. We will need the name of a contact person in your agency.

PROJECT TITLE: _____

PROJECT APPLICANT, IF ANY: _____

Date

[signature of District General Manager]

EXHIBIT 600-I-K PUBLIC NOTICE OF COMPLETION OF A DRAFT EIR

PROJECT TITLE: _____

PROJECT LOCATION: _____

PROJECT DESCRIPTION: _____

SIGNIFICANT ENVIRONMENTAL IMPACTS:

HAZARDOUS WASTE SITE: _____

Pursuant to the CEQA Guidelines adopted by [name of district], a draft environmental impact report on the above named project has been prepared and is available for review at the District's main office complex located at [physical address of district].

Written comments on this document will be received by the District until _____(date).

Mailing Address: Groveland Community Services District
P.O. Box 350
Groveland, CA 95321-0350

(A public hearing to receive verbal comments relating to the draft EIR will be held at the Groveland Community Service District Board of Directors' meeting at 18966 Ferretti Road, Groveland.

EXHIBIT 600-I-L PUBLIC NOTICE OF INTENT TO APPROVE SUBSEQUENT PROJECT UNDER MASTER EIR

- The Groveland Community Services District has, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in 14 C.C.R. □753.5(d).
- In addition, the Groveland Community Services District has considered the following items to determine whether the project is or is not *de minimis*:
 - a. Department of Fish and Game has not concluded that the project is subject to the filing fee.
 - b. Habitat types present on the project site.
 - c. Habitat types adjacent to the project site.
 - d. Cumulative impacts of this and similar projects on existing fish or wildlife habitat.
 - e. Project impacts on the natural and biological resources of the community.

FINDING OF NO ADVERSE IMPACT:

When considering the record as a whole, there is no evidence before [District] that the proposed project will have a potential for adverse effect on wildlife resources defined as all wild animals, birds, plants, fish, amphibians, and related ecological communities including the habitat on which the wildlife depends for its continued viability. (Fish & Game Code □711.2).

GROVELAND COMMUNITY SERVICES DISTRICT

Dated: _____

By _____

CHIEF PLANNING OFFICER

Dated: _____

By _____

Distribution:

Once signed by the Chief Planning Official, [name of district] retains the original as part of the Environmental Record. File two copies of certificate with the County Clerk along with the Notice of Approval or Notice of Determination.

EXHIBIT 600-I-M NOTICE OF APPROVAL OF SUBSEQUENT PROJECT

(Not contained in this Manual)

EXHIBIT 600-I-N CERTIFICATE OF FEE EXEMPTION

NAME & ADDRESS OF PROJECT PROPONENT:

Groveland Community Services District
P.O. Box 350
Groveland, CA 95321-0350

PROJECT DESCRIPTION:

Describe the project and its location, including County. For example, this is an project whereby a section of District open canal will be enclosed with pipeline.

ENVIRONMENTAL IMPACT STUDY:

OWID has conducted an initial study to determine if the project may have a significant effect on the environment. In making the study, [District] staff prepared a written determination using the District's CEQA Guidelines Environmental Checklist form.

The initial study conducted by [District] evaluated the potential for adverse environmental impact and found no evidence that the proposed project will result in changes to the resources listed below: (14 C.C.R. 753.5(d))

- a. Riparian land, rivers, streams, watercourses, and wetlands under state and federal jurisdiction.
- b. Native and non-native plant life and the soil required to sustain habitat for fish and wildlife;
- c. Rare and unique plant life and ecological communities dependent on plant life; and
- d. Listed threatened and endangered plants and animals and the habitat in which they are believed to reside.
- e. All species of plants or animals as listed as protected or identified for special management in the Fish & Game Code, the Public Resources Code, the Water Code, or regulations adopted thereunder.
- f. All marine and terrestrial species subject to the jurisdiction of the Department of Fish & Game and the ecological communities in which they reside.
- g. All air and water resources the degradation of which will individually or cumulatively result in a loss of biological diversity among the plants and animals residing in that air and water.