

**PROCEDURES FOR THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT**
(Adopted June 20, 2007)

A. Authority and Purpose

Section 21083 of the California Public Resources Code requires that the Secretary of the Resources Agency adopt guidelines for the implementation of the California Environmental Quality Act of 1970 (CEQA) by public agencies. The guidelines which have been adopted, are set forth in the California Code of Regulations (Chapter 3, Title 14 Sections 15000, *et. seq.*)

Section 15022 of the guidelines requires that each public agency adopt objectives, criteria, and specific procedures for administering its responsibilities under CEQA. The purpose of these regulations is to comply with the requirements of Section 15022.

B. State CEQA Guidelines Adopted by Reference

The San Joaquin Local Agency Formation Commission has hereby adopted by reference the July 11, 2006, State CEQA Guidelines for compliance with the California Environmental Quality Act and any subsequent revisions thereto as permitted by Section 15022(d) of those guidelines. The Commission has also established the following procedures for the implementation of CEQA. For areas of CEQA responsibility not specifically addressed by these procedures, the Commission will follow the text of the State CEQA Guidelines.

C. Delegation of Responsibility, Appeal

The Executive Officer shall execute all activities required by these procedures and the State CEQA Guidelines. Typical activities include consultation with Lead and Responsible Agencies, findings of exemption, preparation of initial studies and the determination to prepare a Negative Declaration or Environmental Impact Report (EIR), and preparation and filing of appropriate notices.

Any person aggrieved by a determination of the Executive Officer may appeal such determination to the Commission. The appeal shall be filed in writing with the Executive Officer within 10 days after the Executive Officer's determination and shall state the reasons for appeal and the desired action. The appeal shall be placed on the next open agenda of the Commission.

D. Exempt Activities

Exempt activities include ministerial projects and categorical exemptions. The Executive Officer shall determine if a proposal is exempt.

1. Ministerial: The Commission action on an island annexation in compliance with Section 56375 and 56375.3 of the Government Code.

2. Categorical Exemptions: Proposals which are generally categorically exempt are detailed in Sections 15319 and 15320 of the Guidelines for California Environmental Quality Act.
3. Municipal Service Reviews (MSR): Municipal Service Reviews are not considered “projects” for the purposes of CEQA review.

E. LAFCo as Responsible Agency

When LAFCo is a Responsible Agency, the Commission shall certify that it has reviewed the Lead Agency’s environmental documents and, if required, adopt findings for approval and statements of overriding considerations in accordance with Sections 15091 and 15903 of the CEQA Guidelines.

1. Consultation: The Executive Officer shall respond to consultation by the Lead Agency to assure that the environmental document will be adequate for LAFCo’s use. The Executive Officer shall reply certified mail within 30 days after receiving a Notice of Preparation from the Lead Agency.
2. Comments: The Executive Officer shall submit comments to the Lead Agency on draft EIRs and Negative Declarations concerning the adequacy or appropriateness of the document. The comments shall be limited to those project activities which are related to LAFCo’s area of expertise or which will be required to be considered by LAFCo.
3. Adequacy of EIR or Negative Declaration: If the Executive Officer finds that the Negative Declaration or EIR prepared by the Lead Agency is not adequate for LAFCo use, the Executive Officer shall bring the matter to the Commission prior to 30 days after the Lead Agency files a Notice of Determination.
4. Final EIR or Negative Declaration: The Executive Officer shall provide the final EIR or Negative Declaration to Commissioners prior to, or along with, the Staff Report.
5. Findings and Statements: The Executive Officer shall prepare, or cause to be prepared, “draft” Findings and Statements, findings for approval, and statements of overriding considerations for Commission consideration.
6. Notice of Determination: The Executive Officer shall file a Notice of Determination within 5 working days after deciding to carry out or approve the project.

F. LAFCo as Lead Agency

When LAFCo is the Lead Agency, the Commission through the Executive Officer, shall screen projects and prepare appropriate environmental documents. As Lead Agency, the Commission shall certify that the final EIR or Negative Declaration has been prepared in compliance with CEQA, that that the final EIR or Negative Declaration has been reviewed

and considered, and if required, adopt findings for approval and statements of overriding consideration.

1. Initial Study: The Executive Officer within 30 days of receiving a complete application shall consult with responsible agencies and all trustee agencies and prepare an Initial Study. Upon review the Executive Officer shall determine if a Negative Declaration or EIR is to be prepared.