PI hereby certify that the following agenda was posted at least 72 hours prior to the time of the meeting so noticed below at 24251 Los Alisos Boulevard, Lake Forest, California.

ROBERT R. HILL, Secretary of the
El Toro Water District and the Board of
Directors thereof

AGENDA

EL TORO WATER DISTRICT
REGULAR MEETING OF THE
BOARD OF DIRECTORS

March 28, 2019
7:30 a.m.

CALL MEETING TO ORDER – President Vergara

PLEDGE OF ALLEGIANCE – Director Gaskins

ORAL COMMUNICATIONS/PUBLIC COMMENTS

Members of the public may address the Board at this time or they may reserve this opportunity with regard to an item on the agenda, until said item is discussed by the Board. Comments on other items will be heard at the time set aside for "DIRECTORS COMMENTS/NON-AGENDA ITEMS." The public will identify themselves when called on and limit their comments to three minutes.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize items(s) which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present, or, if less than two-thirds of the Board members are present, a unanimous vote of those members present.)

PRESENTATION OF AWARDS, RECOGNITIONS AND INTRODUCTIONS

a. Service Awards

   There are no acknowledgements.

b. Continuing Education & Training, Degree and Certification Program acknowledgement

1. Mr. Hill will recognize and congratulate Steve Hancock, Maintenance Worker III, for obtaining his Water Distribution Grade D4 Certification from the State of California State Water Resources Control Board.

c. Special District/Employee Association/Community Award Acknowledgement and Employee Special Recognition

There are no acknowledgements.

CONSENT CALENDAR

(All matters under the Consent Calendar will be approved by one motion unless a Board member or a member of the public requests separate action or discussion on a specific item)

1. Approval of Minutes (Minutes Included)

Consider approving the minutes of the February 23, 2019 Special Board Workshop, and the minutes of the February 28, 2019 Board meeting

Consider approving the minutes of the March 4, 2019 Human Resources Committee meeting.

APPROVAL OF ITEMS REMOVED FROM TODAY'S CONSENT CALENDAR

The Board will discuss items removed from today's Consent Calendar requiring further discussion.

Recommended Action: The Board will be requested to approve the items removed from today's consent Calendar.

DIRECTOR/COMMITTEE REPORTING

2. Director Reports for Meetings Attended (Oral Report)

GENERAL MANAGER ACTION ITEMS

3. ETWD Board Member Vacancy (Oral Discussion)

The Board of Directors will discuss filling of a Board Member vacancy created by the resignation of M. Scott Goldman. Filling of the vacancy can be accomplished by an appointment or a call for an election.

Recommended Action: The Board of Directors will provide the District's Secretary with direction as to how to proceed with filling the vacancy created by the resignation of M. Scott Goldman.

4. **AB 510** (Cooley) (Reference Material Included)

Assembly Bill 510 modernizes existing law to catch up with the technology today and allows flexibility for public agencies to adapt to further technological advances. The bill allows agencies to diligently manage their financial and equipment resources by setting their own records retention policies based upon the needs and use of their cameras, radios and telephones.

Recommended Action: Staff recommends that the Board of Directors support AB 510 and authorize the President of the Board to execute a support letter as presented by Staff.

5. **Resolution No. 19-3-1 Adopting the Update to the District's Local CEQA Guidelines** (Reference Material Included)

The State CEQA Guidelines requires local agencies to adopt "objectives, criteria and procedures" to implement the requirements of the CEQA statute and the State CEQA Guidelines (State CEQA Guidelines Section 15022). The El Toro Water District's Local CEQA Guidelines have been revised and amended to reflect recent changes to the State CEQA Guidelines, the Public Resources Code, and relevant court opinions.

Recommended Action: Staff recommends that the Board of Directors adopt Resolution No. 19-3-1 approving the 2019 update to the District's Local California Environmental Quality Act (CEQA) Guidelines.

RESOLUTION NO. 19-3-1

RESOLUTION OF THE BOARD OF DIRECTORS
OF EL TORO WATER DISTRICT
ADOPTING THE 2019 UPDATE TO THE DISTRICT'S
LOCAL CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
GUIDELINES
(PUB. RESOURCES CODE §§ 21000 ET SEQ.)

6. **Resolution No. 19-3-2 Amending the District's Identity Theft Prevention Policy (2008-23 (IV)** (Reference Material Included)
Staff recommends amendments to the District's Identity Theft Prevention Policy 2008-23 (IV).

Recommended Action: Staff recommends adopting Resolution No. 19-3-2 which amends the Districts Identity Theft Prevention Policy 2008-23 (IV).

RESOLUTION NO. 19-3-2

RESOLUTION OF THE BOARD OF DIRECTORS
OF EL TORO WATER DISTRICT
WHICH AMENDS THE DISTRICT'S
IDENTITY THEFT PREVENTION POLICY 2008-23 (IV)

7. **SB 332 (Hertzberg & Wiener)** (Reference Material Included)

SB 332 would require wastewater treatment agencies that discharge treated effluent to saline waters, oceans, bays and estuaries to reduce their discharges by 50% by January 1, 2030, and by 95% by January 1, 2040.

Recommended Action: Staff recommends that the District take a Oppose position on SB 332 consistent with that of the California Association of Sanitation Agencies (CASA).

8. **Backfill funding for Paradise Irrigation District** (Reference Material Included)

Assembly Member James Gallagher, Third District, is requesting support from local water agencies to seek a one-time appropriation of $21,693,203 from the General Fund to the Paradise Irrigation District (PID) to allocate toward the District operations and maintenance costs over the next three fiscal years.

Recommended Action: Staff recommends that the Board of Directors consider authorizing the Board president to execute a letter of support for a one-time appropriation of $21,693,203 from the General Fund to the Paradise Irrigation District (PID) to allocate toward the District operations and maintenance costs over the next three fiscal years.

GENERAL MANAGER INFORMATION ITEMS

9. **General Manager's Monthly Report** (Report Included)

Staff will review and comment on the General Manager's Monthly Report.

10. **State Drought Regulations – Monthly Report** (Reference Material Included)

Staff will review and comment on reporting of monthly and cumulative water production compared to actual water production in 2013.

11. **Legislative Reports** (Reference Materials Included)

Staff and General Counsel will review and comment on the Legislative reports.

12. **Public Education and Outreach & Water Conservation Reports** (Reference Material Included)

13. **SOCWA Reports** (Reference Material Included)

a. SOCWA Board Meeting – March 7, 2019

b. SOCWA Engineering Committee Meeting – March 14, 2019

c. SOCWA Finance Committee Meeting – March 26, 2019

14. **Municipal Water District Of Orange County (MWDOC) Report** (Reference Material Included)

a. MWDOC Planning/Operations Committee – March 4, 2019

b. MWDOC/MET Directors Workshop – March 6, 2019

c. MWDOC Administration & Finance Committee – March 13, 2019

d. MWDOC Public Affairs & Legislation Committee – March 18, 2019

e. MWDOC Board Meeting – March 20, 2019

f. MWDOC Managers Meeting – March 21, 2019

15. **Local Agency Formation Commission (LAFCO) Report**

a. Report on the March 13, 2019 LAFCO meeting

16. **South Orange County Watershed Management Area (SOCWMA) Management and/or Executive Committee Report**

a. Report on the March 4, 2019 SOCWMA Management Committee Meeting

b. Report on the March 7, 2019 SOCWMA Meeting

17. **ISDOC Meetings** (Reference Material Included)

a. Report on the March 5, 2019 ISDOC Executive Committee Meeting

18. **<u>WACO Meetings</u>** (Reference Material Included)

a. Report on the March 1, 2019 WACO Meeting

b. Report on the March 19, 2019 WACO Planning Committee meeting

19. **<u>City Coordination Efforts</u>**

There was no meeting.

COMMITTEE AND GENERAL INFORMATION

20. **<u>Dates to Remember for March/April 2019</u>**(Reference Material Included)

21. **<u>Carry-Over Pending Matters</u>** (Reference Material Included)

DIRECTOR COMMENTS/NON-AGENDA ITEMS

ATTORNEY REPORT

CLOSED SESSION

At this time the Board will go into Closed Session as follows:

1. In accordance with Government Code Section 54956.96 in order to receive, discuss, and/or take action concerning information obtained by the District's representative pertaining to a closed session of the South Orange County Wastewater Authority ("SOCWA"), a joint powers agency.

2. To consider the potential amendment of the General Manager's Employment Agreement pursuant to Government Code Section 54957 (b) (1).

3. Conference with Legal Counsel – potential litigation pursuant to paragraph (2) of Government Code Section 54956.9 (one matter).

REGULAR SESSION

REPORT ON CLOSED SESSION (Legal Counsel)

Mr. Granito will provide an oral report on the Closed Session.

ADJOURNMENT

<u>Recommended Action</u>: The Board will be requested to take action adjourning today's Board meeting to **Thursday, April 25, 2019 at 7:30**

a.m. at the El Toro Water District, 24251 Los Alisos Boulevard, Lake Forest, California.

The agenda material for this meeting is available to the public at the District's Administrative Office, which is located at 24251 Los Alisos Blvd., Lake Forest, Ca. 92630. If any additional material related to an open session agenda item is distributed to all or a majority of the board of directors after this agenda is posted, such material will be made available for immediate public inspection at the same location.

Request for Disability-Related Modifications or Accommodations

If you require any disability-related accommodation, including auxiliary aids or services, in order to participate in this public meeting, please telephone the District's Recording Secretary, Polly Welsch at (949) 837-7050, extension 225 at least forty-eight (48) hours prior to said meeting. If you prefer, your request may be submitted in writing to El Toro Water District, P.O. Box 4000, Laguna Hills, California 92654, Attention: Polly Welsch.

MINUTES OF THE SPECIAL MEETING
OF THE
BOARD OF DIRECTORS
OF THE
EL TORO WATER DISTRICT
February 23, 2019

President Vergara called the meeting of the Board of Directors of the ELTORO WATER DISTRICT to order at 8:00 o'clock a.m. on February 23, 2019 at the El Toro Water District Administrative Offices, 24251 Los Alisos Boulevard, Lake Forest, California.

Director Freshley led in the Pledge of Allegiance to the flag.

Present at today's meeting were Board Members JOSE F. VERGARA, MARK MONIN, M. SCOTT GOLDMAN, MIKE GASKINS and KATHRYN FRESHLEY.

Also present were ROBERT R. HILL, General Manager/Secretary, DENNIS P. CAFFERTY, Assistant General Manager/District Engineer, and GILBERT J. GRANITO, General Counsel.

Oral Communications - Public Comments

President Vergara stated that at this time members of the public may address the Board or they may reserve this opportunity with regards to an item on the agenda, until the Board discusses said item later in today's meeting.

There were no comments.

Items Received Too Late To Be Agendized

President Vergara asked if there are any items received too late to be agendized. Mr. Hill replied no.

Director Opportunity to Self-Introduce and Provide Background on Same

Each Board Member and Staff Member was provided an opportunity to share some personal and career information with the group as each deemed appropriate.

President of the Board will Initiate a Board Review Annually on any Board Related Topic

During this part of the workshop Directors and Staff initiated broad discussion about Board meeting goals/practices, interface between Board and Staff, interface with neighboring agencies/cities and various other items of interest. Specifically the Board and Staff agreed that a Strategic Workshop to focus on future project/program challenges and opportunities along with prioritization of same was in order. Further there was consensus that subsequent to the Workshop a second Workshop facilitated by a third party should be a consideration.

Review the District's Bylaws

Directors and Staff reviewed and discussed the District's Bylaws. Following that review/discussion the Board of Directors instructed the General Manager and General Counsel to prepare a draft amendment to the Bylaws with regards to 1) the frequency of Board Officer appointments, 2) the sequence/rotation of the President and Vice President Officer positions and 3) to bring the draft amended Bylaws back to the Board for review and approval.

There being no further business to come before the Board, the following motion was duly made and passed.

Motion: President Vergara moved, seconded by Vice President Monin and unanimously carried that today's meeting be hereby adjourned at 11:45 o'clock a.m

Roll Call Vote:

Director Gaskins	aye
Vice President Monin	aye
Director Freshley	aye
President Vergara	aye
Director Goldman	aye

Respectfully submitted,

_____

ROBERT R. HILL, Secretary
Of the El Toro Water District and
The Board of Directors thereof

APPROVED:

_____

JOSE F. VERGARA, President of
the El Toro Water District and the
Board of Directors thereof

MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF DIRECTORS
OF THE
EL TORO WATER DISTRICT
February 28, 2019

President Vergara called the meeting of the Board of Directors of the ELTORO WATER DISTRICT to order at 7:30 o'clock a.m. on February 28, 2019 at the El Toro Water District Administrative Offices, 24251 Los Alisos Boulevard, Lake Forest, California.

Director Freshley led in the Pledge of Allegiance to the flag.

Present at today's meeting were Committee Members JOSE F. VERGARA, MARK MONIN, M. SCOTT GOLDMAN, MIKE GASKINS and KATHRYN FRESHLEY.

Also present were ROBERT R. HILL, General Manager/Secretary, DENNIS P. CAFFERTY, Assistant General Manager/District Engineer, JUDY CIMORELL, Human Resources Manager, NEELY SHAHBAKHTI, Finance Manager/Controller, SHERRI SEITZ, Public Relations/Emergency Preparedness Coordinator, CESAR CASSANI, Employee, GILBERT J. GRANITO, General Counsel, MIKE DUNBAR, EBSD, CONNIE VISCONTE, Lake Forest Chamber, MARY VICSONE, Lake Forest Chamber, VICKI BIENIAK, Lake Forest Chamber, POLLY WELSCH, Recording Secretary, MIKE MIAZGA, IT Manager (arrived at 9:00 am), and CAROL MOORE, Laguna Woods Mayor.

Oral Communications - Public Comments

President Vergara stated that at this time members of the public may address the Board or they may reserve this opportunity with regards to an item on the agenda, until the Board discusses said item later in today's meeting.

Ms. Mary Visconte introduced herself and colleagues. She further stated that they would like to thank the Board for the District's continued support of the Lake Forest Chamber, and participation in the Lake Forest 5K Elf Run, where ETWD provided drinking water to the participants and their dogs.

Ms. Visconte stated that the Legislative Luncheon is an invitation only event on July 18th at the Beach and Tennis Club, and the Meet the Mayor on April 3rd in Foothill Ranch. She further stated that the funds from the 5K Elf Run is being distributed to five local charities.

Mr. Hill stated that each year ETWD donates the table centerpieces for the Meet the Mayor event.

Director Freshley asked how many participants attended the 5K Elf Run. Ms. Visconte replied that they sold out this year and had to cut it off at 600 participants, with 50 exhibitor booths. She further stated that they will ask the City to close off some streets at the next Elf Run so they can grow as big as the Turkey Trot in Dana Point.

Director Gaskins stated that he attended the 5K Elf Run and there were a lot of participants.

President Vergara asked if there is an event today. Ms. Visconte replied yes, they have partnered with the City of Mission Viejo and the Rancho Santa

Margarita Chamber to launch a series of mixers this year. She further stated that the first mixer is tonight in Mission Viejo at the Arroyo Trabuco Golf Course at 5:30 pm, and the next one will be July 18th in Rancho Santa Margarita, then in October in Lake Forest.

At approximately 7:30 o'clock a.m. Ms. Visconte, Ms. Visconte, and Ms. Bieniak left the meeting.

CASA Presentation

Mr. Hill introduced Mike Dunbar, General Manager of Emerald Bay Service District.

Mr. Dunbar stated that he is here today as the President of CASA, and will provide a presentation on their Education Foundation.

Mr. Dunbar stated that there is a need for students who want to become Engineers or Scientists, and CASA has a sponsorship program that provides $5,000 scholarship opportunities to three students each year working toward a degree in an engineering or scientific field.

Mr. Dunbar stated that the program has collected approximately $119,000 in funds from agencies, committees, and individuals. He further stated that they also have an auction every year to collect funds for the program.

Mr. Dunbar stated that their goal is to keep approximately $100,000 in the fund each year, which is managed by a consultant. He further stated that he is asking for assistance to replenish their scholarship fund.

Mr. Dunbar asked to have local students apply for the scholarship at the end of April, and scholarships are given out in July and August. He further stated

that is at least one scholarship set aside each year for a high school student going into college.

Director Goldman asked how many scholarships are given out each year. Mr. Dunbar replied 3-4 scholarships are given to freshmen and sophomores instead of graduate students who are able to obtain scholarships elsewhere.

Director Goldman asked what is the normal donation to the program. Mr. Dunbar replied between $1,000 - $5,000.

Director Freshley asked what is the balance in the organization. Mr. Dunbar replied $45,000.

President Vergara asked for a Motion.

Motion: Director Goldman made a Motion to go along with staff's recommendation to donate $1,000 to CASA's Education Program, seconded by Director Freshley.

Secondary Motion: President Vergara made a Secondary Motion to authorize the General Manager to donate $2,000 to CASA's Education Program, seconded by Director Goldman, and unanimously carried across the Board to approve the Secondary Motion.

Roll Call Vote:

Director Goldman	aye
Director Freshley	aye
Director Gaskins	aye
Vice President Monin	aye
President Vergara	aye

At approximately 7:56 o'clock a.m. Mr. Dunbar left the meeting.

Items Received Too Late To Be Agendized

President Vergara asked if there are any items received too late to be agendized. Mr. Hill replied yes there are two items.

Mr. Hill stated that the first item came about during the HighMark presentation at Tuesday's meeting. He further stated that this item is being added to provide an opportunity for discussion of an independent evaluation.

Mr. Hill stated that the other item came about yesterday and is a request by MWDOC for member agencies to consider two legislative coalition approaches. He further stated that one is for AB 533 and SB 204, with one requiring a response by March 6th.

President Vergara asked for a Motion.

Motion: Director Freshley made a Motion, seconded by Director Gaskins, and unanimously carried across the Board to add these two items to the agenda, which the need arose after the agendas were posted.

Roll Call Vote:

Director Freshley	aye
Director Goldman	aye
Director Gaskins	aye
Vice President Monin	aye
President Vergara	aye

Special District/Employee Association/Community Award Acknowledgement and Employee Special Recognition

a. Mr. Hill recognized and congratulated on behalf of the Board, Cesar Cassani, Wastewater Operator 1 for obtaining his Associate Degree for Water Utility Science from Rancho Santiago Community College.

At approximately 7:51 o'clock a.m. Mr. Cassani left the meeting.

Consent Calendar

All matters under the Consent Calendar will be approved by one motion unless a Board member or a member of the public requests separate action or discussion on a specific item.

1. Consider approving the January 22, 2019 Board meeting minutes.

President Vergara asked for a Motion.

Motion: Director Freshley made a Motion, seconded by Vice President Monin, and unanimously carried across the Board to approve the Consent Calendar.

Roll Call Vote:

Director Gaskins	aye
Vice President Monin	aye
Director Goldman	aye
President Vergara	aye
Director Freshley	aye

Approval of Items Removed from the Consent Calendar

There were no items removed from today's Consent Calendar.

Director/Committee Reporting

Director Gaskins stated that he attended the ISDOC meeting, the CAG meeting, the MWDOC Public Affairs meeting, the MWDOC Water Forum dinner, the Special Board Workshop, and the South County Economic Coalition Meet your Congressional Representatives.

Vice President Monin stated that he attended MWDOC/MET Directors workshop, the CAG meeting, WACO, ISDOC, TV-6, Laguna Woods City Council meeting, MWDOC Water Forum dinner, the ACWA Business

Development meeting, the MWDOC Admin/Finance meeting, the MWDOC Planning/Operations meeting, the South County Economic Coalition Meet your Congressional Representatives, MET's Meet Gloria Gray event, the Special Board Workshop, and the WACO Planning meeting.

Director Goldman stated that he attended the Special Board Workshop, the SOCWA meetings, CASA Board meeting, CAG meeting, and the MWDOC Water Forum dinner.

Director Freshley stated that she attended the WACO meeting, the MWDOC Planning/Operations meeting, the MWDOC/MET Workshop, the SOCWA Board meeting, the ISDOC luncheon, LAFCO, CAG, the SOCWA Finance meeting, the MWDOC Board meeting, the MWDOC Water Forum dinner, the OCWA luncheon, the South County Economic Coalition Meet your Congressional Representatives, the Laguna Woods City Council meeting, and the Special Board Workshop.

President Vergara stated that he attended the Special Board Workshop, the MWDOC Public Affairs meeting, the WateReuse meeting, the South County Economic Coalition Meet your Congressional Representatives, and MET's Meet Gloria Gray event.

General Manager Action Items

Resolution No. 19-2-1 Increasing the Number of General Meetings that are Pre-Approved for all Directors to Attend for the Calendar Year 2019

President Vergara stated that we serve 5 cities and the Directors would like to attend their City Council meetings, and legislative meetings.

President Vergara asked for a Motion.

Motion: Director Goldman made a Motion, seconded by Director Freshley to approve Resolution No. 19-2-1 to increase the number of General Meetings that are pre-approved for all Directors to attend for the calendar year 2019, as highlighted in Exhibit A.

Roll Call Vote

Director Gaskins	aye
Vice President Monin	aye
President Vergara	aye
Director Goldman	aye
Director Freshley	aye

General Manager Information Items

Items Added to the Agenda

401(k) Retirement Savings Plan

Mr. Hill stated that the Board asked staff to review and discuss plan performance and HighMark's investment strategies, services, and consider retaining a qualified financial investment firm independent to prepare and present an independent assessment of same.

Mr. Hill stated that the recommended action would be to provide direction to the General Manager with regards to retaining a qualified financial investment firm to prepare an independent assessment of Plan Performance and HighMark Capital Investment Management Services and Strategies.

Mr. Hill stated that it was suggested to have an ad-hoc committee meeting to further discussion and be more definitive about what the scope would look like.

He further stated that a review of HighMark was done previously on their performance, and the cost was approximately $20,000.

Mr. Hill stated that the poor performance this quarter was probably due to both the bad economy, and HighMark's strategic and tactical fund decisions .

Vice President Monin asked staff if HighMark communicated with anyone on the portfolio's poor performance this quarter. Mr. Hill replied no..

President Vergara asked if there is a firm that could get into the data to find where the problem is and come up with a solution. Vice President Monin replied that he wasn't impressed with Sageview's analysis of HighMark.

Director Goldman stated that he approves of the idea of having an ad-hoc committee to evaluate HighMark's fourth quarter performance further.

President Vergara stated that we will appoint an ad-hoc committee consisting of Director Freshley and Vice President Monin. Mr. Hill stated that the specific questions we want to pose to HighMark should be the first meeting of the ad-hoc committee, which is strictly an advisory committee. The second meeting of the Ad-Hoc Committee would be face-to-face with HighMark.

<u>MWDOC's Request for Member Agencies to Consider Two Pieces of Legislation (AB 533 & SB 204)</u>

Mr. Hill stated that MWDOC is suggesting that member agencies support AB 533 and oppose SB 204. He further stated that AB 533 discusses consumer rebates as cost-effective tools for increasing participation in conservation and storm water management programs.

Mr. Hill stated that the bill excludes from gross income the amounts received as rebates issued by a local water agency for participation in water efficiency or storm water runoff improvement programs. He further stated that this bill did not pass the last time.

Mr. Hill stated that MWDOC is requesting its member agencies support this bill.

Mr. Hill stated that the next legislation is SB 204 which MWDOC is suggesting we oppose unless amended. He further stated that this bill relates to Delta conveyance and the Water Fix.

Mr. Hill stated that this bill would add multiple legislative hoops to the permitting processing adding delays in getting things done.

President Vergara asked for a Motion.

Motion: Director Goldman made a Motion, seconded by Director Gaskins and unanimously carried across the Board to authorize the General Manager to contact MWDOC and MET and inform them that the ETWD would like to be a signatory to their decision to support AB 533, and oppose unless amended SB 204.

Roll Call Vote:

Director Gaskins	aye
Director Freshley	aye
Director Goldman	aye
Vice President Monin	aye
President Vergara	aye

General Manager's Monthly Report

Mr. Hill stated that the report is included in the package.

Vice President Monin stated that on the Customer Service report, the numbers look good. He further stated that fogged registered increased from last year. Mr. Cafferty replied that due to the weather, the registers are fogging up and need to be cleaned to read them.

State Drought Regulations – Monthly Report

Mr. Hill stated that he inquired to the State what they are doing with this information. He further stated that this is now a voluntary report and the information is accessed by a broad institute of agencies interested in California water use.

Legislative Reports

Mr. Hill stated that ACWA sent information on the 2019 State Water Tax that has not gone away. He further stated that there were 220 agencies in Southern California that signed onto a coalition letter opposing the Water Tax in 2018.

Mr. Hill stated that we need to have more discussion on the alternate to the State Water Tax which is the Safe Drinking Water Trust, SB 669. He further stated that he will forward the information from ACWA that will be happening over time. Mr. Hill stated that ACWA is pushing hard for this Trust which will be funded with Federal dollars during a State Budget Surplus. He further stated that ETWD will be supporting the Safe Drinking Water Trust along with several other agencies throughout the State.

Public Education and Outreach/Water Conservation Reports

Ms. Seitz stated that there was one water waste complaint for the month of January regarding water runoff. She further stated that the bill message was about turf removal rebates which increased.

Ms. Seitz stated that congratulatory letters were sent out to the newly elected officials, and the District will hold an orientation and tour of R-6 for the elected officials on March 1st.

Ms. Seitz stated that the District along with neighboring agencies are exploring MNWD's development of a south county native plant nursery pilot program. She further stated that this program's objective is to increase availability of CA native plant stock in local nurseries, improve identification and marketability of these plants, create education and training materials and educate residents on the benefits and maintenance of the plants.

Ms. Seitz stated that ETWD will be presenting at the Children's Water Education Festival and assisting the OCWD water festival team. This event will be held at UCI on March 27th and 28th.

Ms. Seitz stated that she has joined CAPIO which is a professional association of city, special districts, private PR firms, police, fire, and television public information officials. This association assists in developing communications.

Ms. Seitz stated that she has also joined the California Emergency Services Association, which promotes mutual support and cooperation across disciplines in preparing for natural and human caused disasters and emergencies.

Ms. Seitz stated that she and Director Freshley will be attending Third Mutual's Water Committee meeting to refine the conservation message. She will also attend their Board meeting with the same information. Director Freshley stated that staff needs to remind them about the 55 gallons capacity per person, not per household.

At approximately 8:50 o'clock a.m. Ms. Seitz left the meeting.

SOCWA Reports

Director Freshley stated that at the Finance meeting they discussed cost allocations between variables and fixed costs.

Mr. Cafferty stated that there is a joint Finance/Engineering meeting next week to discuss the capital cash that has accumulated at SOCWA over the last few years.

MWDOC

Vice President Monin stated that at the MWDOC Planning/Operations meeting they discussed State and County lobbyist representation.

Vice President Monin stated that at the MWDOC/MET workshop they discussed water supply conditions, state water cooperative agreement, and California Water Fix update.

Vice President Monin stated that at the MWDOC Finance meeting they discussed the finance report, a server upgrade, and first draft budget items.

Director Gaskins stated that at the MWDOC Public Affairs meeting they listened to lobbyists from Washington and Sacramento discuss water conditions.

LAFCO

Director Freshley stated that San Juan City Council wanted to proceed with negotiations with SMWD as the entity taking over their utility, and in talking with SCWD they seem to be excited about it.

SOCWMA

Mr. Cafferty stated that the Ad-Hoc Committee has been reviewing the application of grant funding, and everything is on hold at the moment due to anticipated changes to the grand program from the Department of Water Resources.

ISDOC Meetings

Vice President Monin stated that they discussed the mission, goals, and role of OC LAFCO.

Vice President Monin stated that at the quarterly luncheon they changed the food, and had a discussion from the OC Cemetery District.

Director Gaskins stated that the OC Cemetery District has some interesting programs, some are at night.

WACO Meetings

Vice President Monin stated that they discussed rearranging the issues.

President Vergara stated that the plastics presentations was interesting and mentioned particles that are in the plastic and soda can inside liners.

City Coordination Efforts

Mr. Cafferty stated that there was a meeting where they discussed city coordination projects.

Committee and General Information

There were no comments.

Dates to Remember

There were no comments.

Carry-Over Pending Matters

Mr. Miazga gave a presentation on Cyber Security including security threats and vulnerability.

Director Comments/Non-Agenda Items

Attorney Report

Mr. Granito reported that there is no need for a Closed Session today and therefore the Regular Session continued.

Mr. Granito provided an update on the SOCWA/MNWD litigation and commented briefly on the tentative ruling of Phase 1.

Adjournment

There being no further business to come before the Board, the following motion was duly made and passed.

Motion: Vice President Monin moved, seconded by Director Freshly and unanimously carried that today's meeting be hereby adjourned at 9:51 o'clock a.m. to Thursday, March 28, 2019 at 7:30 o'clock a.m. at the District's Administrative Offices, 24251 Los Alisos Blvd., Lake Forest, California.

Roll Call Vote:

Director Gaskins	aye
Vice President Monin	aye
Director Freshley	aye
President Vergara	aye
Director Goldman	aye

Respectfully submitted,

POLLY WELSCH
Recording Secretary

APPROVED:

JOSE F. VERGARA, President of
the El Toro Water District and the
Board of Directors thereof

ROBERT R. HILL, Secretary
of the El Toro Water District and
the Board of Directors thereof

MINUTES OF THE MEETING

OF THE ELTORO WATER DISTRICT

HUMAN RESOURCES COMMITTEE

March 4, 2019

The Regular Meeting of the Human Resources Committee of the ELTORO WATER DISTRICT was called to order at 7:30 o'clock a.m. on March 4, 2019.

Committee Members MIKE GASKINS and MARK MONIN were present.

Also present were ROBERT R. HILL, General Manager, DENNIS P. CAFFERTY, Assistant General Manager/District Engineer, and JUDY CIMORELL, Human Resources Manager.

NEELY SHAHBAKHTI, Finance Manager/Controller, was absent.

ORAL COMMUNICATIONS - PUBLIC COMMENT

Chairman Gaskins stated that at this time members of the public may address the Committee or they may reserve this opportunity with regards to an item on the agenda, until said item is discussed by the Committee later in the meeting.

There was no public, and there were no comments.

The Committee and staff reviewed and discussed Employee Performance Evaluation and Compensation practices inclusive of but not limited to the formula for determining the Performance Based Merit Pool (PBMP), Historical and Projected PBMP percentages and the frequency for Employee Evaluations.

ADJOURNMENT

There being no further business to come before the Committee at today's meeting, the meeting adjourned at 8:45 o’clock a.m.

Respectfully submitted,

_____
ROBERT R. HLL, Secretary
Of the El Toro Water District and the
Board of Directors thereof

APPROVED:

_____
MIKE GASKINS, Chairman
of the Human Resources Committee
of the El Toro Water District

MEMORANDUM

TO: **BOARD OF DIRECTORS**

FROM: **GENERAL MANAGER**

SUBJECT: **AB 510 (Cooley) "AB 510 LETTER OF SUPPORT"**

DATE: **MARCH 28, 2019**

CSDA has issued a formal "call to action" on AB 510 (Cooley). CSDA has requested that Member Agency taking a position to support AB 510 submit their letter via email to CSDA's Senior Legislative Representative, Dillon Gibbons, at dillong@csda.net and cc advocacy@csda.net. Please use the subject line "AB 510 Letter of Support".

This bill was introduced at CSDA's request and attempts to modernize the Government Code to allow local public agencies to adopt records retention policies designed for modern digital recording technologies, while ensuring the proper retention of any records in which an incident may have occurred. This legislation does not affect video monitoring or retention policies related to law enforcement activities or open and public meetings.

If an agency currently utilizes video surveillance equipment, or plans to do so in the future, they are especially encouraged to take an active role in supporting this legislation.

Additional Background:
Since 1998, public agencies have been required to retain routine video monitoring for one year, as well as radio and telephone recordings for 100 days. With regard to video monitoring, the legislative history shows the original intent was to store videotapes. However, since that time, technology has advanced significantly while the law has remained unchanged, and the vast majority of video monitoring is now done using digital cameras that record onto DVRs, agency servers, and cloud-based servers.

Public agencies are installing an ever-increasing number of cameras and the cameras are recording in significantly higher resolution, 4k in some instances, making the recordings increasingly more useful and effective. However, with the increased number of cameras and picture quality, the amount of data that must be stored to comply with the current mandated retention requirements is astronomical and is costing local public agencies enormous sums of taxpayer dollars.

Additionally, while the higher picture quality of digital cameras is more useful than video tape, most of the routine video monitoring is of no value to the public because it is footage of nothing happening. For example, 24-hour footage from a camera facing the back entrance to an office building where zero incidents have occurred must still be maintained for one year.

ABl 510 modernizes existing law to catch up with the technology of today and allows flexibility for public agencies to adapt to future technological advances.

The bill requires public agencies to maintain routine monitoring records where incidents may have occurred until the incident is fully resolved. The bill also allows agencies to diligently manage their financial and equipment resources by setting their own records retention policies based on the needs and the use of their cameras, radios, and telephones.

Furthermore, in the absence of an agency adopting their own records retention policies in a public forum, the current one-year (video recordings) and 100-day (radio and telephone recordings) retention policies would remain in effect.

This change in law allows agencies to retain important records while deleting useless ones, thus saving a significant amount of taxpayer dollars on unnecessary data storage costs.

CSDA would like El Toro Water District to help in moving this bill through the legislative process and signed into law by sending in a letter of support from El Toro Water District.

CSDA requests that those agencies that are going to submit a Support Letter for AB 510 to let CSDA's Senior Legislative Representative, Dillon Gibbons, at dillong@csda.net / 1-877-924-2732.

Recommended Action:
Staff recommends that the Board of Directors support AB 510 and authorize the President of the Board to execute the Support letter presented by Staff.

El Toro Water District

"A District of Distinction"

Serving the Public - Respecting the Environment

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General Manager/ Secretary
Robert R. Hill

Treasurer
Neely Shahbakhti

March 28, 2019

The Honorable Ken Cooley
California State Assembly
State Capitol, Room 3013
Sacramento, CA 95814

RE: Assembly Bill 510 (Cooley) – Support [As Introduce February 13, 2019]

Dear Assembly Member Cooley:

The El Toro Water District is pleased to support Assembly Bill 510, which allows public agencies to diligently manage their financial and equipment resources by setting their own records retention policies for recordings related to routine video monitoring, radios, and telephones. El Toro Water District is a Retail Water, Sewer and Recycled Water service provider to a population of approximately 49,0000 serving all of the City of Laguna Woods and portions of the Cities of Mission Viejo, Laguna Hills, Lake Forest and Aliso Viejo all located in South Orange County.

AB 510 modernizes the Government Code to allow local public agencies, including special districts, to adopt records retention policies designed for modern digital recording technologies, while ensuring the proper retention of any records in which an incident may have occurred. This change in law will allow agencies to retain important records while deleting useless ones, thus saving a significant amount of taxpayer dollars on unnecessary data storage costs.

AB 510 modernizes existing law to catch up with the technology of today and will allow flexibility for our district to adapt to future technological advances, allowing our district to diligently manage our financial and equipment resources by setting our own records retention policies based on the needs and the use of our cameras, radios, and telephones.

For these reasons, El Toro Water District is pleased to support Assembly Bill 510. Please feel free to contact me if you have any questions.

Sincerely,

EL TORO WATER DISTRICT

_____

Jose Vergara
Board President

cc: Dillon Gibbons, Senior Legislative Representative, California Special Districts Association advocacy@csda.net

AB-510 Local government records: destruction of records. (2019-2020)

SHARE THIS:

Date Published: 02/13/2019 09:00 PM

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

ASSEMBLY BILL **No. 510**

Introduced by Assembly Member Cooley

February 13, 2019

An act to amend Sections 26202.6, 34090.6, and 53160 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 510, as introduced, Cooley. Local government records: destruction of records.

Existing law authorizes the head of a department of a county or city, or the head of a special district to destroy recordings of routine video monitoring maintained by that county, city, or special district after one year if that person receives approval from the legislative body and the written consent of the agency attorney. Existing law authorizes the head of a department of a county or city, or the head of a special district to destroy recordings of telephone and radio communications maintained by that county, city, or special district after 100 days if that person receives approval from the legislative body and the written consent of the agency attorney.

This bill would exempt the head of a department of a county or city, or the head of a special district from these recording retention requirements if the county, city, or special district adopts a records retention policy governing recordings of routine video monitoring and recordings of telephone and radio communications.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 26202.6 of the Government Code is amended to read:

26202.6. (a) Notwithstanding the provisions of Sections 26202, 26205, and 26205.1, *and except as provided in subdivisions (b) or (c),* the head of a department of a county, after one year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. ~~In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.~~

(b) Subdivision (a) shall not apply in a county that has adopted a records retention policy that governs when recordings of routine video monitoring and recordings of telephone and radio communications may be destroyed.

(c) If a recording is evidence in any claim filed or any pending litigation, it shall be preserved until the claim or pending litigation is resolved.

~~(b)~~

(d) For purposes of this ~~section, "recordings~~ *section:*

(1) "Recordings of telephone and radio communications" means the routine daily recording of telephone communications to and from a county and all radio communications relating to the operations of the departments.

~~(c)For purposes of this section, "routine~~

(2) "Routine video monitoring" means video recording by a video or electronic imaging system designed to record the regular and ongoing operations of the departments described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security recording systems.

~~(d)For purposes of this section, "department"~~

(3) "Department" includes a public safety communications center operated by the county and the governing board of any special district the membership of which is the same as the membership of the board of supervisors.

SEC. 2. Section 34090.6 of the Government Code is amended to read:

34090.6. (a) Notwithstanding the provisions of Section 34090, *and except as provided in subdivision (b) or (c),* the head of a department of a city or city and county, after one year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. ~~In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.~~

(b) Subdivision (a) shall not apply in a city or city and county that has adopted a records retention policy that governs when recordings of routine video monitoring and recordings of telephone and radio communications may be destroyed.

(c) If a recording is evidence in any claim filed or any pending litigation, it shall be preserved until the claim or pending litigation is resolved.

~~(b)~~

(d) For purposes of this ~~section, "recordings~~ *section:*

(1) "Recordings of telephone and radio communications" means the routine daily recording of telephone communications to and from a city, city and county, or department, and all radio communications relating to the operations of the departments.

~~(c)For purposes of this section, "routine~~

(2) "Routine video monitoring" means video recording by a video or electronic imaging system designed to record the regular and ongoing operations of the departments described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security recording systems.

~~(d)For purposes of this section, "department"~~

(3) "Department" includes a public safety communications center operated by the city or city and county.

SEC. 3. Section 53160 of the Government Code is amended to read:

53160. (a) ~~The~~ *Except as provided in subdivisions (b) or (c), the* head of a special district, after one year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the special district. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. ~~In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.~~

(b) Subdivision (a) shall not apply in a special district that has adopted a records retention policy that governs

when recordings of routine video monitoring and recordings of telephone and radio communications may be destroyed.

(c) If a recording is evidence in any claim filed or any pending litigation, it shall be preserved until the claim or pending litigation is resolved.

~~(b)~~

(d) For purposes of this ~~article, "recordings~~ *article:*

(1) "Recordings of telephone and radio communications" means the routine daily recording of telephone communications to and from a special district, and all radio communications relating to the operations of the special district.

~~(c)For purposes of this article, "routine~~

(2) "Routine video monitoring" means video recording by a video or electronic imaging system designed to record the regular and ongoing operations of the special district, including mobile in-car video systems, jail observation and monitoring systems, and building security recording systems.

~~(d)For purposes of this article, "special~~

(3) "Special district" shall have the same meaning as "public agency," as that term is defined in Section 53050.

MEMORANDUM

TO: BOARD OF DIRECTORS

FROM: GENERAL MANAGER

SUBJECT: **Resolution No. 19-3-1 Amending and Adopting the District's Local Guidelines for Implementing the California Environmental Quality Act**

DATE: **March 28, 2019**

Background:
The California Environmental Quality Act ("CEQA"), codified at Public Recourses Code section 21000 et seq., is California's most comprehensive environmental law. It generally requires public agencies to evaluate the environmental effects of their actions before they are taken. CEQA also aims to prevent significant environmental effects from occurring as a result of agency actions by requiring agencies to avoid or reduce, when feasible, the significant environmental impacts of their decisions.

To this end, CEQA requires public agencies to adopt specific objectives, criteria and procedures for evaluating public and private projects that are undertaken or approved by such agencies.

Discussion:
The El Toro Water District has prepared a proposed updated set of Local CEQA Guidelines for 2019 in compliance with CEQA's requirements. These Guidelines reflect recent changes to State CEQA Guidelines and relevant court opinions. These Local CEQA Guidelines also provide instructions and forms for preparing all environmental documents required under CEQA.

Fiscal Impact:
No fiscal impact is anticipated from amending the Local CEQA Guidelines.

Environmental Impact:
No environmental impact is anticipated from amending the Local CEQA Guidelines. The El Toro Water District adoption of the attached resolution is not a project under State CEQA Guidelines section 15378(b)(5) because it involves an administrative activity involving process only and would not result in any environmental impacts.

Recommendation:
Adopt Resolution No. 19-3-1 regarding the adoption of the 2019 Local Guidelines for Implementing the California Environmental Quality Act for ELToro Water District.

Attorney-Client Privileged
Confidential

Memorandum

TO: Project 5 District Clients

FROM: Best Best & Krieger LLP

DATE: February 28, 2019

RE: 2019 Summary of Changes to Local CEQA Guidelines

On December 28, 2018, the Office of Administrative Law approved the first comprehensive update to the Guidelines for California Environmental Quality Act ("State CEQA Guidelines") in many years. The update to the State CEQA Guidelines entails changes to nearly thirty (30) different sections of the State CEQA Guidelines, the addition of new sections, and amendments to several appendices—including the widely used Appendix G Initial Study "Checklist."

The revisions to the State CEQA Guidelines have been incorporated into the District's *2019 Local Guidelines for Implementing the California Environmental Quality Act* ("Local Guidelines"). The Local Guidelines, the related CEQA forms, and other important legal alerts may be accessed via the Best Best & Krieger LLP ("BB&K") CEQA client portal at www.bbklaw.net/CEQA. For technical support, please contact Tammy Ingram at tammy.ingram@bbklaw.com.

Public agencies must comply with the amendments to the State CEQA Guidelines no later than 120 days after the effective date of the guideline amendments—i.e., no later than April 29, 2019. We recommend that your District adopt the updated Local Guidelines within a month of receiving them from BB&K.

The amendments to the State CEQA Guidelines have no retroactive effect and apply only prospectively. Accordingly, new requirements in the Local Guidelines will apply only to steps in the CEQA process not yet undertaken at the time your District adopts the Local Guidelines. That said, your District may elect to implement any permissive or advisory elements of the amended Local Guidelines immediately.

This memorandum summarizes the substantive amendments to your Local Guidelines. These Local Guidelines and this memorandum are designed to help the District assess the environmental implications of a project prior to its approval, as mandated by CEQA. We still recommend, however, that you consult with an attorney when you have specific questions on major, controversial, or unusual projects or activities.

REVISIONS TO LOCAL GUIDELINES

Edits were made throughout the Local Guidelines and the related CEQA forms. This memorandum summarizes the most significant and noteworthy of those edits.

Revised Sections

1. SECTION 1.10 TIME OF PREPARATION

We added Section 1.10 to the Local Guidelines to reflect existing case law and revisions to the State CEQA Guidelines regarding when CEQA review must be completed. The revision emphasizes the need to complete CEQA review before project approval; it also addresses when CEQA review is necessary for activities preceding project approval.

2. SECTION 3.08 EMERGENCY PROJECTS

Section 3.08 of the Local Guidelines has been amended to clarify the applicability of CEQA's exemption for emergency projects. Among other things, the Section has been amended to explain that exempt emergency repairs may include those repairs that require a reasonable amount of planning to address an anticipated emergency.

3. SECTION 3.19 EXEMPTION FOR INFILL PROJECTS IN TRANSIT PRIORITY AREAS

Section 3.19 has been amended to reflect the statutory exemption set forth in Public Resources Code section 21155.4 and State CEQA Guidelines section 15182. Section 3.19 exempts residential, mixed-use, and certain commercial projects from CEQA where the project is located within a transit priority area, is consistent with a specific plan, and is consistent with regional plans for reducing greenhouse gas emissions.

4. SECTION 3.20 EXEMPTION FOR RESIDENTIAL PROJECTS UNDERTAKEN PURSUANT TO A SPECIFIC PLAN

Section 3.20 reflects the statutory exemption set forth in Government Code section 65457 and State CEQA Guidelines section 15182, which exempt certain residential projects consistent with a specific plan.

5. SECTION 3.22 CATEGORICAL EXEMPTIONS

The Class 1 categorical exemption—set forth in Local Guidelines section 3.22—generally exempts, among other activities, minor alterations to existing facilities, provided the activity involves negligible or no expansion of use. The Class 1 exemption has been revised to clarify that a lead agency may determine whether an activity involves negligible or no expansion of use based on the facility's "existing or former use," not just the use existing at the time of the lead agency's determination.

6. SECTION 4.03 COMPLETION AND ADOPTION OF NEGATIVE DECLARATION

Section 4.03 has been amended to reflect revisions to the State CEQA Guidelines

regarding the time to complete a Negative Declaration. The revision provides that the District must generally complete a Negative Declaration within 180 days of accepting a complete application, but that a one-time 90-day extension is permissible with the project applicant's consent.

7. SECTION 5.01 PREPARATION OF INITIAL STUDY

Section 5.01 has been amended to clarify the various arrangements the District, as Lead Agency, may use to prepare an Initial Study (e.g., preparing an Initial Study with District's own staff, contracting with another entity to prepare an Initial Study, etc.).

8. SECTION 5.09 DETERMINING THE SIGNIFICANCE OF TRANSPORTATION IMPACTS

One of the most significant revisions to the State CEQA Guidelines concerns a change in how transportation impacts must be analyzed under CEQA. A new section has been added to the State CEQA Guidelines, Section 15064.3, that provides that "vehicle miles traveled," or VMT, shall be the most appropriate measure of transportation impacts. VMT refers to the amount and distance of automobile travel attributable to a project.

Under Section 15064.3, VMT shall replace a proposed project's effect on automobile delay—generally measured by "level of service" or LOS—as the appropriate measure for transportation impacts. Moreover, a project's effect on automobile delay shall no longer constitute a significant transportation environmental impact under CEQA. Accordingly, a project that makes congestion worse but will not result in significant VMT will not be considered to have a significant environmental impact, and a project with no effect on congestion but with a significant VMT impact will normally be considered to have a significant environmental impact under Section 15064.3. Section 15064.3, however, provides that its provisions will not go into effect until July 1, 2020, unless a lead agency elects to be governed by its provisions earlier.

We have added Section 5.09 to the Local Guidelines to acknowledge and address Section 15064.3. Section 5.09 makes clear that the District does not elect to be governed by the provisions of Section 15064.3 before July 1, 2020. Accordingly, the District may continue to engage in an LOS analysis to determine transportation impacts.

9. SECTION 5.16 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS

Section 5.16 has been amended to reflect the addition of a new subdivision (f) to State CEQA Guidelines section 15155; the new subdivision and Section 5.16 describe the content requirements for a water supply analysis under CEQA.

10. SECTION 5.19 CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS

Section 5.19 has been revised to reflect a series of amendments to Section 15064.4 of the State CEQA Guidelines, which seeks to assist lead agencies in determining whether a project's greenhouse gas emissions will have a significant effect on the environment. The District should review Section 5.19 when analyzing the significance of a project's greenhouse gas emissions.

11. SECTIONS 6.04 & 7.03 CONSULTATION WITH PUBLIC TRANSIT AGENCIES

Sections 6.04 and 7.03 have been supplemented with new language providing that the District should consult with public transit agencies before circulating a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration or a Notice of Preparation of Draft Environmental Impact Report (EIR) where (1) the public transit agency has facilities within one-half mile of the proposed project, and (2) the proposed project is one of statewide, regional, or areawide significance.

12. SECTION 7.19 CONSIDERATION OF ENERGY IMPACTS

Section 7.19 has been supplemented with new language—added to State CEQA Guidelines section 15126.2—requiring analysis of a project's energy impacts. The new language further requires mitigation for significant environmental impacts due to wasteful, inefficient, or unnecessary use of energy or energy resources.

13. SECTION 7.20 ENVIRONMENTAL SETTING

Section 7.20 is a new section that reflects revisions to State CEQA Guidelines section 15125 concerning an EIR's description of the environmental baseline. The new language explains that while the environmental baseline should normally reflect conditions as they exist at the time the Notice of Preparation is published, a lead agency may define the environmental baseline by referencing historic or future conditions in certain circumstances. The new language additionally explains that lead agencies may not use a baseline based on hypothetical allowable conditions, such as those that might be allowed—but have never actually occurred—under existing permits or plans.

14. SECTION 7.22 ANALYSIS OF MITIGATION MEASURES

Section 7.22 has been revised, consistent with revisions to State CEQA Guidelines section 15126.4, to clarify that a lead agency may not defer identification of mitigation measures, but that deferral of specific details of mitigation until after project approval may be permissible under certain circumstances.

15. SECTION 7.30 RESPONSE TO COMMENTS ON DRAFT EIR

Section 7.30 has been revised to clarify the scope of a lead agency's duty to respond to comments on a Draft EIR. In particular, the section has been revised to state that the District may respond to a general comment with a general response. The section has further been revised to provide that a lead agency may provide its proposed written response to a commenting public agency in an electronic format.

Changes to Local Guidelines Form "J"

The comprehensive update to the State CEQA Guidelines included substantial revisions to Appendix "G" – the Initial Study checklist form. In response, we have revised Form "J" of the Local Guidelines. The updated Form "J" should be used to determine whether a proposed project may have a significant environmental impact for which an EIR is required. The most significant revisions to Form "J" are summarized below.

1. SECTION VI. ENERGY

A new section regarding a project's energy impacts has been added to Form "J." As a result, the District must now consider a proposed project's energy impacts at the Initial Study stage.

2. SECTION XVII, TRANSPORTATION SUBDIVISION B.

As discussed above, Section 15064.3 of the State CEQA Guidelines now provides that VMT—not LOS—is the most appropriate measure of transportation impacts. To reflect this change, Appendix "G" of the State CEQA Guidelines has been revised to provide that a project may result in a potentially significant impact if the project conflicts or is inconsistent with Section 15064.3(b)—i.e., if the proposed project results in VMT exceeding an applicable threshold of significance.

Section 15064.3, however, does not apply until July 1, 2020, unless a public agency elects to be governed by its provisions earlier. Accordingly, we have revised the Transportation section of Form "J" to acknowledge Section 15064.3, but to explain that the District has not elected to be governed by its provisions and that a VMT analysis is thus not necessary to determine whether a proposed project will have a significant transportation impact. The District may continue to utilize the LOS analysis traditionally used to determine whether a project will have a significant transportation impact.

3. SECTION XIX. WILDFIRE

A new section regarding a project's potential to result in or exacerbate wildfire impacts has been added to Form "J." The District must analyze the questions posed within this section for any project "located in or near state responsibility areas or lands classified as very high fire hazard severity zones."

Other Changes

Department of Fish and Wildlife. Effective January 1, 2019, the Department of Fish and Wildlife has increased its fees. For a Negative Declaration or a Mitigated Negative Declaration, the new filing fee is $2,354.75. For an EIR, the new filing fee is $3,271.00. For an environmental document pursuant to a Certified Regulatory Program, the filing fee has been increased to $1,112.00.

Conclusion

As always, CEQA remains complicated and, at times, challenging to apply. The only constant in this area of law is how quickly the rules change. Should you have questions about any of the provisions discussed above, or about the environmental review of any of your District's projects, please contact a BB&K attorney for assistance.

BEST BEST & KRIEGER LLP

RESOLUTION NO. 19-3-1

RESOLUTION OF THE EL TORO WATER DISTRICT AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUBLIC RESOURCES CODE §§ 21000 ET SEQ.)

WHEREAS, the California Legislature has amended the California Environmental Quality Act ("CEQA") (Pub. Resources Code §§ 21000 et seq.), the Natural Resources Agency has amended portions of the State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.), and the California courts have interpreted specific provisions of CEQA; and

WHEREAS, Section 21082 of the Public Resources Code requires all public agencies to adopt objectives, criteria and procedures for the evaluation of public and private projects undertaken or approved by such public agencies, and the preparation, if required, of environmental impact reports and negative declarations in connection with that evaluation; and

WHEREAS, the El Toro Water District must revise its local guidelines for implementing CEQA to make them consistent with the current provisions and interpretations of CEQA and the State CEQA Guidelines.

NOW, THEREFORE, the El Toro Water District ("District") hereby resolves as follows:

SECTION 1. The District hereby adopts the "Local Guidelines for Implementing the California Environmental Quality Act (2019 Revision)," a copy of which is on file at the offices of the District and is available for inspection by the public.

SECTION 2. All prior actions of the District enacting earlier guidelines are hereby repealed.

ADOPTED this 28th day of March, 2019.

JOSE F. VERGARA, President
Of the Board of Directors of the
El Toro Water District

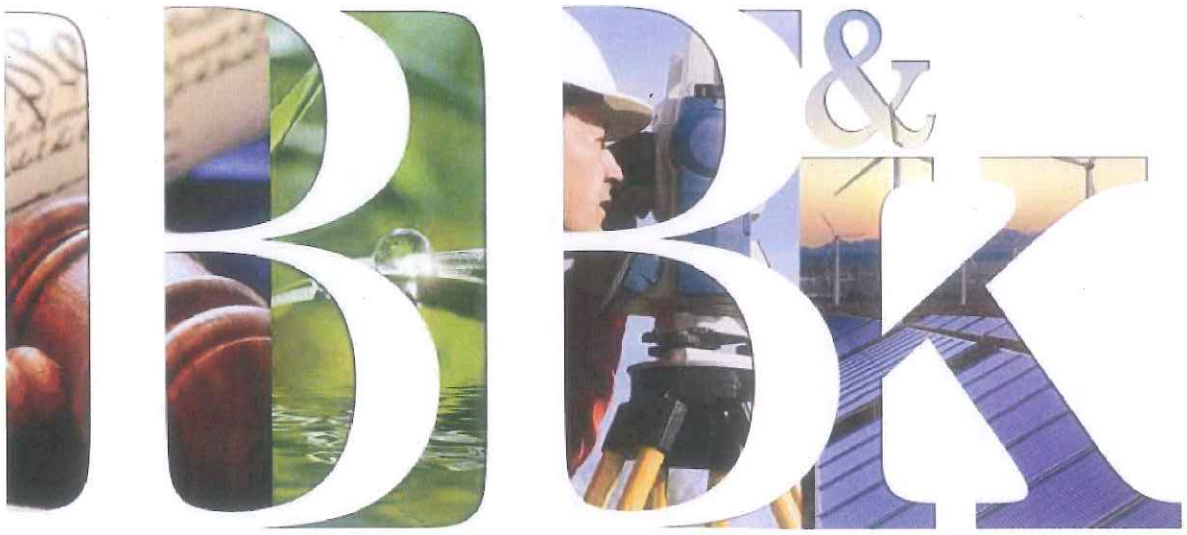
ATTEST:

ROBERT R. HILL, Secretary
Of the Board of Directors of the
El Toro Water District

APPROVED AS TO FORM:

_____

GILBERT J. GRANITO, General Counsel
For El Toro Water District



CEQA Guidelines

2019

Prepared For:

El Toro Water District

Local Guidelines for Implementing the California Environmental Quality Act

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2019

LOCAL GUIDELINES

FOR IMPLEMENTING THE

CALIFORNIA ENVIRONMENTAL QUALITY ACT

FOR

EL TORO WATER DISTRICT

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LOCAL GUIDELINES
FOR IMPLEMENTING THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

(2019 REVISION)

1. GENERAL PROVISIONS, PURPOSE AND POLICY.

1.01 GENERAL PROVISIONS.

These Local Guidelines ("Local Guidelines") are to assist the El Toro Water District ("District") in implementing the provisions of the California Environmental Quality Act ("CEQA"). These Local Guidelines are consistent with the Guidelines for the Implementation of CEQA ("State CEQA Guidelines"), which have been promulgated by the California Natural Resources Agency for the guidance of state and local agencies in California. These Local Guidelines have been adopted pursuant to California Public Resources Code Section 21082.

1.02 PURPOSE.

The purpose of these Local Guidelines is to help the District accomplish the following basic objectives of CEQA:

(a) To enhance and provide long-term protection for the environment, while providing a decent home and satisfying living environment for every Californian;

(b) To provide information to governmental decision-makers and the public regarding the potential significant environmental effects of the proposed project;

(c) To provide an analysis of the environmental effects of future actions associated with the project to adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project;

(d) To identify ways that environmental damage can be avoided or significantly reduced;

(e) To prevent significant avoidable environmental damage through utilization of feasible project alternatives or mitigation measures; and

(f) To disclose and demonstrate to the public the reasons why a governmental agency approved the project in the manner chosen. Public participation is an essential part of the CEQA process. Each public agency should encourage wide public involvement, formal and informal, in order to receive and evaluate public reactions to environmental issues related to a public agency's activities. Such involvement should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency.

1.03 APPLICABILITY.

These Local Guidelines apply to any activity that constitutes a "project," as defined in Local Guidelines Section 11.57, for which the District is the Lead Agency or a Responsible Agency. These Local Guidelines are also intended to assist the District in determining whether a

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proposed activity constitutes a project that is subject to CEQA review, or whether the activity is exempt from CEQA.

1.04 REDUCING DELAY AND PAPERWORK.

The State CEQA Guidelines encourage local governmental agencies to reduce delay and paperwork by, among other things:

(a) Integrating the CEQA process into early planning review; to this end, the project approval process and these procedures, to the maximum extent feasible, are to run concurrently, not consecutively;
(b) Identifying projects which fit within categorical or other exemptions and are therefore exempt from CEQA processing;
(c) Using initial studies to identify significant environmental issues and to narrow the scope of Environmental Impact Reports (EIRs);
(d) Using a Negative Declaration when a project, not otherwise exempt, will not have a significant effect on the environment;
(e) Consulting with state and local responsible agencies before and during the preparation of an EIR so that the document will meet the needs of all the agencies which will use it;
(f) Allowing applicants to revise projects to eliminate possible significant effects on the environment, thereby enabling the project to qualify for a Negative Declaration rather than an EIR;
(g) Integrating CEQA requirements with other environmental review and consultation requirements;
(h) Emphasizing consultation before an EIR is prepared, rather than submitting adverse comments on a completed document;
(i) Combining environmental documents with other documents, such as general plans;
(j) Eliminating repetitive discussions of the same issues by using EIRs on programs, policies or plans and tiering from statements of broad scope to those of narrower scope;
(k) Reducing the length of EIRs by means such as setting appropriate page limits;
(l) Preparing analytic, rather than encyclopedic EIRs;
(m) Mentioning insignificant issues only briefly;
(n) Writing EIRs in plain language;
(o) Following a clear format for EIRs;
(p) Emphasizing the portions of the EIR that are useful to decision-makers and the public and reducing emphasis on background material;
(q) Incorporating information by reference; and
(r) Making comments on EIRs as specific as possible.

1.05 COMPLIANCE WITH STATE LAW.

These Local Guidelines are intended to implement the provisions of CEQA and the State CEQA Guidelines, and the provisions of CEQA and the State CEQA Guidelines shall be fully complied with even though they may not be set forth or referred to herein.

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1.06 TERMINOLOGY.

The terms "must" or "shall" identify mandatory requirements. The terms "may" and "should" are permissive, with the particular decision being left to the discretion of the District.

1.07 PARTIAL INVALIDITY.

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

1.08 ELECTRONIC DELIVERY OF COMMENTS AND NOTICES.

Individuals may file a written request to receive copies of public notices provided for under these Local Guidelines or the State CEQA Guidelines. The requestor may elect to receive these notices via email rather than regular mail. Notices sent by email are deemed delivered when the staff person sending the email sends it to the last email address provided by the requestor to the District. Any request to receive public notices shall be in writing and shall be renewed annually.

Individuals may also submit comments on the CEQA documentation for a project via email. Comments submitted via email shall be treated as written comments for all purposes. Comments sent to the District via email are deemed received when they actually arrive in an email account of a staff person who has been designated or identified as the point of contact for a particular project.

CEQA also requires the lead agency to make copies of certain environmental documents available in an electronic format (such as Draft Environmental Impact Reports, Draft Negative Declarations and Draft Mitigated Negative Declarations), upon request.

1.09 THE DISTRICT MAY CHARGE REASONABLE FEES FOR REPRODUCING ENVIRONMENTAL DOCUMENTS.

A public agency may charge and collect a reasonable fee from members of the public that request a copy of an environmental document, so long as the fee does not exceed the cost of reproduction. The kinds of "environmental documents" that CEQA specifically allows public agencies to seek reimbursement for include: initial studies, negative declarations, mitigated negative declarations, draft and final EIRs, and documents prepared as a substitute for an EIR, negative declaration, or mitigated negative declaration.

The District may choose to make documents available to the public-at-large on its website or charge a reasonable fee for reproducing the document in hard-copy form, on compact discs, email attachments, or other digital transfers. Requests for documents made pursuant to the California Public Records Act must comply with the Government Code. (See, for example, Government Code Section 6253.9 for information regarding providing documents in electronic format.)

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1.10 TIME OF PREPARATION

Before granting any approval of a project subject to CEQA, the Lead Agency or Responsible Agency shall consider a Final EIR, Negative Declaration, Mitigated Negative Declaration, or another document authorized by the State CEQA Guidelines to be used in the place of an EIR or Negative Declaration.

Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs, Negative Declarations, and Mitigated Negative Declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.

With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization, design, and planning. CEQA compliance should be completed prior to acquisition of a site for a public project.

To implement the above principles, the District shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance. For example, the District shall not:

(A) Formally make a decision to proceed with the use of a site for facilities which would require CEQA review, regardless of whether the District has made any final purchase of the site for these facilities, except that the District may designate a preferred site for CEQA review and may enter into land acquisition agreements when the District has conditioned its future use of the site on CEQA compliance.

(B) Otherwise take any action that gives impetus to a planned or foreseeable project in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.

With private projects, the District shall encourage the project proponent to incorporate environmental considerations into project conceptualization, design, and planning at the earliest feasible time.

While mere interest in, or inclination to support, a project does not constitute approval, a public agency entering into preliminary agreements regarding a project prior to approval shall not, as a practical matter, commit the agency to the project. For example, the District shall not grant any vested development entitlements prior to compliance with CEQA. Further, any such pre-approval agreement should, for example:

(A) Condition the agreement on compliance with CEQA;
(B) Not bind any party, or commit to any definite course of action, prior to CEQA compliance;
(C) Not restrict the Lead Agency from considering any feasible mitigation measures and alternatives, including the "no project" alternative; and
(D) Not restrict the Lead Agency from denying the project.

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The District's environmental document preparation and review should be coordinated in a timely fashion with the District's existing planning, review, and project approval processes. These procedures, to the maximum extent feasible, are to run concurrently, not consecutively.

1.11 STATE AGENCY FURLOUGHS.

Due to budget concerns, the State may institute mandatory furlough days for state government agencies. Local agencies may also change their operating hours.

Because state and local agencies may enact furloughs that limit their operating hours, if the District has time-sensitive materials or needs to consult with a state agency, the District should check with the applicable state agency office or with the District's attorney to ensure compliance with all applicable deadlines.

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2. LEAD AND RESPONSIBLE AGENCIES

2.01 LEAD AGENCY PRINCIPLE.

The District will be the Lead Agency if it will have principal responsibility for carrying out or approving a project. Where a project is to be carried out or approved by more than one public agency, only one agency shall be responsible for the preparation of environmental documents. This agency shall be called the Lead Agency.

2.02 SELECTION OF LEAD AGENCY.

Where two or more public agencies will be involved with a project, the Lead Agency shall be designated according to the following criteria:

(a) If the project will be carried out by a public agency, that agency shall be the Lead Agency even if the project will be located within the jurisdiction of another public agency; or

(b) If the project will be carried out by a nongovernmental person or entity, the Lead Agency shall be the public agency with the greatest responsibility for supervising and approving the project as a whole.

The Lead Agency will normally be the agency with general governmental powers, rather than an agency with a single or limited purpose. (For example, a district that will provide a public service or utility to the project serves a limited purpose.) If two or more agencies meet this criteria equally, the agency that acts first on the project will normally be the Lead Agency.

If two or more public agencies have a substantial claim to be the Lead Agency under either (a) or (b), they may designate one agency as the Lead Agency by agreement. An agreement may also provide for cooperative efforts by contract, joint exercise of powers, or similar devices. If the agencies cannot agree which agency should be the Lead Agency for preparing the environmental document, any of the disputing public agencies or the project applicant may submit the dispute to the Office of Planning and Research. Within 21 days of receiving the request, the Office of Planning and Research will designate the Lead Agency. The Office of Planning and Research shall not designate a Lead Agency in the absence of a dispute. A "dispute" means a contested, active difference of opinion between two or more public agencies as to which of those agencies shall prepare any necessary environmental document. A dispute exists when each of those agencies claims that it either has or does not have the obligation to prepare that environmental document.

2.03 DUTIES OF A LEAD AGENCY.

As a Lead Agency, the District shall decide whether a Negative Declaration, Mitigated Negative Declaration or an EIR will be required for a project and shall prepare, or cause to be prepared, and consider the document before making its decision on whether and how to approve the project. The documents may be prepared by Staff or by private consultants pursuant to a contract with the District. However, the District shall independently review and analyze all draft and final EIRs or Negative Declarations prepared for a project and shall find that the EIR or

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Negative Declaration reflects the independent judgment of the District prior to approval of the document. If a Draft EIR or Final EIR is prepared under a contract with the District, the contract must be executed within forty-five (45) days from the date on which the District sends a Notice of Preparation. (See Local Guidelines Section 7.02.)

During the process of preparing an EIR, the District, as Lead Agency, shall have the following duties:

(a) If a California Native American tribe has requested consultation, within 14 days after determining that an application for a project is complete or a decision to undertake a project, the District shall begin consultation with the California Native American tribes (see Local Guidelines Section 7.07);

(b) Immediately after deciding that an EIR is required for a project, the District shall send to the Office of Planning and Research and each Responsible Agency a Notice of Preparation (Form "G") stating that an EIR will be prepared (see Local Guidelines Section 7.03);

(c) Prior to release of an EIR, if the California Native American tribe that is culturally affiliated with the geographic area of a project requests in writing to be informed of any proposed project, the District shall begin consultation with the tribe consistent with California law and Local Guidelines Section 7.07;

(d) The District shall prepare or cause to be prepared the Draft EIR for the project (see Local Guidelines Sections 7.06 and 7.18);

(e) Once the Draft EIR is completed, the District shall file a Notice of Completion (Form "H") with the Office of Planning and Research (see Local Guidelines Section 7.25);

(f) The District shall consult with state, federal and local agencies that exercise authority over resources that may be affected by the project for their comments on the completed Draft EIR (see, e.g., Local Guidelines Sections 5.02, 5.16, Section 7.26);

(g) The District shall provide public notice of the availability of a Draft EIR (Form "K") at the same time that it sends a Notice of Completion to the Office of Planning and Research (see Local Guidelines Section 7.25);

(h) The District shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare or cause to be prepared a written response to all comments that raise significant environmental issues and that were timely received during the public comment period. A written response must be provided to all public agencies who commented on the project during the public review period at least ten (10) days prior to certifying an EIR (see Local Guidelines Section 7.30);

(i) The District shall prepare or cause to be prepared a Final EIR before approving the project (see Local Guidelines Section 7.31);

(j) The District shall certify that the Final EIR has been completed in compliance with CEQA and has been reviewed by the Board of Directors (see Local Guidelines Section 7.33); and

(k) The District shall include in the Final EIR any comments received from a Responsible Agency on the Notice of Preparation or the Draft EIR (see Local Guidelines Sections 2.07, 7.30 and 7.31).

As Lead Agency, the District may charge a non-elected body with the responsibility of making a finding of exemption or adopting, certifying or authorizing environmental documents;

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however, such a determination shall be subject to the District's procedures allowing for the appeal of the CEQA determination of any non-elected body to the District's Board of Directors. In the event the District's Board of Directors has delegated authority to a subsidiary board or official to approve a project, the Board of Directors also hereby delegates to that subsidiary board or official the authority to make all necessary CEQA determinations, including whether an EIR, Negative Declaration, Mitigated Negative Declaration or exemption shall be required for any project. A subsidiary board or official's CEQA determination shall be subject to appeal consistent with the District's established procedures for appeals.

2.04 PROJECTS RELATING TO DEVELOPMENT OF HAZARDOUS WASTE AND OTHER SITES.

An applicant for a development project must submit a signed statement to the District, as Lead Agency, stating whether the project and any alternatives are located on a site that is included in any list compiled by the Secretary for Environmental Protection of the California Environmental Protection Agency ("California EPA") listing hazardous waste sites and other specified sites located in the District's boundaries. The applicant's statement must contain the following information:

(a) The applicant's name, address, and phone number;
(b) Address of site, and local agency (city/county);
(c) Assessor's book, page, and parcel number; and
(d) The list which includes the site, identification number, and date of list.

Before accepting as complete an application for any development project as defined in Local Guidelines Section 11.16, the District, as Lead Agency, shall consult lists compiled by the Secretary for Environmental Protection of the California EPA pursuant to Government Code Section 65962.5 listing hazardous waste sites and other specified sites located in the District's boundaries. When acting as Lead Agency, the District shall notify an applicant for a development project if the project site is located on such a list and not already identified. In the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (see Local Guidelines Section 6.04) or the Notice of Preparation of Draft EIR (see Local Guidelines Section 7.03), the District shall specify the California EPA list, if any, that includes the project site, and shall provide the information contained in the applicant's statement.

This provision does not apply to projects for which applications have been deemed complete on or before January 1, 1992.

2.05 RESPONSIBLE AGENCY PRINCIPLE.

When a project is to be carried out or approved by more than one public agency, all public agencies other than the Lead Agency that have discretionary approval power over the project shall be identified as Responsible Agencies.

2.06 DUTIES OF A RESPONSIBLE AGENCY.

When it is identified as a Responsible Agency, the District shall consider the environmental documents prepared or caused to be prepared by the Lead Agency and reach its own conclusions on whether and how to approve the project involved. The District shall also

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both respond to consultation and attend meetings as requested by the Lead Agency to assist the Lead Agency in preparing adequate environmental documents. The District should also review and comment on Draft EIRs, Negative Declarations, and Mitigated Negative Declarations. Comments shall be limited to those project activities that are within the District's area of expertise or are required to be carried out or approved by the District or are subject to the District's powers.

As a Responsible Agency, the District may identify significant environmental effects of a project for which mitigation is necessary. As a Responsible Agency, the District may submit to the Lead Agency proposed mitigation measures that would address those significant environmental effects. If mitigation measures are required, the District should submit to the Lead Agency complete and detailed performance objectives for such mitigation measures that would address the significant environmental effects identified, or refer the Lead Agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to the Lead Agency by the District, when acting as a Responsible Agency, shall be limited to measures that mitigate impacts to resources that are within the District's authority. For private projects, the District, as a Responsible Agency, may require the project proponent to provide such information as may be required and to reimburse the District for all costs incurred by it in reporting to the Lead Agency.

2.07 RESPONSE TO NOTICE OF PREPARATION BY RESPONSIBLE AGENCIES.

Within thirty (30) days of receipt of a Notice of Preparation of an EIR, the District, as a Responsible Agency, shall specify to the Lead Agency the scope and content of the environmental information related to the District's area of statutory responsibility in connection with the proposed project. At a minimum, the response shall identify the significant environmental issues and possible alternatives and mitigation that the District, as a Responsible Agency, will need to have explored in the Draft EIR. Such information shall be specified in writing, shall be as specific as possible, and shall be communicated to the Lead Agency, by certified mail or any other method of transmittal that provides it with a record that the response was received. The Lead Agency shall incorporate this information into the EIR.

2.08 USE OF FINAL EIR OR NEGATIVE DECLARATION BY RESPONSIBLE AGENCIES.

The District, as a Responsible Agency, shall consider the Lead Agency's Final EIR or Negative Declaration before acting upon or approving a proposed project. As a Responsible Agency, the District must independently review and consider the adequacy of the Lead Agency's environmental documents prior to approving any portion of the proposed project. In certain instances, the District, in its role as a Responsible Agency, may require that a Subsequent EIR or a Supplemental EIR be prepared to fully address those aspects of the project over which the District has approval authority. Mitigation measures and alternatives deemed feasible and relevant to the District's role in carrying out the project shall be adopted. Findings that are relevant to the District's role as a Responsible Agency shall be made. After the District decides to approve or carry out part of a project for which an EIR or negative declaration has previously been prepared by the Lead Agency, the District, as Responsible Agency, should file a Notice of Determination with the County Clerk within five (5) days of approval, but need not state that the Lead Agency's EIR or Negative Declaration complies with CEQA. The District, as Responsible

Agency, should state that it considered the EIR or Negative Declaration as prepared by a Lead Agency.

2.09 SHIFT IN LEAD AGENCY RESPONSIBILITIES.

The District, as a Responsible Agency, shall assume the role of the Lead Agency if any one of the following three conditions is met:

(a) The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency;

(b) The Lead Agency prepared environmental documents for the project, and all of the following conditions apply:

(1) A Subsequent or Supplemental EIR is required;

(2) The Lead Agency has granted a final approval for the project; and

(3) The statute of limitations has expired for a challenge to the action of the appropriate Lead Agency; or

(c) The Lead Agency prepared inadequate environmental documents without providing public notice of a Negative Declaration or sending Notice of Preparation of an EIR to Responsible Agencies and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

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3. ACTIVITIES EXEMPT FROM CEQA

3.01 ACTIONS SUBJECT TO CEQA.

CEQA applies to discretionary projects proposed to be carried out or approved by public agencies such as the District. If the proposed activity does not come within the definition of "project" contained in Local Guidelines Section 11.57, it is not subject to environmental review under CEQA.

"Project" does not include:

(a) Proposals for legislation to be enacted by the State Legislature;
(b) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, and general policy and procedure making (except as provided in Local Guidelines Section 11.57);
(c) The submittal of proposals to a vote of the people in response to a petition drive initiated by voters, or the enactment of a qualified voter-sponsored initiative under California Constitution Art. II, Section 11(a) and Election Code Section 9214;
(d) The creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to any specific project that may have a potentially significant physical impact on the environment. Government funding mechanisms may include, but are not limited to, assessment districts and community facilities districts;
(e) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment; and
(f) Activities that do not result in a direct or reasonably foreseeable indirect physical change in the environment.

3.02 MINISTERIAL ACTIONS.

Ministerial actions are not subject to CEQA review. A ministerial action is one that is approved or denied by a decision that a public official or a public agency makes that involves only the use of fixed standards or objective measurements without personal judgment or discretion.

When a project involves an approval that contains elements of both a ministerial and discretionary nature, the project will be deemed to be discretionary and subject to the requirements of CEQA. The decision whether the approval of a proposed project or activity is ministerial in nature may involve or require, to some extent, interpretation of the language of the legal mandate, and should be made on a case-by-case basis. The following is a non-exclusive list of examples of ministerial activities:

(a) Issuance of business licenses;
(b) Approval of final subdivision maps and final parcel maps;
(c) Approval of individual utility service connections and disconnections;
(d) Issuance of licenses;
(e) Issuance of a permit to do street work; and
(f) Issuance of building permits where the Lead Agency does not retain significant discretionary power to modify or shape the project.

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3.03 EXEMPTIONS IN GENERAL.

CEQA and the State CEQA Guidelines exempt certain activities and provide that local agencies should further identify and describe certain exemptions. The requirements of CEQA and the obligation to prepare an EIR, Negative Declaration or Mitigated Negative Declaration generally do not apply to the exempt activities that are set forth in CEQA, the State CEQA Guidelines and Chapter 3 of these Local Guidelines.

3.04 PRELIMINARY EXEMPTION ASSESSMENT.

If, in the judgment of Staff, a proposed activity is exempt, Staff should so find on the form entitled "Preliminary Exemption Assessment" (Form "A"). The Preliminary Exemption Assessment shall be retained at District Offices as a public record.

3.05 NOTICE OF EXEMPTION.

After approval of an exempt project, a "Notice of Exemption" (Form "B") may be filed by the District or its representatives with the county clerk of each county in which the activity will be located. If the Lead Agency exempts an agricultural housing, affordable housing, or residential infill project under State CEQA Guidelines Sections 15193, 15194 or 15195 and approves or determines to carry out that project, it must file a notice with the Office of Planning and Research ("OPR") identifying the exemption. The Preliminary Exemption Assessment shall be attached to the Notice of Exemption for filing. If filed, the Clerk must post the Notice within twenty-four (24) hours of receipt, and the Notice must remain posted for thirty (30) days. Although no California Department of Fish and Wildlife ("DFW") filing fee is applicable to exempt projects, most counties customarily charge a documentary handling fee to pay for record keeping on behalf of the DFW. Refer to the Index in the Staff Summary to determine if such a fee will be required for the project. The Notice of Exemption must also identify the person undertaking the project, including any person undertaking an activity that receives financial assistance from the District as part of the project or the person receiving a lease, permit, license, certificate, or other entitlement for use from the District as part of the project.

When filing a Notice of Exemption, Staff has different responsibilities for certain types of actions. If the activity is either:

(a) undertaken by a *person* (not a public agency) and is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies; or

(b) involves the issuance to a *person* (not a public agency) of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies; then

Staff may direct that person to file the Notice of Exemption with the county clerk of each county in which the activity will be located. (See Public Resources Code section 21065 (b) and (c)). A Notice of Exemption filed by a person as described above must have a certificate of determination attached to it issued by the District stating that the action is not subject to CEQA. (See Public Resources Code Sections 21080 and 21152.) The certificate of determination may be in the form of a certified copy of an existing document or record of the District.

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The filing of a Notice of Exemption, when appropriate, is recommended for District actions because it starts a 35-day statute of limitations on legal challenges to the District's determination that the activity is exempt from CEQA. The District is encouraged to make postings of all filed notices available in electronic format on the Internet. These electronic postings are in addition to the procedures required by the State CEQA Guidelines and the Public Resources Code. If a Notice of Exemption is not filed, a 180-day statute of limitations will apply. Please see Local Guidelines Sections 3.13 and 3.17 for certain circumstances in which the Lead Agency is required to file a Notice of Exemption. The thirty-day posting requirement excludes the first day of posting and includes the last day of posting. On the 30th day, the Notice of Exemption must be posted for the entire day.

When a request is made for a copy of the Notice prior to the date on which the District determines the project is exempt, the Notice must be mailed, first class postage prepaid, within five (5) days after the District's determination. If such a request is made following the District's determination, then the copy should be mailed in the same manner as soon as possible.

3.06 DISAPPROVED PROJECTS.

Projects that the Lead Agency rejects or disapproves are exempt from CEQA. An applicant shall not be relieved of paying the costs for an EIR, Negative Declaration, or Mitigated Negative Declaration prepared for a project prior to the Lead Agency's disapproval of the project.

3.07 PROJECTS WITH NO POSSIBILITY OF SIGNIFICANT EFFECT.

Where it can be seen with absolute certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA.

3.08 EMERGENCY PROJECTS.

The following types of emergency projects are exempt from CEQA (the term "emergency" is defined in Local Guidelines Section 11.20):

(a) Work in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter a historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of the Public Resources Code.

(b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.

(c) Projects necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as

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fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

(d) Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. Highway shall have the same meaning as defined in Section 360 of the Vehicle Code. This exemption does not apply to highways designated as official state scenic highways, nor to any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

(e) Seismic work on highways and bridges pursuant to Streets and Highways Code section 180.2.

3.09 FEASIBILITY AND PLANNING STUDIES.

A project that involves only feasibility or planning studies for possible future actions which the District has not yet approved, adopted or funded is exempt from CEQA.

3.10 RATES, TOLLS, FARES AND CHARGES.

The establishment, modification, structuring, restructuring or approval of rates, tolls, fares or other charges by the District that the District finds are for one or more of the purposes listed below are exempt from CEQA.

(a) Meeting operating expenses, including employee wage rates and fringe benefits;
(b) Purchasing or leasing supplies, equipment or materials;
(c) Meeting financial reserve needs and requirements; or
(d) Obtaining funds for capital projects necessary to maintain service within existing service areas.

When the District determines that one of the aforementioned activities pertaining to rates, tolls, fares or charges is exempt from the requirements of CEQA, it shall incorporate written findings setting forth the specific basis for the claim of exemption in the record of any proceeding in which such an exemption is claimed.

3.11 PIPELINES WITHIN A PUBLIC RIGHT-OF-WAY AND LESS THAN ONE MILE IN LENGTH.

Projects that are for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline and that are:

(a) in a public street or highway or any other public right-of-way; and
(b) less than one mile in length

shall be exempt from CEQA requirements. See Public Resources Code section 21080.21.

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"Pipeline" includes subsurface facilities but does not include any surface facility related to the operation of the underground facility.

3.12 PIPELINES OF LESS THAN EIGHT MILES IN LENGTH.

Projects that are for the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing pipeline, or any valve, flange, meter, or other piece of equipment that is directly attached to the pipeline shall be exempt from CEQA requirements if all of the following conditions are met:

(a) The project is less than eight miles in length.
(b) Notwithstanding the project length, actual construction and excavation activities undertaken to achieve the maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing pipeline are not undertaken over a length of more than one-half mile at any one time.
(c) The project consists of a section of pipeline that is not less than eight miles from any section of pipeline that has been subject to an exemption pursuant to CEQA in the past 12 months.
(d) The project is not solely for the purpose of excavating soil that is contaminated by hazardous materials, and, to the extent not otherwise expressly required by law, the party undertaking the project immediately informs the lead agency of the discovery of contaminated soil.
(e) To the extent not otherwise expressly required by law, the person undertaking the project has, in advance of undertaking the project, prepared a plan that will result in notification of the appropriate agencies so that they may take action, if determined to be necessary, to provide for the emergency evacuation of members of the public who may be located in close proximity to the project.
(f) Project activities are undertaken within an existing right-of-way and the right-of-way is restored to its condition prior to the project.
(g) The project applicant agrees to comply with all conditions otherwise authorized by law, imposed by the city or county planning department as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and to otherwise comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and other applicable state laws, and with all applicable federal laws.

If a project meets all of the requirements for this exemption, the person undertaking the project shall do all of the following:

(a) Notify, in writing, any affected public agency, including, but not limited to, any public agency having permit, land use, environmental, public health protection, or emergency response authority of this exemption.
(b) Provide notice to the public in the affected area in a manner consistent with paragraph (3) of Public Resources Code section 21092(b).
(c) In the case of private rights-of-way over private property, receive from the underlying property owner permission for access to the property.

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(d) Comply with all conditions otherwise authorized by law, imposed by the city or county planning department as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and otherwise comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and other applicable state laws, and with all applicable federal laws.

This exemption does not apply to a project in which the diameter of the pipeline is increased or to a project undertaken within the boundaries of an oil refinery.

For purposes of this exemption, the following definitions apply:

(a) "Pipeline" includes every intrastate pipeline used for the transportation of hazardous liquid substances or highly volatile liquid substances, including a common carrier pipeline, and all piping containing those substances located within a refined products bulk loading facility which is owned by a common carrier and is served by a pipeline of that common carrier, and the common carrier owns and serves by pipeline at least five such facilities in the state. "Pipeline" does not include the following:

(1) An interstate pipeline subject to Part 195 of Title 49 of the Code of Federal Regulations.
(2) A pipeline for the transportation of a hazardous liquid substance in a gaseous state.
(3) A pipeline for the transportation of crude oil that operates by gravity or at a stress level of 20 percent or less of the specified minimum yield strength of the pipe.
(4) Transportation of petroleum in onshore gathering lines located in rural areas.
(5) A pipeline for the transportation of a hazardous liquid substance offshore located upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream.
(6) Transportation of a hazardous liquid by a flow line.
(7) A pipeline for the transportation of a hazardous liquid substance through an onshore production, refining, or manufacturing facility, including a storage or in plant piping system associated with that facility.
(8) Transportation of a hazardous liquid substance by vessel, aircraft, tank truck, tank car, or other vehicle or terminal facilities used exclusively to transfer hazardous liquids between those modes of transportation.

3.13 CERTAIN RESIDENTIAL HOUSING PROJECTS.

CEQA does not apply to the construction, conversion, or use of residential housing if the project meets all of the general requirements described in Section A below and satisfies the specific requirements for any one of the following three categories: (1) agricultural housing

(Section B below), (2) affordable housing projects in urbanized areas (Section C below), or (3) affordable housing projects near major transit stops (Section D below).

A. **General Requirements.** The construction, conversion, or use of residential housing units affordable to low-income households (as defined in Local Guidelines Section 11.36) located on an infill site in an urbanized area is exempt from CEQA if all of the following general requirements are satisfied:

(1) The project is consistent with:

(a) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application was deemed complete; and

(b) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application was deemed complete. However, the project may be inconsistent with zoning if the zoning is inconsistent with the general plan and the project site has not been rezoned to conform to the general plan;

(2) Community level environmental review has been adopted or certified;

(3) The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees;

(4) The project site meets all of the following four criteria relating to biological resources:

(a) The project site does not contain wetlands;

(b) The project site does not have any value as a wildlife habitat;

(c) The project does not harm any species protected by the federal Endangered Species Act of 1973, the Native Plant Protection Act, or the California Endangered Species Act; and

(d) The project does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete;

(5) The site is not included on any list of facilities and sites compiled pursuant to Government Code Section 65962.5;

(6) The project site is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the

following steps must have been taken in response to the results of this assessment:

(a) If a release of a hazardous substance is found to exist on the site, the release shall be removed or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements; or

(b) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements;

(7) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code (see Local Guidelines Section 11.28);

(8) The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection; unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard;

(9) The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties;

(10) The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency;

(11) Either the project site is not within a delineated earthquake fault zone, or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard;

(12) Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood;

(13) The project site is not located on developed open space;

(14) The project site is not located within the boundaries of a state conservancy;

(15) The project site has not been divided into smaller projects to qualify for one or more of the exemptions for affordable housing, agricultural housing, or residential infill housing projects found in the subsequent sections; and

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(16) The project meets the requirements set forth in either Public Resources Code Sections 21159.22, 21159.23 or 21159.24.

B. Specific Requirements for Agricultural Housing. (Public Resources Code Sections 21084 and 21159.22, and State CEQA Guidelines Section 15192.) CEQA does not apply to the construction, conversion, or use of residential housing for agricultural employees that meets all of the general requirements described above in Section A and meets the following additional criteria:

(1) The project either:

(a) Is affordable to lower income households, lacks public financial assistance, and the developer has provided sufficient legal commitments to ensure the continued availability and use of the housing units for lower income households for a period of at least fifteen (15) years; or

(b) If public financial assistance exists for the project, then the project must be housing for very low-, low-, or moderate-income households and the developer of the project has provided sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for low- and moderate-income households for a period of at least fifteen (15) years;

(2) The project site is adjacent on at least two sides to land that has been developed and the project consists of not more than forty-five (45) units or provides dormitories, barracks, or other group-living facilities for a total of forty-five (45) or fewer agricultural employees, and either:

(a) The project site is within incorporated city limits or within a census-defined place with a minimum population density of at least five thousand (5,000) persons per square mile; or

(b) The project site is within incorporated city limits or within a census-defined place and the minimum population density of the census-defined place is at least one thousand (1,000) persons per square mile, unless the Lead Agency determines that there is a reasonable possibility that the project, if completed, would have a significant effect on the environment due to unusual circumstances or that the cumulative effects of successive projects of the same type in the same area would, over time, be significant;

(3) If the project is located on a site zoned for general agricultural use, it must consist of twenty (20) or fewer units, or, if the housing consists of dormitories, barracks, or other group-living facilities, the project must not provide housing for more than twenty (20) agricultural employees; and

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(4) The project is not more than two (2) acres in area if the project site is located in an area with a population density of at least one thousand (1,000) persons per square mile, and is not more than five (5) acres in area for all other project sites.

C. Specific Requirements for Affordable Housing Projects in Urbanized Areas. (Reference: Public Resources Code Sections 21083 and 21159.23, and State CEQA Guidelines Section 15194.) CEQA does not apply to any development project that consists of the construction, conversion, or use of residential housing consisting of one hundred (100) or fewer units that are affordable to low-income households if all of the general requirements described in Section A above are satisfied and the following additional criteria are also met:

(1) The developer of the project provides sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least thirty (30) years, at monthly housing costs deemed to be "affordable rent" for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code;

(2) The project site meets one of the following conditions:

(a) Has been previously developed for qualified urban uses;
(b) Is immediately adjacent to parcels that are developed with qualified urban uses; or
(c) At least 75% of the perimeter of the site adjoins parcels that are developed with qualified urban uses and the remaining 25% of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses, the site has not been developed for urban uses and no parcel within the site has been created within ten (10) years prior to the proposed development of the site;

(3) The project site is not more than five (5) acres in area; and

(4) The project site meets one of the following requirements regarding population density:

(a) The project site is within an urbanized area or within a census-defined place with a population density of at least five thousand (5,000) persons per square mile;
(b) If the project consists of fifty (50) or fewer units, the project site is within an incorporated city with a population density of at least twenty-five hundred (2,500) persons per square mile and a total population of at least twenty-five thousand (25,000) persons; or

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(c) The project site is within either an incorporated city or a census-defined place with a population density of one thousand (1,000) persons per square mile, unless there is a reasonable possibility that the project would have a significant effect on the environment due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.

D. Specific Requirements for Affordable Housing Projects Near Major Transit Stops. (Reference: Public Resources Code Sections 21083 and 21159.24, and State CEQA Guidelines Section 15195.) CEQA does not apply to a residential project on an infill site within an urbanized area if all of the general requirements described above in Section A are satisfied and the following additional criteria are also met:

(1) Within five (5) years prior to the date that the application for the project is deemed complete, community-level environmental review was certified or adopted. This exemption does not apply, however, if new information about the project or substantial changes regarding the circumstances surrounding the project become available after the community-level environmental review was certified or adopted;

(2) The site is not more than four (4) acres in total area;

(3) The project does not contain more than one hundred (100) residential units;

(4) The project meets either of the following criteria:

(a) At least 10% of the housing is sold to families of moderate income or rented to families of low income, or at least 5% of the housing is rented to families of very low income, and the project developer has provided sufficient legal commitments to ensure the continued availability and use of the housing units for very low-, low-, and moderate-income households at monthly housing costs; or

(b) The project developer has paid or will pay in-lieu fees sufficient to pay for the development of the same number of units that would otherwise be sold or rented to families of moderate or very low income pursuant to subparagraph (a);

(5) The project is within one-half mile of a major transit stop;

(6) The project does not include any single-level building that exceeds one hundred thousand (100,000) square feet;

(7) The project promotes higher density infill housing:

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(a) A project with a density of at least 20 units per acre shall be conclusively presumed to promote higher density infill housing; or

(b) A project with a density of at least 10 units per acre and a density greater than the average density of the residential properties within 1,500 feet shall be presumed to promote higher density housing unless the preponderance of the evidence demonstrates otherwise;

(8) Exception:

(a) Except as provided in subdivision (b), this division does not apply to a project if all of the following criteria are met:

1. The project is a residential project on an infill site.
2. The project is located within an urbanized area.
3. The project satisfies the criteria of Section 21159.21.
4. Within five years of the date that the application for the project is deemed complete pursuant to Section 65943 of the Government Code, community-level environmental review was certified or adopted.
5. The site of the project is not more than four acres in total area.
6. The project does not contain more than 100 residential units.
7. Either of the following criteria are met:
   a. At least 10 percent of the housing is sold to families of moderate income, or not less than 10 percent of the housing is rented to families of low income, or not less than 5 percent of the housing is rented to families of very low income.
   b. The project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for very low-, low-, and moderate-income households at monthly housing costs determined pursuant to paragraph (3) of the subdivision (h) of Section 65589.5 of the Government Code.

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c. The project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of units that would otherwise be required pursuant to subparagraph (7)(a).

8. The project is within one-half mile of a major transit stop.

9. The project does not include any single level building that exceeds 100,000 square feet.

10. The project promotes higher density infill housing. A project with a density of at least 20 units per acre shall be conclusively presumed to promote higher density infill housing. A project with a density of at least 10 units per acre and a density greater than the average density of the residential properties within 1,500 feet shall be presumed to promote higher density housing unless the preponderance of the evidence demonstrates otherwise.

(b) The Exemption for Affordable Housing Projects near Major Transit Stops does not apply if any one of the following criteria is met:

1. There is a reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances;
2. Substantial changes have occurred since community-level environmental review was adopted or certified with respect to the circumstances under which the project is being undertaken, and those changes are related to the project; or
3. New information regarding the circumstances under which the project is being undertaken has become available, and that new information is related to the project and was not known and could not have been known at the time of the community-level environmental review;

(c) If a project satisfies any one of the three criteria described above in Section 3.13D(8)(a), the environmental effects of the project must be analyzed in an Environmental Impact Report or a Negative Declaration. The environmental analysis shall be limited to the project-specific effects and any effects identified pursuant to Section 3.13D(8)(a).

E. Whenever the Lead Agency determines that a project is exempt from environmental review based on Public Resources Code Sections 21159.22 [Section 3.13B of these Local Guidelines], 21159.23 [Section 3.13C of these Local Guidelines], or 21159.24 [Section 3.13D of these Local Guidelines], Staff and/or the proponent of the project shall file a Notice of Exemption with the

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Office of Planning and Research within five (5) working days after the approval of the project.

3.14 MINOR ALTERATIONS TO FLUORIDATE WATER UTILITIES.

Minor alterations to water utilities made for the purpose of complying with the fluoridation requirements of Health and Safety Code Sections 116410 and 116415 or regulations adopted thereunder are exempt from CEQA.

3.15 BALLOT MEASURES.

The definition of project in the State CEQA Guidelines specifically excludes the submittal of proposals to a vote of the people of the state or of a particular community. This exemption does not apply to the public agency that sponsors the initiative. When a governing body makes a decision to put a measure on the ballot, that decision may be discretionary and therefore subject to CEQA. In contrast, the enactment of a qualified voter-sponsored initiative under California Constitution Art. II, Section 11(a) and Election Code Section 9214 is not a project and therefore is not subject to CEQA review. (See Local Guidelines Section 3.01.)

3.16 TRANSIT PRIORITY PROJECT.

Exemption: Transit Priority Projects (see Local Guidelines Section 11.75) that are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a Sustainable Community Strategy or an alternative planning strategy may be exempt from CEQA. To qualify for the exemption, the decision-making body must hold a hearing and make findings that the project meets all of Public Resources Code Section 21155.1's environmental, housing, and public safety conditions and requirements.

Streamlined Review: A Transit Priority Project that has incorporated all feasible mitigation measures, performance standards or criteria set forth in a prior environmental impact report, may be eligible for streamlined environmental review. For a complete description of the requirements for this streamlined review see Public Resources Code Section 21155.2. Similarly, the environmental review for a residential or mixed use residential project may limit, or entirely omit, its discussion of growth-inducing impacts or impacts from traffic on global warming under certain limited circumstances. Note, however, that impacts from other sources of greenhouse gas emissions would still need to be analyzed. For complete requirements see Public Resources Code Section 21159.28.

Note that neither the exemption nor the streamlined review will apply until: (1) the applicable Metropolitan Planning Organization prepares and adopts a Sustainable Communities Strategy or alternative planning strategy for the region; and (2) the California Air Resources Board has accepted the Metropolitan Planning Organization's determination that the Sustainable Communities Strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets adopted for the region.

3.17 ROADWAY IMPROVEMENTS.

CEQA does not apply to a project or an activity to repair, maintain, or make minor alterations to an existing roadway, as defined in Local Guidelines Section 11.64, if all of the following conditions are met:

A. General Requirements:

(1) The project is carried out by a city or county with a population of less than 100,000 persons to improve public safety.

(2) The project does not cross a waterway as defined in Local Guidelines Section 11.84.

(3) The project involves negligible or no expansion of an existing use beyond that existing at the time of the lead agency's determination.

(4) The roadway is not a state roadway.

(5) The site of the project does not contain wetlands or riparian areas, and does not have "significant value as a wildlife habitat" (as defined in Local Guidelines Section 11.66) and the project does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), or the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and the project does not cause the destruction or removal of any species protected by a local ordinance.

(6) The project does not impact cultural resources.

(7) The roadway does not affect scenic resources, as provided pursuant to subdivision (c) of Section 21084 of the Public Resources Code.

B. Prior to determining that a project is exempt pursuant to this section, the lead agency shall do both of the following:

(1) Include measures in the project to mitigate potential vehicular traffic and safety impacts and bicycle and pedestrian safety impacts.

(2) Hold a noticed public hearing on the project to hear and respond to public comments. The hearing on the project may be conducted with another noticed lead agency public hearing. Publication of the notice shall be no fewer times than required by Section 6061 of the Government Code, by the public agency in a newspaper of general circulation in the area.

C. Whenever the local agency determines that a project is not subject to this exemption, and it approves or determines to or carry out that project, the local agency shall file a notice with the Office of Planning and Research, and with the county clerk in the manner specified in subdivisions (b) and (c) of Public Resources Code Section 21152.

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3.18 CERTAIN INFILL PROJECTS

(a) (1) If an environmental impact report was certified for a planning level decision of the city or county, the application of CEQA to the approval of an infill project shall be limited to the effects on the environment that (A) are specific to the project or to the project site and were not addressed as significant effects in the prior environmental impact report or (B) substantial new information shows the effects will be more significant than described in the prior environmental impact report. The attached Form "S" shall be used for this determination. A lead agency's determination pursuant to this section shall be supported by substantial evidence.

(2) An effect of a project upon the environment shall not be considered a specific effect of the project or a significant effect that was not considered significant in a prior environmental impact report, or an effect that is more significant than was described in the prior environmental impact report if uniformly applicable development policies or standards adopted by the city, county, or the lead agency, would apply to the project and the lead agency makes a finding, based upon substantial evidence, that the development policies or standards will substantially mitigate that effect.

(b) If an infill project would result in significant effects that are specific to the project or the project site, or if the significant effects of the infill project were not addressed in the prior environmental impact report, or are more significant than the effects addressed in the prior environmental impact report, and if a mitigated negative declaration or a sustainable communities environmental assessment could not be otherwise adopted, an environmental impact report prepared for the project analyzing those effects shall be limited as follows:

(1) Alternative locations, densities, and building intensities to the project need not be considered.

(2) Growth inducing impacts of the project need not be considered.

(c) This section applies to an infill project that satisfies both of the following:

(1) The project satisfies any of the following:

A) Is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.

(B) Consists of a small walkable community project located in an area designated by a city for that purpose.

(C) Is located within the boundaries of a metropolitan planning organization that has not yet adopted a sustainable communities strategy or alternative planning strategy,

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and the project has a residential density of at least 20 units per acre or a floor area ratio of at least 0.75.

(2) Satisfies all applicable statewide performance standards contained in the guidelines adopted pursuant to Public Resources Code Section 21094.5.5 (Form "R").

(d) This section applies after the Secretary of the Natural Resources Agency adopts and certifies the guidelines establishing statewide standards pursuant to Public Resources Code Section 21094.5.5.

(e) For the purposes of this section, the following terms mean the following:

(1) "Infill project" means a project that meets the following conditions:

(A) Consists of any one, or combination, of the following uses:

(i) Residential.

(ii) Retail or commercial, where no more than one-half of the project area is used for parking.

(iii) A transit station.

(iv) A school.

(v) A public office building.

(B) Is located within an urban area on a site that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

(2) "Planning level decision" means the enactment or amendment of a general plan, community plan, specific plan, or zoning code.

(3) "Prior environmental impact report" means the environmental impact report certified for a planning level decision, as supplemented by any subsequent or supplemental environmental impact reports, negative declarations, or addenda to those documents.

(4) "Small walkable community project" means a project that is in an incorporated city, which is not within the boundary of a metropolitan planning organization and that satisfies the following requirements:

(A) Has a project area of approximately one-quarter mile diameter of contiguous land completely within the existing incorporated boundaries of the city.

(B) Has a project area that includes a residential area adjacent to a retail downtown area.

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(C) The project has a density of at least eight dwelling units per acre or a floor area ratio for retail or commercial use of not less than 0.50.

(5) "Urban area" includes either an incorporated city or an unincorporated area that is completely surrounded by one or more incorporated cities that meets both of the following criteria:

(A) The population of the unincorporated area and the population of the surrounding incorporated cities equal a population of 100,000 or more.

(B) The population density of the unincorporated area is equal to, or greater than, the population density of the surrounding cities.

3.19 EXEMPTION FOR INFILL PROJECTS IN TRANSIT PRIORITY AREAS

A residential or mixed-use project, or a project with a floor area ratio of at least 0.75 on commercially-zoned property, including any required subdivision or zoning approvals, is exempt from CEQA if the project satisfies the following criteria:

- The project is located within a transit priority area as defined in Section 11.74 below;
- The project is consistent with an applicable specific plan for which an environmental impact report was certified; and
- The project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the State Air Resources Board has accepted the determination that the sustainable communities strategy or the alternative planning strategy would achieve the applicable greenhouse gas emissions reduction targets.

Further environmental review shall be required for a project meeting the above criteria only if one of the events specified in Section 8.04below occurs.

3.20 EXEMPTION FOR RESIDENTIAL PROJECTS UNDERTAKEN PURSUANT TO A SPECIFIC PLAN

Where a public agency has prepared an EIR for a specific plan after January 1, 1980, a residential project undertaken pursuant to and in conformity with that specific plan is generally exempt from CEQA. Residential projects covered by this section include, but are not limited to, land use subdivisions, zoning changes, and residential planned unit developments.

Further environmental review shall be required for a project meeting the above criteria only if, after the adoption of the specific plan, one of the events specified in Section 8.04below occurs. In that circumstance, this exemption shall not apply until the city or county which adopted the specific plan completes a subsequent EIR or a supplement to an EIR on the specific plan. The exemption provided by this section shall again be available to residential projects after the Lead

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Agency has filed a Notice of Determination on the specific plan as reconsidered by the subsequent EIR or supplement to the EIR.

3.21 OTHER SPECIFIC EXEMPTIONS.

CEQA and the State CEQA Guidelines exempt many other specific activities, including early activities related to thermal power plants, ongoing projects, transportation improvement programs, family day care homes, congestion management programs, railroad grade separation projects, restriping of streets or highways to relieve traffic congestion, restriping of streets in urbanized areas for bicycle lanes, adoption of bicycle transportation plans for urban areas, hazardous or volatile liquid pipelines, and the installation of solar energy systems, including, but not limited to solar panels. Specific statutory exemptions are listed in the Public Resources Code, including Sections 21080 through 21080.35, and in the State CEQA Guidelines, including Sections 15260 through 15285. In addition, other titles of the California Codes provide statutory exemptions from CEQA, including, for example, Government Code Section 12012.70.

Prior to determining that a bicycle transportation plan for an urban area is exempt, the lead agency must hold noticed public hearings in areas affected by the bicycle transportation plan to hear and respond to public comments. Publication of the notice must comply with Government Code Section 6061 and be in a newspaper of general circulation in the area affected by the proposed project. The lead agency must also prepare an assessment of any traffic and safety impacts of the project and include measures in the bicycle transportation plan to mitigate potential vehicular traffic impacts and bicycle and pedestrian safety impacts. See Public Resources Code Sections 21080.20 and 21080.20.5. This exemption shall remain in place until January 1, 2021.

3.22 CATEGORICAL EXEMPTIONS.

The State CEQA Guidelines establish certain classes of categorical exemptions. These apply to classes of projects which have been determined not to have a significant effect on the environment and which, therefore, are generally exempt from CEQA. For any project that falls within one of these classes of categorical exemptions, the preparation of environmental documents under CEQA is not required. The classes of projects are briefly summarized below. (Reference to the State CEQA Guidelines for the full description of each exemption is recommended.)

The exemptions for Classes 3, 4, 5, 6 and 11 below are qualified in that such projects must be considered in light of the location of the project. A project that is ordinarily insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. Therefore, these classes are considered to apply in all instances except when the project may impact an environmental resource of hazardous or critical concern that has been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

All classes of categorical exemptions are qualified. None of the categorical exemptions are applicable if any of the following circumstances exist:

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(1) The cumulative impact of successive projects of the same type in the same place over time is significant;

(2) There is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;

(3) The project may result in damage to a scenic resource or may result in a substantial adverse change to a historical resource; or

(4) The project is located on a site which is included on any hazardous waste site or list compiled pursuant to Government Code Section 65962.5.

However, a project's greenhouse gas emissions do not, in and of themselves, cause an exemption to be inapplicable if the project otherwise complies with all applicable regulations or requirements adopted to implement statewide, regional, or local plans consistent with State CEQA Guidelines Section 15183.5.

With the foregoing limitations in mind, the following classes of activity are generally exempt from CEQA:

Class 1: Existing Facilities. Activities involving the operation, repair, maintenance, permitting, leasing, licensing, minor alteration of—or legislative activities to regulate— existing public or private structures, facilities, mechanical equipment or other property, or topographical features, provided the activity involves negligible or no expansion of existing or former use. The types of "existing facilities" itemized in State CEQA Guidelines Section 15301 are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use. (State CEQA Guidelines Section 15301.)

Class 2: Replacement or Reconstruction. Replacement or reconstruction of existing 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. (State CEQA Guidelines Section 15302.)

Class 3: New Construction or Conversion of Small Structures. Construction of limited numbers of small new facilities or structures; installation of small new equipment or facilities in small structures; and the conversion of existing small structures from one use to another, when only minor modifications are made in the exterior of the structure. This exemption includes structures built for both residential and commercial uses. (The maximum number of structures allowable under this exemption is set forth in State CEQA Guidelines Section 15303.)

Class 4: Minor Alterations to Land. Minor alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees, except for forestry or agricultural purposes. (State CEQA Guidelines Section 15304.)

Class 5: Minor Alterations in Land Use Limitations. Minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density. (State CEQA Guidelines Section 15305.)

Class 6: 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. (State CEQA Guidelines Section 15306.)

Class 7: Actions by Regulatory Agencies for Protection of Natural Resources. Actions taken by regulatory agencies 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 protection of the environment. (State CEQA Guidelines Section 15307.)

Class 8: Actions By Regulatory Agencies for Protection of the Environment. Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment. (State CEQA Guidelines Section 15308.)

Class 9: Inspection. 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. (State CEQA Guidelines Section 15309.)

Class 10: Loans. Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. (State CEQA Guidelines Section 15310.)

Class 11: Accessory Structures. Construction or replacement of minor structures accessory or appurtenant to existing commercial, industrial, or institutional facilities, including, but not limited to, on-premise signs; small parking lots; and placement of seasonal or temporary use items, such as lifeguard towers, mobile food units, portable restrooms or similar items in generally the same locations from time to time in publicly owned parks, stadiums or other facilities designed for public use. (State CEQA Guidelines Section 15311.)

Class 12: Surplus Government Property Sales. Sales of surplus government property, except for certain parcels of land located in an area of statewide, regional or area-wide concern identified in State CEQA Guidelines Section 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:

(a) The property does not have significant values for wildlife or other environmental purposes; and

(b) Any one of the following three conditions is met:

1. The property is of such size, shape, or inaccessibility that it is incapable of independent development or use;
2. The property to be sold would qualify for an exemption under any other class of categorical exemption in the State CEQA Guidelines; or

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3. The use of the property and adjacent property has not changed since the time of purchase by the public agency.

(State CEQA Guidelines Section 15312.)

Class 13: Acquisition of Lands for Wildlife Conservation Purposes. Acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat, establishment of ecological preserves under Fish and Game Code Section 1580, and preservation of access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition. (State CEQA Guidelines Section 15313.)

Class 14: Minor Additions to Schools. Minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more 25% or ten (10) classrooms, whichever is less. The addition of portable classrooms is included in this exemption. (State CEQA Guidelines Section 15314.)

Class 15: Minor Land Divisions. Division(s) of property in urbanized areas zoned for residential, commercial or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20%. (State CEQA Guidelines Section 15315.)

Class 16: Transfer of Ownership of Land in Order to Create Parks. Acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either:

(a) The management plan for the park has not been prepared, or
(b) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological resources.

CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource. (State CEQA Guidelines Section 15316.)

Class 17: Open Space Contracts or Easements. Establishment of agricultural preserves, making and renewing of open space contracts under the Williamson Act, or acceptance of easements or fee interests in order to maintain the open space character of the area. (The cancellation of such preserves, contracts, interests or easements is not included in this exemption.) (State CEQA Guidelines Section 15317.)

Class 18: Designation of Wilderness Areas. Designation of wilderness areas under the California Wilderness System. (State CEQA Guidelines Section 15318.)

Class 19: Annexations of Existing Facilities and Lots for Exempt Facilities.
This exemption applies only to the following annexations:

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(a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or prezoning 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; and

(b) Annexations of individual small parcels of the minimum size for facilities exempted by Class 3, New Construction or Conversion of Small Structures.

(State CEQA Guidelines Section 15319.)

Class 20: Changes in Organization of Local Agencies. Changes in the organization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

(a) Establishment of a subsidiary district;
(b) Consolidation of two or more districts having identical powers; and
(c) Merger with a city of a district lying entirely within the boundaries of the city.

(State CEQA Guidelines Section 15320.)

Class 21: Enforcement Actions by Regulatory Agencies. Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate or other entitlement for use issued, adopted or prescribed by the regulatory agency or enforcement of a law, general rule, standard or objective administered or adopted by the regulatory agency; or law enforcement activities by peace officers acting under any law that provides a criminal sanction. The direct referral of a violation of lease, permit, license, certificate, or entitlement to the City Attorney for judicial enforcement is exempt under this Class. (Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.) (State CEQA Guidelines Section 15321.)

Class 22: Educational or Training Programs Involving No Physical Changes. The adoption, alteration or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to:

(a) Development of or changes in curriculum or training methods; or
(b) Changes in the trade structure in a school which do not result in changes in student transportation.

(State CEQA Guidelines Section 15322.)

Class 23: Normal Operations of Facilities for Public Gatherings. Continued or repeated normal operations of existing facilities for public gatherings for which the facilities were designed, where there is past history, of at least three years, of the facility being used for the same or similar purposes. Facilities included within this exemption include, but are not limited to, race tracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools and amusement parks. (State CEQA Guidelines Section 15323.)

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Class 24: Regulation of Working Conditions. Actions taken by the District to regulate employee wages, hours of work or working conditions where there will be no demonstrable physical changes outside the place of work. (State CEQA Guidelines Section 15324.)

Class 25: Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources. Transfers of ownership of interest in land in order to preserve open space, habitat, or historical resources. Examples include, but are not limited to, acquisition, sale, or other transfer of areas to: preserve existing natural conditions, including plant or animal habitats; allow continued agricultural use of the areas; allow restoration of natural conditions; preserve open space or lands for natural park purposes; or prevent encroachment of development into floodplains. This exemption does not apply to the development of parks or park uses. (State CEQA Guidelines Section 15325.)

Class 26: Acquisition of Housing for Housing Assistance Programs. Actions by a redevelopment agency, housing authority or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units, provided the housing units are either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units. (State CEQA Guidelines Section 15326.)

Class 27: Leasing New Facilities. Leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency when the District determines that the proposed use of the facility:

(a) Conforms with existing state plans and policies and with general, community, and specific plans for which an EIR or Negative Declaration has been prepared;
(b) Is substantially the same as that originally proposed at the time the building permit was issued;
(c) Does not result in a traffic increase of greater than 10% of front access road capacity; and
(d) Includes the provision of adequate employee and visitor parking facilities.

(State CEQA Guidelines Section 15327.)

Class 28: Small Hydroelectric Projects as Existing Facilities. Installation of certain small hydroelectric-generating facilities in connection with existing dams, canals and pipelines, subject to the conditions in State CEQA Guidelines Section 15328. (State CEQA Guidelines Section 15328.)

Class 29: Cogeneration Projects at Existing Facilities. Installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting certain conditions listed in State CEQA Guidelines Section 15329. (State CEQA Guidelines Section 15329.)

Class 30: Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances. Any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing $1 million or less. (State CEQA Guidelines Section 15330.)

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(a) No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code Section 25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site;

(b) Examples of such minor cleanup actions include but are not limited to:

1. Removal of sealed, non-leaking drums of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;
2. Maintenance or stabilization of berms, dikes, or surface impoundments;
3. Construction or maintenance or interim of temporary surface caps;
4. Onsite treatment of contaminated soils or sludge provided treatment system meets Title 22 requirements and local air district requirements;
5. Excavation and/or offsite disposal of contaminated soils or sludge in regulated units;
6. Application of dust suppressants or dust binders to surface soils;
7. Controls for surface water run-on and run-off that meets seismic safety standards;
8. Pumping of leaking ponds into an enclosed container;
9. Construction of interim or emergency ground water treatment systems; or
10. Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.

Class 31: Historical Resource Restoration/Rehabilitation. Maintenance, repairs, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer. (State CEQA Guidelines Section 15331.)

Class 32: Infill Development Projects. Infill development meeting the following conditions:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;

(c) The project site has no value as habitat for endangered, rare or threatened species;

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

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(e) The site can be adequately served by all required utilities and public services.

(State CEQA Guidelines Section 15332.)

Class 33: Small Habitat Restoration Projects.

This exemption applies to projects to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife, provided that such projects meet the following criteria:

(a) The project does not exceed five acres in size;

(b) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to Section 15065 of the State CEQA Guidelines;

(c) There are no hazardous materials at or around the project site that may be disturbed or removed; and

(d) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Examples of small habitat restoration projects include, but are not limited to: revegetation of disturbed areas with native plant species; wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat; stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish; projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment; stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and culvert replacement conducted in accordance with published guidelines of DFW or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.

(State CEQA Guidelines Section 15333.)

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4. TIME LIMITATIONS

4.01 REVIEW OF PRIVATE PROJECT APPLICATIONS.

Staff shall determine whether the application for a private project is complete within thirty (30) days of receipt of the application. No application may be deemed incomplete based on an applicant's refusal to waive the time limitations set forth in Local Guidelines Sections 4.03 and 4.04.

Accepting an application as complete does not limit the authority of the District, acting as Lead Agency or Responsible Agency, to require the applicant to submit additional information needed for environmental evaluation of the project. Requiring such additional information after the application is complete does not change the status of the application.

4.02 DETERMINATION OF TYPE OF ENVIRONMENTAL DOCUMENT.

Except as provided in Local Guidelines Sections 4.05 and 4.06, Staff's initial determination as to whether a Negative Declaration, Mitigated Negative Declaration or an EIR should be prepared shall be made within thirty (30) days from the date on which an application for a project is accepted as complete by the District. This period may be extended fifteen (15) days with consent of the applicant and the District.

4.03 COMPLETION AND ADOPTION OF NEGATIVE DECLARATION.

For private projects involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the Negative Declaration/Mitigated Negative Declaration shall be completed and approved within one hundred eighty (180) days from the date when the District accepted the application as complete. In the event that compelling circumstances justify additional time and the project applicant and Lead Agency consent thereto, Staff may provide that the 180-day time limit may be extended once for a period of not more than 90 days.

4.04 COMPLETION AND CERTIFICATION OF FINAL EIR.

For private projects, the Final EIR shall be completed and certified by the District within one (1) year after the date the District accepted the application as complete. In the event that compelling circumstances justify additional time and the project applicant consents thereto, the District may provide a one-time extension up to ninety (90) days for completing and certifying the EIR.

4.05 PROJECTS SUBJECT TO THE PERMIT STREAMLINING ACT.

The Permit Streamlining Act requires agencies to make decisions on certain development project approvals within specified time limits. If a project is subject to the Permit Streamlining Act, the District cannot require the project applicant to submit the informational equivalent of an EIR or prove compliance with CEQA as a prerequisite to determining whether the project application is complete. In addition, if requested by the project applicant, the District must begin

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processing the project application prior to final CEQA action, provided the information necessary to begin the process is available.

Under the Permit Streamlining Act, the Lead Agency must approve or disapprove the development project application within one hundred eighty (180) days from the date on which it certifies the EIR, or within ninety (90) days of certification if an extension for completing and certifying the EIR was granted. If the Lead Agency adopts a Negative Declaration/Mitigated Negative Declaration or determines the development project is exempt from CEQA, it shall approve or disapprove the project application within sixty (60) days from the date on which it adopts the Negative Declaration/Mitigated Negative Declaration or determines that the project is exempt from CEQA.

Except for waivers of the time periods for preparing a joint Environmental Impact Report/Environmental Impact Statement (as outlined in Government Code Sections 65951 and 65957), the District cannot require a waiver of the time limits specified in the Permit Streamlining Act as a condition of accepting or processing a development project application. In addition, the District cannot disapprove a development project application in order to comply with the time limits specified in the Permit Streamlining Act.

4.06 PROJECTS, OTHER THAN THOSE SUBJECT TO THE PERMIT STREAMLINING ACT, WITH SHORT TIME PERIODS FOR APPROVAL.

A few statutes require agencies to make decisions on project applications within time limits that are so short that review of the project under CEQA would be difficult. To enable the District as Lead Agency to comply with both the enabling statute and CEQA, the District shall deem a project application as not received for filing under the enabling statute until such time as the environmental documentation required by CEQA is complete. This section applies where all of the following conditions are met:

(a) The enabling statute for a program, other than development projects under Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code, requires the District to take action on an application within a specified period of time of six (6) months or less;
(b) The enabling statute provides that the project is approved by operation of law if the District fails to take any action within the specified time period; and
(c) The project application involves the District's issuance of a lease, permit, license, certificate or other entitlement for use.

In any case, the environmental document shall be completed or certified and the decision on the application shall be made within the period established by the Permit Streamlining Act (Government Code Sections 65920, et seq.).

4.07 WAIVER OR SUSPENSION OF TIME PERIODS.

These deadlines may be waived by the applicant if the project is subject to both CEQA and the National Environmental Policy Act ("NEPA"). (State CEQA Guidelines Sections 15110 and 15224; see Section 5.04 of these Local Guidelines for information about projects that are subject to both CEQA and NEPA.)

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An unreasonable delay by an applicant in meeting the District's requests necessary for the preparation of a Negative Declaration, Mitigated Negative Declaration, or an EIR shall suspend the running of the time periods described in Local Guidelines Sections 4.03 and 4.04 for the period of the unreasonable delay. Alternatively, the District may disapprove a project application where there is unreasonable delay in meeting requests. The District may also allow a renewed application to start at the same point in the process where the prior application was when it was disapproved.

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5. INITIAL STUDY

5.01 PREPARATION OF INITIAL STUDY.

If the District determines that it is the Lead Agency for a project which is not exempt, the District will normally prepare an Initial Study to ascertain whether the project may have a substantial adverse effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial. All phases of project planning, implementation and operation must be considered in the Initial Study. An Initial Study may rely on expert opinion supported by facts, technical studies or other substantial evidence. However, an Initial Study is neither intended nor required to include the level of detail included in an EIR.

The District, as Lead Agency, may use any of the following arrangements or combination of arrangements to prepare an Initial Study:

(1) Preparing the Initial Study directly with the District's own staff.

(2) Contracting with another entity, public or private, to prepare the Initial Study.

(3) Accepting a draft Initial Study prepared by the applicant, a consultant retained by the applicant, or any other third person.

(4) Executing a third party contract or memorandum of understanding with the applicant to govern the preparation of an Initial Study by an independent contractor.

(5) Using a previously prepared Initial Study.

The Initial Study sent out for public review, however, must reflect the independent judgment of the Lead Agency.

For private projects, 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. All costs incurred by the District in reviewing the data and information submitted, or in conducting its own investigation based upon such data and information, or in preparing an Initial Study for the project shall be borne by the person or entity proposing to carry out the project.

5.02 INFORMAL CONSULTATION WITH OTHER AGENCIES.

When more than one public agency will be involved in undertaking or approving a project, the Lead Agency shall consult with all Responsible and any Trustee Agencies. Such consultation shall be undertaken in compliance with the notice procedures applicable to the type of CEQA document being prepared. See Section 6.04, Negative Declarations, and Sections 7.03 and 7.25, EIRs.

When the District is acting as Lead Agency, the District may choose to engage in early consultation with Responsible and Trustee Agencies before the District begins to prepare the Initial Study. This early consultation may be done quickly and informally and is intended to

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ensure that the EIR, Negative Declaration or Mitigated Negative Declaration reflects the concerns of all Responsible Agencies that will issue approvals for the project and all Trustee Agencies responsible for natural resources affected by the project. The District's early consultation process may include consultation with other individuals or organizations with an interest in the project, if the District so desires. The OPR, upon request of the District or a private project applicant, shall assist in identifying the various Responsible Agencies for a proposed project and ensure that the Responsible Agencies are notified regarding any early consultation. In the case of a project undertaken by a public agency, the OPR, upon request of the District, shall ensure that any Responsible Agency or public agency that has jurisdiction by law with respect to the project is notified regarding any early consultation.

If, during the early consultation process it is determined that the project will clearly have a significant effect on the environment, the District, as Lead Agency, may immediately dispense with the Initial Study and determine that an EIR is required.

5.03 CONSULTATION WITH PRIVATE PROJECT APPLICANT.

During or immediately after preparation of an Initial Study for a private project, the District may consult with the applicant to determine if the applicant is willing to modify the project to reduce or avoid the significant effects identified in the Initial Study. If the project can be revised to avoid or mitigate effects to a level of insignificance and there is no substantial evidence before the District that the project, as revised, may have a significant effect on the environment, the District may prepare and adopt a Negative Declaration or Mitigated Negative Declaration. If any significant effect may still occur despite alterations of the project, an EIR must be prepared.

5.04 PROJECTS SUBJECT TO NEPA.

Projects that are carried out, financed, or approved in whole or in part by a federal agency are subject to the provisions of NEPA in addition to CEQA. To the extent possible, the State CEQA Guidelines encourage the District, when it is a Lead Agency under CEQA, to use the federally-prepared Environmental Impact Statement ("EIS") or Finding of No Significant Impact ("FONSI") or to prepare a joint CEQA/NEPA document instead of preparing separate NEPA and CEQA documents for a project that is subject to both NEPA and CEQA. (State CEQA Guidelines Section 15220.)

For example, the District should attempt to work in conjunction with the federal agency involved in the project to prepare a combined EIR-EIS or Negative Declaration-FONSI. (State CEQA Guidelines Section 15222.) To avoid the need for the federal agency to prepare a separate document for the same project, the Lead Agency must involve the federal agency in the preparation of the joint document. The Lead Agency may also enter into a memorandum of Understanding with the federal agency to ensure that both federal and state requirements are met.

The District is required to cooperate with the federal agency and to utilize joint planning processes, environmental research and studies, public hearings, and environmental documents to the fullest extent possible. (State CEQA Guidelines Section 15226.) However, since NEPA does not require an examination of mitigation measures or growth-inducing impacts, analysis of

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mitigation measures and growth-inducing impacts will need to be added before NEPA documents may be used to satisfy CEQA. (State CEQA Guidelines Section 15221.)

For projects that are subject to NEPA, a scoping meeting held pursuant to NEPA satisfies the CEQA scoping requirement as long as notice is provided to the agencies and individuals listed in Local Guidelines Section 7.10, and provided in accordance with these Local Guidelines.

If the federal agency refuses to cooperate with the District with regard to the preparation of joint documents, the District should attempt to involve a state agency in the preparation of the EIR, Negative Declaration, or Mitigated Negative Declaration. Since federal agencies are explicitly permitted to utilize environmental documents prepared by agencies of statewide jurisdiction, it is possible that the federal agency will reuse the state-prepared CEQA documents instead of requiring the applicant to fund a redundant set of federal environmental documents. (State CEQA Guidelines Section 15228.)

Where the federal agency has circulated the EIS or FONSI and the circulation satisfied the requirements of CEQA and any other applicable laws, the District, when it is a Lead Agency under CEQA, may use the EIS or FONSI in place of an EIR or Negative Declaration without having to recirculate the federal documents. The District's intention to adopt the previously circulated EIS or FONSI must be publicly noticed in the same way as a Notice of Availability of a Draft EIR.

Special rules may apply when the environmental documents are prepared for projects involving the reuse of military bases. (See State CEQA Guidelines Section 15225.)

5.05 AN INITIAL STUDY.

The Initial Study shall be used to determine whether a Negative Declaration, Mitigated Negative Declaration or an EIR shall be prepared for a project. It provides written documentation of whether the District found evidence of significant adverse impacts which might occur. The purposes of an Initial Study are to:

(a) Identify environmental impacts;
(b) Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is written;
(c) Focus an EIR, if one is required, on potentially significant environmental effects;
(d) Facilitate environmental assessment early in the design of a project;
(e) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
(f) Eliminate unnecessary EIRs; and
(g) Determine whether a previously prepared EIR could be used for the project.

5.06 CONTENTS OF INITIAL STUDY.

An Initial Study shall contain in brief form:

(a) A description of the project, including the location of the project. The project description must be consistent throughout the environmental review process;

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(b) An identification of the environmental setting. The environmental setting is usually the existing physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, such as in the case of a Negative Declaration or Mitigated Negative Declaration, at the time environmental analysis begins. The environmental setting should describe both the project site and surrounding properties. The description should include, but not necessarily be limited to, a discussion of existing structures, land use, energy supplies, topography, water usage, soil stability, plants and animals, and any cultural, historical, or scenic aspects. This environmental setting will normally constitute the baseline physical conditions against which a Lead Agency may compare the project to determine whether an impact is significant;

(c) An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries are briefly explained to show the evidence supporting the entries. The brief explanation may be through either a narrative or a reference to other information such as attached maps, photographs, or an earlier EIR or Negative Declaration or Mitigated Negative Declaration. A reference to another document should include a citation to the page or pages where the information is found;

(d) A discussion of ways to mitigate any significant effects identified;

(e) An examination of whether the project is consistent with existing zoning and local land use plans and other applicable land use controls;

(f) The name of the person or persons who prepared or participated in the Initial Study; and

(g) Identification of prior EIRs or environmental documents that could be used with the project.

5.07 USE OF A CHECKLIST INITIAL STUDY.

When properly completed, the Environmental Checklist (Form "J") will meet the requirements of Local Guidelines Section 5.05 for an Initial Study provided that the entries on the checklist are explained. Either the Environmental Checklist (Form "J") should be expanded or a separate attachment should be prepared to describe the project, including its location, and to identify the environmental setting.

California courts have rejected the use of a bare, unsupported Environmental Checklist as an Initial Study. An Initial Study must contain more than mere conclusions. It must disclose supporting data or evidence upon which the Lead Agency relied in conducting the Initial Study. The Lead Agency must augment checklists with supporting factual data and reference information sources when completing the forms. Explanation of all "potential impact" answers should be provided on attached sheets. For controversial projects, it is advisable to state briefly why "no" answers were checked. If practicable, attach a list of reference materials, such as prior EIRs, plans, traffic studies, air quality data, or other supporting studies.

5.08 EVALUATING SIGNIFICANT ENVIRONMENTAL EFFECTS.

In evaluating the environmental significance of effects disclosed by the Initial Study, the Lead Agency shall consider:

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(a) Whether the Initial Study and/or any comments received informally during consultations indicate that a fair argument can be made that the project may have a significant adverse environmental impact that cannot be mitigated to a level of insignificance. Even if a fair argument can be made to the contrary, an EIR should be prepared;

(b) Whether both primary (direct) and reasonably foreseeable secondary (indirect) consequences of the project were evaluated. Primary consequences are immediately related to the project, while secondary consequences are related more to the primary consequences than to the project itself. For example, secondary impacts upon the resources base, including land, air, water and energy use of an area, may result from population growth, a primary impact;

(c) Whether adverse social and economic changes will result from a physical change caused by the project. Adverse economic and social changes resulting from a project are not, in themselves, significant environmental effects. However, if such adverse changes cause physical changes in the environment, those consequences may be used as the basis for finding that the physical change is significant;

(d) Whether there is serious public controversy or disagreement among experts over the environmental effects of the project. However, the existence of public controversy or disagreement among experts does not, without more, require preparation of an EIR in the absence of substantial evidence of significant effects;

(e) Whether the cumulative impact of the project is significant and whether the incremental effects of the project are "cumulatively considerable" (as defined in Local Guidelines Section 11.13) when viewed in connection with the effects of past projects, current projects, and probable future projects. The District may conclude that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem. To be used for this purpose, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process. In relying on such a plan or program, the District should explain which requirements apply to the project and ensure that the project's incremental contribution is not cumulatively considerable; and

(f) Whether the project may cause a substantial adverse change in the significance of an archaeological or historical resource.

The District may use a threshold of significance (as that term is defined in State CEQA Guidelines section 15064.7) to determine whether a project may cause a significant environmental impact. When using a threshold of significance, the District should briefly explain how compliance with the threshold means that the project's impacts are less than significant. Compliance with the threshold, however, does not relieve the District of the obligation to consider substantial evidence indicating that a project's environmental effects may still be significant.

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5.09 DETERMINING THE SIGNIFICANCE OF TRANSPORTATION IMPACTS

On or about December 28, 2018, the California Natural Resources Agency added a new section to the State CEQA Guidelines—Section 15064.3, entitled "Determining the Significance of Transportation Impacts." Section 15064.3(c) of the State CEQA Guidelines provides, in part: "A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide." The District does not elect to be governed by the provisions of Section 15064.3 before July 1, 2020.

For reference purposes only, Section 15064.3 provides:

> (a) Purpose.
>
> This section describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project's effect on automobile delay shall not constitute a significant environmental impact.
>
> (b) Criteria for Analyzing Transportation Impacts.
>
> (1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.
>
> (2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.
>
> (3) Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

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(4) Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

(c) Applicability.

The provisions of this section shall apply prospectively as described in section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide.

As noted above, the District does not elect to be governed by the provisions of Section 15064.3 before July 1, 2020. (State CEQA Guidelines, § 15064.3(c).)

5.10 MANDATORY FINDINGS OF SIGNIFICANT EFFECT.

Whenever there is substantial evidence, in light of the whole record, that any of the conditions set forth below may occur, the Lead Agency shall find that the project may have a significant effect on the environment and thereby shall require preparation of an EIR:

(a) The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California history or prehistory;

(b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals;

(c) The project has possible environmental effects which are individually limited but cumulatively considerable, as defined in Local Guidelines Section 11.13. That is, the District, when acting as Lead Agency, is required to determine whether the incremental impacts of a project are cumulatively considerable by evaluating them against the back-drop of the environmental effects of the other projects; or

(d) The environmental effects of a project will cause substantial adverse effects on humans either directly or indirectly.

If, before the release of the CEQA document for public review, the potential for triggering one of the mandatory findings of significance is avoided or mitigation measures or project modifications reduce the potentially significant impacts to a point where clearly the mandatory finding of significance is not triggered, preparation of an EIR is not mandated. If the

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project's potential for triggering one of the mandatory findings of significance cannot be avoided or mitigated to a point where the criterion is clearly not triggered, an EIR shall be prepared, and the relevant mandatory findings of significance shall be used:

(1) as thresholds of significance for purposes of preparing the EIR's impact analysis;

(2) in making findings on the feasibility of alternatives or mitigation measures;

(3) when found to be feasible, in making changes in the project to lessen or avoid the adverse environmental impacts; and

(4) when necessary, in adopting a statement of overriding considerations.

Although an EIR prepared for a project that triggers one of the mandatory findings of significance must use the relevant mandatory findings as thresholds of significance, the EIR need not conclude that the impact itself is significant. Rather, the District, as Lead Agency, must exercise its discretion and determine, on a case-by-case basis after evaluating all of the relevant evidence, whether the project's environmental impacts are avoided or mitigated below a level of significance or whether a statement of overriding considerations is required.

With regard to a project that has the potential to substantially reduce the number or restrict the range of a protected species, the District, as Lead Agency, does not have to prepare an EIR solely due to that impact, provided the project meets the following three criteria:

(a) The project proponent must be bound to implement mitigation requirements relating to such species and habitat pursuant to an approved habitat conservation plan and/or natural communities conservation plan;
(b) The state or federal agency must have approved the habitat conservation plan and/or natural community conservation plan in reliance on an EIR and/or EIS; and
(c) The mitigation requirements must either avoid any net loss of habitat and net reduction in number of the affected species, or preserve, restore, or enhance sufficient habitat to mitigate the reduction in habitat and number of the affected species below a level of significance.

5.11 MANDATORY PREPARATION OF AN EIR FOR WASTE-BURNING PROJECTS.

Lead Agencies shall prepare or cause to be prepared and certify the completion of an EIR, or, if appropriate, an Addendum, Supplemental EIR, or Subsequent EIR, for any project involving the burning of municipal wastes, hazardous waste or refuse-derived fuel, including, but not limited to, tires, if the project consists of any of the following:

(a) The construction of a new facility;
(b) The expansion of an existing hazardous waste burning facility which would increase its permitted capacity by more than 10%;
(c) The issuance of a hazardous waste facilities permit to a land disposal facility, as defined in Local Guidelines Section 11.32; or
(d) The issuance of a hazardous waste facilities permit to an offsite large treatment facility, as defined in Local Guidelines Sections 11.33 and 11.53.

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This section does not apply to projects listed in subsections (c) and (d), immediately above, if the facility only manages hazardous waste that is identified or listed pursuant to Health and Safety Code Section 25140 or 25141 or only conducts activities which are regulated pursuant to Health and Safety Code Sections 25100, et seq.

The Lead Agency shall calculate the percentage of expansion for an existing facility by comparing the proposed facility's capacity with either of the following, as applicable:

(a) The facility capacity authorized in the facility's hazardous waste facilities permit pursuant to Health and Safety Code Section 25200, or its grant of interim status pursuant to Health and Safety Code Section 25200.5, or the facility capacity authorized in any state or local agency permit allowing the construction or operation of the facility for the burning of hazardous waste granted before January 1, 1990; or

(b) The facility capacity authorized in the facility's original hazardous facilities permit, grant of interim status, or any state or local agency permit allowing the construction or operation of a facility for the burning of hazardous waste, granted on or after January 1, 1990.

This section does not apply to any project over which the State Energy Resources Conservation and Development Commission has assumed jurisdiction per Health and Safety Code Sections 25500 et seq.

The EIR requirement is also subject to a number of exceptions for specific types of waste-burning projects. (Public Resources Code Section 21151.1 and State CEQA Guidelines Section 15081.5.) Even if preparation of an EIR is not mandatory for a particular type of waste-burning project, those projects are not exempt from the other requirements of CEQA, the State CEQA Guidelines, or these Local Guidelines. In addition, waste-burning projects are subject to special notice requirements under Public Resources Code Section 21092. Specifically, in addition to the standard public notices required by CEQA, notice must be provided to all owners and occupants of property located within one-fourth mile of any parcel or parcels on which the waste-burning project will be located. (Public Resources Code Section 21092(c); see Local Guidelines Sections 6.12 and 7.27.)

5.12 DEVELOPMENT PURSUANT TO AN EXISTING COMMUNITY PLAN AND EIR.

Before preparing a CEQA document, Staff should determine whether the proposed project involves development consistent with an earlier zoning or community plan to accommodate a particular density for which an EIR has been certified. If an earlier EIR for the zoning or planning action has been certified, and if the proposed project concerns the approval of a subdivision map or development, CEQA applies only to the extent the project raises environmental effects peculiar to the parcel which were not addressed in the earlier EIR. Off-site and cumulative effects not discussed in the general plan EIR must still be considered. Mitigation measures set out in the earlier EIR should be implemented at this stage.

Environmental effects shall not be considered peculiar to the parcel if uniformly applied development policies or standards have been previously adopted by a city or county with a finding based on substantial evidence that the policy or standard will substantially mitigate the

environmental effect when applied to future projects. Examples of uniformly applied development policies or standards include, but are not limited to: parking ordinances; public access requirements; grading ordinances; hillside development ordinances; flood plain ordinances; habitat protection or conservation ordinances; view protection ordinances; and requirements for reducing greenhouse gas emissions as set forth in adopted land use plans, policies or regulations. Any rezoning action consistent with the Community Plan shall be subject to exemption from CEQA in accordance with this section. "Community Plan" means part of a city's general plan which: (1) applies to a defined geographic portion of the total area included in the general plan; (2) complies with Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code by referencing each of the mandatory elements specified in Government Code Section 65302; and (3) contains specific development policies adopted for the area in the Community Plan and identifies measures to implement those policies, so that the policies which will apply to each parcel can be determined.

5.13 LAND USE POLICIES.

When a project will amend a general plan or another land use policy, the Initial Study must address how the change in policy and its expected direct and indirect effects will affect the environment. When the amendments constitute substantial changes in policies that result in a significant impact on the environment, an EIR may be required.

5.14 EVALUATING IMPACTS ON HISTORICAL RESOURCES.

Projects that may cause a substantial adverse change in the significance of a historical resource, as defined in Local Guidelines Section 11.28 are projects that may have a significant effect on the environment, thus requiring consideration under CEQA. Particular attention and care should be given when considering such projects, especially projects involving the demolition of a historical resource, since such demolitions have been determined to cause a significant effect on the environment.

Substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation or alteration of the resource or its immediate surroundings, such that the significance of a historical resource would be materially impaired.

The significance of a historical resource is materially impaired when a project:

(a) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources;

(b) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources or its identification in a historical resources survey, unless the Lead Agency establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(c) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by the Lead Agency for purposes of CEQA.

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Generally, a project that follows either one of the following sets of standards and guidelines will be considered mitigated to a level of less than significant: (a) the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings; or (b) the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer.

In the event of an accidental discovery of a possible historical resource during construction of the project, the District may provide for the evaluation of the find by a qualified archaeologist or other professional. If the find is determined to be a historical resource, the District should take appropriate steps to implement appropriate avoidance or mitigation measures. Work on non-affected portions of the project, as determined by the District, may continue during the process. Curation may be an appropriate mitigation measure for an artifact that must be removed during project excavation or testing.

5.15 EVALUATING IMPACTS ON ARCHAEOLOGICAL SITES.

When a project will impact an archaeological site, the District shall first determine whether the site is a historical resource, as defined in Local Guidelines Section 11.28 If the archaeological site is a historical resource, it shall be treated and evaluated as such, and not as an archaeological resource. If the archaeological site does not meet the definition of a historical resource, but does meet the definition of a unique archaeological resource set forth in Public Resources Code Section 21083.2, the site shall be treated in accordance with said provisions of the Public Resources Code. The time and cost limitations described in Section 21083.2(c-f) do not apply to surveys and site evaluation activities intended to determine whether the project site contains unique archaeological resources.

If the archaeological resource is neither a unique archaeological resource nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

In the event of an accidental discovery of a possible unique archaeological resource during construction of the project, the District may provide for the evaluation of the find by a qualified archaeologist. If the find is determined to be a unique archaeological resource, the District should take appropriate steps to implement appropriate avoidance or mitigation measures. Work on non-affected portions of the project, as determined by the District, may continue during the process. Curation may be an appropriate mitigation measure for an artifact that must be removed during project excavation or testing.

When an Initial Study identifies the existence of, or the probable likelihood of, Native American human remains within the Project, the District shall comply with the provisions of State CEQA Guidelines Section 15064.5(d). In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the District shall comply with the provisions of State CEQA Guidelines Section 15064.5(e).

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5.16 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

(a) Projects Subject to Consultation Requirements.

For certain development projects, cities and counties must consult with water agencies. If the District is a municipal water provider, the city or county may request that the District prepare a water supply assessment to be included in the relevant environmental documentation for the project. The District may refer to this section when preparing such an assessment or when reviewing projects in its role as a Responsible Agency. This section applies only to water demand projects as defined by Guideline 11.78. Program level environmental review may not need to be as extensive as project level environmental review. (See Local Guidelines Sections 8.03 and 8.08.)

(b) Water Supply Assessment.

When a city or county as Lead Agency determines the type of environmental document that will be prepared for a water demand project or any project that includes a water demand project, the city or county must identify any public water system (as defined in Local Guidelines Sections 11.59 and 11.83) that may supply water for the project. The city or county must also request that the public water system determine whether the projected demand associated with the project was included in the most recently adopted Urban Water Management Plan. The city or county must also request that the public water system prepare a specified water supply assessment for approval at a regular or special meeting of the public water system governing body.

If no public water system is identified that may supply water for the water demand project, the city or county shall prepare the water supply assessment. The city or county shall consult with any entity serving domestic water supplies whose service area includes the site of the water demand project, the local agency formation commission, and the governing body of any public water system adjacent to the site of the water demand project. The city council or county board of supervisors must approve the water assessment prepared pursuant to this paragraph at a regular or special meeting.

As per Water Code section 10910, the water assessment must include identification of existing water supply entitlements, water rights, or water service contracts relevant to the water supply for the proposed project and water received in prior years pursuant to those entitlements, rights, and contracts, and further information is required if water supplies include groundwater. The water assessment must determine the ability of the public water system to meet existing and future demands along with the demands of the proposed water demand project in light of existing and future water supplies. This supply demand analysis is to be conducted via a twenty-year projection, and must assess water supply sufficiency during normal year, single dry year, and multiple dry year hydrology scenarios. If the public water agency concludes that the water supply is, or will be, insufficient, it must submit plans for acquiring additional water supplies.

The city or county may grant the public water agency a thirty (30) day extension of time to prepare the assessment if the public water agency requests an extension within ninety (90)

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days of being asked to prepare the assessment. If the governing body of the public water system fails to request and receive an extension of time, or fails to submit the water assessment notwithstanding the thirty (30) day extension, the city or county may seek a writ of mandamus to compel the governing body of the public water system to comply.

If a water-demand project has been the subject of a water assessment, no additional water assessment shall be required for subsequent water-demand projects that were included in the larger water-demand project if all of the following criteria are met:

(1) The entity completing the water assessment concluded that its water supplies are sufficient to meet the projected water demand associated with the larger water-demand project, in addition to the existing and planned future uses, including, but not limited to, agricultural and industrial uses; and

(2) None of the following changes has occurred since the completion of the water assessment for the larger water-demand project:

(A) Changes in the larger water-demand project that result in a substantial increase in water demand for the water-demand project;

(B) Changes in the circumstances or conditions substantially affecting the ability of the public water system identified in the water assessment to provide a sufficient supply of water for the water demand project; and

(C) Significant new information becomes available which was not known and could not have been known at the time when the entity had reached its assessment conclusions. The city or county shall include the water assessment, and any water acquisition plan in the EIR, negative declaration, or mitigated negative declaration, or any supplement thereto, prepared for the project, and may include an evaluation of the water assessment and water acquisition plan information within such environmental document. A discussion of water supply availability should be included in the main text of the environmental document. Normally, this discussion should be based on the data and information included in the water supply assessment. In making its required findings under CEQA, the city or county shall determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses. If a city or county determines that water supplies will not be sufficient, the city or county shall include that determination in its findings for the project.

The degree of certainty regarding the availability of water supplies will vary depending on the stage of project approval. A Lead Agency should have greater confidence in the availability of water supplies for a specific project than might be required for a conceptual plan (i.e. general plan, specific plan). An analysis of water supply in an environmental document may incorporate by reference information in a water supply assessment, urban water management plan, or other publicly available sources. The analysis shall include the following:

(1) Sufficient information regarding the project's proposed water demand and proposed water supplies to permit the Lead Agency to evaluate the pros and cons of supplying the amount of water that the project will need.

(2) An analysis of the reasonably foreseeable environmental impacts of supplying water throughout all phases of the project.

(3) An analysis of circumstances affecting the likelihood of the water's availability, as well as the degree of uncertainty involved. Relevant factors may include but are not limited to, drought, salt-water intrusion, regulatory or contractual curtailments, and other reasonably foreseeable demands on the water supply.

(4) If the Lead Agency cannot determine that a particular water supply will be available, it shall conduct an analysis of alternative sources, including at least in general terms the environmental consequences of using those alternative sources, or alternatives to the project that could be served with available water.

For complete information on these requirements, consult Water Code Sections 10910, et seq. For other CEQA provisions applicable to these types of projects, see Local Guidelines Sections 7.03 and 7.25.

5.17 SUBDIVISIONS WITH MORE THAN 500 DWELLING UNITS.

Cities and counties must obtain written verification (see Form "O" for a sample) from the applicable public water system(s) that a sufficient water supply is available before approving certain residential development projects. If the District is a municipal water provider for a project, the city or county may request such a verification from the District. The District should also be aware of these requirements when reviewing projects in its role as a Responsible Agency.

Cities and counties are prohibited from approving a tentative map, parcel map for which a tentative map was not required, or a development agreement for a subdivision of property of more than 500 dwellings units, unless:

(1) The City Council, Board of Supervisors, or the advisory agency receives written verification from the applicable public water system that a sufficient water supply is available; or

(2) Under certain circumstances, the City Council, Board of Supervisors or the advisory agency makes a specified finding that sufficient water supplies are, or will be, available prior to completion of the project.

For complete information on these requirements, consult Government Code Section 66473.7.

5.18 IMPACTS TO OAK WOODLANDS.

When a county prepares an Initial Study to determine what type of environmental document will be prepared for a project within its jurisdiction, the county must determine whether the project may result in a conversion of oak woodlands that will have a significant

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effect on the environment. Normally, this rule will not apply to projects undertaken by the District. However, if the District is a Responsible Agency on such a project, the District should endeavor to ensure that the county, as Lead Agency, analyzes these impacts in accordance with CEQA.

5.19 CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS.

A. Estimating or Calculating the Magnitude of the Project's Greenhouse Gas Emissions.

The District shall analyze the greenhouse gas emissions of its projects as required by State CEQA Guidelines section 15064.4. For projects subject to CEQA, the District shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.

In performing analysis of greenhouse gas emissions, the District, as Lead Agency, shall have discretion to determine, in the context of a particular project, whether to:

(1) Quantify greenhouse gas emissions resulting from a project; and/ or

(2) Rely on a qualitative analysis or performance-based standards.

B. Factors in Determining Significance.

In determining the significance of a project's greenhouse gas emissions, the District, when acting as Lead Agency, should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national, or global emissions. The District's analysis should consider a timeframe that is appropriate for the project. The District's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes.

Once the amount of a project's greenhouse gas emissions have been described, estimated, or calculated, the District should consider the following factors, among others, to determine whether those emissions are significant:

(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting. Physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published or the time when the environmental analysis is commenced, will normally constitute the baseline. All project phases, including construction and operation, should be considered in determining whether a project will cause emissions to increase or decrease as compared to the baseline;

(2) Whether the project emissions exceed a threshold of significance that the Lead Agency determines applies to the project. The Lead Agency may rely on thresholds of significance developed by experts or other agencies,

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provided that application of the threshold and the significance conclusion is supported with substantial evidence. When relying on thresholds developed by other agencies, the Lead Agency should ensure that the threshold is appropriate for the project and the project's location; and

(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see, e.g., State CEQA Guidelines Section 15183.5(b)). Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the Lead Agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

The Lead Agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The Lead Agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The Lead Agency must support its selection of a model or methodology with substantial evidence. The Lead Agency should explain the limitations of the particular model or methodology selected for use.

C. Consistency with Applicable Plans.

When an EIR is prepared, it must discuss any inconsistencies between the proposed project and any applicable general plan, specific plans, and regional plans. This includes, but is not limited to, any applicable air quality attainment plans, regional blueprint plans, or plans for the reduction of greenhouse gas emissions.

D. Mitigation Measures Related to Greenhouse Gas Emissions.

Lead Agencies must consider feasible means of mitigating the significant effects of greenhouse gas emissions. Any such mitigation measure must be supported by substantial evidence and be subject to monitoring or reporting. Potential mitigation will depend on the particular circumstances of the project, but may include the following, among others:

(1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the Lead Agency's decision;

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(2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in State CEQA Guidelines Appendix F;

(3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions;

(4) Measures that sequester greenhouse gases; and

(5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plan for the reduction of greenhouse gas emissions, mitigation may include the identification of specific measures that may be implemented on a project-by-project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

E. Streamlined Analysis of Greenhouse Gas Emissions.

Under certain limited circumstances, the legislature has specifically declared that the analysis of greenhouse gas emissions or climate change impacts may be limited. Public Resources Code Sections 21155, 21155.2, and 21159.28 provide that if certain residential, mixed use and transit priority projects meet specified ratios and densities, then the lead agencies for those projects may conduct a limited review of greenhouse gas emissions or may be exempted from analyzing global warming impacts that result from cars and light duty trucks, if a detailed list of requirements is met. However, unless the project is exempt from CEQA, the Lead Agency must consider whether such projects will result in greenhouse gas emissions from other sources, including, but not limited to, energy use, water use, and solid waste disposal.

F. Tiering.

The District may analyze and mitigate the significant effects of greenhouse gas emissions at a programmatic level. Later project-specific environmental documents may then tier from and/or incorporate by reference that existing programmatic review.

G. Plans for the Reduction of Greenhouse Gas Emissions.

Public agencies may choose to analyze and mitigate greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions or in a similar document. A plan for the reduction of greenhouse gas emissions should:

(1) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;

(2) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;

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(3) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;

(4) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;

(5) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and

(6) Be adopted in a public process following environmental review.

A plan for the reduction of greenhouse gas emissions, once adopted following certification of an EIR, or adoption of another environmental document, may be used in the cumulative impacts analysis of later projects. An environmental document that relies on a plan for the reduction of greenhouse gas emissions for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project. If there is substantial evidence that the effects of a particular project may be cumulatively considerable notwithstanding the project's compliance with the specified requirements in the plan for reduction of greenhouse gas emissions, an EIR must be prepared for the project.

H. Analyzing the Effects of Climate Change on the Project.

Where an EIR is prepared for a project, the EIR shall analyze any significant environmental effects the project might cause by bringing development and people into the project area that may be affected by climate change. In particular, the EIR should evaluate any potentially significant impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas. The analysis may be limited to the potentially significant effects of locating the project in a potentially hazardous location. Further, this analysis may be limited by the project's life in relation to the potential of such effects to occur and the availability of existing information related to potential future effects of climate change. Further, the EIR need not include speculation regarding such future effects.

5.20 ENERGY CONSERVATION.

Potentially significant energy implications of a project must be considered in an EIR to the extent relevant and applicable to the project. Therefore, the project description should identify the following as applicable or relevant to the particular project:

(1) Energy consuming equipment and processes which will be used during construction, operation and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project;

(2) Total energy requirements of the project by fuel type and end use;

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(3) Energy conservation equipment and design features;

(4) Identification of energy supplies that would serve the project; and

(5) Total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode.

As described in Local Guidelines Section 5.06, above, an initial study must include a description of the environmental setting. The discussion of the environmental setting may include existing energy supplies and energy use patterns in the region and locality. The District may also consider the extent to which energy supplies have been adequately considered in other environmental documents. Environmental impacts may include:

(1) The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed;

(2) The effects of the project on local and regional energy supplies and on requirements for additional capacity;

(3) The effects of the project on peak and base period demands for electricity and other forms of energy;

(4) The degree to which the project complies with existing energy standards;

(5) The effects of the project on energy resources; and/or

(6) The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

As discussed above in Section 5.06, the Initial Study must identify the potential environmental effects of the proposed activity. That discussion must include the unavoidable adverse effects. Unavoidable adverse effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

When discussing energy conservation, alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.

5.21 ENVIRONMENTAL IMPACT ASSESSMENT.

The Initial Study identifies which environmental impacts may be significant. Based upon the Initial Study, Staff shall determine whether a proposed project may or will have a significant effect on the environment. Such determination shall be made in writing on the Environmental Impact Assessment Form (Form "C"). If Staff finds that a project will not have a significant effect on the environment, it shall recommend that a Negative Declaration be prepared and

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adopted by the decision-making body. If Staff finds that a project may have a significant effect on the environment, but the effects can be mitigated to a level of insignificance, it shall recommend that a Mitigated Negative Declaration be prepared and adopted by the decision-making body. If Staff finds that a project may have a significant effect on the environment, it shall recommend that an EIR be prepared and certified by the decision-making body.

5.22 FINAL DETERMINATION.

The Board of Directors shall have the final responsibility for determining whether an EIR, Negative Declaration or Mitigated Negative Declaration shall be required for any project. The Board of Directors' determination shall be final and conclusive on all persons, including Responsible Agencies and Trustee Agencies, except as provided in Section 15050(c) of the State CEQA Guidelines. Additionally, in the event the Board of Directors has delegated authority to a subsidiary board or official to approve a project, the Board of Directors also hereby delegates to that subsidiary board or official the authority to make all necessary CEQA determinations, including whether an EIR, Negative Declaration, Mitigated Negative Declaration or exemption shall be required for any project. A subsidiary board or official's CEQA determination shall be subject to appeal consistent with the District's established procedures for appeals.

6. NEGATIVE DECLARATION

6.01 DECISION TO PREPARE A NEGATIVE DECLARATION.

A Negative Declaration (Form "E") shall be prepared for a project subject to CEQA when the Initial Study shows that there is no substantial evidence in light of the whole record that the project may have a significant or potentially significant adverse effect on the environment. (See Local Guidelines Sections 11.65 and 11.71.)

6.02 DECISION TO PREPARE A MITIGATED NEGATIVE DECLARATION.

A Mitigated Negative Declaration (Form "E") shall be prepared for a project subject to CEQA when the Initial Study identifies potentially significant effects on the environment, but:

(a) The project applicant has agreed to revise the project or the District can revise the project to avoid these significant effects or to mitigate the effects to a point where it is clear that no significant effects would occur; or
(b) There is no substantial evidence in light of the whole record before the District that the revised project may have a significant effect.

It is insufficient to require an applicant to adopt mitigation measures after final adoption of the Mitigated Negative Declaration or to state that mitigation measures will be recommended on the basis of a future study. The District must know the measures at the time the Mitigated Negative Declaration is adopted in order for them to be evaluated and accepted as adequate mitigation. Evidence of agreement by the applicant to such mitigation should be in the record prior to public review. Except where noted, the procedural requirements for the preparation and approval of a Negative Declaration and Mitigated Negative Declaration are the same.

6.03 CONTRACTING FOR PREPARATION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

The District, when acting as Lead Agency, is responsible for preparing all documents required pursuant to CEQA. The documents may be prepared by Staff or by private consultants pursuant to a contract with the District, but they must be the District's product and reflect the independent judgment of the District.

6.04 NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

When, based upon the Initial Study, it is recommended to the decision-making body that a Negative Declaration or Mitigated Negative Declaration be adopted, a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (Form "D") shall be prepared. In addition to being provided to the public through the means set forth in Local Guidelines Section 6.07, this Notice shall also be provided to:

(a) Each Responsible and Trustee Agency;
(b) Any other federal, state, or local agency that has jurisdiction by law or exercises authority over resources affected by the project, including:

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(1) Any water supply agency consulted under Local Guidelines Section 5.16;

(2) Any city or county bordering on the project area;

(3) For a project of statewide, regional, or area-wide significance, to any transportation agencies or public agencies which have major local arterials or public transit facilities within five (5) miles of the project site or freeways, highways, or rail transit service within ten (10) miles of the project site which could be affected by the project; and

(4) For a subdivision project located within one mile of a facility of the State Water Resources Development System, to the California Department of Water Resources;

(c) The last known name and address of all organizations and individuals who have previously filed a written request with the District to receive these Notices;

(d) For certain projects that may impact a low-level flight path, military impact zone, or special use airspace and that meet the other criteria of Local Guidelines Section 6.05, to the specified military services contact;

(e) For certain projects that involve the construction or alteration of a facility anticipated to include hazardous air emissions or handle hazardous substances within one-quarter mile of a school and that meet the other requirements of Local Guidelines Section 6.06, to any potentially affected school district;

(f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.11 (regarding mandatory preparation of EIR) (see also Local Guidelines Section 7.27), to the owners and occupants of property within one-fourth mile of any parcel on which the project will be located; and

(g) For a project that establishes or amends a redevelopment plan that contains land in agricultural use, notice shall be provided to the agricultural and farm agencies and organizations specified in Health and Safety Code Section 33333.3.

Additionally, for a project of statewide, regional, or area-wide significance, the Lead Agency should also consult with public transit agencies with facilities within one-half mile of the proposed project.

A copy of the proposed Negative Declaration or Mitigated Negative Declaration and the Initial Study shall be attached to the Notice of Intent to Adopt that is sent to every Responsible Agency and Trustee Agency concerned with the project and every other public agency with jurisdiction by law over resources affected by the project.

The Notice of Intent to Adopt a Negative Declaration (Form "D") must be filed and posted with the County Clerk at least twenty (20) days—or, in cases subject to review by the State Clearinghouse, posted by the County Clerk and the State Office and Planning and Research at least thirty (30) days—before the final adoption of the Negative Declaration or Mitigated Negative Declaration by the decision-making body (see Local Guidelines Section 6.10).

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The District requires requests for notices to be in writing and to be renewed annually. If the District is not otherwise required by CEQA or another regulation to provide notice, the District may charge a fee for providing notices to individuals or organizations that have submitted written requests to receive such notices, unless the request is made by another public agency.

If the Negative Declaration or Mitigated Negative Declaration has been submitted to the State Clearinghouse for circulation, the public review period shall be at least as long as the period of review by the State Clearinghouse. (See Local Guidelines Section 6.10.) Day one of the state review period shall be the date that the State Clearinghouse distributes the document to state agencies. If the Lead Agency is submitting a Negative Declaration or Mitigated Negative Declaration to the State Clearinghouse, the Notice of Completion form may be used.

The Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration shall contain the following information:

(a) The period during which comments shall be received;
(b) The date, time and place of any public meetings or hearings on the proposed project;
(c) A brief description of the proposed project and its location;
(d) The address where copies of the proposed Negative Declaration or Mitigated Negative Declaration and all documents incorporated by reference in the proposed Negative Declaration or Mitigated Negative Declaration are available for review;
(e) A description of how the proposed Negative Declaration or Mitigated Negative Declaration can be obtained in electronic format;
(f) The Environmental Protection Agency ("EPA") list on which the proposed project site is located, if applicable, and the corresponding information from the applicant's statement (see Local Guidelines Section 2.04); and
(g) The significant effects on the environment, if any, anticipated as a result of the proposed project.

6.05 PROJECTS AFFECTING MILITARY SERVICES; DEPARTMENT OF DEFENSE NOTIFICATION.

CEQA imposes additional requirements to provide notice to potentially affected military agencies when:

(a) The project meets one of the following three criteria:

  (1) The project includes a general plan amendment;

  (2) The project is of statewide, regional, or area-wide significance; or

  (3) The project relates to a public use airport or certain lands surrounding a public use airport; and

(b) A "military service" (defined in Section 11.42 of these Local Guidelines) has provided its contact office and address and notified the Lead Agency of the specific boundaries of a "low-level flight path" (defined in Section 11.37 of these Local Guidelines), "military

impact zone" (defined in Section 11.41 of these Local Guidelines), or "special use airspace" (defined in Section 11.67 of these Local Guidelines).

When a project meets these requirements, the District must provide the military service's designated contact with a copy of the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration that has been prepared for the project, unless the project involves the remediation of lands contaminated with hazardous wastes and meets certain other requirements. See Public Resources Code Sections 21080.4 and 21092 and Health and Safety Code Sections 25300, et seq.; 25396; and 25187.

The District must provide the military service with sufficient notice of its intent to adopt a Negative Declaration or Mitigated Negative Declaration to ensure that the military service has no fewer than twenty (20) days to review the documents before they are approved, provided that the military service shall have a minimum of thirty (30) days to review the environmental documents if the documents have been submitted to the State Clearinghouse. See State CEQA Guidelines Sections 15105(b) and 15190.5(c).

6.06 Special Findings Required for Facilities That May Emit Hazardous Air Emissions Near Schools.

Special procedural rules apply to projects involving the construction or alteration of a facility within one-quarter mile of a school/schools when: (1) the facility might reasonably be anticipated to emit hazardous air emissions or to handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the threshold specified in Health and Safety Code Section 25532(j), and (2) the emissions or substances may pose a health or safety hazard to persons who would attend or would be employed at the school. If the project meets both of those criteria, a Lead Agency may not approve a Negative Declaration or a Mitigated Negative Declaration unless both of the following have occurred:

(a) The Lead Agency consulted with the affected school district or districts having jurisdiction over the school regarding the potential impact of the project on the school; and
(b) The school district(s) was given written notification of the project not less than thirty (30) days prior to the proposed approval of the Negative Declaration.

When the District is considering the adoption of a Negative Declaration or Mitigated Negative Declaration for a project that meets these criteria, it can satisfy this requirement by providing the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration, the proposed Negative Declaration or Mitigated Negative Declaration, and the Initial Study to the potentially affected school district at least thirty (30) days before the decision-making body will consider the adoption of the Negative Declaration or Mitigated Negative Declaration. See also Local Guidelines Section 6.04.

Implementation of this Guideline shall be consistent with the definitions and terms utilized in State CEQA Guidelines Section 15186.

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6.07 CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES.

Prior to the release of a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration for a project, the Lead Agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if:

(a) The California Native American tribe requested to the Lead Agency, in writing, to be informed by the Lead Agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe; and

(b) The California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. The California Native American tribe shall designate a lead contact person when responding to the Lead Agency. If a lead contact is not designated by the California Native American tribe, or it designates multiple lead contact people, the Lead Agency shall defer to the individuals listed on the contact list maintained by the Native American Heritage Commission. Consultation is defined in Local Guidelines Section 11.11.

To expedite the requirements of this section, the Native American Heritage Commission shall assist the Lead Agency in identifying the California American Native tribes that are traditionally and culturally affiliated with the project area.

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the Lead Agency shall provide formal notification to the designated contact of, or a trial representative of, traditionally and culturally affiliated California Native America tribes that have requested notice, which shall be accomplished by at least one written notification that includes a brief description of the proposed project and its location, the Lead Agency contact information, and a notification that the California Native American tribe has 30 days to request consultation.

The Lead Agency shall begin the consultation process within 30 days of receiving a California Native American tribe's request for consultation.

If consultation is requested, the parties may propose mitigation measures, including those set forth in Public Resources Code Section 21084.3, capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. The consultation may include discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and, if necessary, project alternatives or the appropriate measures for preservation or mitigation that the California Native American tribe may recommend to the Lead Agency.

The consultation shall be considered concluded when either of the following occurs:

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(1) The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource.

(2) A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

The California Native American tribe is not limited in its ability to submit information to the lead agency regarding the significance of the tribal cultural resources, the significance of the project's impact on tribal cultural resources, or any appropriate measures to mitigate the impacts. Additionally, the lead agency or project proponent is not limited in its ability to incorporate changes and additions to the project as a result of the consultation, even if not legally required.

6.08 IDENTIFICATION OF TRIBAL CULTURAL RESOURCES AND PROCESSING OF INFORMATION AFTER CONSULTATION WITH THE CALIFORNIA NATIVE AMERICAN TRIBE

After consultation with the California Native American tribe listed above in Local Guidelines Section 6.07, any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the Mitigated Negative Declaration and in an adopted mitigation monitoring and reporting program, if the mitigation measures are determined to avoid or lessen the proposed project's impacts on tribal cultural resources, and if the mitigation measures are enforceable.

If a project may have a significant impact on a tribal cultural resource, the Lead Agency's Mitigated Negative Declaration shall discuss both of the following:

(a) Whether the proposed project has a significant impact on an identified tribal cultural resource;

(b) Whether feasible alternatives or mitigation measures, including those measures that may be agreed to during the consultation, avoid or substantially lessen the impact on the identified tribal cultural resource.

Any information provided regarding the location, description and use of the tribal cultural resource that is submitted by a California Native American tribe during the environmental review process shall not be included in the Negative Declaration or Mitigated Negative Declaration or otherwise disclosed by the Lead Agency or any other public agency to the public, consistent with Governmental Code Sections 6254(r) and 6254.10, and State CEQA Guidelines 15120(d), without the prior consent of the tribe that provided the information. If the Lead Agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the Negative Declaration or Mitigated Negative Declaration unless the tribe provides consent, in writing, to the disclosure of some or all of the information to the public. This does not prohibit the confidential exchange of the submitted information between public agencies that have lawful jurisdiction over the preparation of the Negative Declaration or the Mitigated Negative Declaration.

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The exchange of confidential information regarding tribal cultural resources submitted by a California Native American tribe during the consultation or environmental review process among the Lead Agency, the California Native American tribe, the project applicant, or the project applicant's agent is not prohibited by Public Resources Code Section 21082.3. The project applicant and the project applicant's legal advisers must use a reasonable degree of care and maintain the confidentiality of the information exchanged for the purposes of preventing looting, vandalism, or damage to tribal cultural resources and shall not disclose to a third party confidential information regarding the cultural resource unless the California Native American tribe providing the information consents in writing to the public disclosure of such information.

Public Resources Code Section 21082.3 does not prevent a Lead Agency or other public agency from describing the information in general terms in the Negative Declaration or Mitigated Negative Declaration so as to inform the public of the basis of the Lead Agency's or other public agency's decision without breaching the confidentiality required. In addition, a Lead Agency may adopt a Mitigated Negative Declaration for a project with a significant impact on an identified tribal cultural resource only if one of the following occurs:

(a) The consultation process between the California Native American tribe and the Lead Agency has occurred as provided in Public Resources Code Sections 21080.3.1 and 21080.3.2 and concluded pursuant to subdivision (b) of Section 21080.3.2.

(b) The California Native American tribe has requested consultation pursuant to Public Resources Code Section 21080.3.1 and has failed to provide comments to the Lead agency, or otherwise failed to engage, in the consultation process.

(c) The Lead Agency has complied with subdivision (d) of Section 21080.3.1 of the Public Resources Code and the California Native American tribe has failed to request consultation within 30 days.

If substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource but the decision-makers do not include the mitigation measures recommended by the staff in the Mitigated Negative Declaration, or if there are no agreed upon mitigation measures at the conclusion of the consultation; or if no consultation has occurred, the Lead Agency must still consider the adoption of feasible mitigation.

6.09 SIGNIFICANT ADVERSE IMPACTS TO TRIBAL CULTURAL RESOURCES

Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. If the Lead Agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Public Resources Code section 21080.3.2 and as set forth in Local Guidelines Section 6.07, the following examples of mitigation measures, if feasible, may be considered to avoid or minimize the significant adverse impacts:

(a) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and

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natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

(b) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

(1) Protecting the cultural character and integrity of the resource.

(2) Protecting the traditional use of the resource.

(3) Protecting the confidentiality of the resource.

(c) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

(d) Protecting the resource.

6.10 POSTING AND PUBLICATION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

The District shall have a copy of the Notice of Intent to Adopt, the Negative Declaration or Mitigated Negative Declaration, and the Initial Study posted at the District's offices and shall make these documents available for public inspection. The Notice must be provided either twenty (20) or thirty (30) days prior to final adoption of the Negative Declaration or Mitigated Negative Declaration. The public review period for a Negative Declaration or Mitigated Negative Declaration prepared for a project subject to State Clearinghouse review must be circulated for at least as long as the review period established by the State Clearinghouse, usually no less than thirty (30) days. Under certain circumstances, a shortened review period of at least twenty (20) days may be approved by the State Clearinghouse as provided for in State CEQA Guidelines Section 15105. See the Shortened Review Request Form "P." The state review period will commence on the date the State Clearinghouse distributes the document to state agencies. The State Clearinghouse will distribute the document within three (3) days of receipt if the Negative Declaration or Mitigated Negative Declaration is deemed complete.

The Notice must also be posted in the office of the Clerk in each county in which the project is located and must remain posted throughout the public review period. The County Clerk is required to post the Notice within twenty-four (24) hours of receiving it.

Notice shall be provided as stated in Local Guidelines Section 6.04. In addition, Notice must be given by at least one of the following procedures:

(a) Publication at least once in a newspaper of general circulation in the area affected by the proposed project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas;

(b) Posting of notice on and off site in the area where the project is to be located; or

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(c) Direct mailing to owners and occupants of property contiguous to the project, as shown on the latest equalized assessment roll.

The District, when acting as Lead Agency, shall consider all comments received during the public review period for the Negative Declaration or Mitigated Negative Declaration. For a Negative Declaration or Mitigated Negative Declaration, the District is not required to respond in writing to comments it receives either during or after the public review period. However, the District may provide a written response to all comments if it will not delay action on the Negative Declaration or Mitigated Negative Declaration, since any comment received prior to final action on the Negative Declaration or Mitigated Negative Declaration can form the basis of a legal challenge. A written response that refutes the comment or adequately explains the District's action in light of the comment will assist the District in defending against a legal challenge. The District shall notify any public agency that comments on a Negative Declaration or Mitigated Negative Declaration of the public hearing or hearings, if any, on the project for which the Negative Declaration or Mitigated Negative Declaration was prepared.

6.11 SUBMISSION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION TO STATE CLEARINGHOUSE.

A Negative Declaration or Mitigated Negative Declaration must be submitted to the State Clearinghouse for circulation in the following situations:

(a) The Negative Declaration or Mitigated Negative Declaration is prepared by a Lead Agency that is a state agency;
(b) The Negative Declaration or Mitigated Negative Declaration is prepared by a public agency where a state agency is a Responsible Agency, Trustee Agency, or otherwise has jurisdiction by law with respect to the project; or
(c) The Negative Declaration or Mitigated Negative Declaration is for a project identified in State CEQA Guidelines Section 15206 as being of statewide, regional, or area-wide significance.

State CEQA Guidelines Section 15206 identifies the following types of projects as being examples of projects of statewide, regional, or area-wide significance that require submission to the State Clearinghouse for circulation:

(1) Projects that have the potential to cause significant environmental effects beyond the city or county where the project would be located, such as:

(a) Residential development of more than 500 units;
(b) Commercial projects employing more than 1,000 persons or covering more than 500,000 square feet of floor space;
(c) Office building projects employing more than 1,000 persons or covering more than 250,000 square feet of floor space;
(d) Hotel or motel development of more than 500 rooms; or
(e) Industrial projects housing more than 1,000 persons, occupying more than 40 acres of land, or covering more than 650,000 square feet of floor area;

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(2) Projects for the cancellation of a Williamson Act contract covering 100 or more acres;

(3) Projects in one of the following Environmentally Sensitive Areas:

(a) Lake Tahoe Basin;
(b) Santa Monica Mountains Zone;
(c) Sacramento-San Joaquin River Delta;
(d) Suisun Marsh;
(e) Coastal Zone, as defined by the California Coastal Act;
(f) Areas within one-quarter mile of a river designated as wild and scenic; or
(g) Areas within the jurisdiction of the San Francisco Bay Conservation and Development Commission;

(4) Projects that would affect sensitive wildlife habitats or the habitats of any rare, threatened, or endangered species;

(5) Projects that would interfere with water quality standards; and

(6) Projects that would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

A Negative Declaration or Mitigated Negative Declaration may also be submitted to the State Clearinghouse for circulation if a state agency has special expertise with regard to the environmental impacts involved.

When the Negative Declaration or Mitigated Negative Declaration is submitted to the State Clearinghouse for review, the review period shall be at least thirty (30) days. The review period begins (day one) on the date that the State Clearinghouse distributes the Negative Declaration or Mitigated Negative Declaration to state agencies. The State Clearinghouse is required to distribute the Negative Declaration or Mitigated Negative Declaration to state agencies within three (3) working days from the date the State Clearinghouse receives the document, as long as the Negative Declaration or Mitigated Negative Declaration is complete when submitted to the State Clearinghouse. If the document submitted to the State Clearinghouse is not complete, the State Clearinghouse must notify the Lead Agency. The review period for the public and all other agencies may run concurrently with the state agency review period established by the State Clearinghouse, but the public review period cannot conclude before the state agency review period does. The review period for the public shall be at least as long as the review period established by the State Clearinghouse.

When a Negative Declaration or Mitigated Negative Declaration is submitted to the State Clearinghouse, a Notice of Completion (Form "H") should be included. A sufficient number of copies of the documents must be sent to the State Clearinghouse for circulation. Staff should contact the State Clearinghouse to find out the correct number of printed copies required for circulation. In addition to the printed copies, a copy of the documents in electronic format shall be submitted on a diskette or by electronic mail transmission if available.

Alternatively, the District may provide copies of draft environmental documents to the State Clearinghouse for state agency review in an electronic format. The document must be on a CD-ROM in a common file format such as Word or Acrobat. Lead Agencies must provide fifteen (15) copies of the CD-ROM to the State Clearinghouse along with a hard copy version of the Notice of Completion (Form "H"). In addition, each CD-ROM must be accompanied by 15 printed copies of the introduction section of a Negative Declaration or Mitigated Negative Declaration. (A Lead Agency may also use Form "Q".) The printed summary allows both the State Clearinghouse and agency CEQA coordinators to distribute the documents quickly without the use of a computer. Form "Q" may be used as a cover sheet.

A shorter review period by the State Clearinghouse for a Negative Declaration or Mitigated Negative Declaration can be requested by the decision-making body. The shortened review period shall not be less than twenty (20) days. Such a request must be made in writing by the Lead Agency to the Office of Planning and Research . The decision-making body may designate by resolution or ordinance an individual authorized to request a shorter review period. (See Form "P"). Any approval of a shortened review period must be given prior to, and reflected in, the public notice. However, a shortened review period shall not be approved by the Office of Planning and Research for any proposed project of statewide, regional or area-wide environmental significance, as defined by State CEQA Guidelines Section 15206.

6.12 SPECIAL NOTICE REQUIREMENTS FOR WASTE- AND FUEL-BURNING PROJECTS.

For any project that involves the burning of municipal waste, hazardous waste, or refuse-derived fuel (such as tires) and that does not require an EIR, as defined in Local Guidelines Section 5.11, a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration shall be given to all organizations and individuals who have previously requested it and shall also be given by all three of the procedures listed in Local Guidelines Section 6.07. In addition, Notice shall be given by direct mailing to the owners and occupants of property within one-quarter mile of any parcel or parcels on which such a project is located. (Public Resources Code Section 21092(c).)

These notice requirements apply only to those projects described in Local Guidelines Section 5.11. These notice requirements do not preclude the District from providing additional notice by other means if desired.

6.13 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

Under specific circumstances a city or county acting as Lead Agency must consult with the public water system that will supply the project to determine whether the public water system can adequately supply the water needed for the project. As a Responsible Agency, the District should be aware of these requirements. See Local Guidelines Section 5.16 for more information on these requirements.

6.14 CONTENT OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

A Negative Declaration must be prepared directly by or under contract to the District and should generally resemble Form "E." It shall contain the following information:

(a) A brief description of the project proposed, including any commonly used name for the project;
(b) The location of the project and the name of the project proponent;
(c) A finding that the project as proposed will not have a significant effect on the environment; and
(d) An attached copy of the Initial Study documenting reasons to support the finding.

For a Mitigated Negative Declaration, feasible mitigation measures included in the project to substantially lessen or avoid potentially significant effects must be fully enforceable through permit conditions, agreements, or other measures. Such permit conditions, agreements, and measures must be consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law.

The proposed Negative Declaration or Mitigated Negative Declaration must reflect the independent judgment of the District.

6.15 TYPES OF MITIGATION.

The following is a non-exhaustive list of potential types of mitigation the District may consider:

(a) Avoidance;
(b) Preservation;
(c) Rehabilitation or replacement. Replacement may be on-site or off-site depending on the particular circumstances; and/or
(d) Participation in a fee program.

6.16 ADOPTION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

Following the publication, posting or mailing of the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration, but not before the expiration of the applicable twenty (20) or thirty (30) day public review period, the Negative Declaration or Mitigated Negative Declaration may be presented to the decision-making body at a regular or special meeting. Prior to adoption, the District shall independently review and analyze the Negative Declaration or Mitigated Negative Declaration and find that the Negative Declaration or Mitigated Negative Declaration reflects the independent judgment of the District.

If new information is added to the Negative Declaration or Mitigated Negative Declaration after public review, the District should determine whether recirculation is warranted. (See Local Guidelines Section 6.19). If the decision-making body finds that the project will not have a significant effect on the environment, it shall adopt the Negative Declaration or Mitigated Negative Declaration. If the decision-making body finds that the proposed project may have a significant effect on the environment that cannot be mitigated or avoided, it shall order the preparation of a Draft EIR and the filing of a Notice of Preparation of a Draft EIR.

When adopting a Negative Declaration or Mitigated Negative Declaration, the District shall specify the location and custodian of the documents or other material that constitute the record of proceedings upon which it based its decision. If adopting a Negative Declaration for a

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project that may emit hazardous air emissions within one-quarter mile of a school and that meets the other requirements of Local Guidelines Section 6.06, the decision-making body must also make the findings required by Local Guidelines Section 6.06.

As Lead Agency, the District may charge a non-elected official or body with the responsibility of independently reviewing the adequacy of and adopting a Negative Declaration or a Mitigated Negative Declaration; however, when a non-elected decision-making body adopts a Negative Declaration or Mitigated Negative Declaration, the District must have a procedure allowing for the appeal of that decision to the Board of Directors.

6.17 MITIGATION REPORTING OR MONITORING PROGRAM FOR MITIGATED NEGATIVE DECLARATION.

When adopting a Mitigated Negative Declaration pursuant to Local Guidelines Section 6.13, the District shall adopt a reporting or monitoring program to assure that mitigation measures, which are required to mitigate or avoid significant effects on the environment, will be fully enforceable through permit conditions, agreements, or other measures and implemented by the project proponent or other responsible party in a timely manner, in accordance with conditions of project approval. The District shall also specify the location and the custodian of the documents that constitute the record of proceedings upon which it based its decision. There is no requirement that the reporting or monitoring program be circulated for public review; however, the District may choose to circulate it for public comments along with the Mitigated Negative Declaration. The mitigation measures required to mitigate or avoid significant effects on the environment must be adopted as conditions of project approval.

This reporting or monitoring program shall be designed to assure compliance during the implementation or construction of a project and shall otherwise comply with the requirements described in Local Guidelines Section 7.38. If a Responsible Agency or Trustee Agency has required that certain conditions be incorporated into the project, the District may request that agency to prepare and submit a proposed reporting or monitoring program. The District shall also require that, prior to the close of the public review period for a Mitigated Negative Declaration (see Local Guidelines Section 6.04), the Responsible or Trustee Agency submit detailed performance objectives for mitigation measures, or refer the District to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to the District by a Responsible or Trustee Agency shall be limited to measures that mitigate impacts to resources that are within the Responsible or Trustee Agency's authority.

Local agencies have the authority to levy fees sufficient to pay for this program. Therefore, the District can charge the project proponent a fee to cover actual costs of program processing and implementation.

Transportation information resulting from the reporting or monitoring program required to be adopted by the District shall be submitted to the regional transportation planning agency where the project is located and to the Department of Transportation for a project of statewide, regional or area-wide significance according to State CEQA Guidelines Section 15206. The transportation planning agency and the Department of Transportation are required by law to

adopt guidelines for the submittal of these reporting or monitoring programs, so the District may wish to tailor its submittal to such guidelines.

6.18 APPROVAL OR DISAPPROVAL OF PROJECT.

At the time of adoption of a Negative Declaration or Mitigated Negative Declaration, the decision-making body may consider the project for purposes of approval or disapproval. Prior to approving the project, the decision-making body shall consider the Negative Declaration or Mitigated Negative Declaration, together with any written comments received and considered during the public review period, and shall approve or disapprove the Negative Declaration or Mitigated Negative Declaration. In making a finding as to whether there is any substantial evidence that the project will have a significant effect on the environment, the factors listed in Local Guidelines Section 5.08 should be considered. (See Local Guidelines Section 6.06 for approval requirements for facilities that may emit hazardous pollutants or that may handle extremely hazardous substances within one-quarter mile of a school site.)

6.19 RECIRCULATION OF A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

A Negative Declaration or Mitigated Negative Declaration must be recirculated when the document must be substantially revised after the public review period but prior to its adoption. A "substantial revision" occurs when the District has identified a new and avoidable significant effect for which mitigation measures or project revisions must be added in order to reduce the effect to a level of insignificance, or when the District determines that the proposed mitigation measures or project revisions will not reduce the potential effects to less than significant and new measures or revisions must be required.

Recirculation is not required under the following circumstances:

(a) Mitigation measures are replaced with equal or more effective measures, and the District makes a finding to that effect;

(b) New project revisions are added after circulation of the Negative Declaration or Mitigated Negative Declaration or in response to written or oral comments on the project's effects, but the revisions do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect;

(c) Measures or conditions of project approval are added after circulation of the Negative Declaration or Mitigated Negative Declaration, but the measures or conditions are not required by CEQA, do not create new significant environmental effects, and are not necessary to mitigate an avoidable significant effect; or

(d) New information is added to the Negative Declaration or Mitigated Declaration which merely clarifies, amplifies, or makes insignificant modifications to the Negative Declaration or Mitigated Negative Declaration.

If, after preparation of a Negative Declaration or Mitigated Negative Declaration, the District determines that the project requires an EIR, it shall prepare and circulate the Draft EIR for consultation and review and advise reviewers in writing that a proposed Negative Declaration or Mitigated Declaration had previously been circulated for the project.

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6.20 NOTICE OF DETERMINATION ON A PROJECT FOR WHICH A PROPOSED NEGATIVE OR MITIGATED NEGATIVE DECLARATION HAS BEEN APPROVED.

After final approval of a project for which a Negative Declaration or Mitigated Negative Declaration has been prepared, Staff shall cause to be prepared, filed, and posted a Notice of Determination (Form "F"). The Notice of Determination shall contain the following information:

(a) An identification of the project, including the project title as identified on the proposed Negative Declaration or Mitigated Negative Declaration, location, and the State Clearinghouse identification number for the proposed Negative Declaration or Mitigated Negative Declaration if the Notice of Determination is filed with the State Clearinghouse;
(b) For private projects, identification of the person undertaking a project that is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use from one or more public agencies;
(c) A brief description of the project;
(d) The name of the District and the date on which the District approved the project;
(e) The determination of the District that the project will not have a significant effect on the environment;
(f) A statement that a Negative Declaration or Mitigated Negative Declaration was adopted pursuant to the provisions of CEQA;
(g) A statement indicating whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted; and
(h) The address where a copy of the Negative Declaration or Mitigated Negative Declaration may be examined.

The Notice of Determination shall be filed with the Clerk of each county in which the project will be located within five (5) working days of project approval.

The District is encouraged to make copies of filed notices available in electronic format on the Internet. Such electronic notices are in addition to the posting requirements of the State CEQA Guidelines and the Public Resources Code. The Clerk must post the Notice of Determination within twenty-four (24) hours of receipt. The Notice must be posted in the office of the Clerk for a minimum of thirty (30) days. Thereafter, the Clerk shall return the notice to the District with a notation of the period it was posted. The District shall retain the notice for not less than twelve (12) months. If the project requires discretionary approval from any State agency, the Notice of Determination shall also be filed with OPR within five (5) working days of project approval along with proof of payment of the DFW fee or a no effect determination form from the DFW (see Local Guidelines Section 6.24). Simultaneously with the filing of the Notice of Determination with the Clerk, Staff shall cause a copy of the Notice of Determination to be posted at District Offices.

If a written request has been made for a copy of the Notice prior to the date on which the District adopts the Negative Declaration or Mitigated Negative Declaration, the copy must be

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mailed, first class postage prepaid, within five (5) days of the District's determination. If such a request is made following the District's determination, then the copy should be mailed in the same manner as soon as possible. The recipients of such documents may be charged a fee reasonably related to the cost of providing the service.

For projects with more than one phase, Staff shall file a Notice of Determination for each phase requiring a discretionary approval.

The filing and posting of the Notice of Determination with the County Clerk, and, if necessary, with OPR, usually starts a thirty (30) day statute of limitations on court challenges to the approval under CEQA. When separate notices are filed for successive phases of the same overall project, the thirty (30) day statute of limitations to challenge the subsequent phase begins to run when the second notice is filed. Failure to file the Notice may result in a one hundred eighty (180) day statute of limitations.

6.21 ADDENDUM TO NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

The District may prepare an addendum to an adopted Negative Declaration or Mitigated Negative Declaration if only minor technical changes or additions are necessary. The District may also prepare an addendum to an adopted Negative Declaration or Mitigated Negative Declaration when none of the conditions calling for a subsequent Negative Declaration or Mitigated Negative Declaration have occurred. (See Local Guidelines Section 6.22 below.) An addendum need not be circulated for public review but can be attached to the adopted Negative Declaration or Mitigated Negative Declaration. The District shall consider the addendum with the adopted Negative Declaration or Mitigated Negative Declaration prior to project approval.

6.22 SUBSEQUENT NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

When a Negative Declaration or Mitigated Negative Declaration has been adopted for a project, or when an EIR has been certified, no subsequent Negative Declaration, Mitigated Negative Declaration, or EIR shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(a) Substantial changes are proposed in the project which will require major revisions of the previous EIR, Negative Declaration, or Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(b) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR, Negative Declaration, or Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(c) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted which shows any of the following:

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(1) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;

(2) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(3) Mitigation measure(s) or alternative(s) previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents declined to adopt the mitigation measure(s) or alternative(s); or

(4) Mitigation measure(s) or alternative(s) which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure(s) or alternative(s).

The District, as Lead Agency, would then determine whether a Subsequent EIR, Supplemental EIR, Subsequent Negative Declaration, Subsequent Mitigated Negative Declaration, or Addendum would be applicable. Subsequent Negative Declarations and Mitigated Negative Declarations must be given the same notice and public review period as other Negative Declarations. The Subsequent Negative Declaration shall state where the previous document is available and can be reviewed.

6.23 PRIVATE PROJECT COSTS.

For private projects, the person or entity proposing to carry out the project shall bear all costs incurred by the District in preparing the Initial Study and in preparing and filing the Negative Declaration or Mitigated Negative Declaration and Notice of Determination.

6.24 FILING FEES FOR PROJECTS THAT AFFECT WILDLIFE RESOURCES.

At the time a Notice of Determination for a Negative Declaration or Mitigated Negative Declaration is filed with the County or Counties in which the project is located, a fee of $2,354.75, or the then applicable fee, shall be paid to the Clerk for projects that will adversely affect fish or wildlife resources. These fees are collected by the Clerk on behalf of DFW pursuant to Fish and Game Code Section 711.4.

Only one filing fee is required for each project unless the project is tiered or phased and separate environmental documents are prepared. (Fish & Game Code Section 711.4(g).) For projects where Responsible Agencies file separate Notices of Determination, only the Lead Agency is required to pay the fee.

Note: County Clerks are authorized to charge a documentary handling fee for each project in addition to the Fish and Game Code fees specified above. Refer to the Index in the Staff Summary to help determine the correct total amount of fees applicable to the project.

For private projects, the District may pass these costs on to the project applicant.

Fish and Game Code fees may be waived for projects with "no effect" on fish or wildlife resources or for certain projects undertaken by the DFW and implemented through a contract with a non-profit entity or local government agency; however, the Lead Agency must obtain a form showing that the DFW has determined that the project will have "no effect" on fish and wildlife. (Fish and Game Code Section 711.4(c)(2)(A)). Projects that are statutorily or categorically exempt from CEQA are also not subject to the filing fee, and do not require a no effect determination. (State CEQA Guidelines Sections 15260 through 15333; Fish and Game Code Section 711.4(d)(1)). The applicable DFW Regional Office's environmental review and permitting staff are responsible for determining whether a project within their region will qualify for a no effect determination and if the CEQA filing fee will be waived.

The request should be submitted when the CEQA document is released for public review, or as early as possible in the public comment period. Documents submitted in digital format are preferred (e.g. compact disk). If insufficient documentation is submitted to DFW for the proposed project, a no effect determination will not be issued.

If the District believes that a project for which it is Lead Agency will have "no effect" on fish or wildlife resources, it should contact the appropriate DFW Regional Office. The project's CEQA document may need to be provided to the appropriate DFW Regional Office along with a written request. Documentation submitted to the appropriate DFW Regional Office should set forth facts in support of the fee exemption. Previous examples of projects that have qualified for a fee exemption include: minor zoning changes that did not lead to or allow new construction, grading, or other physical alterations to the environment; and minor modifications to existing structures, including addition of a second story to single or multi-family residences.

The fee exemption requirement that the project have "no" impact on fish or wildlife resources is more stringent than the former requirement that a project have only "de minimis" effects on fish or wildlife resources. DFW may determine that a project would have no effect on fish and wildlife if all of the following conditions apply:

- The project would not result in or have the potential to result in harm, harassment, or take of any fish and/or wildlife species.

- The project would not result in or have the potential to result in direct or indirect destruction, ground disturbance, or other modification of any habitat that may support fish and/or wildlife species.

- The project would not result in or have the potential to result in the removal of vegetation with potential to support wildlife.

- The project would not result in or have the potential to result in noise, vibration, dust, light, pollution, or an alteration in water quality that may affect fish and/or wildlife directly or from a distance.

- The project would not result in or have the potential to result in any interference with the movement of any fish and/or wildlife species.

Any request for a fee exemption should include the following information:

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(1) the name and address of the project proponent and applicant contact information;

(2) a brief description of the project and its location;

(3) site description and aerial and/or topographic map of the project site;

(4) State Clearinghouse number or county filing number;

(5) a statement that an Initial Study has been prepared by the District to evaluate the project's effects on fish and wildlife resources, if any; and

(6) a declaration that, based on the District's evaluation of potential adverse effects on fish and wildlife resources, the District believes the project will have no effect on fish or wildlife.

If insufficient documentation is submitted to DFW for the proposed project, a no effect determination will not be issued. (A sample Request for Fee Exemption is attached as Form "L".) DFW will review the District's finding, and if DFW agrees with the District's conclusions, DFW will provide the District with written confirmation. Retain DFW's determination as part of the administrative record; the District is required to file a copy of this determination with the County after project approval and at the time of filing of the Notice of Determination.

The Lead Agency must have written confirmation of DFW's finding of "no impact" at the time the Lead Agency files its Notice of Determination with the County. The County cannot accept the Notice of Determination unless it is accompanied by the appropriate fee or a written no effect determination from DFW.

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7. ENVIRONMENTAL IMPACT REPORT

7.01 DECISION TO PREPARE AN EIR.

An EIR shall be prepared whenever there is substantial evidence in light of the whole record which supports a fair argument that the project may have a significant effect on the environment. (See Local Guidelines Sections 11.65 and 11.71.) The record may include the Initial Study or other documents or studies prepared to assess the project's environmental impacts.

7.02 CONTRACTING FOR PREPARATION OF EIRS.

If an EIR is prepared under a contract with the District, the contract must be executed within forty-five (45) days from the date on which the District sends a Notice of Preparation. The District may take longer to execute the contract if the project applicant and the District mutually agree to an extension of the 45-day time limit.

The EIR prepared under contract must be the District's product. Staff, together with such consultant help as may be required, shall independently review and analyze the EIR to verify its accuracy, objectivity and completeness prior to presenting it to the decision-making body. The EIR made available for public review must reflect the independent judgment of the District. Staff may require such information and data from the person or entity proposing to carry out the project as Staff deems necessary for completion of the EIR.

7.03 NOTICE OF PREPARATION OF DRAFT EIR.

After determining that an EIR will be required for a proposed project, the Lead Agency shall prepare and send a Notice of Preparation (Form "G") to OPR and to each of the following:

(a) Each Responsible Agency and Trustee Agency involved with the project;

(b) Any other federal, state, or local agency which has jurisdiction by law or exercises authority over resources affected by the project, including:

(1) Any water supply agency consulted under Local Guidelines Section 5.16;

(2) Any city or county bordering on the project area;

(3) For a project of statewide, regional, or area-wide significance, to any transportation agencies or public agencies which have major local arterials or public transit facilities within five (5) miles of the project site or freeways, highways, or rail transit service within ten (10) miles of the project site which could be affected by the project; and

(4) For a subdivision project located within one mile of a facility of the State Water Resources Development System, the California Department of Water Resources;

(c) The last known name and address of all organizations and individuals who have previously filed a written request with the District to receive these Notices;

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(d) For certain projects that may impact a low-level flight path, military impact zone, or special use airspace and that meet the other criteria in Local Guidelines Section 7.04, the specified military services contact;
(e) For certain projects that involve the construction or alteration of a facility anticipated to emit hazardous air emissions or handle hazardous substances within one-quarter mile of a school and that meet the other requirements of Local Guidelines Section 7.36, any potentially affected school district;
(f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.11 (See also Local Guidelines Section 7.27), the owners and occupants of property within one-fourth mile of any parcel on which the project will be located; and
(g) For a project that establishes or amends a redevelopment plan that contains land in agricultural use, the agricultural and farm agencies and organizations specified in Health and Safety Code Section 33333.3.

Additionally, for a project of statewide, regional, or area-wide significance, the Lead Agency should also consult with public transit agencies with facilities within one-half mile of the proposed project.

The Notice of Preparation must also be filed and posted in the office of the Clerk in each county in which the project is located for thirty (30) days. The County Clerk must post the Notice within twenty-four (24) hours of receipt.

When submitting the Notice of Preparation to OPR, a Notice of Completion (Form "H") should be used as a cover sheet. Responsible and Trustee Agencies, the State Clearinghouse, and the state agencies contacted by the State Clearinghouse have thirty (30) days to respond to the Notice of Preparation. Agencies that do not respond within thirty (30) days shall be deemed not to have any comments on the Notice of Preparation.

The Lead Agency shall send copies of the Notice of Preparation by certified mail or any other method of transmittal which provides it with a record that the Notice was received.

At a minimum, the Notice of Preparation shall include:

(a) A description of the project;
(b) The location of the project indicated either on an attached map (preferably a copy of the USGS 15' or 7½' topographical map identified by quadrangle name) or by a street address and cross street in an urbanized area;
(c) The probable environmental effects of the project;
(d) The name and address of the consulting firm retained to prepare the Draft EIR, if applicable; and
(e) The Environmental Protection Agency ("EPA") list on which the proposed site is located, if applicable, and the corresponding information from the applicant's statement. (See Local Guidelines Section 2.04.)

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7.04 SPECIAL NOTICE REQUIREMENTS FOR AFFECTED MILITARY AGENCIES

CEQA imposes additional requirements to provide notice to potentially affected military agencies when:

(a) A "military service" (defined in Section 11.42 of these Local Guidelines) has provided the District with its contact office and address and notified the District of the specific boundaries of a "low-level flight path" (defined in Section 11.37 of these Local Guidelines), "military impact zone" (defined in Section 11.41 of these Local Guidelines), or "special use airspace" (defined in Section 11.67 of these Local Guidelines); and

(b) The project meets one of the following criteria:

(1) The project is within the boundaries specified pursuant to subsection (a) of this guideline;

(2) The project includes a general plan amendment;

(3) The project is of statewide, regional, or area-wide significance; or

(4) The project relates to a public use airport or certain lands surrounding a public use airport.

When a project meets these requirements, the District must provide the military service's designated contact with any Notice of Preparation, and/or Notice of Availability of Draft EIRs that have been prepared for a project, unless the project involves the remediation of lands contaminated with hazardous wastes and meets certain other requirements. (See Public Resources Code Sections 21080.4 and 21092 and Health and Safety Code Sections 25300, et seq.; 25396; and 25187.)

The District must provide the military service with sufficient notice of its intent to certify an EIR to ensure that the military service has no fewer than thirty (30) days to review the document; or forty-five (45) days to review the environmental documents before they are approved if the documents have been submitted to the State Clearinghouse.

It should be noted that the effect, or potential effect, a project may have on military activities does not itself constitute an adverse effect on the environment pursuant to CEQA.

7.05 ENVIRONMENTAL LEADERSHIP DEVELOPMENT PROJECT.

Under certain circumstances, a project applicant may choose to apply to the Governor of the State of California to have the project certified as an Environmental Leadership Development Project. Only large, privately funded projects that will result in a minimum investment of $100 million in California upon completion of construction and that create high-wage, highly skilled jobs without resulting in any net additional emission of greenhouse gases, will qualify for certification. All construction workers employed in the execution of the project will receive at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Labor Code Sections 1773 and 1773.9. If the project is certified for streamlining, the project applicant shall include this

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requirement in all contracts for the performance of the work. The request for certification must be made and granted prior to the release of the Draft EIR. If the Governor certifies the project, the lead agency must make the administrative record available concurrently with the Draft EIR and certify the administrative record within five (5) days of project approval and must make it available in an electronic format. Within 10 days of the Governor certifying an Environmental Leadership Development Project, the Lead Agency shall, at the applicant's expense, issue a public notice. See Public Resources Code Section 21187 for the language to be used in the public notice. If litigation is filed against such a project, certain fast-tracked litigation procedures will apply. Please see Public Resources Code Section 21178 and Sections 21183 through 21187 for a complete description of the requirements for such projects.

7.06 PREPARATION OF DRAFT EIR.

The Lead Agency is responsible for preparing a Draft EIR. The Lead Agency may begin preparation of the Draft EIR without awaiting responses to the Notice of Preparation. However, information communicated to the Lead Agency not later than thirty (30) days after receipt of the Notice of Preparation shall be included in the Draft EIR.

7.07 CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES.

Prior to the release of a Draft EIR for a project, the Lead Agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if:

(a) The California Native American tribe requested to the Lead Agency, in writing, to be informed by the Lead Agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe; and

(b) The California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. The California Native American tribe shall designate a lead contact person when responding to the Lead Agency. If a lead contact is not designated by the California Native American tribe, or if it designates multiple lead contact people, the Lead Agency shall defer to the individuals listed on the contact list maintained by the Native American Heritage Commission. Consultation is defined in Local Guidelines Section 11.11.

To expedite the requirements of this section, the Native American Heritage Commission shall assist the Lead Agency in identifying the California American Native tribes that are traditionally and culturally affiliated with the project area.

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the Lead Agency shall provide formal notification to the designated contact of, or a trial representative of, traditionally and culturally affiliated California Native America tribes that have requested notice, which shall be accomplished by at least one written notification that includes a brief description of the proposed project and its

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location, the Lead Agency contact information, and a notification that the California Native American tribe has 30 days to request consultation.

The Lead Agency shall begin the consultation process within 30 days of receiving a California Native American tribe's request for consultation.

If consultation is requested, the parties may propose mitigation measures, including those set forth in Public Resources Code Section 21084.3, capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. The consultation may include discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and, if necessary, project alternatives or the appropriate measures for preservation or mitigation that the California Native American tribe may recommend to the lead agency.

The consultation shall be considered concluded when either of the following occurs:

(1) The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource.

(2) A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

The California Native American tribe is not limited in its ability to submit information to the Lead Agency regarding the significance of the tribal cultural resources, the significance of the project's impact on tribal cultural resources, or any appropriate measures to mitigate the impacts. Additionally, the Lead Agency or project proponent is not limited in its ability to incorporate changes and additions to the project as a result of the consultation, even if not legally required.

7.08 IDENTIFICATION OF TRIBAL CULTURAL RESOURCES AND PROCESSING OF INFORMATION AFTER CONSULTATION WITH THE CALIFORNIA NATIVE AMERICAN TRIBE

After consultation with the California Native American tribe listed above in Local Guidelines Section 7.07, any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the EIR and in an adopted mitigation monitoring and reporting program, if the mitigation measures are determined to avoid or lessen the proposed project's impacts on tribal cultural resources, and if the mitigation measures are enforceable.

If a project may have a significant impact on a tribal cultural resource, the Lead Agency's EIR shall discuss both of the following:

(a) Whether the proposed project has a significant impact on an identified tribal cultural resource;

(b) Whether feasible alternatives or mitigation measures, including those measures that may be agreed to during the consultation, avoid or substantially lessen the impact on the identified tribal cultural resource.

Any information provided regarding the location, description and use of the tribal cultural resource that is submitted by a California Native American tribe during the environmental review process shall not be included in the EIR or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Governmental Code Sections 6254(r) and 6254.10, and State CEQA Guidelines 15120(d), without the prior consent of the tribe that provided the information. If the Lead Agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the EIR unless the tribe provides consent, in writing, to the disclosure of some or all of the information to the public. This does not prohibit the confidential exchange of the submitted information between public agencies that have lawful jurisdiction over the preparation of the EIR.

The exchange of confidential information regarding tribal cultural resources submitted by a California Native American tribe during the consultation or environmental review process among the Lead Agency, the California Native American tribe, the project applicant, or the project applicant's agent is not prohibited by Public Resources Code Section 21082.3. The project applicant and the project applicant's legal advisers must use a reasonable degree of care and maintain the confidentiality of the information exchanged for the purposes of preventing looting, vandalism, or damage to tribal cultural resources and shall not disclose to a third party confidential information regarding the cultural resource unless the California Native American tribe providing the information consents in writing to the public disclosure of such information.

Public Resources Code Section 21082.3 does not prevent a Lead Agency or other public agency from describing the information in general terms in the EIR so as to inform the public of the basis of the Lead Agency's or other public agency's decision without breaching the confidentiality required. In addition, a Lead Agency may certify an EIR for a project with a significant impact on an identified tribal cultural resource only if one of the following occurs:

(a) The consultation process between the California Native American tribe and the Lead Agency has occurred as provided in Public Resources Code Sections 21080.3.1 and 21080.3.2 and concluded pursuant to subdivision (b) of Section 21080.3.2.

(b) The California Native American tribe has requested consultation pursuant to Public Resources Code Section 21080.3.1 and has failed to provide comments to the Lead Agency, or otherwise failed to engage, in the consultation process.

(c) The Lead Agency has complied with subdivision (d) of Section 21080.3.1 of the Public Resources Code and the California Native American tribe has failed to request consultation within 30 days.

If substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource but the decision-makers do not include the mitigation measures

recommended by the staff in the Draft EIR, or if there are no agreed upon mitigation measures at the conclusion of the consultation, or if no consultation has occurred, the Lead Agency must still consider the adoption of feasible mitigation.

7.09 SIGNIFICANT ADVERSE IMPACTS TO TRIBAL CULTURAL RESOURCES

Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. If the Lead Agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Public Resources Code section 21080.3.2 as set forth in Local Guidelines Section 7.07, the following examples of mitigation measures, if feasible, may be considered to avoid or minimize the significant adverse impacts:

(a) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

(b) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to the following:

(1) Protecting the cultural character and integrity of the resource.

(2) Protecting the traditional use of the resource.

(3) Protecting the confidentiality of the resource.

(c) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

(d) Protecting the resource.

7.10 CONSULTATION WITH OTHER AGENCIES AND PERSONS.

To expedite consultation in response to the Notice of Preparation, the Lead Agency, a Responsible Agency, or a project applicant may request a meeting among the agencies involved to assist in determining the scope and content of the environmental information that the involved agencies may require. For any project that may affect highways or other facilities under the jurisdiction of the State Department of Transportation, the Department of Transportation can request a scoping meeting. When acting as Lead Agency, the District must convene the meeting as soon as possible but no later than thirty (30) days after a request is made. When acting as a Responsible Agency, the District should make any requests for consultation as soon as possible after receiving a Notice of Preparation.

Prior to completion of the Draft EIR, the Lead Agency shall consult with each Responsible Agency and any public agency that has jurisdiction by law over the project.

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When acting as a Lead Agency, the District may fulfill this obligation by distributing the Notice of Preparation in compliance with Local Guidelines Section 7.03 and soliciting the comments of Responsible Agencies, Trustee Agencies, and other affected agencies. The District may also consult with any individual who has special expertise with respect to any environmental impacts involved with a project. The District may also consult directly with any person or organization it believes will be concerned with the environmental effects of the project, including any interested individuals and organizations of which the District is reasonably aware. The purpose of this consultation is to "scope" the EIR's range of analysis. When a Negative Declaration or Mitigated Negative Declaration will be prepared for a project, no scoping meeting need be held, although the District may hold one if it so chooses. For private projects, the District as Lead Agency may charge and collect from the applicant a fee not to exceed the actual cost of the consultations.

In addition to soliciting comments on the Notice of Preparation, the Lead Agency may be required to conduct a scoping meeting to gather additional input regarding the impacts to be analyzed in the EIR. The Lead Agency is required to conduct a scoping meeting when:

(a) The meeting is requested by a Responsible Agency, a Trustee Agency, OPR, or a project applicant;
(b) The project is one of "statewide, regional or area wide significance" as defined in State CEQA Guidelines Section 15206; or
(c) The project may affect highways or other facilities under the jurisdiction of the State Department of Transportation, and the Department of Transportation has requested a scoping meeting.

When acting as Lead Agency, the District shall provide notice of the scoping meeting to all of the following:

(a) Any county or city that borders on a county or city within which the project is located, unless the District has a specific agreement to the contrary with that county or city;
(b) Any Responsible Agency;
(c) Any public agency that has jurisdiction by law over the project;
(d) A transportation planning agency, or any public agency that has transportation facilities within its jurisdiction, that could be affected by the project; and
(e) Any organization or individual who has filed a written request for the notice.

The requirement for providing notice of a scoping meeting may be met by including the notice of the public scoping meeting in the public meeting notice.

Government Code Section 65352 requires that before a legislative body may adopt or substantially amend a general plan, the planning agency must refer the proposed action to any city or county, within or abutting the area covered by the proposal, and any special district that may be significantly affected by the proposed action. CEQA allows that referral procedure to be conducted concurrently with the scoping meeting required pursuant to this section of the Local CEQA Guidelines.

For projects that are also subject to NEPA, a scoping meeting held pursuant to NEPA satisfies the CEQA scoping requirement as long as notice is provided to the agencies and individuals listed above, and in accordance with these Local Guidelines. (See Local Guideline 5.04 for a discussion of NEPA.)

The District shall call the scoping meeting as soon as possible but not later than 30 days after the meeting was requested. If the scoping meeting is being conducted concurrently with the procedure in Government Code Section 65352 for the consideration of adoption or amendment of general plans, each entity receiving a proposed general plan or amendment of a general plan should have 45 days from the date the referring agency mails it or delivers it in which to comment unless a longer period is specified. The commenting entity may submit its comments at the scoping meeting.

A Responsible Agency or other public agency shall only make comments regarding those activities that are within its area of expertise or that are required to be carried out or approved by the Responsible Agency. These comments must be supported by specific documentation. Any mitigation measures submitted to the District by a Responsible or Trustee Agency shall be limited to measures that mitigate impacts to resources that are within the Responsible or Trustee Agency's authority.

For projects of statewide, area-wide, or regional significance, consultation with transportation planning agencies or with public agencies that have transportation facilities within their jurisdictions shall be for the purpose of obtaining information concerning the project's effect on major local arterials, public transit, freeways, highways, overpasses, on-ramps, off-ramps, and rail transit services. Moreover, the Lead Agency should also consult with public transit agencies with facilities within one-half mile of the proposed project. Any transportation planning agency or public agency that provides information to the Lead Agency must be notified of, and provided with, copies of any environmental documents relating to the project.

7.11 EARLY CONSULTATION ON PROJECTS INVOLVING PERMIT ISSUANCE.

When the project involves the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the District, upon request of the applicant, shall meet with the applicant regarding the range of actions, potential alternatives, mitigation measures and significant effects to be analyzed in depth in the EIR. The District may also consult with concerned persons identified by the applicant and persons who have made written requests to be consulted. Such requests for early consultation must be made not later than thirty (30) days after the District's decision to prepare an EIR.

7.12 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

For certain development projects, cities and counties must consult with water agencies. If the District is a water provider for the project, the city or county may request consultation with the District. (See Local Guidelines Sections 5.16 and 5.17 for more information on these requirements.)

7.13 AIRPORT LAND USE PLAN.

When the District prepares an EIR for a project within the boundaries of a comprehensive airport land use plan, or, if such a plan has not been adopted, for a project within two (2) nautical miles of a public airport or public use airport, the District shall utilize the Airport Land Use Planning Handbook published by Caltrans' Division of Aeronautics to assist in the preparation of the EIR relative to potential airport or related safety hazards and noise problems.

7.14 GENERAL ASPECTS OF AN EIR.

Both a Draft and Final EIR must contain the information outlined in Local Guidelines Sections 7.17 and 7.18. Each element must be covered, and when elements are not separated into distinct sections, the document must state where in the document each element is covered.

The body of the EIR shall include summarized technical data, maps, diagrams and similar relevant information. Highly technical and specialized analyses and data should be included in appendices. Appendices may be prepared in separate volumes, but must be equally available to the public for examination. All documents used in preparation of the EIR must be referenced. An EIR shall not include "trade secrets," locations of archaeological sites and sacred lands, or any other information subject to the disclosure restrictions of the Public Records Act (Government Code Section 6250, et seq.).

The EIR should discuss environmental effects in proportion to their severity and probability of occurrence. Effects dismissed in the Initial Study as clearly insignificant and unlikely to occur need not be discussed.

The Initial Study should be used to focus the EIR so that the EIR identifies and discusses only the specific environmental problems or aspects of the project that have been identified as potentially significant or important. A copy of the Initial Study should be attached to the EIR or included in the administrative record to provide a basis for limiting the impacts discussed.

The EIR shall contain a statement briefly indicating the reason for determining that various effects of a project that could possibly be considered significant were not found to be significant and consequently were not discussed in detail in the EIR. The District should also note any conclusion by it that a particular impact is too speculative for evaluation.

The EIR should omit unnecessary descriptions of projects and emphasize feasible mitigation measures and alternatives to projects.

7.15 USE OF REGISTERED CONSULTANTS IN PREPARING EIRS.

An EIR is not a technical document that can be prepared only by a registered consultant or professional. However, state statutes may provide that only registered professionals can prepare certain technical studies that will be used in an EIR, or that will control the detailed design, construction, or operation of the proposed project and that will be prepared in support of an EIR.

7.16 INCORPORATION BY REFERENCE.

An EIR, Negative Declaration, or Mitigated Negative Declaration may incorporate by reference all or portions of another document that is a matter of public record or is generally available to the public. Any incorporated document shall be considered to be set forth in full as part of the text of the environmental document. When all or part of another document is incorporated by reference, that document shall be made available to the public for inspection at the District's offices. The environmental document shall state where incorporated documents will be available for inspection.

When incorporation by reference is used, the incorporated part of the referenced document shall be briefly summarized, if possible, or briefly described if the data or information cannot be summarized. The relationship between the incorporated document and the EIR, Negative Declaration, or Mitigated Negative Declaration shall be described. When information from an environmental document that has previously been reviewed through the state review system ("State Clearinghouse") is incorporated by the District, the state identification number of the incorporated document should be included in the summary or text of the EIR.

7.17 STANDARDS FOR ADEQUACY OF AN EIR.

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision that takes into account the environmental consequences of the project. The evaluation of environmental effects need not be exhaustive, but must be within the scope of what is reasonably feasible. The EIR should be written and presented in such a way that it can be understood by governmental decision-makers and members of the public. A good faith effort at completeness is necessary. The adequacy of an EIR is assessed in terms of what is reasonable in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a Lead Agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters, but CEQA does require the Lead Agency to make a good faith, reasoned response to timely comments raising significant environmental issues.

There is no need to unreasonably delay adoption of an EIR in order to include results of studies in progress, even if those studies will shed some additional light on subjects related to the project.

7.18 FORM AND CONTENT OF EIR.

The text of the EIR should normally be less than 150 pages. For proposals of unusual scope or complexity, the EIR may be longer than 150 pages but should normally be less than 300 pages. The required contents of an EIR are set forth in Sections 15122 through 15132 of the State CEQA Guidelines. In brief, the EIR must contain:

(a) A table of contents or an index;
(b) A brief summary of the proposed project, including each significant effect with proposed mitigation measures and alternatives, areas of known controversy and issues to be resolved including the choice among alternatives, how to mitigate the significant effects

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and whether there are any significant and unavoidable impacts (generally, the summary should be less than fifteen (15) pages);

(c) A description of the proposed project, including its underlying purpose and a list of permit and other approvals required to implement the project (see Local Guidelines Section 7.24 regarding analysis of future project expansion);

(d) A description of the environmental setting, which includes the project's physical environmental conditions from both a local and regional perspective at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time environmental analysis begins. (State CEQA Guidelines Section 15125.) This environmental setting will normally constitute the baseline physical conditions by which the Lead Agency determines whether an impact is significant. However, the District, when acting as Lead Agency, may choose any baseline that is appropriate as long as the District's choice of baseline is supported by substantial evidence;

(e) A discussion of any inconsistencies between the proposed project and applicable general, specific and regional plans. Such plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation, regional blueprint plans, plans for the reduction of greenhouse gas emissions, habitat conservation plans, natural community conservation plans and regional land use plans;

(f) A description of the direct and indirect significant environmental impacts of the proposed project explaining which, if any, can be avoided or mitigated to a level of insignificance, indicating reasons that various possible significant effects were determined not to be significant and denoting any significant effects that are unavoidable or could not be mitigated to a level of insignificance. Direct and indirect significant effects shall be clearly identified and described, giving due consideration to both short-term and long-term effects;

(g) Potentially significant energy implications of a project must be considered to the extent relevant and applicable to the project (see Local Guidelines Section 5.20);

(h) An analysis of a range of alternatives to the proposed project that could feasibly attain the project's objectives as discussed in Local Guidelines Section 7.23;

(i) A description of any significant irreversible environmental changes that would be involved in the proposed action should it be implemented if, and only if, the EIR is being prepared in connection with:

(1) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

(2) The adoption by a Local Agency Formation Commission of a resolution making determinations; or

(3) A project that will be subject to the requirement for preparing an Environmental Impact Statement pursuant to NEPA;

(j) An analysis of the growth-inducing impacts of the proposed action. The discussion should include ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding

environment. Growth-inducing impacts may include the estimated energy consumption of growth induced by the project;

(k) A discussion of any significant, reasonably anticipated future developments and the cumulative effects of all proposed and anticipated action as discussed in Local Guidelines Section 7.24;

(l) In certain situations, a regional analysis should be completed for certain impacts, such as air quality;

(m) A discussion of any economic or social effects, to the extent that they cause, or may be used to determine, significant environmental impacts;

(n) A statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and, therefore, were not discussed in the EIR;

(o) The identity of all federal, state or local agencies or other organizations and private individuals consulted in preparing the EIR, and the identity of the persons, firm or agency preparing the EIR, by contract or other authorization. To the fullest extent possible, the District should integrate CEQA review with these related environmental review and consultation requirements;

(p) A discussion of those potential effects of the proposed project on the environment that the District has determined are or may be significant. The discussion on other effects may be limited to a brief explanation as to why those effects are not potentially significant; and

(q) A description of feasible measures, as set forth in Local Guidelines Section 7.22, which could minimize significant adverse impacts.

7.19 CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS.

An EIR must identify and focus on the significant effects of the proposed project on the environment. In assessing the proposed project's potential impacts on the environment, the District should normally limit its examination to comparing changes that would result from the project as compared to the existing physical conditions in the affected area as they exist when the Notice of Preparation is published. If a Notice of Preparation is not published for the project, the District should compare the proposed project's potential impacts to the physical conditions that exist at the time environmental review begins. Direct and indirect significant effects of the project on the environment must be clearly identified and described, considering both the short-term and long-term effects. The discussion should include relevant 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), health and safety problems caused by the physical changes, and other aspects of the project that may impact resources in the project area, such as water, historical resources, scenic quality, and public services. The EIR must also analyze any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area. If applicable, an EIR should also evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term and long-term conditions, as identified on authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.

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If analysis of the project's energy use reveals that the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources, the EIR shall mitigate that energy use. This analysis should include the project's energy use for all project phases and components, including transportation-related energy, during construction and operation. In addition to building code compliance, other relevant considerations may include, among others, the project's size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project. This analysis is subject to the rule of reason and shall focus on energy use that is caused by the project. This analysis may be included in related analyses of air quality, greenhouse gas emissions, transportation or utilities in the discretion of the Lead Agency.

The EIR must describe all significant impacts, including those that can be mitigated but not reduced to a level of insignificance. 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.

The EIR must also discuss any significant irreversible environmental changes that would be caused by the project. For example, use of nonrenewable resources during the initial and continued phases of a project may be irreversible if a large commitment of such resources makes removal or nonuse thereafter unlikely. Additionally, irreversible commitment of resources may include a discussion of how the project preempts future energy development or future energy conservation. The discussion of irreversible commitment of resources may include a discussion of how the project preempts future energy development or future energy conservation. Irretrievable commitments of resources to the proposed project should be evaluated to assure that such current consumption is justified.

7.20 ENVIRONMENTAL SETTING

An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which the Lead Agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives. The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.

(1) Generally, the Lead Agency should describe physical environmental conditions as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, the Lead Agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, the Lead Agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.

(2) The Lead Agency may use projected future conditions (beyond the date of project operations) as the sole baseline for analysis only if it demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision-makers and the public. Use of projected future conditions as the only baseline must be supported by reliable projections based on substantial evidence in the record.

(3) An existing conditions baseline shall not include hypothetical conditions—such as those that might be allowed, but have never actually occurred, under existing permits or plans—as the baseline.

7.21 ANALYSIS OF CUMULATIVE IMPACTS.

An EIR must discuss cumulative impacts when the project's incremental effect is "cumulatively considerable" as defined in Local Guidelines Section 11.13. When the District is examining a project with an incremental effect that is not "cumulatively considerable," it need not consider that effect significant, but must briefly describe the basis for this conclusion. A project's contribution may be less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure designed to alleviate the cumulative impact. When relying on a fee program or mitigation measure(s), the District must identify facts and analysis supporting its conclusion that the cumulative impact is less than significant.

The District may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem in the geographic area in which the project is located. Such plans and programs may include, but are not limited to:

(1) Water quality control plans;

(2) Air quality attainment or maintenance plans;

(3) Integrated waste management plans;

(4) Habitat conservation plans;

(5) Natural community conservation plans; and/or

(6) Plans or regulations for the reduction of greenhouse gas emissions.

When relying on such a regulation, plan, or program, the District should explain how implementing the particular requirements of the plan, regulation or program will ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable.

A cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR.

The discussion of cumulative impacts in an EIR must focus on the cumulative impacts to which the identified other projects contribute, rather than on the attributes of other projects that do not contribute to the cumulative impact. The discussion of significant cumulative impacts must include either of the following:

(1) A list of past, present, and probable future projects causing related or cumulative impacts including, if necessary, those projects outside the control of the District; or

(2) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or a plan for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Documents used in creating a summary of projections must be referenced and made available to the public.

When utilizing a list, as suggested above, factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined and the location and type of project. Location may be important, for example, when water quality impacts are involved since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.

Public Resources Code section 21094 also states that if a Lead Agency determines that a cumulative effect has been adequately addressed in an earlier EIR, it need not be examined in a later EIR if the later project's incremental contribution to the cumulative effect is not cumulatively considerable. A cumulative effect has been adequately addressed in the prior EIR if:

(1) it has been mitigated or avoided as a result of the prior EIR; or

(2) the cumulative effect has been examined in a sufficient level of detail to enable the effect to be mitigated or avoided by site-specific revisions, the imposition of conditions, or other means in connection with the approval of the later project.

Public Resources Code section 21094 only applies to earlier projects that (1) are consistent with the program, plan, policy, or ordinance for which an environmental impact report has been prepared and certified, (2) are consistent with applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located and (3) are not subject to Public Resources Code section 21166.

If the Lead Agency determines that the cumulative effect has been adequately addressed in a prior EIR, the Lead Agency should clearly explain the basis for its determination in the current environmental documentation for the project.

The District should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.

7.22 ANALYSIS OF MITIGATION MEASURES.

The discussion of mitigation measures in an EIR must distinguish between measures proposed by project proponents and other measures proposed by Lead, Responsible or Trustee Agencies. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

Where several measures are available to mitigate an impact, each should be disclosed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures shall not be deferred until some future time The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the Lead Agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.

If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be disclosed but in less detail than the significant effects of the project itself.

If a project includes a housing development, the District may not reduce the project's proposed number of housing units as a mitigation measure or project alternative if the District determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation without reducing the number of housing units.

Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design. Mitigation measures must also be consistent with all applicable constitutional requirements such as the "nexus" and "rough proportionality" standards—i.e., there must be an essential nexus between the mitigation measure and a legitimate governmental interest, and the mitigation measure must be "roughly proportional" to the impacts of the project.

Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of a historical resource will be conducted in a manner consistent with the Secretary of the Interior's "Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.

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The District should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following must be considered and discussed in an EIR for a project involving an archaeological site:

(a) Preservation in place is the preferred manner of mitigating impacts to archaeological sites; and

(b) Preservation in place may be accomplished by, but is not limited to, the following:

(1) Planning construction to avoid archaeological sites;

(2) Incorporation of sites within parks, green space, or other open spaces;

(3) Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site; and/or

(4) Deeding the site into a permanent conservation easement.

When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to excavation. Such studies must be deposited with the California Historical Resources Regional Information Center.

Data recovery shall not be required for a historical resource if the District determines that existing testing or studies have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

7.23 ANALYSIS OF ALTERNATIVES IN AN EIR.

The alternatives analysis must describe and evaluate the comparative merits of a range of reasonable alternatives to the project or to the location of the project which would feasibly attain most of the basic objectives of the project, but which would avoid or substantially lessen any of the significant effects of the project. An EIR need not consider every conceivable alternative to a project, and it need not consider alternatives that are infeasible. Rather, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

Purpose of the Alternatives Analysis: An EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment. For this reason, a discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effect of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly.

Selection of a Range of Reasonable Alternatives: The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant

effects, even if those alternatives would be more costly or would impede to some degree the attainment of the project's objectives. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the Lead Agency and rejected as infeasible during the scoping process, and it should briefly explain the reasons for rejecting those alternatives. Additional information explaining the choice of alternatives should be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (a) failure to meet most of the basic project objectives; (b) infeasibility; or (c) inability to avoid significant environmental impacts.

Evaluation of Alternatives: The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. The matrix may also identify and compare the extent to which each alternative meets project objectives. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed but in less detail than the significant effects of the project as proposed.

The Rule of Reason: The range of alternatives required in an EIR is governed by a "rule of reason" which courts have held means that an alternatives discussion must be reasonable in scope and content. Therefore, the EIR must set forth only those alternatives necessary to permit public participation, informed decision-making, and a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones the District determines could feasibly attain most of the basic objectives of the project. An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

Feasibility of Alternatives: The factors that may be taken into account when addressing the feasibility of alternatives include: site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries (projects with a regionally significant impact should consider the regional context); and whether the proponent already owns the alternative site or can reasonably acquire, control or otherwise have access to the site. No one factor establishes a fixed limit on the scope of reasonable alternatives.

Alternative Locations: The first step in the alternative location analysis is to determine whether any of the significant effects of the project could be avoided or substantially lessened by putting the project in another location. This is the key question in this analysis. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

The second step in this analysis is to determine whether any of the alternative locations are feasible. If the District concludes that no feasible alternative locations exist, it must disclose its reasons, and it should include them in the EIR. When a previous document has sufficiently analyzed a range of reasonable alternative locations and environmental impacts for a project with

the same basic purpose, the District should review the previous document and incorporate the previous document by reference. To the extent the circumstances have remained substantially the same with respect to an alternative, the EIR may rely on the previous document to help it assess the feasibility of the potential project alternative.

The "No Project" Alternative: The specific alternative of "no project" must be evaluated along with its impacts. The purpose of describing and analyzing the no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative may be different from the baseline environmental conditions. The no project alternative will be the same as the baseline only if it is identical to the existing environmental setting and the Lead Agency has chosen the existing environmental setting as the baseline.

A discussion of the "no project" alternative should proceed along one of two lines:

(a) When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Typically, this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan; or

(b) If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the "no project" alternative is the circumstance under which the project does not proceed. This discussion would compare the environmental effects of the property remaining in its existing state against environmental effects that would occur if the project is approved. If disapproval of the project would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence should be discussed.

After defining the "no project" alternative, the District should proceed to analyze the impacts of the "no project" alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the "no project" alternative is the environmentally superior alternative, the EIR must also identify another environmentally superior alternative among the remaining alternatives.

Remote or Speculative Alternatives: An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

7.24 ANALYSIS OF FUTURE EXPANSION.

An EIR must include an analysis of the environmental effects of future expansion (or other similar future modifications) if there is credible and substantial evidence that:

(a) The future expansion or action is a reasonably foreseeable consequence of the initial project; and

(b) The future expansion or action is likely to change the scope or nature of the initial project or its environmental effects.

Absent these two circumstances, future expansion of a project need not be discussed. CEQA does not require speculative discussion of future development that is unspecific or uncertain. However, if future action is not considered now, it must be considered and environmentally evaluated before it is actually implemented.

7.25 NOTICE OF COMPLETION OF DRAFT EIR; NOTICE OF AVAILABILITY OF DRAFT EIR.

Notice of Completion. When the Draft EIR is completed, a Notice of Completion (Form "H") must be filed with OPR in a printed hard copy or in electronic form on a diskette or by electronic mail transmission. The Notice shall contain:

(a) A brief description of the proposed project;
(b) The location of the proposed project including the proposed project's latitude and longitude;
(c) An address where copies of the Draft EIR are available and a description of how the Draft EIR can be provided in an electronic format; and
(d) The review period during which comments will be received on the Draft EIR.

OPR has developed a model form Notice of Completion. Form H follows OPR's model. To ensure that the documents are accepted by OPR staff, this form should be used when documents are transmitted to OPR.

Notice of Availability. At the same time it sends a Notice of Completion to OPR, the District shall provide public notice of the availability of the Draft EIR by distributing a Notice of Availability of Draft EIR (Form "K"). The Notice of Availability shall include at least the following information:

(a) A brief description of the proposed project and its location;
(b) The starting and ending dates for the review period during which the District will receive comments, the manner in which the District will receive those comments, and whether the review period has been shortened;
(c) The date, time, and place of any scheduled public meetings or hearings to be held by the District on the proposed project, if the District knows this information when it prepares the Notice;
(d) A list of the significant environmental effects anticipated as a result of the project;
(e) The address where copies of the EIR and all documents incorporated by reference in the EIR will be available for public review, and a description of how the Draft EIR can be obtained in electronic format. This location shall be readily accessible to the public during the District's normal working hours ; and
(f) A statement indicating whether the project site is included on any list of hazardous waste facilities, land designated as hazardous waste property, or hazardous waste disposal site, and, if so, the information required in the Hazardous Waste and Substances Statement pursuant to Government Code Section 65962.5.

The Notice of Availability shall be provided to:

(a) Each Responsible and Trustee Agency;

(b) Any other federal, state, or local agency that has jurisdiction by law or exercises authority over resources affected by the project, including:

(1) Any water supply agency consulted under Local Guidelines Section 5.16;

(2) Any city or county bordering on the project area;

(3) For a project of statewide, regional, or area-wide significance, any transportation agencies or public agencies that have major local arterials or public transit facilities within five (5) miles of the project site; or freeways, highways, or rail transit service within ten (10) miles of the project site that could be affected by the project;

(4) For a subdivision project located within one mile of a facility of the State Water Resources Development System, the California Department of Water Resources; and

(5) For a general plan amendment, a project of statewide, regional, or area-wide significance, or a project that relates to a public use airport, to any "military service" (defined in Section 11.42 of these Local Guidelines) that has provided the District with its contact office and address and notified the District of the specific boundaries of a "low-level flight path" (defined in Section 11.37 of these Local Guidelines), "military impact zone" (defined in Section 11.41 of these Local Guidelines), or "special use airspace" (defined in Section 11.67of these Local Guidelines;

(c) The last known name and address of all organizations and individuals who have previously filed a written request with the District to receive these Notices;

(d) For certain projects that may impact a low-level flight path, military impact zone, or special use airspace and that meet the other criteria of Local Guidelines Section 7.04, the specified military services contact;

(e) For certain projects that involve the construction or alteration of a facility anticipated to emit hazardous air emissions or handle hazardous substances within one-quarter mile of a school and that meet the other requirements of Local Guidelines Section 7.36, any potentially affected school district;

(f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.11 (see also Local Guidelines Section 7.27), the owners and occupants of property within one-fourth mile of any parcel on which the project will be located; and

(g) For a project that establishes or amends a redevelopment plan that contains land in agricultural use, notice and a copy of the Draft EIR shall be provided to the agricultural and farm agencies and organizations specified in Health and Safety Code Section 33333.3.

The District requires requests for copies of these Notices to be in writing and to be renewed annually; moreover, the District may charge a fee for the reasonable cost of providing these Notices. A project will not be invalidated due to a failure to send a requested Notice provided there has been substantial compliance with these notice provisions.

Staff may also consult with and obtain comments from any person known to have special expertise or any other person or organization whose comments relative to the Draft EIR would be desirable.

In addition, notice shall be given to the public by at least one of the following procedures:

(a) Publication of the Notice of Completion and/or the Notice of Availability at least once in a newspaper of general circulation in the area affected by the proposed project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas;
(b) Posting of the Notice of Completion and/or the Notice of Availability on and off site in the area where the project is to be located; or
(c) Direct mailing of the Notice of Completion and/or the Notice of Availability to owners and occupants of property contiguous to the project, as identified on the latest equalized assessment roll.

The Notice of Completion and Notice of Availability shall be posted in the office of the Clerk in each county in which the project is located for at least thirty (30) days. If the public review period for the Draft EIR is longer than thirty (30) days, the District may wish to leave the Notice posted until the public review period for the Draft EIR has expired.

Copies of the Draft EIR shall also be made available at the District office for review by members of the general public. The District may require any person obtaining a copy of the Draft EIR to reimburse the District for the actual cost of its reproduction. Copies of the Draft EIR should also be furnished to appropriate public library systems.

The District is encouraged to make copies of filed notices available in electronic format on the Internet. Such electronic postings are in addition to the procedures required by the CEQA Guidelines and the Public Resources Code.

7.26 SUBMISSION OF DRAFT EIR TO STATE CLEARINGHOUSE.

A Draft EIR must be submitted to the State Clearinghouse for review by state agencies in the following situations:

(a) A state agency is the Lead Agency for the Draft EIR;
(b) A state agency is a Responsible Agency, Trustee Agency, or otherwise has jurisdiction by law over resources potentially affected by the project; or
(c) The Draft EIR is for a project identified in State CEQA Guidelines Section 15206 as being a project of statewide, regional, or area-wide significance.

State CEQA Guidelines Section 15206 identifies the following types of projects as being examples of projects of statewide, regional, or area-wide significance that require submission to the State Clearinghouse for circulation:

(1) General plans, elements, or amendments for which an EIR was prepared;

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(2) Projects that have the potential for causing significant environmental effects beyond the city or county where the project would be located, such as:

(a) Residential development of more than 500 units;
(b) Commercial projects employing more than 1,000 persons or covering more than 500,000 square feet of floor space;
(c) Office building projects employing more than 1,000 persons or covering more than 250,000 square feet of floor space;
(d) Hotel or motel development of more than 500 rooms; and
(e) Industrial projects housing more than 1,000 persons, occupying more than 40 acres of land, or covering more than 650,000 square feet of floor area;

(3) Projects for the cancellation of a Williamson Act contract covering more than 100 acres;

(4) Projects in one of the following Environmentally Sensitive Areas:

(a) Lake Tahoe Basin;
(b) Santa Monica Mountains Zone;
(c) Sacramento-San Joaquin River Delta;
(d) Suisun Marsh;
(e) Coastal Zone, as defined by the California Coastal Act;
(f) Areas within one-quarter mile of a river designated as wild and scenic; or
(g) Areas within the jurisdiction of the San Francisco Bay Conservation and Development Commission;

(5) Projects that would affect sensitive wildlife habitats or the habitats of any rare, threatened, or endangered species;

(6) Projects that would interfere with water quality standards; and

(7) Projects that would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

A Draft EIR may be submitted to the State Clearinghouse when a state agency has special expertise with regard to the environmental impacts involved.

When the Draft EIR will be reviewed through the State review process handled by the State Clearinghouse, a Notice of Completion (Form "H") should be used as a cover sheet. If the District uses the State Clearinghouse's online process to submit the Notice of Completion form, the form generated on the Internet site satisfies the State Clearinghouse's requirements.

A sufficient number of copies of the documents must be sent to the State Clearinghouse for circulation. Staff should contact the State Clearinghouse to find out the correct number of printed copies required for circulation. Minimally, the District must submit one (1) copy of the Notice of Completion and fifteen (15) copies of the entire document.

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The District may submit fifteen (15) hard copies of the entire draft environmental document or fifteen (15) CD-ROMs of the entire document. The document must be on a CD-ROM in a common file format such as Word or Acrobat. In addition, each CD-ROM must be accompanied by fifteen (15) printed copies of the Draft EIR summary (as described in Local Guidelines Section 6.11), executive summary, or introduction section. Form "Q" may be used as a cover sheet for document transmittal. The summary allows both the State Clearinghouse and the various agency CEQA coordinators to distribute the documents quickly without the use of a computer.

Submission of the Draft EIR to the State Clearinghouse affects the timing of the public review period as set forth in Local Guidelines Section 7.28.

7.27 SPECIAL NOTICE REQUIREMENTS FOR WASTE- AND FUEL-BURNING PROJECTS.

For any waste-burning project, as defined in Local Guidelines Section 5.11, in addition to the notice requirements specified in Local Guidelines Sections 7.25 and 7.26, Notice of Availability of the Draft EIR shall be given by direct mailing or any other method calculated to provide delivery of the notice to the owners and occupants of property within one-fourth mile of any parcel or parcels on which the project is located.

7.28 TIME FOR REVIEW OF DRAFT EIR; FAILURE TO COMMENT.

A period of between thirty (30) and sixty (60) days from the filing of the Notice of Completion of the Draft EIR shall be allowed for review of and comment on the Draft EIR, except in unusual situations. When a Draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall be at least forty-five (45) days, unless a shorter period is approved by the State Clearinghouse as discussed below.

If a state agency is a Responsible Agency, or if the Draft EIR is submitted to the State Clearinghouse, the public review period shall be at least as long as the review period established by the State Clearinghouse. The public review period and the state agency review period may, but are not required to, begin and end at the same time. The state agency review period begins (day one) on the date that the State Clearinghouse distributes the Draft EIR to state agencies. The State Clearinghouse is required to distribute the Draft EIR to state agencies within three (3) working days from the date the State Clearinghouse receives the document, as long as the Draft EIR is complete when submitted to the State Clearinghouse. If the document submitted to the State Clearinghouse is not complete, the State Clearinghouse must notify the Lead Agency. The review period for the public and all other agencies may run concurrently with the state agency review period established by the State Clearinghouse.

Under certain circumstances, a shorter review period of the Draft EIR by the State Clearinghouse can be requested by the District; however, a shortened review period shall not be less than thirty (30) days for a Draft EIR. Any request for a shortened review period must be made in writing by the District to OPR. The District may designate a person to make these requests. The District must contact all Responsible and Trustee agencies and obtain their agreement prior to obtaining a shortened review period. (See the Shortened Review Request Form "P.")

A shortened review period is not available for any proposed project of statewide, regional or area-wide environmental significance as determined pursuant to State CEQA Guidelines Section 15206. Any approval of a shortened review period shall be given prior to, and reflected in, the public notices.

In the event a public agency, group, or person whose comments on a Draft EIR are solicited fails to comment within the required time period, it shall be presumed that such agency, group, or person has no comment to make, unless the Lead Agency has received a written request for a specific extension of time for review and comment and a statement of reasons for the request.

Continued planning activities concerning the proposed project, short of formal approval, may continue during the period set aside for review and comment on the Draft EIR.

7.29 PUBLIC HEARING ON DRAFT EIR.

CEQA does not require formal public hearings for certification of an EIR; public comments may be restricted to written communications. (However, a hearing is required to utilize the limited exemption for Transit Priority Projects as explained in Local Guidelines Section 3.16; to adopt a bicycle transportation plan as explained in Local Guidelines Section 3.20; and for certain other actions involving the replacement or deletion of mitigation measures under State CEQA Guidelines Section 15074.1.) However, if the District provides a public hearing on its consideration of a project, the District should include the project's environmental review documents as one of the subjects of the hearing. Notice of the time and place of the hearing shall be given in a timely manner in accordance with any legal requirements applicable to the proposed project. Generally, the requirements of the Ralph M. Brown Act will provide the minimum requirements for the inclusion of CEQA matters on agendas and at hearings. (Gov. Code, § 54950 et seq.) At a minimum, agendas for meetings and hearings before commissions, boards, councils, and other agencies must be posted in a location that is freely accessible to members of the public at least seventy-two (72) hours prior to a regular meeting. The agenda must contain a brief general description of each item to be discussed and the time and location of the meeting. (Gov. Code, § 54954.2.) Additionally, any legislative body or its presiding officer must post an agenda for each regular or special meeting on the local agency's Internet Web site, if the local agency has one.

7.30 RESPONSE TO COMMENTS ON DRAFT EIR.

The Lead Agency shall evaluate any comments on environmental issues received during the public review period for the Draft EIR and shall prepare a written response to those comments that raise significant environmental issues.

As stated below, the District, as Lead Agency, should also consider evaluating and responding to any comments received after the public review period. The written responses shall describe the disposition of any significant environmental issues that are raised in the comments. The responses may take the form of a revision of the Draft EIR, an attachment to the Draft EIR, or some other oral or written response that is adequate under the circumstances. If the District's position is at variance with specific recommendations or suggestions raised in the comment, the

District's response must detail the reasons why such recommendations or suggestions were not accepted. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.

Moreover, the District shall respond to any specific suggestions for project alternatives or mitigation measures for significant impacts, unless such alternatives or mitigation measures are facially infeasible. The response shall contain recommendations, when appropriate, to alter the project as described in the Draft EIR as a result of an analysis of the comments received.

At least ten (10) days prior to certifying a Final EIR, the Lead Agency shall provide its proposed written response, either in printed copy or in an electronic format, to any public agency that has made comments on the Draft EIR during the public review period. The District, as Lead Agency, is not required to respond to comments received after the public review period. However, the District, as Lead Agency, should consider responding to all comments if it will not delay action on the Final EIR, since any comment received before final action on the EIR can form the basis of a legal challenge. A written response that addresses the comment or adequately explains the District's action in light of the comment may assist in defending against a legal challenge.

7.31 PREPARATION AND CONTENTS OF FINAL EIR.

Following the receipt of any comments on the Draft EIR as required herein, such comments shall be evaluated by Staff and a Final EIR shall be prepared.

The Final EIR shall meet all requirements of Local Guidelines Section 7.18 and shall consist of the Draft EIR or a revision of the Draft, a section containing either verbatim or in summary the comments and recommendations received through the review and consultation process, a list of persons, organizations and public agencies commenting on the Draft, and a section containing the responses of the District to the significant environmental points raised in the review and consultation process.

7.32 RECIRCULATION WHEN NEW INFORMATION IS ADDED TO EIR.

When significant new information is added to the EIR after notice and consultation but before certification, the Lead Agency must recirculate the Draft EIR for another public review period. The term "information" can include changes in the project or environmental setting as well as additional data or other information.

New information is significant only when the EIR is changed in a way that would deprive the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of a project or a feasible way to mitigate or avoid such an effect, including a feasible project alternative, that the project proponents decline to implement. Recirculation is required, for example, when:

(1) New information added to an EIR discloses:

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(a) A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented; or

(b) A significant increase in the severity of an environmental impact (unless mitigation measures are also adopted that reduce the impact to a level of insignificance); or

(c) A feasible project alternative or mitigation measure that clearly would lessen the significant environmental impacts of the project, but which the project proponents decline to adopt; or

(2) The Draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required when the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. If the revision is limited to a few chapters or portions of the EIR, the District as Lead Agency need only recirculate the chapters or portions that have been modified. A decision to not recirculate an EIR must be supported by substantial evidence in the record.

When the District determines to recirculate a Draft EIR, it shall give Notice of Recirculation (Form "M") to every agency, person, or organization that commented on the prior Draft EIR. The Notice of Recirculation must indicate whether new comments must be submitted and whether the District has exercised its discretion to require reviewers to limit their comments to the revised chapters or portions of the recirculated EIR. The District shall also consult again with those persons contacted pursuant to Local Guidelines Section 7.25 before certifying the EIR. When the EIR is substantially revised and the entire EIR is recirculated, the District may require that reviewers submit new comments and need not respond to those comments received during the earlier circulation period. In those cases, the District should advise reviewers that, although their previous comments remain part of the administrative record, the final EIR will not provide a written response to those comments, and new comments on the revised EIR must be submitted. The District need only respond to those comments submitted in response to the revised EIR.

When the EIR is revised only in part and the District is recirculating only the revised chapters or portions of the EIR, the District may request that reviewers limit their comments to the revised chapters or portions. The District need only respond to: (1) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (2) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated.

When recirculating a revised EIR, either in whole or in part, the District must, in the revised EIR or by an attachment to the revised EIR, summarize the revisions made to the previously circulated draft EIR.

7.33 CERTIFICATION OF FINAL EIR.

Following the preparation of the Final EIR, Staff shall review the Final EIR and make a recommendation to the decision-making body regarding whether the Final EIR has been

completed in compliance with CEQA, the State CEQA Guidelines and the District's Local Guidelines. The Final EIR and Staff recommendation shall then be presented to the decision-making body. The decision-making body shall independently review and consider the information contained in the Final EIR and determine whether the Final EIR reflects its independent judgment. Before it approves the project, the decision-making body must certify and find that: (1) the Final EIR has been completed in compliance with CEQA, the State CEQA Guidelines and the District's Local Guidelines; (2) the Final EIR was presented to the decision-making body and the decision-making body reviewed and considered the information contained in the Final EIR before approving the project; and (3) the Final EIR reflects the District's independent judgment and analysis.

Except in those cases in which the Board of Directors is the final decision-making body for the project, any interested person may appeal the certification or denial of certification of a Final EIR to the Board of Directors. Appeals must follow the procedures prescribed by the District.

7.34 CONSIDERATION OF EIR BEFORE APPROVAL OR DISAPPROVAL OF PROJECT.

Once the decision-making body has certified the EIR, it may then proceed to consider the proposed project for purposes of approval or disapproval.

7.35 FINDINGS.

The decision-making body shall not approve or carry out a project if a completed EIR identifies one or more significant environmental effects of the project unless it makes one or more of the following written findings for each such significant effect, accompanied by a brief explanation of the rationale supporting each finding. For impacts that have been identified as potentially significant, the possible findings are:

(a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment as identified in the Final EIR, such that the impact has been reduced to a less-than-significant level;

(b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the District. Such changes have been, or can and should be, adopted by that other agency; or

(c) Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR. The decision-making body must make specific written findings stating why it has rejected an alternative to the project as infeasible.

The findings required by this Section shall be supported by substantial evidence in the record. Measures identified and relied on to mitigate environmental impacts identified in the EIR to below a level of significance should be expressly adopted or rejected in the findings. The findings should include a description of the specific reasons for rejecting any mitigation measures or project alternatives identified in the EIR that would reduce the significant impacts of

the project. Any mitigation measures that are adopted must be fully enforceable through permit conditions, agreements, or other measures.

If any of the proposed alternatives could avoid or lessen an adverse impact for which no mitigation measures are proposed, the District shall analyze the feasibility of such alternative(s). If the project is to be approved without including such alternative(s), the District shall find that specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the Final EIR and shall list such considerations before such approval.

The decision-making body shall not approve or carry out a project as proposed unless: (1) the project as approved will not have a significant effect on the environment; or (2) the project's significant environmental effects have been eliminated or substantially lessened (as determined through one or more of the findings indicated above), and any remaining unavoidable significant effects have been found acceptable because of facts and circumstances described in a Statement of Overriding Considerations (see Local Guidelines Section 7.37). Statements in the Draft EIR or comments on the Draft EIR are not determinative of whether the project will have significant effects.

When making the findings required by this Section, the District as Lead Agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which it based its decision.

7.36 SPECIAL FINDINGS REQUIRED FOR FACILITIES THAT MAY EMIT HAZARDOUS AIR EMISSIONS NEAR SCHOOLS.

Special procedural rules apply to projects involving the construction or alteration of a facility within one-quarter mile of a school when: (1) the facility might reasonably be anticipated to emit hazardous air emissions or to handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the threshold specified in Health and Safety Code Section 25532(j); and (2) the emissions or substances may pose a health or safety hazard to persons who would attend or would be employed at the school. If the project meets both of those criteria, the Lead Agency may not certify an EIR or approve a Negative Declaration or Mitigated Negative Declaration unless it makes a finding that:

(a) The Lead Agency consulted with the affected school district or districts having jurisdiction over the school regarding the potential impact of the project on the school; and
(b) The school district was given written notification of the project not less than thirty (30) days prior to the proposed certification of the EIR or approval of the Negative Declaration or Mitigated Negative Declaration.

Implementation of this Local Guideline shall be consistent with the definitions and terms utilized in State CEQA Guidelines section 15186.

Additionally, in its role as a Responsible Agency, the District should be aware that for projects involving the acquisition of a school site or the construction of a secondary or

elementary school by a school district, the Negative Declaration, Mitigated Negative Declaration, or EIR prepared for the project may not be adopted or certified unless there is sufficient information in the entire record to determine whether any boundary of the school site is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor.

If it is determined that the project involves the acquisition of a school site that is within 500 feet of the edge of the closest traffic lane of a freeway, or other busy traffic corridor, the Negative Declaration, Mitigated Negative Declaration, or EIR may not be adopted or certified unless the school board determines, through a health risk assessment pursuant to Section 44360(b)(2) of the Health and Safety Code and after considering any potential mitigation measures, that the air quality at the proposed project site does not present a significant health risk to pupils.

7.37 STATEMENT OF OVERRIDING CONSIDERATIONS.

Before a project that has unmitigated significant adverse environmental effects can be approved, the decision-making body must adopt a Statement of Overriding Considerations. If the decision-making body finds in the Statement of Overriding Considerations that specific benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Accordingly, the Statement of Overriding Considerations allows the decision-making body to approve a project despite one or more unmitigated significant environmental impacts identified in the Final EIR. A Statement of Overriding Considerations can be made only if feasible project alternatives or mitigation measures do not exist to reduce the environmental impact(s) to a level of insignificance and the benefits of the project outweigh the adverse environmental effect(s). The feasibility of project alternatives or mitigation measures is determined by whether the project alternative or mitigation measure can be accomplished within a reasonable period of time, taking into account economic, environmental, social, legal and technological factors.

Project benefits that are appropriate to consider in the Statement of Overriding Considerations include the economic, legal, environmental, technological and social value of the project. The District may also consider region-wide or statewide environmental benefits.

Substantial evidence in the entire record must justify the decision-making body's findings and its use of the Statement of Overriding Considerations. If the decision-making body makes a Statement of Overriding Considerations, the Statement must be included in the record of the project approval and it should be referenced in the Notice of Determination.

7.38 MITIGATION MONITORING OR REPORTING PROGRAM FOR EIR.

When making findings regarding an EIR, the District must do all of the following:

(a) Adopt a reporting or monitoring program to assure that mitigation measures that are required to mitigate or avoid significant effects on the environment will be implemented by the project proponent or other responsible party in a timely manner, in accordance with conditions of project approval;

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(b) Make sure all conditions and mitigation measures are feasible and fully enforceable through permit conditions, agreements, or other measures. Such permit conditions, agreements, and measures must be consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law; and

(c) Specify the location and the custodian of the documents which constitute the record of proceedings upon which the District based its decision in the resolution certifying the EIR.

There is no requirement that the reporting or monitoring program be circulated for public review; however, the District may choose to circulate it for public comments along with the Draft EIR. Any mitigation measures required to mitigate or avoid significant effects on the environment shall be adopted and made fully enforceable, such as by being imposed as conditions of project approval.

The adequacy of a mitigation monitoring program is determined by the "rule of reason." This means that a mitigation monitoring program does not need to provide every imaginable measure. It needs only to provide measures that are reasonably feasible and that are necessary to avoid significant impacts or to reduce the severity of impacts to a less-than-significant level.

The mitigation monitoring or reporting program shall be designed to assure compliance with the mitigation measures during the implementation and construction of the project. If a Responsible Agency or Trustee Agency has required that certain conditions be incorporated into the project, the District may request that agency to prepare and submit a proposed reporting or monitoring program. The District shall also require that, prior to the close of the public review period for a Draft EIR, the Responsible or Trustee Agency submit detailed performance objectives for mitigation measures, or refer the District to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to the District by a Responsible or Trustee Agency shall be limited to measures that mitigate impacts to resources that are within the Responsible or Trustee Agency's authority.

When a project is of statewide, regional, or area-wide significance, any transportation information resulting from the reporting or monitoring program required to be adopted by the District shall be submitted to the regional transportation planning agency where the project is located and to the Department of Transportation. The transportation planning agency and the Department of Transportation are required by law to adopt guidelines for the submittal of these reporting or monitoring programs, so the District may wish to tailor its submittal to such guidelines.

Local agencies have the authority to levy fees sufficient to pay for this program. Therefore, the District may impose a program to charge project proponents fees to cover actual costs of program processing and implementation.

The District may delegate reporting or monitoring responsibilities to an agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the District remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The District may choose whether its program will monitor mitigation, report on mitigation, or both. "Reporting" is defined as a written compliance review that is presented to the Board or an authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. Reporting is suited to projects that have readily measurable or quantitative mitigation measures or that already involve regular review. "Monitoring" is generally an ongoing or periodic process of project oversight. Monitoring is suited to projects with complex mitigation measures that may exceed the expertise of the District to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.

At its discretion, the District may adopt standardized policies and requirements to guide individually adopted programs.

Standardized policies or requirements for monitoring and reporting may describe, but are not limited to:

(a) The relative responsibilities of various departments within the District for various aspects of the program;
(b) The responsibilities of the project proponent;
(c) Guidelines adopted by the District to govern preparation of programs;
(d) General standards for determining project compliance with the mitigation measures and related conditions of approval;
(e) Enforcement procedures for noncompliance, including provisions for administrative appeal; and/or
(f) A process for informing the Board and staff of the relative success of mitigation measures and using those results to improve future mitigation measures.

When a project is of statewide, regional, or area-wide importance, any transportation information generated by a mitigation monitoring or reporting program must be submitted to the transportation planning agency in the region where the project is located, as well as to the Department of Transportation.

7.39 NOTICE OF DETERMINATION.

After approval of a project for which the District is the Lead Agency, Staff shall cause a Notice of Determination (Form "F") to be prepared, filed, and posted. The Notice of Determination shall include the following information:

(a) An identification of the project, including its common name, where possible, and its location. If the notice of determination is filed with the State Clearinghouse, the State Clearinghouse identification number for the draft EIR shall be provided.
(b) A brief description of the project;
(c) The District's name and the applicant's name (if any). If different from the applicant, the Notice of Determination shall further provide, if applicable, the identity of the person undertaking the project that is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies, or the

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identity of the person receiving a lease, permit, license, certificate, or other entitlement for use from one or more public agencies.

(d) The date when the District approved the project;

(e) Whether the project in its approved form with mitigation will have a significant effect on the environment;

(f) A statement that an EIR was prepared and certified pursuant to the provisions of CEQA;

(g) Whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted;

(h) Whether findings were made and/or whether a Statement of Overriding Considerations was adopted for the project; and

(i) The address where a copy of the EIR (with comments and responses) and the record of project approval may be examined by the general public.

The Notice of Determination shall be filed with the Clerk of each county in which the project will be located within five (5) working days of project approval. (To determine the fees that must be paid with the filing of the Notice of Determination, see Local Guidelines Section 7.42 and the Staff Summary of the CEQA Process.) The County Clerk is required to post the Notice of Determination within twenty-four (24) hours of receipt. The Notice must be posted in the office of the Clerk for a minimum of thirty (30) days. Thereafter, the Clerk shall return the notice to the District with a notation of the period it was posted. The District shall retain the notice for not less than twelve (12) months.

Simultaneously with the filing of the Notice of Determination with the Clerk, Staff shall cause a copy of such Notice to be posted at District Offices. If the project requires discretionary approval from a state agency, the Notice of Determination shall also be filed with OPR within five (5) working days of project approval, along with proof that the District has paid the County Clerk the DFW fee or a completed form from DFW documenting DFW's determination that the project will have no effect on fish and wildlife. (If the District submits the Notice of Determination in person, the District may bring an extra copy to be date stamped by OPR.)

When a request is made for a copy of the Notice of Determination prior to the date on which the District approves the project, the copy must be mailed, first class postage prepaid, within five (5) days of the District's approval. If such a request is made following the District's approval of the project, then the copy should be mailed in the same manner as soon as possible. The recipients of such documents may be charged a fee reasonably related to the cost of providing the service.

The District may make copies of filed notices available in electronic format on the Internet. Such electronic notices, if provided, are in addition to the posting requirements of the CEQA Guidelines and the Public Resources Code.

For projects with more than one phase, Staff shall file a Notice of Determination for each phase requiring a discretionary approval. The filing and posting of a Notice of Determination with the Clerk, and, if necessary, with OPR, usually starts a thirty (30) day statute of limitations on court challenges to the approval under CEQA. When separate notices are filed for successive phases of the same overall project, the thirty (30) day statute of limitation to challenge the

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subsequent phase begins to run when the second notice is filed. Failure to file the Notice may result in a one hundred eighty (180) day statute of limitations.

7.40 DISPOSITION OF A FINAL EIR.

The District shall file a copy of the Final EIR with the appropriate planning agency of any city or county where significant effects on the environment may occur. The District shall also retain one or more copies of the Final EIR as a public record for a reasonable period of time. Finally, for private projects, the District may require that the project applicant provide a copy of the certified Final EIR to each Responsible Agency.

7.41 PRIVATE PROJECT COSTS.

For private projects, the person or entity proposing to carry out the project shall be charged a reasonable fee to recover the estimated costs incurred by the District in preparing, circulating, and filing the Draft and Final EIRs, as well as all publication costs incident thereto.

7.42 FILING FEES FOR PROJECTS THAT AFFECT WILDLIFE RESOURCES.

At the time a Notice of Determination for an EIR is filed with the County or Counties in which the project is located, a fee of $3,271.00, or the then applicable fee, shall be paid to the Clerk for projects that will adversely affect fish or wildlife resources. These fees are collected by the Clerk on behalf of DFW.

Only one filing fee is required for each project unless the project is tiered or phased and separate environmental documents are prepared. For projects where Responsible Agencies file separate Notices of Determination, only the Lead Agency is required to pay the fee.

Note: County Clerks are authorized to charge a documentary handling fee for each project in addition to the Fish and Wildlife fees specified above. Refer to the Index in the Staff Summary to help determine the correct total amount of fees applicable to the project.

For private projects, the District should pass these costs on to the project applicant.

No fees are required for projects with "no effect" on fish or wildlife resources or for certain projects undertaken by the DFW and implemented through a contract with a non-profit entity or local government agency. (See Local Guidelines Section 6.24 for more information regarding a "no effect" determination.)

8. TYPES OF EIRS

8.01 EIRs Generally.

This chapter describes a number of examples of various EIRs tailored to different situations. All of these types of EIRs must meet the applicable requirements of Chapter 7 of these Local Guidelines.

8.02 Tiering.

(a) Tiering Generally.

"Tiering" refers to using the analysis of general matters contained in a previously certified broader EIR in later EIRs, Negative Declarations, or Mitigated Negative Declarations prepared for narrower projects. The later EIR, Negative Declaration, or Mitigated Negative Declaration may incorporate by reference the general discussions from the broader EIR and may concentrate solely on the issues specific to the later project.

An Initial Study shall be prepared for the later project and used to determine whether a previously certified EIR may be used and whether new significant effects should be examined. Tiering does not excuse the District from adequately analyzing reasonably foreseeable significant environmental effects of a project, nor does it justify deferring analysis to a later tier EIR, Negative Declaration, or Mitigated Negative Declaration. However, the level of detail contained in a first-tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed. When the District is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan, specific plan or community plan), the development of detailed, site-specific information may not be feasible. Such site-specific information can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.

(b) Identifying New Significant Impacts.

When assessing whether there is a new significant cumulative effect for purposes of a subsequent tier environmental document, the Lead Agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects.

A Lead Agency may use only a valid CEQA document as a first-tier document. Accordingly, the District, in its role as Lead Agency, should carefully review the first-tier environmental document to determine whether or not the statute of limitations for challenging the document has run. If the statute of limitations has not expired, the District should use the first-tier document with caution and pay careful attention to the legal status of the document. If the first-tier document is subsequently invalidated, any later environmental document may also be defective.

(c) Infill Projects and Tiering.

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Certain "infill" projects may tier off of a previously certified EIR. An "infill" project is defined as a project with residential, retail, and/or commercial uses, a transit station, a school, or a public office building. It must be located in an urban area on a previously developed site or on an undeveloped site that is surrounded by developed uses. The project must be either consistent with land use planning strategies that achieve greenhouse gas ("GHG") emission reduction targets, feature a small walkable community project, or where a sustainable communities or alternative planning strategy has not yet been adopted for the area, include a residential density of at least 20 units per acre or a floor area ratio of at least 0.75. The project must also meet a number of standards related to energy efficiency that are not yet defined but which SB 226 directs the Office of Planning and Research to prepare.

If an EIR was certified for a planning level decision by a city or county (such as a General Plan or Specific Plan), the scope of the CEQA review for a later "infill" project can be limited to those effects on the environment that: 1) are specific to the project or to the project site and were not addressed as significant effects in the prior EIR; or 2) substantial new information shows will be more significant than described in the prior EIR.

When a project meets the definition of "infill" and either of the above conditions exist but a Mitigated Negative Declaration cannot be adopted, then the subsequent EIR for such a project need not consider alternative locations, densities, and building intensities or growth-inducing impacts.

(d) Statement of Overriding Considerations.

A Lead Agency may also tier off of a previously prepared Statement of Overriding Considerations if certain conditions are met. (See Local Guidelines Section 7.37.)

8.03 PROJECT EIR.

The most common type of EIR examines the environmental impacts of a specific development project and focuses primarily on the changes in the environment that would result from the development project.

If the EIR for a redevelopment plan is a Project EIR, all public and private activities or undertakings pursuant to or in furtherance of the Redevelopment Plan shall constitute a single project, which shall be deemed approved at the time of the adoption of the Redevelopment Plan. Although the District will probably not act as a Lead Agency for a Redevelopment Plan, the District may act as a Responsible Agency. (State Guideline Section 15180.)

8.04 SUBSEQUENT EIR.

A Subsequent EIR is required when a previous EIR has been prepared and certified, or a Negative Declaration or Mitigated Negative Declaration has been adopted, for a project and at least one of the three following situations occur:

(a) Substantial changes are proposed in the project which will require major revisions of a previous EIR due to the identification of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

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(b) Substantial changes occur with respect to the circumstances under which the project is to be undertaken which will require major revisions of a previous EIR due to the identification of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(c) New information, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration/Mitigated Negative Declaration was adopted, becomes available and shows any of the following:

(1) the project will have one or more significant effects not discussed in a previous EIR, Negative Declaration, or Mitigated Negative Declaration;

(2) significant effects previously examined will be substantially more severe than shown in a previous EIR;

(3) mitigation measures or alternatives previously found not to be feasible are in fact feasible and would substantially reduce one or more significant effects, but the project proponent declines to adopt the mitigation measures or alternatives; or

(4) mitigation measures or alternatives which were not considered in a previous EIR would substantially lessen one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

A Subsequent EIR must receive the same circulation and review as the previous EIR received.

In instances where the District is evaluating a modification or revision to an existing use permit, the District may consider only those environmental impacts related to the changes between what was allowed under the old permit and what is requested under the new permit. Only if these differential impacts fall within the categories described above may the District require additional environmental review.

When the District is considering approval of a development project that is consistent with a general plan for which an EIR was completed, another EIR is required only if the project causes environmental effects peculiar to the parcel which were not addressed in the prior EIR or substantial new information shows the effects peculiar to the parcel will be more significant than described in the prior EIR.

8.05 SUPPLEMENTAL EIR.

The District may choose to prepare a Supplemental EIR, rather than a Subsequent EIR, if any of the conditions described in Local Guidelines Section 8.04 have occurred but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. To assist the District in making this determination, the decision-making body should request an Initial Study and/or a recommendation by Staff. The Supplemental EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

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A Supplemental EIR shall be given the same kind of notice and public review as is given to a Draft EIR but may be circulated by itself without recirculating the previous EIR.

When the decision-making body decides whether to approve the project, it shall consider the previous EIR as revised by the Supplemental EIR. Findings shall be made for each significant effect identified in the Supplemental EIR.

8.06 ADDENDUM TO AN EIR.

The District shall prepare an Addendum to a previously certified EIR, rather than a Subsequent or Supplemental EIR, only if changes or additions to the EIR are necessary, but none of the conditions described in Local Guidelines Section 8.04 or 8.05 calling for preparation of a Subsequent or Supplemental EIR have occurred. Since significant effects on the environment were addressed by findings in the original EIR, no new findings are required in the Addendum.

An Addendum to an EIR need not be circulated for public review but should be included in or attached to the Final EIR. The decision-making body shall consider the Addendum with the Final EIR prior to making a decision on a project. A brief explanation of the decision not to prepare a Subsequent EIR or a Supplemental EIR should be included in the Addendum, the Lead Agency's findings on the project, or elsewhere in the record. This explanation must be supported by substantial evidence.

8.07 STAGED EIR.

When a large capital project will require a number of discretionary approvals from governmental agencies and one of the approvals will occur more than two years before construction will begin, a Staged EIR may be prepared. The Staged EIR covers the entire project in a general form or manner. A Staged EIR should evaluate a proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of an entire project. The particular aspect of the project before the District for approval shall be discussed with a greater degree of specificity.

When a Staged EIR has been prepared, a Supplemental EIR shall be prepared when a later approval is required for the project and the information available at the time of the later approval would permit consideration of additional environmental impacts, mitigation measures, or reasonable alternatives to the project.

8.08 PROGRAM EIR.

A Program EIR is an EIR that may be prepared on an integrated series of actions that are related either:

(a) Geographically;
(b) As logical parts in a chain of contemplated actions;
(c) In connection with the issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or

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(d) As individual projects carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated in similar ways.

(State CEQA Guidelines Section, 15168.)

An advantage of using a Program EIR is that it can "[a]llow the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts." (State CEQA Guidelines Section 15168(b)(4).) A Program EIR is distinct from a Project EIR, as a Project EIR is prepared for a specific project and must examine in detail site-specific considerations. Program EIRs are commonly used in conjunction with the process of tiering.

Tiering is the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs. (State CEQA Guidelines Section 15385; see also Local Guidelines Sections 8.02 and 11.73.) Tiering is proper "when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous environmental impact reports." (Pub. Res. Code, § 21093(a).) For example, the California Supreme Court has ruled that "CEQA does not mandate that a first-tier program EIR identify with certainty particular sources of water for second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific sources is required only at the second-tier stage when specific projects are considered." (*In re Bay-Delta etc.* (2008) 43 Cal. 4th 1143.)

Subsequent activities in the program must be examined in light of the Program EIR to determine whether additional environmental documents must be prepared. Additional environmental review documents must be prepared if the proposed later project may arguably cause significant adverse effects on the environment.

8.09 USE OF A PROGRAM EIR WITH SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS.

A Program EIR can be used to simplify the task of preparing environmental documents on later activities in the program. The Program EIR can:

(a) Provide the basis for an Initial Study to determine whether the later activity may have any significant effects;
(b) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives and other factors that apply to the program as a whole; or
(c) Focus an EIR on a later activity to permit discussion solely of new effects which had not been considered before.

If a Program EIR is prepared for a redevelopment plan, subsequent activities in the redevelopment program will be subject to review if they would have effects that were not examined in the Program EIR. Where the later activities involve site-specific operations, the District should use a written checklist or similar device to document the evaluation of the site and the proposed activity to determine whether the environmental effects of the operation were

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within the scope of the Program EIR. If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to an EIR, Negative Declaration, or Mitigated Negative Declaration. That later analysis may tier from the Program EIR as provided in State CEQA Guidelines Section 15152.

If the District finds that no Subsequent EIR would be required, the District can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental document is required. (See Local Guidelines Section 8.04.) Whether a later activity is within the scope of a Program EIR is a factual question that the Lead Agency determines based on substantial evidence in the record. Factors that the Lead Agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the Program EIR.

8.10 USE OF AN EIR FROM AN EARLIER PROJECT.

A single EIR may be used to describe more than one project when the projects involve substantially identical environmental impacts. Any environmental impacts peculiar to one of the projects must be separately set forth and explained.

8.11 MASTER EIR.

A Master EIR is an EIR which may be prepared for:

(a) A general plan (including elements and amendments);
(b) A specific plan;
(c) A project consisting of smaller individual projects to be phased;
(d) A regulation to be implemented by subsequent projects;
(e) A project to be carried out pursuant to a development agreement;
(f) A project pursuant to or furthering a redevelopment plan;
(g) A state highway or mass transit project subject to multiple reviews or approvals; or
(h) A regional transportation plan or congestion management plan.

A Master EIR must do both of the following:

(a) Describe and present sufficient information about anticipated subsequent projects within its scope, including their size, location, intensity, and scheduling; and
(b) Preliminarily describe potential impacts of anticipated subsequent projects for which insufficient information is available to support a full impact assessment.

The District and Responsible Agencies identified in the Master EIR may use the Master EIR to limit environmental review of subsequent projects. However, the Lead Agency for the subsequent project must prepare an Initial Study to determine whether the subsequent project and its significant environmental effects were included in the Master EIR. If the Lead Agency for the subsequent project finds that the subsequent project will have no additional significant

environmental effect and that no new mitigation measures or alternatives may be required, it may prepare written findings to that effect without preparing a new environmental document. When the Lead Agency makes this finding, it must provide public notice of the availability of its proposed finding for public review and comment in the same manner as if it were providing public notice of the availability of a draft EIR. (See Sections 15177(d) and 15087 of the State CEQA Guidelines and Section 7.25 of these Local Guidelines.)

A previously certified Master EIR cannot be relied upon to limit review of a subsequent project if:

(a) A project not identified in the certified Master EIR has been approved and that project may affect the adequacy of the Master EIR for the subsequent project now under consideration; or

(b) The Master EIR was certified more than five (5) years before the filing of an application for the subsequent project, unless the District reviews the adequacy of the Master EIR and:

(1) Finds that, since the Master EIR was certified, no substantial changes have occurred that would cause the subsequent project to have significant environmental impacts, and there is no new information that the subsequent project would have significant environmental impacts; or

(2) Prepares an Initial Study and either certifies a Subsequent or Supplemental EIR or adopts a Mitigated Negative Declaration that addresses any substantial changes or new information that would cause the subsequent project to have potentially significant environmental impacts. The certified subsequent or supplemental EIR must either be incorporated into the previously certified Master EIR or the District must identify any deletions, additions or other modifications to the previously certified Master EIR in the new document. The District may include a section in the subsequent or supplemental EIR that identifies these changes to the previously certified Master EIR.

When the Lead Agency cannot find that the subsequent project will have no additional significant environmental effect and no new mitigation measures or alternatives will be required, it must prepare either a Mitigated Negative Declaration or an EIR for the subsequent project.

8.12 FOCUSED EIR.

A Focused EIR is an EIR for a subsequent project identified in a Master EIR. It may be used only if the District finds that the Master EIR's analysis of cumulative, growth-inducing, and irreversible significant environmental effects is adequate for the subsequent project. The Focused EIR must incorporate by reference the Master EIR.

The Focused EIR must analyze additional significant environmental effects not addressed in the Master EIR and any new mitigation measures or alternatives not included in the Master EIR. "Additional significant effects on the environment" means those project-specific effects on

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the environment that were not addressed as significant effects on the environment in the Master EIR.

The Focused EIR must also examine the following:

(a) Significant effects discussed in the Master EIR for which substantial new information exists that shows those effects may be more significant than described in the Master EIR;
(b) Those mitigation measures found to be infeasible in the Master EIR for which substantial new information exists that shows the effects may be more significant than described in the Master EIR; and
(c) Those mitigation measures found to be infeasible in the Master EIR for which substantial new information exists that shows those measures may now be feasible.

The Focused EIR need not examine the following effects:

(a) Those that were mitigated through Master EIR mitigation measures; or
(b) Those that were examined in the Master EIR in sufficient detail to allow project-specific mitigation or for which mitigation was found to be the responsibility of another agency.

A Focused EIR may be prepared for a multifamily residential project not exceeding 100 units or a mixed use residential project not exceeding 100,000 square feet even though the project was not identified in a Master EIR, if the following conditions are met:

(a) The project is consistent with a general plan, specific plan, community plan, or zoning ordinance for which an EIR was prepared within five (5) years of the Focused EIR's certification;
(b) The project does not require the preparation of a Subsequent or Supplemental EIR; and
(c) The parcel is surrounded by immediately contiguous urban development, was previously developed with urban uses, or is within one-half mile of a rail transit station.

A Focused EIR for these projects should be limited to potentially significant effects that are project-specific and/or which substantial new information shows will be more significant than described in the Master EIR. No discussion shall be required of alternatives to the project, cumulative impacts of the project, or the growth-inducing impacts of the project. (See State CEQA Guidelines Section 15179.5.)

8.13 SPECIAL REQUIREMENTS FOR REDEVELOPMENT PROJECTS.

An EIR for a redevelopment plan may be a Master EIR, Program EIR or Project EIR. An EIR for a redevelopment plan must specify whether it is a Master EIR, a Program EIR or a Project EIR. Normally, the District will not be a Lead Agency for a redevelopment plan. However, if the District is a Responsible Agency on such a project, the District should endeavor to ensure that the county and/or applicable city as the case may be, as Lead Agency, analyzes these impacts in accordance with CEQA.

If a Program EIR is prepared for a redevelopment plan, subsequent activities in the redevelopment program will be subject to review if they would have effects that were not examined in the Program EIR. The Lead Agency should use a written checklist or similar device

to document the evaluation of the site and the proposed activity to determine whether the environmental effects of the operation were indeed covered in the Program EIR. If the Lead Agency finds that no new effects could occur, no new mitigation measures would be required or that State CEQA Guidelines Sections 15162 and 15163 do not otherwise apply, the Lead Agency can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental document is required.

If the EIR for a redevelopment plan is a Project EIR, all public and private activities or undertakings pursuant to or in furtherance of the Redevelopment Plan shall constitute a single project, which shall be deemed approved at the time of the adoption of the Redevelopment Plan. Once certified, no subsequent EIRs will be needed unless required by State CEQA Guidelines sections 15162 or 15163. (State CEQA Guidelines Section 15180.) If a Master EIR is prepared for a redevelopment plan, subsequent projects will be subject to review if they would have effects that were not examined in the Master EIR. If no new effects could occur or no new mitigation measures would be required, the Lead Agency can approve the activity as being within the scope of the project covered by the Master EIR, and no new environmental document is required.

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9. AFFORDABLE HOUSING

9.01 STREAMLINED, MINISTERIAL APPROVAL PROCESS FOR AFFORDABLE HOUSING PROJECTS

The legislature has provided reforms and incentives to facilitate and expedite the approval and construction of affordable housing.

(a) An applicant may submit an application for a development that is subject to the streamlined, ministerial approval process and is not subject to a conditional use permit if the development satisfies all of the following objective planning standards:

(i) The development is a multifamily housing development that contains two or more residential units.

(ii) The development is located on a site that satisfies the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

(iii) If the development contains units that are subsidized, the development proponent already has recorded, or is required by law to record, a land use restriction for the following applicable minimum durations:

(A) Fifty-five years for units that are rented.

(B) Forty-five years for units that are owned.

(iv) The development satisfies both of the following:

(A) The development is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality

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shall remain eligible under this subparagraph until the department's determination for the next reporting period. A locality shall be subject to this subparagraph if it has not submitted an annual housing element report to the department pursuant to paragraph (2) of subdivision (a) of Section 65400 for at least two consecutive years before the development submitted an application for approval under this section.

(B) The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:

(1) The locality did not submit its latest production report to the department by the time period required by Government Code section 65400, or that production report reflects that there were fewer units of above moderate-income housing approved than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project seeking approval dedicates a minimum of 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income. If the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that zoning ordinance applies.

(2) The locality did not submit its latest production report to the department by the time period required by Government Code Section 65400, or that production report reflects that there were fewer units of housing affordable to households making below 80 percent of the area median income that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making below 80 percent of the area median income, unless the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, in which case that ordinance applies.

(3) The locality did not submit its latest production report to the department by the time period required by Government Code Section 65400, or if the production report reflects that there were fewer units of housing affordable to any income level described in clause (i) or (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

(v) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the

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Density Bonus Law in Government Code section 65915, is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, "objective zoning standards" and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(B) In the event that objective zoning, general plan, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning standards pursuant to this section if the development is consistent with the standards set forth in the general plan.

(vi) The development is not located on a site that is any of the following:

(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual.

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Government Code Section 51179, or sites that have adopted fire hazard mitigation

measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(E) A hazardous waste site that is listed pursuant to Government Code section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law, Health and Safety Code section 18901, and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

(G) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Code of Federal Regulations section 59.1.

(H) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Code of Federal Regulations section 60.3(d)(3).

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, Fish and Game Code section 2800, habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act, Fish and Game Code section 2050, or the Native Plant Protection Act, Fish and Game Code section 1900.

(K) Lands under conservation easement.

(vii) The development is not located on a site where any of the following apply:

(A) The development would require the demolition of the following types of housing:

(1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(3) Housing that has been occupied by tenants within the past 10 years.

(B) The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

(C) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

(D) The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

(viii) The applicant has done both of the following, as applicable:

(A) Certified to the locality that either of the following is true, as applicable:

(1) The entirety of the development is a public work for purposes of Labor Code section 1720.

(2) If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Labor Code sections 1773 and 1773.9, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:

(I) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(II) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices

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registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(III) Except as provided in subsection (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Labor Code section 1776 and make those records available for inspection and copying as provided in therein.

(IV) Except as provided in subsection (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Labor Code section 1741, which may be reviewed pursuant to Labor Code section 1742, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee though a civil action under Labor Code section 1771.2. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Labor Code section 1742.1.

(V) Subsections (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in Public Contract Code section 2500(b)(1).

(VI) Notwithstanding Labor Code section 1773.1, subdivision (c), the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Labor Code section 511 or 514.

(B)(1) For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:

(I) On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units that are not 100 percent

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subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(II) On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(III) On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(IV) On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(V) On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal bay county.

(2) For purposes of this section, "skilled and trained workforce" has the same meaning as provided in the Public Contract Code section 2600.

(3) If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:

(I) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.

(II) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.

(III) Except as provided in subdivision (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Public Contract Code section 2600. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act, Government Code section 6250 and shall be open to public inspection. An applicant that fails to provide a monthly

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report demonstrating compliance with Public Contract Code section 2600 shall be subject to a civil penalty of ten thousand dollars ($10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars ($200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Labor Code section 1741, and may be reviewed pursuant to the same procedures in Labor Code section 1742. Penalties shall be paid to the State Public Works Enforcement Fund.

(IV) Subdivision (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, "project labor agreement" has the same meaning as set forth in Public Contract Code section 2500(b)(1).

(C) Notwithstanding subparagraphs (A) and (B) above, a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:

(1) The project includes 10 or fewer units.

(2) The project is not a public work for purposes of Labor Code section 1720.

(ix) The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Government Code section 66410, et seq.) or any other applicable law authorizing the subdivision of land, unless either of the following apply:

(A) The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (viii).

(B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (h).

(x) The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law, Civil Code section 798, the Recreational Vehicle Park Occupancy Law, Civil Code section 799.20, the Mobilehome

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Parks Act, Health and Safety Code section 18200, or the Special Occupancy Parks Act, Health and Safety Code section 18860.

(b) (i) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(ii) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(c) Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(i) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(ii) Within 180 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(d) (i) Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing parking requirements in multifamily developments, shall not impose parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

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(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

(ii) If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(e) (i) If a local government approves a development pursuant to this section, then, notwithstanding any other law, that approval shall not expire if the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making below 80 percent of the area median income.

(ii) If a local government approves a development pursuant to this section and the project does not include 50 percent of the units affordable to households making below 80 percent of the area median income, that approval shall automatically expire after three years except that a project may receive a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

(iii) If a local government approves a development pursuant to this section, that approval shall remain valid for three years from the date of the final action establishing that approval and shall remain valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Additionally, the development proponent may request, and the local government shall have discretion to grant, an additional one-year extension to the original three-year period. The local government's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and process set forth in this section.

(f) A local government shall not adopt any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(g) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including the provisions of Government Code section 65583.2(i).

(h) For purposes of this section the following definitions shall apply:

(1) "Department" means the Department of Housing and Community Development.

(2) "Development proponent" means the developer who submits an application for streamlined approval pursuant to this section.

(3) "Completed entitlements" means a housing development which has received all the required land use approvals or entitlements necessary for the issuance of a building permit.

(4) "Locality" or "local government" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(5) "Production report" means the information reported pursuant to subparagraph (D) of paragraph (2) of subdivision (a) of Government Code Section 65400.

(6) "Subsidized" means units that are price or rent restricted such that the units are permanently affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code.

(7) "Reporting period" means either of the following:

(A) The first half of the regional housing needs assessment cycle.

(B) The last half of the regional housing needs assessment cycle.

(8) "Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

9.02 HOUSING SUSTAINABILITY DISTRICTS.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries. The general plan must contain seven mandatory elements, including a housing element. Existing law provides for various reforms and incentives intended to facilitate and expedite the construction of affordable housing. Senate Bill 73 authorizes a city, county, or city and county, including a charter agency, to establish by ordinance a housing sustainability district that meets specified requirements, including authorizing residential use within the district through the ministerial issuance of a permit. The agency is authorized to apply to the Department of Housing and Community Development for approval of a zoning incentive payment and requires the agency to provide specified information about the proposed housing sustainability district ordinance. The department is required to approve a zoning incentive payment if the ordinance meets the above-described requirements and the agency's housing element is in compliance with specified law.

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A city, county, or city and county with a housing sustainability district would be entitled to a zoning incentive payment, subject to appropriation of funds for that purpose, and require that one-half of the amount be paid when the department approves the zone and one-half of the amount be paid when the department verifies that permits for the construction of the units have issued within the zone, provided that the city, county, or city and county has received a certificate of compliance for the applicable year. If the agency reduces the density of sites within the district from specified levels set forth in the Senate Bill 73, the agency would be required to return the full amount of zoning incentive payments it has received to the department. The bill also authorizes a developer to develop a project in a housing sustainability district in accordance with the already existing land use approval procedures that would otherwise apply to the parcel in the absence of the establishment of the housing sustainability district pursuant to its provisions, as provided.

As it relates specifically to CEQA, a Lead Agency designating a housing sustainability district is required to prepare an EIR pursuant to Government Code section 66201 to identify and mitigate, to the extent feasible, environmental impacts resulting from the designation. The EIR shall identify mitigation measures that may be undertaken by housing projects in the housing sustainability district to mitigate the environmental impacts identified in the EIR. Housing projects undertaken in the housing sustainability districts that meet specified requirements, including if the project satisfies certain design review standards applicable to development projects within the district provided the project is "complementary to adjacent buildings and structures and is consistent with the [agency's] general plan," are exempt under CEQA.

10. CEQA LITIGATION

10.01 TIMELINES.

When a CEQA lawsuit is filed, there are numerous and complex time requirements that must be met. Pressing deadlines begin to run in the days immediately after a CEQA lawsuit has been filed with the Court. For example, within ten (10) business days of the public agency being served with a petition or complaint alleging a violation of CEQA, the District, if it was the Lead Agency, must provide the petitioner with a list of Responsible Agencies and public agencies with jurisdiction by law over any natural resource affected by the project at issue. There are a variety of other deadlines that apply in CEQA litigation.

If a CEQA lawsuit is filed, CEQA counsel should be contacted immediately in order to ensure that all the applicable deadlines are met.

10.02 MEDIATION AND SETTLEMENT.

After Litigation Has Been Filed. The parties in a CEQA lawsuit are required to meet and discuss settlement. Within twenty (20) days of being served with a CEQA legal challenge, the public agency named in the lawsuit must file a notice with the court setting forth the time and place for a settlement meeting. The meeting must be scheduled and held not later than forty-five (45) days from the date of service of the petition or complaint upon the public agency. Usually the main parties to the litigation (such as the Lead Agency, the developer of the project if there is one, and those challenging the project and their respective attorneys) meet to discuss settlement; there is no requirement to hire a professional mediator. The settlement meeting is usually subject to a confidentiality agreement.

If the parties in a CEQA lawsuit are in settlement or mediation, that attempt is intended to occur concurrently with the litigation. This means that the respondent public agency will be required to comply with all existing litigation timelines and requirements (for example, preparing and lodging the administrative record discussed below) while simultaneously conducting settlement or mediation, unless the parties enter into an alternate agreement to stay the litigation and that agreement is approved by the court.

10.03 ADMINISTRATIVE RECORD.

A. Contents of Administrative Record.

When the Lead Agency's CEQA finding(s) and/or action is challenged in a lawsuit, the Lead Agency must certify the administrative record that formed the basis of the Lead Agency's decision. To the extent the documents listed below exist and are not subject to a privilege that exempts them from disclosure, the following items should be included in the administrative record:

(1) All project application materials;

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(2) All staff reports and related documents prepared by the public agency with respect to its compliance with the substantive and procedural requirements of CEQA and with respect to the action on the project;

(3) All staff reports and related documents prepared by the public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the public agency pursuant to CEQA or these Local Guidelines;

(4) Any transcript or minutes of the proceedings at which the decision-making body of the public agency heard testimony on or considered any environmental document on the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decision-making body prior to action on the environmental documents or on the project;

(5) All notices issued by the public agency to comply with CEQA or with any other law governing the processing and approval of the project;

(6) All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation;

(7) All written evidence or correspondence submitted to, or transferred from, the public agency with respect to compliance with CEQA or with respect to the project;

(8) Any proposed decisions or findings submitted to the decision-making body of the public agency by its staff or the project proponent, project opponents, or other persons, to the extent such documents are subject to public disclosure;

(9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3) above, cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to CEQA;

(10) Any other written materials relevant to the respondent public agency's compliance with CEQA or to its decision on the merits of the project, including the initial study; any drafts of any environmental document, or portions thereof, that were released for public review; copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the public agency's files on the project; and internal agency communications related to the project or to compliance with CEQA, to the extent such documents are subject to public disclosure; and

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(11) The full written record before any inferior administrative decision-making body whose decision was appealed prior to the filing of the lawsuit.

B. Organization of Administrative Record.

The administrative record should be organized as follows:

(1) Index. A detailed index must be included at the beginning of the administrative record listing each document in the order presented. Each entry must include the document's title, date, brief description, and the volume and page where the document begins;

(2) The Notice of Determination;

(3) The resolutions or ordinances adopted by the Lead Agency approving the project;

(4) The findings required by Public Resources Code section 21081, including any statement of overriding considerations;

(5) The Final EIR, including the Draft EIR or a revision of the draft, all other matters included in the Final EIR (such as traffic studies and air quality studies), and other types of environmental documents prepared under CEQA, such as a negative declaration, mitigated negative declaration, or addenda;

(6) The initial study;

(7) Staff reports prepared for the administrative bodies providing subordinate approvals or recommendations to the Lead Agency, in chronological order;

(8) Transcripts and minutes of hearings, in chronological order; and

(9) All other documents appropriate for inclusion in the administrative record, in chronological order.

Each section listed above must be separated by tabs or marked with electronic bookmarks. Oversized documents (such as building plans and maps) must be presented in a manner that allows them to be easily unfolded and viewed.

The court may issue an order allowing the documents to be organized in a different manner.

C. Preparation of Administrative Record.

The administrative record can be prepared: (1) by the petitioner, if the petitioner elects to do so, or (2) by the Lead Agency. The petitioner and the Lead Agency can also agree on any alternative method of preparing the record. However, when a third party such as the project applicant prepares or assists with the preparation of the administrative record, the Lead Agency

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may not be able to recover fees incurred by the third party unless petitioner has agreed to this method of preparation.

Notwithstanding the above, upon the written request of a project applicant received no later than 30 days after the date that the Lead Agency makes a determination pursuant to Public Resources Code section 21080.1, 21094.5, or Chapter 4.2 (commencing with Public Resources Code section 21155) and with the written consent of the Lead Agency sent within 10 business days from receipt of the written request, the Lead Agency may prepare the administrative record concurrently with the administrative process. Should the Lead Agency and the project applicant so desire to pursue concurrent record preparation, the parties must comply with the provisions of Public Resources Code section 21167.6.2.

D. Special Circumstances For Environmental Leadership Projects.

Special timing considerations and requirements apply if the Project is certified by the Governor as an Environmental Leadership Project pursuant to the "Jobs and Economic Improvement Through Environmental Leadership Act of 2011." For example, the administrative record must be finished and certified within five (5) days of project approval. See Public Resources Code Section 21186 for a complete discussion of the special requirements related to the preparation of an administrative record for an Environmental Leadership Project.

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11. DEFINITIONS

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

11.01 "Agricultural Employee" means a person engaged in agriculture, which includes farming in all its branches, and, among other things, includes: (1) the cultivation and tillage of the soil, (2) dairying, (3) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, (4) the raising of livestock, bees, furbearing animals, or poultry, and (5) any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market.

This definition does not include any person covered by the National Labor Relations Act as agricultural employees pursuant to Section 2(3) of the Labor Management Relations Act (Section 152(3), Title 29, United States Code) and Section 3(f) of the Fair Labor Standards Act (Section 203(f), Title 29, United States Code). This definition does not apply to employees who perform work to be done at the site of the construction, alteration, painting, or repair of a building, structure, or other work (as these terms have been construed under Section 8(e) of the Labor Management Relations Act, 29 United States Code Section 158(e)) or logging or timber-clearing operations in initial preparation of land for farming, or who does land leveling or only land surveying for any of the above. As used in this definition, "land leveling" shall include only major land moving operations changing the contour of the land, but shall not include annual or seasonal tillage or preparation of land for cultivation. (State CEQA Guidelines Section 15191(a).)

11.02 "Applicant" means a person who proposes to carry out a project that requires a lease, permit, license, certificate, or other entitlement for use, or requires financial aid from one or more public agencies when applying for governmental approval or assistance.

11.03 "Approval" means a decision by the decision-making body or other authorized body or officer of the District which commits the District to a definite course of action with regard to a particular project. With regard to any project to be undertaken directly by the District, approval shall be deemed to occur on the date when the decision-making body adopts a motion or resolution determining to proceed with the project, which in no event shall be later than the date of adoption of plans and specifications. As to private projects, approval shall be deemed to have occurred upon the earliest commitment to provide service or the issuance by the District of a discretionary contract, subsidy, 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 shall not, in and of itself, be deemed to constitute approval of a project.

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

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11.04 "Baseline" refers to the pre-project environmental conditions. By comparing the project's potential impacts to the baseline, the Lead Agency determines whether the project's impacts are substantial enough to be significant under the relevant thresholds of significance. Generally, the baseline is the environmental conditions existing on the date the environmental analysis begins, such as the date the Notice of Preparation is published for an EIR or the date of the Notice of Intent to Adopt a Negative Declaration is published. However, in certain circumstances, an earlier or later date may provide a more accurate environmental analysis. The District may establish any baseline that is appropriate, including an earlier or later date, as long as the choice of baseline can be supported by substantial evidence.

11.05 "California Native American Tribe" means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.

11.06 "Categorical Exemption" means an exemption from CEQA for a class of projects based on a finding by the Secretary of the Resources Agency that the class of projects does not have a significant effect on the environment.

11.07 "Census-Defined Place" means a specific unincorporated land area within boundaries determined by the United States Census Bureau in the most recent decennial census.

11.08 "CEQA" means the California Environmental Quality Act, codified at California Public Resources Code Sections 21000, et seq.

11.09 "Clerk" means either the "Clerk of the Board" or the "County Clerk" depending upon the county. Please refer to the "Index to Environmental Filing by County" in the Staff Summary to determine which applies.

11.10 "Community-Level Environmental Review" means either (1) or (2) below:

(1) An EIR certified for any of the following:

(a) A general plan;
(b) A revision or update to the general plan that includes at least the land use and circulation elements;
(c) An applicable community plan;
(d) An applicable specific plan; or
(e) A housing element of the general plan, if the Environmental Impact Report analyzed the environmental effects of the density of the proposed project;

(2) A Negative Declaration or Mitigated Negative Declaration adopted as a subsequent environmental review document, following and based upon an EIR on a general plan, an applicable community plan or specific plan, provided that the subsequent environmental review document is allowed by CEQA following a Master EIR or a Program EIR or is required pursuant to Public Resource Section 21166.

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11.11 "Consultation" means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

11.12 "Cumulative Impacts" means two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects, whether past, present or future.

The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

11.13 "Cumulatively Considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

11.14 "Decision-Making Body" means the body within the District, e.g. the Board of Directors, which has final approval authority over the particular project.

11.15 "Developed Open Space" means land that meets each of the following three criteria:

(1) Is publicly owned, or financed in whole or in part by public funds;

(2) Is generally open to, and available for use by, the public; and

(3) Is predominantly lacking in structural development other than structures associated with open spaces, including, but not limited to, playgrounds, swimming pools, ball fields, enclosed child play areas, and picnic facilities.

Developed Open Space may include land that has been designated for acquisition by a public agency for developed open space purposes, but does not include lands acquired by public funds dedicated to the acquisition of land for housing purposes.

11.16 "Development Project" means any project undertaken for the purpose of development, including any project involving the issuance of a permit for construction or reconstruction but not a permit to operate. It does not include any ministerial projects proposed to be carried out or approved by public agencies. (Government Code Section 65928.)

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

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To determine whether a project is discretionary, the key question is whether the public agency can use its subjective judgment to decide whether and how to carry out or approve a project.

11.18 "District" means El Toro Water District.

11.19 "EIR" means Environmental Impact Report, a detailed written statement setting forth the environmental effects and considerations pertaining to a project. EIR may mean a Draft or a Final version of an EIR, a Project EIR, a Subsequent EIR, a Supplemental EIR, a Tiered EIR, a Staged EIR, a Program EIR, a Redevelopment EIR, a Master EIR, or a Focused EIR.

11.20 "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, landslide or other natural disaster, as well as such occurrences as riot, war, terrorist incident, accident or sabotage.

11.21 "Endangered, Rare or Threatened Species" means certain species or subspecies of animals or plants. A species or subspecies of animal or plant is "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors. A species or subspecies of animal or plant is "Threatened" when it is listed as a threatened species pursuant to the California Endangered Species Act or the Federal Endangered Species Act. A species or subspecies of animal or plant is "Rare" when either:

(1) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or

(2) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and many be considered "threatened" as that term is used in the Federal Endangered Species Act.

For purposes of analyzing impacts to biological resources, a species of animal or plant shall be presumed to be endangered, rare or threatened if it is listed under the California Endangered Species Act or the Federal Endangered Species Act.

This definition shall not include any species of the Class Insecta which is a pest whose protection under the provisions of CEQA would present an overwhelming and overriding risk to man as determined by the Director of Food and Agriculture (with regard to economic pests) or the Director of Health Services (with regard to health risks).

11.22 "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, and objects of historic or aesthetic significance. The area involved

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shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The "environment" includes both natural and man-made conditions.

11.23 "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

11.24 "Final EIR" means an EIR containing the information contained in the Draft EIR, comments either verbatim or in summary received in the review process, a list of persons commenting, and the response of the District to the comments received.

11.25 "Greenhouse Gases" include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

11.26 "Guidelines" or "Local Guidelines" means the District's Local Guidelines for implementing the California Environmental Quality Act.

11.27 "Highway" shall have the same meaning as defined in Section 360 of the Vehicle Code.

11.28 "Historical Resources" include:

Resources listed in, or eligible for listing in, the California Register of Historical Resources shall be considered historical resources.

A resource may be listed in the California Register if it meets any of the following National Register of Historic Places criteria:

(a) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
(b) Is associated with the lives of persons important in our past;
(c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
(d) Has yielded, or may be likely to yield, information important in prehistory or history.

A resource may also be listed in the California Register if it is identified as significant in an historical resource survey that meets all of the following criteria:

(a) The survey has been or will be included in the State Historic Resources Inventory;
(b) The survey and the survey documentation were prepared in accordance with office procedures and requirements; and
(c) The resource is evaluated and determined by the office to have a significance rating of Category 1 to 5 on DPR Form 523.

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Resources included on a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution, or identified as significant in a historical resource survey (as described above) are presumed to be historically or culturally significant, unless a preponderance of evidence demonstrates that they are not historically or culturally significant.

Any of the following may be considered historically significant: any object, building, structure, site, area, place, record or manuscript which a Lead Agency determines, based upon substantial evidence in light of the whole record, to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California.

The Lead Agency is not precluded from determining that a resource is a historical resource, as defined in Public Resources Code Sections 5020.1(j) or 5024.1, even if it is: (a) not listed in, or is not determined to be eligible for listing in, the California Register of Historical Resources; (b) not included in a local register of historical resources; or (c) not identified in a historical resources survey.

11.29 "Infill Site" means a site in an urbanized area that meets either of the following criteria:

(1) The site has been previously developed for qualified urban uses; or

(2) The site has not been previously developed for qualified urban uses and both (a) and (b) are met:

(a) the site is immediately adjacent to parcels that are developed with qualified urban uses, or

1. at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with existing qualified urban uses at the time the Lead Agency receives an application for an approval; and
2. the remaining 25 percent of the perimeter of the site adjoins parcels that had been previously developed for qualified urban uses;

(b) No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.

(Public Resources Code Section 21061.3.)

11.30 "Initial Study" means a preliminary analysis conducted by the District to determine whether an EIR, a Negative Declaration, or a Mitigated Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.

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11.31 "Jurisdiction by Law" means the authority of any public agency to grant a permit or other entitlement for use, to provide funding for the project in question or to exercise authority over resources which may be affected by the project.

The District will have jurisdiction by law over a project when the District has primary and exclusive jurisdiction over the site of the project, the area in which the major environmental effects will occur, or the area in which reside those citizens most directly concerned by any such environmental effects.

11.32 "Land Disposal Facility" means a hazardous waste facility where hazardous waste is disposed in, on, or under land. (Health and Safety Code Section 25199.1(d).)

11.33 "Large Treatment Facility" means a treatment facility which treats or recycles one thousand (1,000) or more tons of hazardous waste during any one month of the current reporting period commencing on or after July 1, 1991. (Health and Safety Code Section 25205.1(d).)

11.34 "Lead Agency" means the public agency which has the principal responsibility for preparing environmental documents and for carrying out or approving a project when more than one public agency is involved with the same underlying activity.

11.35 "Low- and Moderate-Income Households" means persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code—i.e., persons and families whose income does not exceed 120% of area median income, adjusted for family size by the Department of Housing and Community Development, in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937. (Public Resources Code Section 21159.20(d); State CEQA Guidelines Section 15191(f).)

11.36 "Low-Income Households" means households of persons and families of very low and low income. Low-income persons or families are those eligible for financial assistance from governmental agencies for occupants of state-funded housing. Very low income persons are those whose incomes do not exceed the qualifying limits for very low income families as established and amended pursuant to Section 8 of the United States Housing Act of 1937. Such limits are published and updated in the California Code of Regulations. (Public Resources Code Section 21159.20(c); Health and Safety Code Sections 50105 and 50106; State CEQA Guidelines Section 15191(g).)

11.37 "Low-Level Flight Path" means any flight path for any aircraft owned, maintained, or under the jurisdiction of the United States Department of Defense that flies lower than 1,500 feet above ground level, as indicated in the United States Department of Defense Flight Information Publication, "Area Planning Military Training Routes: North and South America (AP/1B)" published by the United States National Imagery and Mapping Agency or its successor.

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11.38 "Lower Income Households" is defined in Health and Safety Code Section 50079.5 to mean any of the following:

(1) "Lower income households" means persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937;

(2) "Very low income households" means persons and families whose incomes do not exceed the qualifying limits for very low income families as defined in Health and Safety Code 50105; or

(3) "Extremely low income households" means persons and families whose incomes do not exceed the qualifying limits for extremely low income families as defined in Health and Safety Code Section 50106.

11.39 "Major Transit Stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods. (State CEQA Guidelines Section 15191(i).)

11.40 "Metropolitan Planning Organization" or "MPO" means a federally-designated agency that provides transportation planning and programming in metropolitan areas. A MPO is designated for each urban area that has been defined in the most recent federal census as having a population of more than 50,000 people. There are 18 federally-designated MPOs in California. Non-urbanized (rural) areas do not have a designated MPO.

11.41 "Military Impact Zone" means any area, including airspace, that meets both of the following criteria:

(1) Is located within two miles of a military installation, including, but not limited to, any base, military airport, camp, post, station, yard, center, homeport facility for a ship, or any other military activity center that is under the jurisdiction of the United States Department of Defense; and

(2) Covers greater than 500 acres of unincorporated land, or greater than 100 acres of city incorporated land.

11.42 "Military Service" means the United States Department of Defense or any branch of the United States Armed Forces.

11.43 "Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project

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should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee. (Public Resources Code Section 21080(b)(1).)

11.44 "Mitigated Negative Declaration" or "MND" means a Negative Declaration prepared for a Project when the Initial Study has identified potentially significant effects on the environment, but: (1) revisions in the project plans or proposals made, or agreed to, by the applicant before the proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

11.45 "Mitigation" includes avoiding the environmental impact altogether by not taking a certain action or parts of an action, minimizing impacts by limiting the degree or magnitude of the action and its implementation, rectifying the impact by repairing, rehabilitating or restoring the impacted environment, reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, or compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

11.46 "Negative Declaration" or "ND" means a written statement by the District briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and, therefore, does not require the preparation of an EIR.

11.47 "Notice of Completion" means a brief report filed with the Office of Planning and Research by the District when it is the Lead Agency as soon as it has completed a Draft EIR and is prepared to send out copies for review.

11.48 "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.

11.49 "Notice of Exemption" means a brief notice which may be filed by the District when it has approved or determined to carry out a project, and it has determined that the project is exempt from the requirements of CEQA. Such a notice may also be filed by an applicant where such a determination has been made by a public agency which must approve the project.

11.50 "Notice of Preparation" means a brief notice sent by a Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, and involved federal agencies that the Lead Agency plans to prepare an EIR for a project.

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The purpose of this notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR. Public agencies are free to develop their own formats for this notice.

11.51 "Oak" means a native tree species in the genus Quercus, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code Section 4526, and that is five (5) inches or more in diameter at breast height. (Public Resources Code Section 21083.4(a).)

11.52 "Oak Woodlands" means an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover. (Fish & Game Code Section 1361(h).)

11.53 "Offsite Facility" means a facility that serves more than one generator of hazardous waste. (Public Resources Code Section 21151.1(h).)

11.54 "Person" includes any person, firm, association, organization, partnership, business, trust, corporation, company, city, county, city and county, town, the state, and any of the agencies which may be political subdivisions of such entities, and, to the extent permitted by federal law, the United States, or any of its agencies or political subdivisions.

11.55 "Pipeline" as defined in these Local Guidelines depends on the context. Please see Local Guidelines Sections 3.11 and 3.12 for specific definitions.

11.56 "Private Project" means a project which will be carried out by a person other than a governmental agency, but which will need a discretionary approval from the District. Private projects will normally be those listed in subsections (2) and (3) of Local Guidelines Section 11.57.

11.57 "Project" means the whole of an action or activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment, and is any of the following:

(1) A discretionary activity directly undertaken by the District including but not limited to public works construction and related activities, clearing or grading of land, or improvements to existing public structures;

(2) A discretionary activity which involves a public agency's issuance to a person of a lease, permit, license, certificate, or other entitlement for use, or which is supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance by the District; or

(3) A discretionary project proposed to be carried out or approved by public agencies, including but not limited to the enactment and amendment of local General Plans or elements thereof, the enactment of zoning ordinances, the

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issuance of zoning variances, the issuance of conditional use permits and the approval of tentative subdivision maps.

The presence of any real degree of control over the manner in which a project is completed makes it a discretionary project.

The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval.

11.58 "Project-Specific Effects" means all the direct or indirect environmental effects of a project other than cumulative effects and growth-inducing effects. (Public Resources Code Section 21065.3; State CEQA Guidelines Section 15191(j).)

11.59 "Public Water System" means a system for the provision of piped water to the public for human consumption that has 3,000 or more service connections. A public water system includes all of the following: (A) Any collection, treatment, storage, and distribution facility under control of the operator of the system which is used primarily in connection with the system; (B) Any collection or pretreatment storage facility not under the control of the operator that is used primarily in connection with the system; (C) Any person who treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption. (State CEQA Guidelines Section 15155.)

11.60 "Qualified Urban Use" means any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. (Public Resources Code Section 21072; State CEQA Guidelines Section 15191(k).)

11.61 "Residential" means a use consisting of either residential units only or residential units and primarily neighborhood-serving goods, services, or retail uses that do not exceed 15% of the total floor area of the project. (State CEQA Guidelines Section 15191(l).) Residential, pursuant to Public Resources Code Section 21159.24, shall mean a use consisting of either of the following:

(1) Residential units only.

(2) Residential units and primarily neighborhood-serving goods, services, or retail uses that do not exceed 25 percent of the total building square footage of the project.

11.62 "Responsible Agency" means a public agency which proposes to carry out or approve a project for which a Lead Agency has prepared the environmental documents. For the purposes of CEQA, the term "Responsible Agency" includes all federal, state, regional and local public agencies other than the Lead Agency which have discretionary approval power over the project.

11.63 "Riparian areas" mean those areas transitional between terrestrial and aquatic ecosystems and that are distinguished by gradients in biophysical conditions,

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ecological processes, and biota. A riparian area is an area through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. A riparian area includes those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems. A riparian area is adjacent to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine shorelines.

11.64 "Roadway" means a roadway as defined pursuant to Section 530 of the Vehicle Code and the previously graded and maintained shoulder that is within a roadway right-of-way of no more than five feet from the edge of the roadway.

11.65 "Significant Effect" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the activity including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

11.66 "Significant Value as a Wildlife Habitat" includes wildlife habitat of national, statewide, regional, or local importance; habitat for species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531, et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code); habitat identified as candidate, fully protected, sensitive, or species of special status by local, state, or federal agencies; or habitat essential to the movement of resident or migratory wildlife.

11.67 "Special Use Airspace" means the land area underlying the airspace that is designated for training, research, development, or evaluation for a military service, as that land area is established by the United States Department of Defense Flight Information Publication, "Area Planning: Special Use Airspace: North and South America (AP/1A)" published by the United States National Imagery and Mapping Agency or its successor.

11.68 "Staff" means the General Manager or his or her designee.

11.69 "Standard" means a standard of general application that is all of the following:

(1) A quantitative, qualitative or performance requirement found in a statute, ordinance, resolution, rule, regulation, order, or other standard of general application;

(2) Adopted for the purpose of environmental protection;

(3) Adopted by a public agency through a public review process;

(4) Governs the same environmental effect which the change in the environment is impacting; and

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(5) Governs the jurisdiction where the project is located.

The definition of "standard" includes any thresholds of significance adopted by the District which meet the requirements of this Section.

If there is a conflict between standards, the District shall determine which standard is appropriate based upon substantial evidence in light of the whole record.

11.70 "State CEQA Guidelines" means the Guidelines for Implementation of the California Environmental Quality Act as adopted by the Secretary of the California Natural Resources Agency as they now exist or hereafter may be amended. (California Administrative Code, Title 14, Sections 15000, et seq.)

11.71 "Substantial Evidence" means reliable information on which a fair argument can be based to support an inference or conclusion, even though another conclusion could be drawn from that information. "Substantial evidence" includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. "Substantial evidence" does not include argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment.

11.72 "Sustainable Communities Strategy" is an element of a Regional Transportation Plan, which must be adopted by the Metropolitan Planning Organization for the region. (See Local Guidelines Section 11.40.) The Sustainable Communities Strategy is an integrated land use and transportation plan intended to reduce greenhouse gases. The Sustainable Communities Strategy includes various components such as: consideration of existing densities and uses within the region, identification of areas within the region that can accommodate an eight-year projection of the region's housing needs, development of projections for growth in the region, identification of existing transportation networks, and preparation of a forecast for development pattern for the region that can be integrated with transportation networks.

11.73 "Tiering" means the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs or ultimately site-specific EIRs incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared. Tiering is appropriate when the sequence of EIRs is:

(a) From a general plan, policy, or Program EIR to a program, plan, or policy EIR of lesser scope or to a site-specific EIR; or

(b) From an EIR on a specific action at an early stage to a subsequent EIR or a supplement to an EIR at a later stage. Tiering in such cases is appropriate when it helps the Lead Agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

(Public Resources Code Sections 21003, 21061 and 21100.)

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11.74 "Transit Priority Area" means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

11.75 "Transit Priority Project" means a mixed use project that is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the California Air Resources Board has accepted a Metropolitan Planning Organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets. Such a project may be exempt from CEQA if a detailed laundry list of requirements is met. To qualify for the exemption, the Transit Priority Project must:

(1) contain at least 50 percent residential use based on total building square footage;

(2) if the project contains between 26 percent and 50 percent non-residential uses, the floor-to-area ratio (FAR) must be at least 0.75;

(3) have a minimum net density of 20 dwelling units per acre;

(4) be located within a half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan; and

(5) meet all the requirements of Public Resources Code Section 21155.1.

11.76 "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.

11.77 "Tribal Cultural Resources" are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(a) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
(b) Included in a local register of historic resources as defined in subdivision (k) of Public Resources Code Section 5020.1.

(2) A resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this

definition, the Lead Agency shall consider the significance of the resource to a California Native American tribe.

A cultural landscape that meets the criteria set forth above is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

A historic resource described in Public Resources Code Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Public Resources Code Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Public Resources Code Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of Tribal cultural resources.

11.78 "Trustee Agency" means a State agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee Agencies may include, but are not limited to, the following:

(a) The California Department of Fish and Wildlife ("DFW") with regard to the fish and wildlife of the state, designated rare or endangered native plants, and game refuges, ecological reserves, and other areas administered by DFW;
(b) The State Lands Commission with regard to state owned "sovereign" lands such as the beds of navigable waters and state school lands;
(c) The State Department of Parks and Recreation with regard to units of the State Park System;
(d) The University of California with regard to sites within the Natural Land and Water Reserve System; and/or
(e) The State Water Resources Control Board with respect to surface waters.

11.79 "Urban Growth Boundary" means a provision of a locally adopted general plan that allows urban uses on one side of the boundary and prohibits urban uses on the other side of the boundary.

11.80 "Urbanized Area" means either of the following:

(1) An incorporated city that either by itself or in combination with two contiguous incorporated cities has a population of at least one hundred thousand (100,000) persons;

(2) An unincorporated area that meets both of the following requirements:

(a) The unincorporated area is either:
(i) completely surrounded by one or more incorporated cities, has a population of at least 100,000 persons either by itself or in combination with the surrounding incorporated city or cities, and has a population density that at least equals the population density of the surrounding city or cities; or

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(ii) located within an urban growth boundary and has an existing residential population of at least five thousand (5,000) persons per square mile. An "urban growth boundary" means a provision of a locally adopted general plan that allows urban uses on one side of the boundary and prohibits urban uses on the other side.

(b) The board of supervisors with jurisdiction over the unincorporated area has taken all three of the following steps:

1. Prepared a draft document by which the board would find that the general plan, zoning ordinance, and related policies and programs applicable to the unincorporated area are consistent with principles that encourage compact development in a manner that promotes efficient transportation systems, economic growth, affordable housing, energy efficiency, and an appropriate balance of jobs and housing, and protects the environment, open space and agricultural areas;
2. Submitted the draft document to the Office of Planning and Research and allowed OPR thirty (30) days to submit comments on the draft finding to the board; and
3. At least thirty (30) days after submitting the draft document to OPR, the board has adopted a final finding in substantial conformity with the draft finding described in the draft document.

(Public Resources Code Sections 21083, 21159.20-21159.24; State CEQA Guidelines Section 15191(m).)

11.81 "Water Acquisition Plans" means any plans for acquiring additional water supplies prepared by the public water system or a city or county Lead Agency pursuant to subdivision (a) of section 10911 of the Water Code.

11.82 "Water Assessment" or "Water Supply Assessment" means the water supply assessment that must be prepared by the governing body of a public water system, or a city or county, pursuant to and in compliance with sections 10910 to 10915 of the Water Code, and that includes, without limitation, the elements of the assessment required to comply with subdivisions (d), (e), (f), and (g) of section 10910 of the Water Code.

11.83 "Water Demand Project" means any one of the following:

(A) A residential development of more than 500 dwelling units;

(B) A shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;

(C) A commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;

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(D) A hotel or motel, or both, having more than 500 rooms;

(E) An industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;

Except, a proposed photovoltaic or wind energy generation facility approved on or after October 8, 2011, is not a Water Demand Project if the facility would demand no more than 75 acre-feet of water annually.

(F) A mixed-use project that includes one or more of the projects specified in subdivisions (A); (B), (C), (D), (E), or (G) of this section;

(G) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project; or

(H) For public water systems with fewer than 5,000 service connections, a project that meets the following criteria:

(1) A proposed residential, business, commercial, hotel or motel, or industrial development that would account for an increase of 10 percent or more in the number of a public water system's existing service connections; or

(2) A mixed-use project that would demand an amount of water equivalent to, or greater than, the amount of water required by residential development that would represent an increase of 10 percent or more in the number of the public water system's existing service connections.

(State CEQA Guidelines Section 15155.)

11.84 "Waterway" means a bay, estuary, lake, pond, river, slough, or a perennial, intermittent, or ephemeral stream, lake, or estuarine-marine shoreline.

11.85 "Wetlands" has the same meaning as that term is construed in the regulations issued by the United States Army Corps of Engineers pursuant to the Clean Water Act. Thus, "wetlands" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Public Resources Code Section 21159.21(d), incorporating Title 33, Code of Federal Regulations, Section 328.3.)

11.86 "Wildlife Habitat" means the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection. (Public Resources Code Section 21159.21.)

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11.87 "Zoning Approval" means any enactment, amendment, or appeal of a zoning ordinance; granting of a conditional use permit or variance; or any other form of land use, subdivision, tract, or development approval required from the city or county having jurisdiction to permit the particular use of the property.

12. FORMS

See forms A – S which accompany these Guidelines.

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13. COMMON ACRONYMS

A. **********

ADEIR – Administrative Draft Environmental Impact Report
AQMD – Air Quality Management District
AQMP – Air Quality Management Plan
AR – Administrative Record
ARB – Air Resources Board

B. **********

BMP – Best Management Practices
BO – Biological Opinion

C. **********

Cal EPA – California Environmental Protection Agency
CAP – Climate Action Plan
CCAA – California Clean Air Act
CCR – California Code of Regulations (Title 14 Sections 15000 et seq. are also known as the State CEQA Guidelines.)
CE – Categorical Exclusion (NEPA)
CESA – California Endangered Species Act
CEQA – California Environmental Quality Act
CFR – Code of Federal Regulations
CMP – Congestion Management Plan
CRWQCB – California Regional Water Quality Control Board

D. **********

DEIR – Draft Environmental Impact Report
DFW – Department of Fish and Wildlife

E. **********

EA – Environmental Assessment (NEPA term)
EIR – Environmental Impact Report
EIS – Environmental Impact Statement (NEPA term)
EPA – Environmental Protection Agency
ESA – Endangered Species Act; Environmental Site Assessment

F. **********

FCAA – Federal Clean Air Act
FEIR – Final Environmental Impact Report
FOIA – Freedom of Information Act (Federal)
FONSI – Finding of No Significant Impact (NEPA term)
FWS – Fish and Wildlife Service

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G. **********

GHG – Greenhouse Gas
GW – Ground Water

H. **********

HH&E – Human Health and Environment
HRA – Health Risk Assessment
HS – Hazardous Substance

I. **********

IS – Initial Study

J. **********

K. **********

L. **********

LADD – Lifetime Average Daily Dose; Lowest Acceptable Daily Dose
LEA – Local Enforcement Agency
LESA – Land Evaluation and Site Assessment
LUFT – Leaking Underground Fuel Tank
LUST – Leaking Underground Storage Tanks. Reference Part 213 of Public Act 451 of 1994.

M. **********

MEIR – Master Environmental Impact Report
MMRP – Mitigation Monitoring and Reporting Plan
MPO – Metropolitan Planning Organization
MND – Mitigated Negative Declaration

N. **********

ND – Negative Declaration
NEPA – National Environmental Policy Act
NOA – Notice of Availability
NOC – Notice of Completion
NOD – Notice of Determination
NOE – Notice of Exemption
NOI – Notice of Intent
NOP – Notice of Preparation
NOV – Notice of Violation

O. **********

OPR – Office of Planning and Research

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P. **********

PEIR – Program Environmental Impact Report. Sometimes also used to describe a Project Environmental Impact Report
PM – Particulate Matter
PRA – Public Records Act
PSA – Permit Streamlining Act

Q. **********

R. **********

RCRA – Resource Conservation and Recovery Act (1976) Governs definition, handling, and disposal of hazardous waste.

S. **********

SCH – State Clearinghouse
SEIR – Supplemental or Subsequent Environmental Impact Report
SMARA – Surface Mining and Reclamation Act
SWMP – Stormwater Monitoring Program
SWPPP – Stormwater Pollution Prevention Program

T. **********

TCM – Transportation Control Measure
TCP – Transportation Control Plan
TDS – Total Dissolved Solids
TMP – Transportation Management Plan
Title V – refers to Title V of the Clean Air Act related to ambient air quality provisions
TLV – Threshold Limit Value

U. **********

UBC – Uniform Building Code
UFC – Uniform Fire Code
UGST – Underground Storage Tank
USDW – Underground Source of Drinking Water
UWMP – Urban Water Management Plan

V. **********

VOC – Volatile Organic Compounds (Health & Safety Code, Section 25123.6.)
VOS – Vehicle Operating Survey

W. **********

WQS – Water Quality Standard
WSA – Water Supply Assessment
WTP – Water Treatment Plant. A facility designed to provide treatment to water.
WWTP – Wastewater Treatment Plan

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X. **********

Y. **********

Z. **********

PRELIMINARY EXEMPTION ASSESSMENT

(Certificate of Determination
When Attached to Notice of Exemption)

1.	Name or description of project:		
2.	Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):		
3.	Entity or person undertaking project:	A.	
		B. Other (Private)	
		(1) Name	
		(2) Address	
4.	Staff Determination: The Lead Agency's Staff, having undertaken and completed a preliminary review of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:		
a. ☐	The proposed action does not constitute a project under CEQA.		
b. ☐	The project is a Ministerial Project.		
c. ☐	The project is an Emergency Project.		
d. ☐	The project constitutes a feasibility or planning study.		
e. ☐	The project is categorically exempt.		
	Applicable Exemption Class:		
f. ☐	The project is statutorily exempt.		
	Applicable Exemption:		
g. ☐	The project is otherwise exempt on the following basis:		
h. ☐	The project involves another public agency which constitutes the Lead Agency.		
	Name of Lead Agency:		

Date: _____ Staff: _____

NOTICE OF EXEMPTION

TO:	FROM: (Public Agency)
☐ Office of Planning and Research P. O. Box 3044, Room 113 Sacramento, CA 95812-3044	
☐ Clerk of the Board of Supervisors or County Clerk County of:	Address

1.	Project Title:	
2.	Project Applicant:	
3.	Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	
4.	(a) Project Location – City:	(b) Project Location – County:
5.	Description of nature, purpose, and beneficiaries of Project:	
6.	Name of Public Agency approving project:	
7.	Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:	
8.	Exempt status: (check one)	
	(a) ☐ Ministerial project.	(Pub. Res. Code § 21080(b)(1); State CEQA Guidelines § 15268)
	(b) ☐ Not a project.	

	(c) ☐	Emergency Project.	(Pub. Res. Code § 21080(b)(4); State CEQA Guidelines § 15269(b),(c))
	(d) ☐	Categorical Exemption. State type and section number:	
	(e) ☐	Declared Emergency.	(Pub. Res. Code § 21080(b)(3); State CEQA Guidelines § 15269(a))
	(f) ☐	Statutory Exemption. State Code section number:	
	(g) ☐	Other. Explanation:	
9.	Reason why project was exempt:		
10.	Lead Agency Contact Person:		[City to provide]
	Telephone:		[City to provide]
11.	If filed by applicant: Attach Preliminary Exemption Assessment (Form "A") before filing.		
12.	Has a Notice of Exemption been filed by the public agency approving the project? Yes ☐ No ☐		
13.	Was a public hearing held by the Lead Agency to consider the exemption? Yes ☐ No ☐ If yes, the date of the public hearing was: _____		

Signature:_____ Date:_____ Title:_____

Name:

☐ Signed by Lead Agency ☐ Signed by Applicant

Date Received for Filing: _____

(Clerk Stamp Here)

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

ENVIRONMENTAL IMPACT ASSESSMENT
(STAFF RECOMMENDATION FOR INTERNAL USE ONLY)

1.	Name or description of project:	
2.	Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	
3.	Entity or Person undertaking project:	
	A.	
	B. Other (Private)	
	(1) Name:	
	(2) Address:	

4. Staff Determination:

The Lead Agency's staff, having undertaken and completed an Initial Study of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" for the purpose of ascertaining whether the proposed project may have a significant effect on the environment, has reached the following conclusion:

a.	☐	The project could not have a significant effect on the environment; therefore, a Negative Declaration should be adopted.
b.	☐	The Initial Study identified potentially significant effects on the environment but revisions in the project plans or proposals made by or agreed to by the applicant would avoid the effects, or mitigate the effects to a point where clearly no significant effects would occur; therefore a Mitigated Negative Declaration should be adopted.
c.	☐	The project may have a significant effect on the environment; therefore, an Environmental Impact Report will be required.

Date: _____ Staff: _____

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION/ MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the public agency named below has completed an Initial Study of the following described project at the following location:	
Public Agency:	
Project Name:	
Project Description:	
Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	

This Initial Study was completed in accordance with the Lead Agency's Guidelines for Implementing the California Environmental Quality Act. This Initial Study was undertaken for the purpose of deciding whether the project may have a significant effect on the environment. On the basis of such Initial Study, the Lead Agency's Staff has concluded that the project will not have a significant effect on the environment, and has therefore prepared a Draft Negative Declaration/Mitigated Negative Declaration. The Initial Study reflects the independent judgment of the Lead Agency.

- ☐ The Project site IS on a list compiled pursuant to Government Code section 65962.5.
- ☐ The Project site IS NOT on a list compiled pursuant to Government Code section 65962.5.
- ☐ The proposed project IS considered a project of statewide, regional or areawide significance.
- ☐ The proposed project IS NOT considered a project of statewide, regional or areawide significance.
- ☐ The proposed project WILL affect highways or other facilities under the jurisdiction of the State Department of Transportation.
- ☐ The proposed project WILL NOT affect highways or other facilities under the jurisdiction of the State Department of Transportation.
- ☐ A scoping meeting WILL be held by the Lead Agency.
- ☐ A scoping meeting WILL NOT be held by the Lead Agency.

If the project meets the criteria requiring the scoping meeting, or if the agency voluntarily elects to hold such a meeting, the date, time and location of the scoping meeting are as follows:

Date:	Time:	Location:

Copies of the Initial Study and Draft Negative Declaration/Mitigated Negative Declaration are on file and are available for public review at the Lead Agency's office, located at:

The proposed Negative Declaration or Mitigated Negative Declaration can be obtained in electronic format by the following method:

Lead Agency address:

Comments will be received from [FILL-IN FIRST DAY OF COMMENT PERIOD] to [FILL-IN LAST DAY OF COMMENT PERIOD]

Any person wishing to comment on this matter must submit such comments, in writing, to the Lead Agency prior to [FILL-IN LAST DAY OF COMMENT PERIOD]. Comments of all Responsible Agencies are also requested.

The Lead Agency will consider the project and the Draft Negative Declaration/Mitigated Negative Declaration at its meeting on:	
Date:	Time:
If the Lead Agency finds that the project will not have a significant effect on the environment, it may adopt the Negative Declaration/Mitigated Negative Declaration. This means that the Lead Agency may proceed to consider the project without the preparation of an Environmental Impact Report.	

Date Received
for Filing: _____

_____
Staff

(Clerk Stamp Here)

_____
Title

NEGATIVE DECLARATION

1.	Name or description of project:	
2.	Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	
3.	Entity or Person undertaking project:	
	A. Entity	
	(1) Name:	
	B. Other (Private)	
	(1) Name:	
	(2) Address:	

The Lead Agency, having reviewed the Initial Study of this proposed project, having reviewed the written comments received prior to the public meeting of the Lead Agency, and having reviewed the recommendation of the Lead Agency's Staff, does hereby find and declare that the proposed project will not have a significant effect on the environment. A brief statement of the reasons supporting the Lead Agency's findings are as follows:

The Lead Agency hereby finds that the Negative Declaration reflects its independent judgment. A copy of the Initial Study is attached.

The location and custodian of the documents and any other material which constitute the record of proceedings upon which the Lead Agency based its decision to adopt this Negative Declaration are as follows:

Phone No.:	

Date Received
for Filing: _____

_____
Staff

NOTICE OF DETERMINATION

TO:	☐ Clerk of the Board of Supervisors or ☐ County Clerk County of: Address:	FROM:	Public Agency/Lead Agency: Address: Contact: Phone:

TO:	☐ Office of Planning and Research P. O. Box 3044 Sacramento, CA 95812-3044 (overnight or hand delivery) ☐ 1400 Tenth Street, Rm. 113 Sacramento, CA 95814	Lead Agency (if different from above) Address: Contact: Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (If submitted to SCH):		
Project Title:		
Project Applicant:		
Specific Project Location – Identify street address and cross street or attach a map showing project site (preferably a USGS 15' or 7 ½' topographical map identified by quadrangle name):		
General Project Location (City and/or County):		
Project Description:		
Identify the person or entity undertaking the project, including any private applicant, any other person undertaking an activity that receives financial assistance from the Public Agency as part of the project, and any person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the project.		

This is to advise that the (☐ Lead Agency or ☐ Responsible Agency) has approved the above described project on _____ and has made the following determinations regarding the above described project:

1. ☐	The project will have a significant effect on the environment.
☐	The project will NOT have a significant effect on the environment

2. ☐	An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.	
☐	A Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.	
☐	A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.	
3. ☐	Mitigation measures were made a condition of the approval of the project.	
☐	Mitigation measures were NOT made a condition of the approval of the project.	
4. ☐	A Mitigation Monitoring or Reporting Plan was adopted for this project.	
☐	A Mitigation Monitoring or Reporting Plan was NOT adopted for this project.	
5. ☐	A Statement of Overriding Considerations was adopted for this project.	
☐	A Statement of Overriding Considerations was NOT adopted for this project	
6. ☐	Findings were made pursuant to the provisions of CEQA.	
☐	Findings were NOT made pursuant to the provisions of CEQA.	
	This is to certify that the Final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to General Public at:	
	Custodian:	Location:

Date: _____	_____ **Signature** **Name:** _____ **Title:** _____
Date Received for Filing: _____	

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

NOTICE OF PREPARATION

TO:	[Insert Responsible Agency or Trustee Agency] [Insert Address]	FROM:	

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

The [INSERT AGENCY NAME] 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 which 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 potential environmental effects are contained in the attached materials.

☐	A copy of the Initial Study IS attached.
☐	A copy of the Initial Study IS NOT attached.
☐	The proposed project IS considered a project of statewide, regional or areawide significance.
☐	The proposed project IS NOT considered a project of statewide, regional or areawide significance.
☐	The proposed project WILL affect highways or other facilities under the jurisdiction of the State Department of Transportation.
☐	The proposed project WILL NOT affect highways or other facilities under the jurisdiction of the State Department of Transportation.
☐	A scoping meeting WILL be held by the Lead Agency.
☐	A scoping meeting WILL NOT be held by the Lead Agency.

If the project meets the criteria requiring the scoping meeting, or if the agency voluntarily elects to hold such a meeting, the date, time and location of the scoping meeting are as follows:

Date:	Time:	Location:

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 [INSERT NAME] at the address shown above. We will need the name of a contact person in your agency.

Project Title:	
Project Location – Specific: Identify street address and cross street or attach a map showing project site (preferably a U.S.G.S. 15' or 7 ½' topographical map identified by quadrangle name):	

Project Description:	
Project Applicant (if any):	
California Environmental Protection Agency Hazardous Waste List (if applicable):	

Date: _____	Signature:	
	Name:	
	Title:	
	Telephone:	

Consulting firm retained to prepare draft EIR (if applicable):

Name:	
Address:	
City/State/Zip:	
Contact Person:	

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

NOTICE OF COMPLETION & ENVIRONMENTAL DOCUMENT TRANSMITTAL

SCH No.: _____

For U.S. Mail: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

PROJECT TITLE		
LEAD AGENCY		CONTACT PERSON
STREET ADDRESS		TELEPHONE
CITY	ZIP CODE	COUNTY

PROJECT LOCATION				
COUNTY	CITY/NEAREST COMMUNITY			
LAT. / LONG.: ° ' " N/ ° ' " W				
CROSS STREETS	ZIP CODE		TOTAL ACRES	
ASSESSOR'S PARCEL NO.	SECTION	TOWNSHIP	RANGE	BASE
WITHIN 2 MILES: STATE HIGHWAY NO.		WITHIN 2 MILES: WATERWAYS		
WITHIN 2 MILES: AIRPORTS	WITHIN 2 MILES: RAILWAYS		WITHIN 2 MILES: SCHOOLS	

DOCUMENT TYPE

CEQA				NEPA		OTHER	
☐	NOP	☐	Supplemental EIR	☐	NOI	☐	Joint Document
☐	Early Cons	☐	Subsequent EIR	☐	EA	☐	Final Document
☐	Neg Dec	☐	(Prior SCH No.):	☐	Draft EIS	☐	Other:
☐	Mit Neg Dec	☐	Other:	☐	FONSI		
☐	Draft EIR						

LOCAL ACTION TYPE

☐	General Plan Update	☐	Specific Plan	☐	Rezone	☐	Annexation
☐	General Plan Amendment	☐	Master Plan	☐	Prezone	☐	Redevelopment
☐	General Plan Element	☐	Planned Unit Development	☐	Use Permit	☐	Coastal Permit
☐	Community Plan	☐	Site Plan	☐	Land Division (Subdivision, etc.)	☐	Other:

DEVELOPMENT TYPE

☐	Residential:	Units:	Acres:		☐	Water Facilities:	Type:	MGD:
☐	Office:	Sq. ft.	Acres:	Employees:	☐	Transportation:	Type:	
☐	Commercial:	Sq. ft.	Acres:	Employees:	☐	Mining:	Mineral:	
☐	Industrial:	Sq. ft.	Acres:	Employees:	☐	Power:	Type:	MW:
☐	Educational:				☐	Waste Treatment:	Type:	
☐	Recreational:				☐	Hazardous Waste:	Type:	
					☐	Other:		

PROJECT ISSUES DISCUSSED IN DOCUMENT:					
☐	Aesthetic/Visual	☐	Geologic/Seismic	☐	Toxic/Hazardous
☐	Agricultural Land	☐	Minerals	☐	Traffic/Circulation
☐	Air Quality	☐	Noise	☐	Vegetation
☐	Archaeological/Historical	☐	Population/Housing Balance	☐	Water Quality
☐	Biological Resources	☐	Public Services/Facilities	☐	Water Supply/Groundwater
☐	Coastal Zone	☐	Recreation/Parks	☐	Wetland/Riparian
☐	Drainage/Absorption	☐	Schools/Universities	☐	Wildlife
☐	Economic/Jobs	☐	Septic Systems	☐	Growth Inducement
☐	Fiscal	☐	Sewer Capacity	☐	Land Use
☐	Flood Plain/Flooding	☐	Soil Erosion/Compaction/Grading	☐	Cumulative Effects
☐	Forest Land/Fire Hazard	☐	Solid Waste	☐	Greenhouse Gases
☐	Other:_____				

PRESENT LAND USE/ZONING/GENERAL PLAN USE DESIGNATION:

PROJECT DESCRIPTION *(please use a separate page if necessary)*

NOTE: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice or Preparation or previous draft document) please fill in.

Revised 2010

	Reviewing Agencies Checklist *Appendix C* **KEY:** **S** = Document sent by lead agency **X** = Document sent by SCH		
	Lead Agencies may recommend State Clearinghouse distribution my marking agencies below:		
☐	Air Resources Board	☐	Native American Heritage Commission
☐	Boating & Waterways, Department of	☐	Office of Historic Preservation
☐	California Emergency Management Agency	☐	Office of Public School Construction
☐	California Highway Patrol	☐	Parks & Recreation, Department of
☐	Caltrans District #_____	☐	Pesticide Regulation, Department of
☐	Caltrans Division of Aeronautics	☐	Public Utilities Commission
☐	Caltrans Planning	☐	Regional WQCB #_____
☐	Central Valley Flood Protection Board	☐	Resources Agency
☐	Coachella Valley Mountains Conservancy	☐	Resources Recycling and Recovery, Department of
☐	Coastal Commission	☐	S.F. Bay Conservation & Development Commission
☐	Colorado River Board	☐	San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy
☐	Conservation, Department of	☐	San Joaquin River Conservancy
☐	Corrections, Department of	☐	Santa Monica Mountains Conservancy
☐	Delta Protection Commission	☐	State Lands Commission
☐	Education, Department of	☐	SWRCB: Clean Water Grants
☐	Energy Commission	☐	SWRCB: Water Quality
☐	Fish & Game Region #_____	☐	SWRCB: Water Rights
☐	Food & Agriculture, Department of	☐	Tahoe Regional Planning Agency
☐	Forestry & Fire Protection, Department of	☐	Toxic Substances Control, Department of
☐	General Services, Department of	☐	Water Resources, Department of
☐	Health Services, Department of	☐	Other:
☐	Housing & Community Development	☐	Other:

Local Public Review Period (to be filled in by lead agency):

Starting Date: _____ Ending Date: _____

Address where copies of the Draft EIR are available and a description of how the Draft EIR can be provided in an electronic format: _____

Lead Agency (Complete if applicable):

Consulting Firm: _____

Address: _____

City/State/Zip: _____

Contact: _____

Phone: _____

Applicant:	
Address:	
City/State/Zip:	
Phone:	

Signature of Lead Agency Representative:		Date:	

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

For SCH Use Only:

Date Received at SCH _____
Date Review Starts _____
Date to Agencies _____
Date to SCH _____
Clearance Date _____
Notes:

ENVIRONMENTAL INFORMATION FORM

(For private projects, this form must be completed by private project applicant to assist staff in completing Initial Study)

Date Filed: _____

GENERAL INFORMATION

1.	Developer or project sponsor	Name:
		Address:
2.	Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	
3.	Assessor's Block and Lot Number	
4.	Person to be contacted regarding this project	Name:
		Address:
		Telephone:
5.	Permit Application Number for project	
6.	Existing Zoning District	
7.	Proposed use of site (project for which this form is filed)	

List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

8.	Site size:	
9.	Square footage:	
10.	Number of floors of construction:	
11.	Amount of off-street parking provided:	
12.	Attach plans:	
13.	Proposed scheduling:	
14.	Associated projects:	
15.	Anticipated incremental development:	

16. If residential, include the number of units, schedule of unit sizes, range of sales prices or rents and type of household size expected.

17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area and loading facilities.

18. If industrial, indicate type, estimated employment per shift and loading facilities.

19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities and community benefits to be derived from the project.

20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects?

Discuss below all items checked yes (attach additional sheets as necessary).

YES	NO		
☐	☐	21.	Change in existing features of any bays, tidelands, beaches, lakes, hills or substantial alteration of ground contours.
☐	☐	22.	Change in scenic views or vistas from existing residential areas or public lands or roads.
☐	☐	23.	Change in pattern, scale or character of general area of project.
☐	☐	24.	Significant amounts of solid waste or litter.
☐	☐	25.	Change in dust, ash, smoke, fumes or odors in vicinity.
☐	☐	26.	Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.
☐	☐	27.	Substantial change in existing noise or vibration levels in the vicinity.
☐	☐	28.	Site on filled land or on slope of 10 percent or more.
☐	☐	29.	Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.
☐	☐	30.	Substantial change in demand for municipal services (police, fire, water, sewage, etc.).
☐	☐	31.	Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.).
☐	☐	32.	Relationship to a larger project or series of projects.
☐	☐	33.	Has a prior environmental impact report been prepared for a program, plan, policy or ordinance consistent with this project?

YES	NO		
☐	☐	34.	If you answered yes to question 33, may this project cause significant effects on the environment that were not examined in the prior EIR?
☐	☐	35.	Will the project require the import or export of soil? If so, how much? From where will import come? To where will export go? What is the proposed haul route?

ENVIRONMENTAL SETTING

36. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. (Snapshots or instant photos acceptable.)

37. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. (Snapshots or instant photos acceptable.)

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date:

Signature:

For:

INITIAL STUDY

NOTE: The following is a sample form that may be tailored by the Lead Agency to satisfy project circumstances. It may be used to meet the requirements for an initial study when the criteria set forth in the State and Local CEQA Guidelines have been met. Substantial evidence of potential impacts that are not listed on this form must also be considered. The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

1. Project Title: _____

2. Lead Agency Name and Address:

   _____

   _____

   _____

3. Contact Person and Phone Number: _____

4. Project Location: _____

5. Project Sponsor's Name and Address:

   _____

   _____

   _____

6. General Plan Designation: _____ 7. Zoning: _____

8. Description of Project: (Describe 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. Attach additional sheet(s) if necessary.)

   _____

   _____

   _____

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings.)

   _____

   _____

   _____

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

    _____

    _____

    _____

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?_____

    Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

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.

☐ Aesthetics	☐ Agriculture/Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology / Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality
☐ Land Use / Planning	☐ Mineral Resources	☐ Noise
☐ Population / Housing	☐ Public Services	☐ Recreation
☐ Transportation	☐ Utilities / Service Systems	☐ Mandatory Findings of Significance
☐ Tribal Cultural Resources	☐ Wildfire	☐ Energy

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Printed Name	For

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a Lead Agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the Lead Agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The Lead Agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analyses Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

   a) the significance criteria or threshold, if any, used to evaluate each question; and

   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

SAMPLE QUESTION

Issues:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I.	AESTHETICS. Except as provided in Public Resources Code section 21099, would the project:				
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☐
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☐
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?)	☐	☐	☐	☐
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☐

			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
II.	AGRICULTURE AND FOREST RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. -- Would the project:					
	a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☐
	b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐
	c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☐
	d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☐
	e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☐

			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III.	AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:					
	a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☐
	b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	☐
	c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☐
	d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☐	☐
IV.	BIOLOGICAL RESOURCES -- Would the project:					
	a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐
	b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐
	c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐
	d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☐

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☐
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐
V.	CULTURAL RESOURCES -- Would the project:				
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☐	☐
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☐
VI.	ENERGY. Would the project:				
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☐
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☐
VII.	GEOLOGY AND SOILS -- Would the project:				
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:	☐	☐	☐	☐
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☐
ii)	Strong seismic ground shaking?	☐	☐	☐	☐

			Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
	iii)	Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐
	iv)	Landslides?	☐	☐	☐	☐
	b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐
	c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☐
	d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☐	☐
	e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☐
	f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☐
VIII.	GREENHOUSE GAS EMISSIONS -- Would the project:					
	a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☐
	b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	☐	☐	☐	☐
IX.	HAZARDS AND HAZARDOUS MATERIALS -- Would the project:					
	a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☐

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☐
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☐
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☐
X.	HYDROLOGY AND WATER QUALITY -- Would the project:				
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☐

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☐	☐
	i) result in substantial erosion or siltation on- or off-site;	☐	☐	☐	☐
	ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	☐
	iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☐
	iv) impede or redirect flood flows?	☐	☐	☐	☐
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☐
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☐
XI.	LAND USE AND PLANNING -- Would the project:				
a)	Physically divide an established community?	☐	☐	☐	☐
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☐
XII.	MINERAL RESOURCES -- Would the project:				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☐
XIII.	NOISE -- Would the project result in:				
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☐
b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☐
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐
XIV.	POPULATION AND HOUSING -- Would the project:				
a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	☐	☐	☐	☐
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐
XV.	PUBLIC SERVICES -- Would the project:				
a)	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☐

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
	Fire protection?	☐	☐	☐	☐
	Police protection?	☐	☐	☐	☐
	Schools?	☐	☐	☐	☐
	Parks?	☐	☐	☐	☐
	Other public facilities?	☐	☐	☐	☐
XVI.	RECREATION --				
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☐
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	☐	☐	☐	☐
XVII.	TRANSPORTATION -- Would the project:				
a)	Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☐
b)	Conflict or be inconsistent with CEQA Guidelines section 15064.3[1] or will conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☐
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☐
d)	Result in inadequate emergency access?	☐	☐	☐	☐

[1] CEQA Guidelines section 15064.3(c) provides that a lead agency"may elect to be governed by the provisions" of the section immediately; otherwise, the section's provisions apply July 1, 2020. Here, the District has not elected to be governed by Section 15064.3. Accordingly, an analysis of vehciles miles traveled (VMT) is not necessary to determine whether a proposed project will have a significant transportation impact.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII.	TRIBAL CULTURAL RESOURCES – Would the project:				
a)	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☐	☐	☐
i)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☐
ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☐
XVIII.	UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☐
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☐

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☐
d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☐
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☐
XIX.	WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	☐	☐	☐	☐
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☐
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☐
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☐

XX. MANDATORY FINDINGS OF SIGNIFICANCE --		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	☐	☐	☐	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☐

Note: Authority cited: Public Resources Code sections 21083, 21083.05, 21083.09.

Reference: Gov. Code section 65088.4; Public Resources Code sections 21073, 21074, 21080(c), 21080.1, 21080.3, 21080.3.1, 21080.3.2, 21082.3, 21083, 21083.3, 21083.5, 21084.2, 21084.3, 21093, 21094, 21095 and 21151; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

NOTICE OF AVAILABILITY OF DRAFT EIR

Project Title:	
Project Location – Specific; Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	
Project Location – City:	
Project Location – County:	
Description of Nature, Purpose, and Beneficiaries of Project:	
Project Site – Specify if project site is included on any list of hazardous waste facilities:	
Place and time of scheduled meetings:	
Lead Agency:	
Division	
Date when project noticed to public:	
Address where copy of the EIR is available and how it can be obtained in an electronic format:	
Review Period:	[FILL- IN START DATE] to [FILL-IN END DATE]
Contact Person:	
Contact Person's Telephone (Area Code/Extension:	

California Department of Fish and Wildlife

No Effect Determination Request Form

To: DEPARTMENT OF FISH AND WILDLIFE

South Coast Regional Office
3883 Ruffin Road
San Diego, CA 92123
Information: (858) 467-4201
FAX: (858) 467-4299
Email: AskR5@wildlife.ca.gov

http://www.wildlife.ca.gov
Environmental Review and Permitting
1416 Ninth Street
Sacramento, California 95814
Information: (916) 653-4875

Date Submitted:	
CEQA Lead Agency:	
Lead Agency Contact Phone Number:	
Lead Agency Address:	
SCH Number or County Filing Number and local agency project/case number:	
CEQA Document Type (the type of document prepared for your project by the CEQA Lead Agency):	
Applicant Name and Contact Phone Number (if applicable):	
Applicant Address (if applicable):	
Project Title:	
Project Location (include the street address, lat/long, range/township/section, or other description that clearly indicates the location of the project site. Include an aerial or topographic map of the project site):	
Project Description (include details such as new construction [with square footage], demolition of existing buildings, adaptive reuse of existing buildings, zoning amendments, general plan amendments, conditional use for sale of alcoholic beverages, etc.) Use additional sheets if necessary:	

Justification for No Effect Determination (explain how the proposed project is consistent with Title 14 Section 753.5(d) CCR):	

Facts Supporting Fee Exemption:

1. An Initial Study has been prepared by the Lead Agency to evaluate the project's effects on fish and wildlife resources, if any.
2. The Lead Agency hereby finds that there is substantial evidence that the project will have no effect on fish or wildlife.
3. The project will have NO EFFECT on the following resources:

   (A) Riparian land, rivers, streams, watercourses and wetlands;
   (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 dependant on plant life;
   (D) Listed threatened and endangered plants and animals and the habitat in which they are believed to reside;
   (E) All species listed as protected or identified for special management in the Fish and 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 and Game and the ecological communities in which they reside; and
   (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.

DECLARATION:

Based on the Lead Agency's evaluation of potential adverse effects on fish and wildlife resources, the Lead Agency believes the project will have no effect on fish or wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

_____

Signature - Lead Agency Representative
Title:
Lead Agency:
Date:

NOTICE OF RECIRCULATION

To whom it may concern: You are receiving this notice because you commented on the Draft EIR for the following Project:	
Project Name:	
Project Description:	
Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	
The Draft EIR prepared for this project has been revised.	
☐ The entire Draft EIR is being recirculated. Your prior comments remain part of the administrative record, but they are no longer applicable to the Draft EIR that is under consideration. The Final EIR will not provide a response to your prior comments. Should you wish to comment on the revised Draft EIR, you will need to submit new comments.	
☐ Only the following chapters or portions of the Draft EIR have been revised, and only those parts of the revised Draft EIR are being recirculated:	
☐ Your comments should be limited to those parts of the revised Draft EIR that are being recirculated.	
☐ Your comments need not be limited to those parts of the revised Draft EIR that are being recirculated.	
Review Period on Recirculated Draft EIR: From [FILL-IN START DATE] to [FILL-IN END DATE]	
All comments on the Recirculated Draft EIR should be addressed to the following individual and must be received no later than [FILL-IN END DATE]. Should you have any questions about this notice, please contact:	
Staff:	
Title:	
Telephone Number:	
E-Mail:	

Date Received
for Filing: _____

_____
Staff

(Clerk Stamp Here)

_____
Title

THIS IS A SAMPLE FORM AND SHOULD BE MODIFIED TO MEET THE NEEDS OF THE PARTICULAR PROJECT/CIRCUMSTANCE

[Date]

General Manager
ABC Water District/Agency/Company
123 Main St.
Anytown USA, 9xxxx

Re: Water Supply Assessment for _____ Project within the City of _____.

Dear M(r/s.) _____,

We have received an application from [project proponent] for the following project ("Project"):

[list applications and briefly describe project]

We have consulted with each other and have mutually agreed that your [District/Agency/Company] is a public water system that may provide water service to the Project. We have also mutually agreed that the Project is subject to the water supply assessment requirements of Water Code sections 10910 - 10912. Pursuant to Water Code section 10910, [City/County] requests [District/Agency/Company] to submit a water supply assessment for the Project on or before _____, ____, which is within 90 days of the date of this request. We concurrently request the [District/Agency/Company] to state whether the projected water demand associated with the Project was included as part of the [City's or County's] most recently adopted Urban Water Management Plan. Please contact me to confirm receipt of this request.

Thank you for your cooperation in this matter. If you have any questions about this request, please contact me at your earliest convenience.

_____
[Name]
[Title]

THIS IS A SAMPLE FORM AND SHOULD BE MODIFIED AS NECESSARY TO MEET THE NEEDS OF THE PARTICULAR PROJECT/CIRCUMSTANCE

[Date]

General Manager
ABC Water District/Agency/Company
123 Main St.
Anytown USA, 9xxxx

Re: Water Supply Verification for _____ Project within the City/County of _____.

Dear M(r/s.) _____,

[Subdivision proponent] has submitted to the [City or County] an application for tentative map (No. ## - ##) for the following subdivision ("Subdivision"):

[insert project description]

[City/County staff has determined that the application is complete. Pursuant to Government Code section 66455.3, we are enclosing a copy of the application.]

[We have consulted with each other and have mutually agreed that your [District/Agency/Company] is a public water system that may provide water service to the Subdivision. We have also mutually agreed that the Subdivision is subject to the water supply verification requirements of the Subdivision Map Act.] Pursuant to Government Code section 66473.7(b)(1), [City or County] requests [District/Agency/Company] to submit a water supply verification for the Subdivision on or before _____, ____, which is within 90 days of the date of this request. Please contact me to confirm receipt of this request.

Thank you for your cooperation in this matter. If you have any questions about this request, please contact me at your earliest convenience.

_____
[Name]
[Title]

SHORTENED REVIEW REQUEST FORM

(To be filled out and signed by the **Lead Agency** and submitted with the DEIR or Negative Declaration to SCH)

TO:	State Clearinghouse P.O. Box 3044 Sacramento, CA 95812-3044 State Clearinghouse Number:	FROM:	Lead Agency: Address: Phone: Contact:

Project Title:
Specific Project Location – Identify street address and cross street or attach a map showing project site (preferably a USGS 15' or 7 ½' topographical map identified by quadrangle name):
General Project Location (City and/or County):
Type of Environmental Document: ☐ Environmental Impact Report (EIR). The Lead Agency issued a Notice of Preparation on _____ and received comments from applicable State agencies. ☐ Negative Declaration (ND) or Mitigated Negative Declaration (MND). The Lead Agency consulted with applicable State agencies on _____.
Brief Project Description:

Explain "exceptional circumstances" (State CEQA Guidelines Section 15205(d)) for requesting a shortened review. Identify which of the following five (5) criteria in State CEQA Guidelines Appendix K are met for this project.

1. ☐	The Lead Agency is operating under an extension of the one-year period for completion of an EIR and would not otherwise be able to complete the EIR within the extended period.
2. ☐	The public project applicant is under severe time constraints with regard to obtaining financing or exercising options which cannot be met without shortening the review period.
3. ☐	The document is a supplement to a draft EIR or proposed negative declaration or mitigated negative declaration previously submitted to the State Clearinghouse.
4. ☐	The health and safety of the community would be at risk unless the project is approved expeditiously.
5. ☐	The document is a revised draft EIR, or proposed negative declaration or mitigated negative declaration, where changes in the document are primarily the result of comments from agencies and the public.

	Explain how the above criteria applies to the project.

In compliance with the State and Local CEQA Guidelines, the Lead Agency has contacted and obtained prior approval for a shortened review from the applicable State responsible and trustee agencies. List responsible and trustee state agencies with contact person, phone number and date of consent for the shortened review, as well as any agencies that have commented on the project (attach additional pages, if necessary):

As designated representative for the Lead Agency, I verify, in the Lead Agency's behalf, that there is no "statewide, regional, or areawide significance" to this project.

Length of review being requested: _____ days

Date: _____ Print Name:_____

_____
Signature of Designated Lead Agency Representative

Date Received for Filing: _____

_____
Title

SUMMARY FORM FOR ELECTRONIC DOCUMENT SUBMITTAL

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of environmental documents to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to State CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

State Clearinghouse Number: _____ Date: _____

Lead Agency: _____ Contact: _____

Email: _____ Phone Number: _____

Project Title: _____

Project Location (City and County): _____

Provide a Project Description (Proposed actions, location, and/or consequences).
Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.
If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.
Provide a list of the responsible or trustee agencies for the project.

Form R: Performance Standards for Infill Projects Eligible for Streamlined Review

I. Introduction

Section 15183.3 provides a streamlined review process for infill projects that satisfy specified performance standards. This appendix contains those performance standards. The lead agency's determination that the project satisfies the performance standards shall be supported with substantial evidence, which should be documented on the Infill Checklist in Appendix S. Section II defines terms used in this Appendix. Performance standards that apply to all project types are set forth in Section III. Section IV contains performance standards that apply to particular project types (i.e., residential, commercial/retail, office building, transit stations, and schools).

II. Definitions

The following definitions apply to the terms used in this Appendix.

"High-quality transit corridor" means an existing corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. For the purposes of this Appendix, an "existing stop along a high-quality transit corridor" may include a planned and funded stop that is included in an adopted regional transportation improvement program.

Unless more specifically defined by an air district, city or county, "high-volume roadway" means freeways, highways, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day.

"Low vehicle travel area" means a traffic analysis zone that exhibits a below average existing level of travel as determined using a regional travel demand model. For residential projects, travel refers to either home-based or household vehicle miles traveled per capita. For commercial and retail projects, travel refers to non-work attraction trip length; however, where such data are not available, commercial projects reference either home-based or household vehicle miles traveled per capita. For office projects, travel refers to commute attraction vehicle miles traveled per employee; however, where such data are not available, office projects reference either home-based or household vehicle miles traveled per capita.

"Major Transit Stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with frequencies of service intervals of 15 minutes or less during the morning and afternoon peak commute periods. For the purposes of this Appendix, an "existing major transit stop" may include a planned and funded stop that is included in an adopted regional transportation improvement program.

"Office building" generally refers to centers for governmental or professional services; however, the lead agency shall have discretion in determining whether a project is "commercial" or "office building" for the purposes of this Appendix based on local zoning codes.

"Significant sources of air pollution" include airports, marine ports, rail yards and distribution centers that receive more than 100 heavy-duty truck visits per day, as well as stationary sources that are designated major by the Clean Air Act.

A "Traffic Analysis Zone" is an analytical unit used by a travel demand model to estimate vehicle travel within a region.

III. Performance Standards Related to Project Design

To be eligible for streamlining pursuant to Section 15183.3, a project must implement all of the following:

Renewable Energy. All non-residential projects shall include on-site renewable power generation, such as solar photovoltaic, solar thermal and wind power generation, or clean backup power supplies, where feasible. Residential projects are also encouraged to include such on-site renewable power generation.

Soil and Water Remediation. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.

Residential Units Near High-Volume Roadways and Stationary Sources. If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code or community risk reduction plan for the protection of public health from such sources of air pollution. If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.

IV. Additional Performance Standards by Project Type

In addition to the project features described above in Section III, specific eligibility requirements are provided below by project type.

Several of the performance standards below refer to "low vehicle travel areas." Such areas can be illustrated on maps based on data developed by the regional Metropolitan Planning Organization (MPO) using its regional travel demand model.

Several of the performance standards below refer to distance to transit. Distance should be calculated so that at least 75 percent of the surface area of the project site is within the specified distance.

A. Residential

To be eligible for streamlining pursuant to Section 15183.3, a project must satisfy one of the following:

Projects achieving below average regional per capita vehicle miles traveled (VMT). A residential project is eligible if it is located in a "low vehicle travel area" within the region.

Projects located within 1/2% mile of an Existing Major Transit Stop or High Quality Transit Corridor. A residential project is eligible if it is located within 1/2 mile of an existing major transit stop or an existing stop along a high quality transit corridor.

Low-Income Housing. A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.

B. Commercial/Retail

To be eligible for streamlining pursuant to Section 15183.3, a project must satisfy one of the following:

Regional Location. A commercial project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a "low vehicle travel area."

Proximity to Households. A project with no single-building floor-plate greater than 50,000 square feet located within one-half mile of 1800 households is eligible.

C. Office Building

To be eligible for streamlining pursuant to Section 15183.3, a project must satisfy one of the following:

Regional Location. Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area.

Proximity to a Major Transit Stop. Office buildings, both commercial and public, within 1/2 mile of an existing major transit stop, or 1/4 mile of an existing stop along a high quality transit corridor, are eligible.

D. Transit

Transit stations, as defined in Section 15183.3(e)(1), are eligible.

E. Schools

Elementary schools within one mile of fifty percent of the projected student population are eligible. Middle schools and high schools within two miles of fifty percent of the projected student population are eligible. Alternatively, any school within 1/2% mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible.

Additionally, in order to be eligible, all schools shall provide parking and storage for bicycles and scooters and shall comply with the requirements in Sections 17213, 17213.1 and 17213.2 of the California Education Code.

F. Small Walkable Community Projects

Small walkable community projects, as defined in Section 15183.3, subdivision (e)(6), that implement the project features described in Section III above are eligible.

G. Mixed-Use Projects

Where a project includes some combination of residential, commercial and retail, office building, transit station, and/or schools, the performance standards in this Section that apply to the predominant use shall govern the entire project.

Authority: Public Resources Code Sections 21083, 21094.5.5

Reference: Public Resources Code Sections 21094.5 and 21094.5.5

INFILL ENVIRONMENTAL CHECKLIST FORM

NOTE: This sample form is intended to assist lead agencies in assessing infill projects according to the procedures provided in Section 21094.5 of the Public Resources Code. Lead agencies may customize this form as appropriate, provided that the contents satisfies the requirements in Section 15183.3 of the State CEQA Guidelines.

1. Project Title: _____

2. Lead Agency Name and Address:

_____

_____

_____

3. Contact Person and Phone Number: _____

4. Project Location: _____

5. Project Sponsor's Name and Address:

_____

_____

_____

6. General Plan Designation: _____ 7. Zoning: _____

8. Prior Environmental Document(s) Analyzing the Effects of the Infill Project:

_____

_____

9. Location of Prior Environmental Document(s) Analyzing the Effects of the Infill Project (including State Clearinghouse Number, if assigned): _____

_____

10. Description of Project: (Describe 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. Attach additional sheet(s) if necessary.)

_____

_____

_____

11. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings, including any prior uses of the project site, or, if vacant, describe the urban uses that exist on at least 75% of the project's perimeter.)

_____

_____

_____

12. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

_____

_____

_____

13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

_____

_____

_____

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project

proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

SATISFACTION OF FORM R PERFORMANCE STANDARDS

Provide the information demonstrating that the infill project satisfies the performance standards in Form R below. For **mixed-use projects**, the predominant use will determine which performance standards apply to the entire project.

1. Does the non residential infill project include a renewable energy feature? If so, describe below. If not, explain below why it is not feasible to do so. _____

2. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, either provide documentation of remediation or describe the recommendations provided in a preliminary endangerment assessment or comparable document that will be implemented as part of the project.

3. If the infill project includes residential units located within 500 feet, or such distance that the local agency or local air district has determined is appropriate based on local conditions, a high volume roadway or other significant source of air pollution, as defined in Form R, describe the measures that the project will implement to protect public health. Such measures may include policies and standards identified in the local general plan, specific plans, zoning code or community risk reduction plan, or measures recommended in a health risk assessment, to promote the protection of public health. Identify the policies or standards, or refer to the site specific analysis, below. (Attach additional sheets if necessary.)

4. For **residential** projects, the project satisfies which of the following?

   ☐ Located within a low vehicle travel area, as defined in Form S. (Attach VMT map.)

   ☐ Located within 1/2 mile of an existing major transit stop or an existing stop along a high quality transit corridor. (Attach map illustrating proximity to transit.)

   ☐ Consists of 300 or fewer units that are each affordable to low income households. (Attach evidence of legal commitment to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.)

5. For **commercial** projects with a single building floor-plate below 50,000 square feet, the project satisfies which of the following?

   ☐ Located within a low vehicle travel area, as defined in Form R. (Attach VMT map.)

   ☐ The project is within one-half mile of 1800 dwelling units. (Attach map illustrating proximity to households.)

6. For **office building** projects, the project satisfies which of the following?

   ☐ Located within a low vehicle travel area, as defined in Form R. (Attach VMT map.)

☐ Located within 1/2 mile of an existing major transit stop or within 1/4 of a stop along a high quality transit corridor. (Attach map illustrating proximity to transit.)

7. For **school** projects, the project does all of the following:

☐ The project complies with the requirements of Sections 17213, 17213.1 and 17213.2 of the California Education Code.

☐ The project is an elementary school and is within one mile of 50% of the student population, or is a middle school or high school and is within two miles of 50% of the student population. Alternatively, the school is within 1/2 mile of an existing major transit stop or an existing stop along a high quality transit corridor. (Attach map and methodology.)

☐ The project provides parking and storage for bicycles and scooters.

8. For **small walkable community projects**, the project must be a residential project that has a density of at least eight units to the acre or a commercial project with a floor area ratio of at least 0.5, or both.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The infill project could potentially result in one or more of the following environmental effects.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology / Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality
☐ Land Use / Planning	☐ Mineral Resources	☐ Noise
☐ Population / Housing	☐ Public Services	☐ Recreation
☐ Transportation	☐ Utilities / Service Systems	☐ Mandatory Findings of Significance
☐ Energy	☐ Wildfire	

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

☐ I find that the proposed infill project WOULD NOT have any significant effect on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code Section 21094.5, CEQA does not apply to such effects. A Notice of Determination (Section 15094) will be filed.

☐ I find that the proposed infill project will have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformity applicable development policies would substantially mitigate such effects. With respect to those effects that are subject to CEQA, I find that such effects WOULD NOT be significant and a NEGATIVE DECLARATION, or if the project is a Transit Priority Project a SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT, will be prepared.

☐ I find that the proposed infill project will have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. I find that although those effects could be significant, there will not be a significant effect in this case because revisions in the infill project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION, or if the project is a Transit Priority Project a SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT, will be prepared.

☐ I find that the proposed infill project would have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. I find that those effects WOULD be significant, and an infill ENVIRONMENTAL IMPACT REPORT is required to analyze those effects that are subject to CEQA.

Signature | Date

Printed Name | For

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a Lead Agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) For the purposes of this checklist, "prior EIR" means the environmental impact report certified for a planning level decision, as supplemented by any subsequent or supplemental environmental impact reports, negative declarations, or addenda to those documents. "Planning level decision" means the enactment or amendment of a general plan, community plan, specific plan, or zoning code. (Section 15183.3(e).)

4) Once the Lead Agency has determined that a particular physical impact may occur as a result of an infill project, then the checklist answers must indicate whether the impact has already been analyzed in a prior EIR. If the effect of the infill project is not more significant than what has already been analyzed, that effect of the infill project is not subject to CEQA. The brief explanation accompanying this determination should include page and section references to the portions of the prior EIR containing this analysis of that effect. The brief explanation shall also indicate whether the prior EIR included any mitigation measures to substantially lessen that effect and whether those measures have been incorporated into the infill project.

5) If the infill project would cause a significant adverse effect that either is specific to the project or project site and was not analyzed in a prior EIR, or is more significant than what was analyzed in a prior EIR, the Lead Agency must determine whether uniformly applicable development policies or standards that have been adopted by the Lead Agency, or city or county, would substantially mitigate that effect. If so, the checklist shall explain how the infill project's implementation of the uniformly applicable development policies will substantially mitigate that effect. That effect of the infill project is not subject to CEQA if the lead agency makes a finding, based upon substantial evidence, that the development policies or standards will substantially mitigate that effect.

6) If all effects of an infill project were either analyzed in a prior EIR or are substantially mitigated by uniformly applicable development policies or standards, CEQA does not apply to the project, and the Lead Agency shall file a Notice of Determination.

7) Effects of an infill project that either have not been analyzed in a prior EIR, or that uniformly applicable development policies or standards do not substantially mitigate, are subject to CEQA. With respect to those effects of the infill project that are subject to CEQA, the checklist shall indicate whether those effects are significant, less than significant with mitigation, or less than significant. If there are one or more " Significant Impact" entries when the determination is made, an infill EIR is required. The infill EIR should be limited to analysis of those effects determined to be significant. (Sections 15128, 15183.3(d).)

8) "Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures will reduce an effect of an infill project that is subject to CEQA from " Significant Impact" to a "Less Than Significant Impact." The Lead Agency must describe the mitigation measures, and briefly explain how those measures reduce the effect to a less than significant level. If the effects of an infill project that are subject to CEQA are less than significant with mitigation incorporated, the Lead Agency may prepare a Mitigated Negative Declaration. If all of the effects of the infill project that are subject to CEQA are less than significant, the lead agency may prepare a Negative Declaration.

9) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to an infill project's environmental effects in whatever format is selected.

10) The explanation of each issue should identify:

a) the significance criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues:

	Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
I. AESTHETICS. Except as provided in Public Resources Code section 21099, would the project:						
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☐	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☐	☐	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?)	☐	☐	☐	☐	☐	☐

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☐	☐	☐
II.	AGRICULTURE AND FOREST RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. -- Would the project:						
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☐	☐	☐
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐	☐	☐

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☐	☐	☐
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☐	☐	☐
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☐	☐	☐
III.	AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:						
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☐	☐	☐
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	☐	☐	☐
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☐	☐	☐
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☐	☐	☐	☐

IV. BIOLOGICAL RESOURCES -- Would the project:		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☐	☐
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☐	☐
c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	☐	☐
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☐	☐	☐
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☐	☐	☐

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐	☐	☐
V.	CULTURAL RESOURCES -- Would the project:						
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☐	☐	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☐	☐	☐	☐
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☐	☐	☐
VI.	ENERGY. Would the project:						
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☐	☐	☐
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☐	☐	☐
VII.	GEOLOGY AND SOILS -- Would the project:						
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:	☐	☐	☐	☐	☐	☐

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☐	☐	☐
ii)	Strong seismic ground shaking?	☐	☐	☐	☐	☐	☐
iii)	Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐	☐	☐
iv)	Landslides?	☐	☐	☐	☐	☐	☐
b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐	☐	☐
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☐	☐	☐
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☐	☐	☐	☐
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☐	☐	☐

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☐	☐	☐
VIII. GREENHOUSE GAS EMISSIONS - Would the project:							
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☐	☐	☐
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	☐	☐	☐	☐	☐	☐
IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:							
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☐	☐	☐
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☐	☐	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☐	☐	☐

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐	☐	☐
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☐	☐	☐
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	☐	☐
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☐	☐	☐
X.	HYDROLOGY AND WATER QUALITY - Would the project:						
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☐	☐	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☐	☐	☐

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☐	☐	☐	☐
	i) result in substantial erosion or siltation on- or off-site;	☐	☐	☐	☐	☐	☐
	ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	☐	☐	☐
	iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☐	☐	☐
	iv) impede or redirect flood flows?	☐	☐	☐	☐	☐	☐
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☐	☐	☐
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☐	☐	☐
XI.	LAND USE AND PLANNING - Would the project:						
a)	Physically divide an established community?	☐	☐	☐	☐	☐	☐

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☐	☐	☐
XII.	MINERAL RESOURCES - Would the project:						
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐	☐	☐
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☐	☐	☐
XIII.	NOISE - Would the project result in:						
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☐	☐	☐
b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☐	☐	☐
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☐	☐

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
XIV. POPULATION AND HOUSING - Would the project:							
a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	☐	☐	☐	☐	☐	☐
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☐	☐
XV. PUBLIC SERVICES - Would the project:							
a)	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☐	☐	☐
	Fire protection?	☐	☐	☐	☐	☐	☐
	Police protection?	☐	☐	☐	☐	☐	☐
	Schools?	☐	☐	☐	☐	☐	☐
	Parks?	☐	☐	☐	☐	☐	☐
	Other public facilities?	☐	☐	☐	☐	☐	☐

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
XVI. RECREATION --							
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☐	☐	☐
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	☐	☐	☐	☐	☐	☐
XVII. TRANSPORTATION -- Would the project:							
a)	Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☐	☐	☐
b)	Conflict or be inconsistent with CEQA Guidelines section 15064.3[1] or will conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☐	☐	☐

[1] CEQA Guidelines section 15064.3(c) provides that a lead agency"may elect to be governed by the provisions" of the section immediately; otherwise, the section's provisions apply July 1, 2020. Here, the District has not elected to be governed by Section 15064.3. Accordingly, an analysis of vehciles miles traveled (VMT) is not necessary to determine whether a proposed project will have a significant transportation impact.

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☐	☐	☐
d)	Result in inadequate emergency access?	☐	☐	☐	☐	☐	☐
XVII.	TRIBAL CULTURAL RESOURCES – Would the project:						
a)	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☐	☐	☐	☐	☐
	i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☐	☐	☐

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☐	☐	☐
XVIII.	UTILITIES AND SERVICE SYSTEMS -- Would the project:						
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☐	☐	☐
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☐	☐	☐
c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☐	☐	☐

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☐	☐	☐
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☐	☐	☐
XIX.	WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	☐	☐	☐	☐	☐	☐
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	☐	☐
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☐	☐	☐
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☐	☐	☐
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☐	☐	☐

		Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
XX.	MANDATORY FINDINGS OF SIGNIFICANCE --						
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☐	☐	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	☐	☐	☐	☐	☐	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☐	☐	☐

Authority: Public Resources Code Sections 21083, 21094.5.5
Reference: Public Resources Code Sections 21094.5 and 21094.5.5

RESOLUTION NO. 19-3-2

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT AMENDING THE IDENTITY THEFT PREVENTION PROGRAM

WHEREAS, the El Toro Water District is a public agency organized and existing pursuant to the California Water District Law, commencing with Division 13 of the California Code; and

WHEREAS, the Fair and Accurate Credit Transaction Act of 2003 ("FACTA"), section 114, as implemented by the Red Flag Rules, 16 C.F.R. § 681.2, issued by the Federal Trade Commission along with other federal agencies, requires creditors of customer accounts to implement an Identity Theft Prevention Program; and

WHEREAS, El Toro Water District is a creditor because it provides services to customers prior to receipt of payment through customer accounts, including utility service accounts, which are maintained primarily for personal, family or household purposes and involve multiple payments or transactions, and for which there is a reasonably foreseeable risk of identity theft; and

WHEREAS, El Toro Water District is therefore required to implement an Identity Theft Prevention Program; and

WHEREAS, the purpose of the Identify Theft Prevention Program is to detect, prevent and mitigate identity theft in connection with all customer accounts, taking into consideration the level of risk for identity theft given the El Toro Water District's scope of services provided and the types of accounts; and

WHEREAS, the Identify Theft Prevention Program is created to identify patterns, practices and specific activities that indicate the possible existence of identity theft, referred to as "Red Flags," and sets forth the procedures for detecting Red Flags and responding to Red Flags when discovered; and

WHEREAS, the Board of Directors of El Toro Water District desires to adopt and implement an Identity Theft Protection Program as required under Federal Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of El Toro Water District as follows:

Section 1. Adoption of Identity Theft Prevention Program. El Toro Water District hereby adopts an amended "Identity Theft Prevention Program" attached hereto as Exhibit "A".

Section 2. Designation of Authority. The Board of Directors of El Toro Water District authorizes the General Manager to act on the Board of Director's behalf to oversee the implementation and administration of the Identity Theft Prevention Program in accordance with Federal Law.

Section 3. Amending the Identity Theft Prevention Program. The Identity Theft Prevention Program may be amended from time to time by resolution of the Board of Directors of the El Toro Water District.

ADOPTED, SIGNED AND APPROVED this 28th day of March 2019.

JOSE F. VERGARA, President
El Toro Water District and of
The Board of Directors thereof

(SEAL)

ATTEST:

ROBERT R. HILL, Secretary
El Toro Water District and of
The Board of Directors thereof

Prepared by: Staff	**EL TORO WATER DISTRICT** **POLICY STATEMENT**	Page 1 of 9 Item 20 Section IV
Approved by: Board of Directors	**2008-23 (IV)** **IDENTITY THEFT PREVENTION PROGRAM**	Date: 3-22-18 Revision 2

These Practices and Procedures were created to comply with regulations issued by the Federal Trade Commission (FTC) Red Flag Rule (Rule). The regulations require that creditors implement written programs which provide for detection of and response to specific activities ("Red Flags") that could be related to identity theft.

OVERVIEW

El Toro Water District's ("ETWD") Identity Theft Prevention Program is tailored to the size, complexity and nature of ETWD's operations. Any Customer information collected or maintained by ETWD is covered by this Rule.

The FTC regulations require the Program:

A. Identify relevant warning signs (Red Flags) including patterns, practices or specific activities that are indicative of identity theft.

B. Identify ways to detect Program warning signs.

C. Provide for appropriate responses to warning signs to prevent or mitigate identity theft.

D. Provide for annual review of new and changing risks.

E. Record and monitor detected warning signs.

F. Provide for Program administration and oversight.

DESIGNATION OF AUTHORITY

The Board of Directors of ETWD has designated the authority to develop, oversee, implement and administer the Program to the General Manager.

Approved by Resolution No: 17-3-3 Date: March 28, 2017

Supersceded by Resolution No. 18-3-1 Date: March 22, 2018

PRACTICES AND PROCEDURE

A. Rule definitions

1. "Red Flag" is a pattern, practice or specific activity that indicates the possibility of Identity Theft.
2. "Identity Theft" is fraud committed using the identifying information of another person or business.
3. "Identifying information" includes: name, address, telephone number, unique identification number, internet address or routing code used alone or combined to identify a specific person or business.

B. Identification of Red Flags

To identify billed account warning signs ETWD must consider the methods it provides to: open, access, make payments on, change and close accounts. ETWD must also consider its previous experiences with Identity Theft.

C. Summary of the Red Flag categories

Red flags are warning signs that signal potential identity theft.

1. Presentation of suspicious documents.
2. Presentation of suspicious identifying information.
3. Unusual use of an account.
4. Suspicious activity related to an account.
5. Identity theft notice from customers, victims of identity theft or law enforcement authorities.

D. Details of the Red Flag categories

1. Presentation of suspicious documents:

   a. Identification document appear to be altered, forged or not authentic.

   b. Document photograph is not consistent with the customer's physical appearance.

   c. Other information document is not consistent with existing customer information (signature on check appears forged).

   d. ETWD forms appear to be altered or forged.

2. Presentation of unusual identifying information:

   a. Information presented is inconsistent with other information provided.

   b. Information presented is inconsistent with other sources of information.

   c. Information presented is the same as information shown on other fraudulent ETWD forms.

   d. Information presented is consistent with fraudulent activity (invalid phone number or fictitious billing address).

   e. Address or phone number presented is the same as that of another person or business.

   f. Refusal to provide complete identifying information on an ETWD form when reminded to do so.

   g. Identifying information not consistent with information on file.

3. Unusual use of an account or other suspicious account activity.

   a. Person other than the customer of record requests information or asks to make changes to an account.

   b. Requested account address change followed by a request to change the customer of record.

   c. Payments stop on an otherwise consistently up-to-date account.

   d. Mail sent to customer of record is repeatedly returned as undeliverable.

   e. Unauthorized access to or use of customer account information.

   f. ETWD staff member requests access to or information about an account and the request is inconsistent with normal business practice (fails the “need to know” test).

   g. A customer notifies ETWD of the following:

      - Customer is not receiving ETWD bills or forms.
      - Unauthorized changes to an account.
      - Fraudulent activity on the customer’s bank account or credit card.

4. ETWD notified by customer, identity theft victim or a member of law enforcement that an account has been opened by a person engaging in identity theft.

E. Detecting, preventing and mitigating identity theft

When warning signs are detected, staff must respond depending upon the degree of risk posed:

1. Continue to monitor account.
2. Contact the customer.
3. Create or change passwords.
4. Refuse to open a new account, change an existing account or close an account until the customer appears in person with acceptable identification.
5. Close an account.
6. Reopen an account with a new number.
7. Ask supervisor for determination of the appropriate step(s) to take.
8. Notify law enforcement.
9. Determine that no response is warranted under the particular circumstances.
10. Require additional identifying documents or information.
11. Require the caller to appear in person with proper identification.
12. All instances of identifying and responding to warning signs are attached to the customer's account in the form of a Red Flag note.

F. Protect customer identifying information

Internal operating procedures:

1. Ensure website is secure or provide clear notice that it is not.
2. Ensure complete and secure destruction of paper documents.

3. Ensure computers are password protected and computer screens lock after a set period of time.
4. ~~4.~~ Ensure customer information documents are stored in secure areas.
4.
5. Ensure network protection is current.
6. Require and keep only necessary customer information.
7. Access to customer information is based on the staff member duties.
8. In order to access information online, customers must enroll using their ETWD account number~~,~~ ~~service address~~and information already associated with their ETWD account including one of the following: phone number, Tax ID or last four digits of the Social Security number associated with the account.~~,~~ ~~t~~They must create a unique online account user identification name and password~~, and the name must match exactly with what is on the account.~~ and must associate the online account with a personal email address.
9. Continually look for ways to reduce the amount customer information documents.
10. Ensure service providers that receive and process customer information have programs in place to detect and prevent identity theft.

G. Examples of detecting, preventing and mitigating Identity Theft

1. Refusal to provide required information.

   a. When establishing, making changes to, or closing an account the customer will not provide the required information.

   b. Response: Do not respond to the request. Ask the customer to appear in person and provide identification.

2. Altered documents.

   a. Staff is presented with documents that appear altered or inconsistent with the information provided by the customer.

   b. Response: Do not establish, make changes to, accept payment or close the account until the customer's identity has been confirmed.

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3. Inquiries.

    a. Someone other than the customer of record asks for information about a customer's account or asks to make changes to the information on an account.

    b. Response: Inform the person that only the customer of record has accesses to the account information. Do not make changes to or provide any information about the account with one exception: if the service on the account has been interrupted for non-payment, staff may provide the payment amount needed for reconnection of service.

4. ETWD staff requests customer information:

    a. Unauthorized staff may submit requests for customer information.

    b. Response: All requests by unauthorized staff for access to customer information are approved by the department supervisor.

5. Unauthorized activity notification.

    a. Customer alerts ETWD about fraudulent activity related to their ETWD account, bank account or credit card.

    b. Response: Verify the customer's identity and notify the department supervisor immediately. Take the appropriate actions to correct the account which may include:

i. Assisting the customer with deactivation of their payment method.

ii. Issuing a service order to connect or disconnect services.

iii. ___Updating information on the customer's account.

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vii. Notifying and working with law enforcement officials.

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6. Notification of active Identity Theft.

a. Receiving notification that the ETWD account has been established by a person engaged in identity theft.

b. Response: These issues should be reviewed by the department supervisor immediately. The claim must be investigated, and appropriate action must be taken to resolve the issue as quickly as possible.

H. Program review and reports

Initially ETWD will undertake a detailed review including:

1. Identify the types of customer information currently maintained,
2. Assess the security of current customer accounting system inclusive of an analysis of any prior incidents of identity theft,
3. Identify our potential vulnerabilities and the particular Red Flags that would prompt staff to react,
4. Develop a process to maintain or enhance the maintenance of identifying customer information.

This Program will be annually reviewed for compliance and effectiveness. Changes in Identity Theft methods, detection and prevention will be analyzed. The District's staff will present any recommended changes and Identity Theft Activity to the Finance Committee of Board for approval.

I. Staff Training

ETWD staff responsible for implementing the Identity Theft Prevention Program shall be trained by their immediate supervisors.

J. Service Provider Arrangements

ETWD will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place.

Prepared by: Staff	**EL TORO WATER DISTRICT** **POLICY STATEMENT**	Page Item Section IV
Approved by: Board of Directors		Date: Revision New

IDENTITY THEFT PREVENTION PROGRAM 2008-23 (IV)

FINAL ACCEPTED CHANGES

MARCH 2019

Prepared by: Staff	**EL TORO WATER DISTRICT** **POLICY STATEMENT**	Page 1 of 9 Item 20 Section IV
Approved by: Board of Directors	**2008-23 (IV)** **IDENTITY THEFT PREVENTION PROGRAM**	Date: 3-22-18 Revision 2

These Practices and Procedures were created to comply with regulations issued by the Federal Trade Commission (FTC) Red Flag Rule (Rule). The regulations require that creditors implement written programs which provide for detection of and response to specific activities ("Red Flags") that could be related to identity theft.

OVERVIEW

El Toro Water District's ("ETWD") Identity Theft Prevention Program is tailored to the size, complexity and nature of ETWD's operations. Any Customer information collected or maintained by ETWD is covered by this Rule.

The FTC regulations require the Program:

A. Identify relevant warning signs (Red Flags) including patterns, practices or specific activities that are indicative of identity theft.

B. Identify ways to detect Program warning signs.

C. Provide for appropriate responses to warning signs to prevent or mitigate identity theft.

D. Provide for annual review of new and changing risks.

E. Record and monitor detected warning signs.

F. Provide for Program administration and oversight.

DESIGNATION OF AUTHORITY

The Board of Directors of ETWD has designated the authority to develop, oversee, implement and administer the Program to the General Manager.

Approved by Resolution No: 17-3-3 Date: March 28, 2017

Superseded by Resolution No. 18-3-1 Date: March 22, 2018

PRACTICES AND PROCEDURE

A. Rule definitions

1. "Red Flag" is a pattern, practice or specific activity that indicates the possibility of Identity Theft.
2. "Identity Theft" is fraud committed using the identifying information of another person or business.
3. "Identifying information" includes: name, address, telephone number, unique identification number, internet address or routing code used alone or combined to identify a specific person or business.

B. Identification of Red Flags

To identify billed account warning signs ETWD must consider the methods it provides to: open, access, make payments on, change and close accounts. ETWD must also consider its previous experiences with Identity Theft.

C. Summary of the Red Flag categories

Red flags are warning signs that signal potential identity theft.

1. Presentation of suspicious documents.
2. Presentation of suspicious identifying information.
3. Unusual use of an account.
4. Suspicious activity related to an account.
5. Identity theft notice from customers, victims of identity theft or law enforcement authorities.

D. Details of the Red Flag categories

1. Presentation of suspicious documents:

   a. Identification document appear to be altered, forged or not authentic.

   b. Document photograph is not consistent with the customer's physical appearance.

   c. Other information document is not consistent with existing customer information (signature on check appears forged).

   d. ETWD forms appear to be altered or forged.

2. Presentation of unusual identifying information:

   a. Information presented is inconsistent with other information provided.

   b. Information presented is inconsistent with other sources of information.

   c. Information presented is the same as information shown on other fraudulent ETWD forms.

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Prepared by: Staff	**EL TORO WATER DISTRICT** **POLICY STATEMENT**	Page Item Section IV
Approved by: Board of Directors		Date: Revision New

July 3, 2017

Derek Johnson
Director of Product Development
Continental Utility Solutions, Inc.
300 S. Church Street, Ste. 200

Kirkpatrick Price, Inc. (KP) was contracted by Continental Utility Solutions, Inc. (CUSI) to perform a third-party audit of the CUSI Customer Web Portal. The goal of the review was to ensure the software, as implemented, meets the following Payment Card Industry Data Security Standard (PCI DSS) requirements for e-commerce merchants.

Kirkpatrick Price performed a code review of CUSI's "transparent redirect" payment processing on the Customer Web Portal. The code showed that the transferred payment control is redirected to the payment processor. The sample code showed that no cardholder data was stored, processed, or transmitted over the Customer Web Portal. KP's security analyst logged into the test site, captured data, and reviewed the captured packets.

Kirkpatrick Price conducted an analysis of the live Customer Web Portal with a test user account. While the test user was logged in, a payment was made, and the web transaction data was captured. The analysis of the live site data capture indicated that no cardholder data was stored, processed, or transmitted through the Customer Web Portal, as required by the PCI DSS. For more information on PCI DSS requirements, as it relates to e-commerce merchants, please see https://www.pcisecuritystandards.org/pdfs/best_practices_securing_ecommerce.pdf

In conclusion, Kirkpatrick Price has determined that CUSI has fully outsourced all cardholder data functions to PCI DSS 3.2-compliant third-party service providers, with no electronic storage, processing, or transmission of any cardholder data on the merchant's systems or premises.

Sincerely,

Damon Sullivan, CPA
Kirkpatrick Price, Inc.

El Toro Water District

"A District of Distinction"

Serving the Public - Respecting the Environment

Board of Directors
Jose F. Vergara
President
Mark L. Monin
Vice President
M. Scott Goldman
Director
Kathryn Freshley
Director
Mike Gaskins
Director

General Manager/ Secretary
Robert R. Hill

Treasurer
Neely Shahbakhti

March 28, 2019

The Honorable Ben Allen, Chair
Senate Environmental Quality Committee
State Capitol, Room 2205
Sacramento, CA 95814

RE: SB 332 (Hertzberg & Wiener): Oppose

Dear Senator Allen:

The El Toro Water District is writing to respectfully state our opposition to SB 332 (Hertzberg & Wiener). As introduced, SB 332 would require wastewater treatment agencies that discharge treated effluent to saline waters, oceans, bays and estuaries to reduce their discharges by 50% by January 1, 2030, and by 95% by January 1, 2040. The bill would also declare that discharge from ocean outfalls is a "waste and unreasonable use" of water and impose penalties of $2,000/acre-foot of water discharged above the reduction requirement.

El Toro Water District supports the goal of maximizing recycled water for beneficial reuse in California. In fact, our agency already engages in water recycling. The El Toro Water District has invested over $40 million in the last 10 years to build 25 miles of distribution pipelines as well as a tertiary treatment facility enabling the District to deliver over 1,600 acre feet per year of tertiary treated recycled water to irrigation customers in the District's service area. The District continues to evaluate additional cost effective expansions of the recycled water system that are in the best interest of the District's customers and consistent with the District's philosophy of maximizing the financially practical beneficial reuse of wastewater.

We believe that while the goal of increasing water recycling in California is laudable, a mandate on every ocean and bay discharger in the state is simply unworkable. The regional variations in demand, coupled with vastly different recharge and reuse options pose significant challenges for all agencies to meet the proposed discharge reductions in SB 332. The El Toro Water District continues to pursue beneficial uses of wastewater. However, the District does not have access to seasonal storage facilities that would enable the recycling of winter influent that exceeds winter seasonal demands. The same seasonal storage constraints limit the District's ability to expand the recycled water system beyond the maximum day demands that can be met from the daily wastewater influent at the District's Water Recycling Plant. The District continues to make prudent investments in recycled water projects that make sense within the constraints of its individual service area.

El Toro Water District

Implementing the mandate in SB 332 is estimated to cost the El Toro Water District over $100 million to achieve a 50% total reuse. The costs to achieve the 95% target are at this point incalculable. The massive cost burden would inevitably be shifted to the District's ratepayers, through necessary rate increases. Over 40% of the District's customers are on a fixed income and the rate increases necessary to fund compliance of the SB 332 mandate are simply not sustainable.

For these reasons, the El Toro Water District must respectfully oppose SB 332. Thank you for your consideration of our concerns.

Sincerely,

EL TORO WATER DISTRICT

_____

Jose Vergara
Board President

CC: Gabrielle Meindl, Chief Consultant, Senate Environmental Quality Committee
Mimi Holtkamp, Committee Secretary, Senate Environmental Quality Committee (via mimi.holtkamp@sen.ca.gov)
Jessica Gauger, California Association of Sanitation Agencies (via jgauger@casaweb.org)
Senator Patricia Bates (via senator.bates@sen.ca.gov)
Senator John Moorlach (via senator.moorlach@sen.ca.gov)
Assembly Member Bill Brough (via Assemblymember.Brough@assembly.ca.gov)
Assembly Member Cottie Petrie-Norris (via Assemblymember.Norris@assembly.ca.gov)

SUMMARY OF SB NO. 332 (HERTZBERG AND WIENER)

AS INTRODUCED FEBRUARY 19, 2019

General:

- Declaration of discharge from ocean outfalls as waste and unreasonable use.
- Ocean outfalls consist of point source discharges to saline waters, including oceans, bays and estuaries.
- Applies to both NPDES permitholders (owner/operator of wastewater treatment facility) and affiliated water suppliers.
- Affiliated water suppliers defined broadly as all water suppliers that provide water disposed of in the collection system tributary to wastewater treatment facility.
- Baseline volume is average annual volume of wastewater discharged through ocean outfall for calendar years 2010 through 2020.
- No mention of the need for brine disposal or wet-weather discharges.

Reduction Requirements:

- 50% reduction of baseline volume by January 1, 2030.
- 95% reduction of baseline volume by January 1, 2040.

Plans:

- By July 1, 2022, a plan is required of NPDES permitholders, prepared "in conjunction with affiliated water suppliers," including specific information on facilities, cost, financing and schedule for meeting reduction requirements.
- By January 1, 2016, an updated plan is required to include refinements or changes and a written statement that the plan is current and accurate.

Reports:

- Reports to be submitted by NPDES permitholder and affiliated water suppliers to SWRCB every five years, including specific information on progress toward meeting reduction requirements.
    - First report due on January 1, 2024.
    - Subsequent reports due on January 1st of 2029, 2034 and 2039.

Penalties:

- All penalties apply to both NPDES permitholder and affiliated water suppliers.
- $2,000/acre-foot of water discharged above reduction requirement.
- $10,000 for failing to submit report by deadline.
- Ineligibility for state loans or grants until delinquent report is submitted.

#####

March 11, 2019

The Honorable Ben Allen, Chair
Senate Environmental Quality Committee
State Capitol, Room 2205
Sacramento, CA 95814

RE: SB 332 (Hertzberg & Wiener): Oppose

Dear Senator Allen:

The coalition of undersigned associations respectfully opposes SB 332 (Hertzberg). As introduced, this measure would mandate wastewater treatment agencies that discharge treated effluent to saline waters, oceans, bays and estuaries to reduce their discharges by 50% of baseline volume by January 1, 2030, and by 95% of baseline volume by January 1, 2040. The bill would also declare that discharge from ocean outfalls is a "waste and unreasonable use" of water and impose penalties of $2,000/acre-foot of water discharged above the reduction requirement.

Our coalition strongly supports maximizing water recycling and represents virtually all of the agencies at the forefront of advanced water treatment and reuse in the state. The provisions proposed in SB 332 could significantly disrupt existing efforts to promote recycled water production and use, as well as innovative reuse projects currently being planned and implemented. As a community we are fully supportive of recycled water projects where they are financially viable, where there are opportunities for beneficial use, and where watershed conditions are present to maximize supplies of this water.

California has a significant number of wastewater ocean and bay dischargers, and they vary dramatically in terms of treatment capacity, discharge, and the amount of recycling that occurs. Each watershed, region, treatment facility, and outfall is different, and the capability to beneficially reuse wastewater varies widely as well. Reliable and feasible end uses for recycled water are not always available and depend on factors other than simply the discharger's technical ability to supply recycled water.

For this reason, a mandate on every ocean and bay discharger in the state is simply unworkable. In many circumstances, regional demand may not exist to reuse 95 percent of an agency's ocean discharge. In addition, recharge and reuse options may be unavailable or infeasible for a variety of reasons, such as geographical or legal constraints in the watershed. Furthermore, distribution can require complex arrangements between water recyclers and water purveyors, brine management may present significant issues in some areas, and public acceptance of beneficial reuse of wastewater remains an obstacle. These challenges exist and require a regional approach to the management of recycled water supplies.

There are also a host of other considerations and decisions that agencies must make when prioritizing capital expenditures, including projects critical to public health and environmental protection, not all of which can or should be delayed at the expense of trying to meet a mandate to reuse all treated wastewater.

As of today, the regulatory framework necessary for agencies to plan and implement projects to manage the massive volumes of water contemplated in SB 332 does not exist. Existing beneficial reuse options are limited and could not be utilized to manage such a vast quantity of water. Instead, every agency would necessarily need to implement large scale potable reuse projects. The State Water Board is charged with developing regulations for Direct Potable Reuse by 2023. Until that regulatory scheme has been developed it will be nearly impossible for agencies to plan for, let alone implement, projects to meet the mandate deadlines in SB 332. If the regulations are completed on schedule, agencies would then have a seven year window to plan, approve, execute and operate new infrastructure that would dramatically shift their day to day operations. To put this in perspective, some of the most ambitious recycling projects underway in the state currently have 20 to 30 year project schedules, and when fully operational will still not meet the discharge mandate proposed in the bill. Furthermore, no consideration is being given to these ambitious projects in the development of baseline discharge metrics, nor to other innovative project components such as stormwater capture and treatment.

California is already aggressively pursuing maximized water recycling as a regulatory priority. The State Water Board recently adopted revisions to its Recycled Water Policy that, for the first time, require wastewater treatment plants and recycled water producers to report the volume of wastewater treated and discharged, specify the level of treatment, and identify the volume of recycled water produced. The policy also requires annual reporting of monthly volume of treated wastewater discharged to the environment, which will be used to estimate the amount of wastewater that may be available to recycle.

There are numerous technical realities in the wastewater treatment and management processes that have not been considered in SB 332. The bill lacks consideration of major operational issues surrounding brine management, wet weather influent management, existing regulatory constraints relative to minimum flows, and other real and substantive conflicts with how wastewater agencies function in their communities. These technical issues are vast, far reaching, and vary based on the regional watershed and individual permitting levels.

It is important to note that some of California's most ambitious policy goals are not accounted for in SB 332, and we believe the implementation of the proposed mandate would have far reaching impacts that are contrary to those goals. For example, California is a leader on climate change mitigation and adaptation and has taken several steps in recent years to curb emissions and transition to a more sustainable future. SB 332 could adversely impact those efforts by increasing the emissions associated with advanced wastewater treatment and the associated energy demand required to move the high volumes of water over or across a variety of geographical settings.

California is simultaneously pursuing policies to make living more affordable for all residents of the state. Unfortunately, SB 332 makes no consideration of the impacts that the massive proposed infrastructure would have on rate increases in the immediate future for a significant portion of the state's population, including some of the most disadvantaged communities in California. The proposed mandate would require rate increases in the order of hundreds of dollars per month per household in the impacted communities. The rate implications would likely have a trickle-down effect of impacting housing affordability as well, as connection fees and ongoing rates would necessarily increase living expenses and the cost of new development in impacted areas.

Finally, as California grapples with how to provide safe, affordable, clean drinking water for all, this bill would unnecessarily create additional strain on the limited resources available to fund clean water projects. To the extent that coastal agencies seeking to meet this mandate would be expected to apply for and absorb the limited existing grant and loan opportunities available to them, this would inevitably draw funds away from numerous inland areas (such as the Central Valley) where there are so many urgent drinking water and clean water priorities in need of funding.

Our initial estimate is that implementing the mandate in SB 332 is expected to cost local water and wastewater agencies across the state more than $20 billion to comply. That burden would necessarily be borne by ratepayers, and the magnitude of the rate impacts to individual households and businesses in impacted communities would be staggering.

As stated above, our organizations are at the forefront of water recycling innovation, and we share the goal of maximizing recycled water to the fullest extent feasible in California. Unfortunately, SB 332 does not provide a workable pathway toward achieving that goal, so we must respectfully oppose the bill. Thank you for your consideration of our concerns.

Sincerely,

Jessica Gauger
California Association of Sanitation Agencies

Danielle Blacet
California Municipal Utilities Association

Rylan Gervase
California Special Districts Association

SENATE BILL No. 332

Introduced by Senators Hertzberg and Wiener

February 19, 2019

An act to add Section 13557.5 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 332, as introduced, Hertzberg. Wastewater treatment: recycled water.

The California Constitution requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that the waste or unreasonable use or unreasonable method of use of water be prevented. Existing law declares that the use of potable domestic water for certain nonpotable uses is a waste or an unreasonable use of water if recycled water is available, as determined by the State Water Resources Control Board, and other requirements are met.

Under existing law, the state board and the 9 California regional water quality control boards prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

This bill would declare, except in compliance with the bill's provisions, that the discharge of treated wastewater from ocean outfalls is a waste and unreasonable use of water. The bill would require each wastewater treatment facility that discharges through an ocean outfall and affiliated water suppliers to reduce the facility's annual flow as compared to the average annual wastewater discharge baseline volume, as prescribed, by at least 50% on or before January 1, 2030, and by at least 95% on or before January 1, 2040. The bill would subject the owner or operator of a wastewater treatment facility, as well as the

affiliated water suppliers, to a civil penalty of $2,000 per acre-foot of water above the required reduction in overall volume discharge for the failure to meet these deadlines.

The bill would require a holder of a NPDES permit authorizing the discharge of wastewater through an ocean outfall and affiliated water suppliers to submit and update a plan to meet these requirements to the executive director of the state board, as specified. The bill would also require this NPDES permitholder and affiliated water suppliers to submit on or before January 1, 2024, and by January 1 every 5 years thereafter, to the executive director of the state board a certain report containing, among other things, the progress toward meeting the reduction in annual flow deadlines. The bill would subject a permitholder and affiliated water suppliers to a penalty of up to $10,000 for failing to submit a report by its deadline. The bill would require the state board to submit a report to the Governor and the Legislature on or before July 1, 2025, and by July 1 every 5 years thereafter, on the implementation of these provisions. The bill would make a permitholder and affiliated water suppliers that fail to timely submit a report ineligible for a state loan or grant until the delinquent report has been submitted.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Severe drought conditions persisted in California from 2012 to 2016, inclusive, and 2015 was the state's driest calendar year on record.

(b) During the drought lasting from 2012 to 2016, inclusive, California's water supplies dipped to alarmingly low levels indicated by a very limited snowpack in the Sierra Nevada Mountains, declining water levels in the state's largest water reservoirs, reduced surface water flows in major river systems, and historically low groundwater levels. Many of these water supplies continue to be severely depleted following the drought lasting from 2012 to 2016, inclusive.

(c) Based on the projected impact of climate change on California's snowpack, extremely dry conditions and drought

similar to those experienced in 2012 to 2016, inclusive, will likely become more common and occur more regularly in the future.

(d) Continuous severe drought conditions present urgent challenges across the state, including, but not limited to, water shortages in communities and for agricultural production, increased risk of wildfires, degraded habitat for fish and wildlife, and threat of saltwater contamination in large fresh water supplies.

(e) Water reuse is one of the most efficient and cost-effective ways to improve drought resilience in California communities.

(f) The State Water Resources Control Board has established goals of recycling 1,500,000 acre-feet of wastewater by 2020 and 2,500,000 acre-feet of wastewater by 2030, however, California is not on track to meet the board's goals.

(g) The State Water Resources Control Board has established a goal to reuse all dry weather discharges of treated municipal wastewater that can be reasonably put to a beneficial use.

(h) The discharge of treated wastewater from ocean outfalls constitutes the waste and unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution, considering the opportunities to recycle this water for further beneficial use.

(i) By requiring substantial reductions in ocean discharges from wastewater treatment plants, California could dramatically accelerate the adoption of water recycling and thus increase water supplies available for beneficial use.

(j) Water recycling can reduce California's dependence on diversions from surface rivers and streams that are subject to variable climate and regulatory conditions.

(k) In addition to water supply benefits, requiring water recycling for further beneficial use eliminates ocean wastewater discharges, decreasing pollutant loadings to ocean waters and reducing ocean acidification, thereby improving coastal water quality and benefiting the aquatic environment and local economies that depend on those coastal resources.

SEC. 2. Section 13557.5 is added to the Water Code, to read:

13557.5. (a) The Legislature hereby finds and declares that the discharge of treated wastewater from ocean outfalls, except in compliance with the provisions of this section, is a waste and unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution.

(b) As used in this section, the following terms have the following meanings:

(1) "Affiliated water suppliers" means all water suppliers that provide water that is disposed of in the collection system of a particular wastewater treatment facility that discharges through an ocean outfall.

(2) "Average annual wastewater discharge baseline volume" means the average annual volume of treated waste water discharging through a facility's ocean outfall as determined by the state board using monitoring data available for calendar years 2010 to 2020, inclusive.

(3) "Ocean outfall" means a point source at the point where raw, partially treated, or treated wastewater may be discharged from a wastewater treatment facility or associated collection system to saline waters, including the ocean, bays, and estuaries.

(4) "Point source" has the meaning provided by Section 122.2 of Title 40 of the Code of Federal Regulations.

(c) Each wastewater treatment facility that discharges through an ocean outfall and affiliated water suppliers shall reduce the overall volume of the facility's annual flow, as follows, as compared to the average annual wastewater discharge baseline volume, by treating the water to be beneficially reused or by reducing inflow through water conservation and efficiency measures:

(1) By January 1, 2030, by at least 50 percent.

(2) By January 1, 2040, by at least 95 percent.

(d) (1) Each holder of a national pollutant discharge elimination system (NPDES) permit authorizing the discharge of wastewater through an ocean outfall as of January 1, 2020, in conjunction with affiliated water suppliers, shall submit to the executive director of the state board, on or before July 1, 2022, a plan to meet the requirements of this section, directly or by contract. The plan shall contain all of the following:

(A) An identification of all land acquisition and facilities necessary to provide for treatment, transport, and reuse of treated wastewater.

(B) Identification and projection of all wastewater reductions due to implementation of conservation and efficiency measures in the facilities service area.

(C) An analysis of the costs to meet the requirements of this section.

(D) A financing plan for meeting the requirements of this section, including identifying any actions necessary to implement the financing plan, such as bond issuance or other borrowing, assessments, rate increases, fees, charges, or other financing mechanisms.

(E) A detailed schedule for the completion of all necessary actions.

(F) Supporting data and other documentation accompanying the plan.

(2) On or before January 1, 2026, each holder of a NPDES permit authorizing the discharge of wastewater through an ocean outfall and affiliated water suppliers, shall update and submit to the executive director a plan, as described in paragraph (1), to include any refinements or changes in the costs, actions, or financing necessary to achieve the requirements of this section or a written statement that the plan is current and accurate.

(e) On or before January 1, 2024, and every January 1 every five years thereafter, the holder of a NPDES permit authorizing the discharge of wastewater through an ocean outfall, in conjunction with affiliated water suppliers, shall submit to the executive director of the state board a report summarizing the actions accomplished to date and the actions remaining and proposed to meet the requirements of this section. The report shall include progress toward meeting the deadlines set forth in subdivisions (c) and (d) and specifically include the detailed schedule for, and status of, the following:

(1) Evaluation of reuse and disposal options.

(2) Preparation of preliminary design reports.

(3) Preparation and submission of permit applications.

(4) Construction initiation.

(5) Construction progress milestones.

(6) Construction completion.

(7) Initiation of operation.

(8) Continuing operation and maintenance.

(f) (1) On or before July 1, 2025, and by July 1 every five years thereafter, the state board shall submit a report to the Governor and the Legislature on the implementation of this section. The report shall summarize the progress to date, including, but not

limited to, the increased amount of reclaimed water provided and potable water offsets achieved, and shall identify any obstacles to continued progress, including all instances of substantial noncompliance.

(2) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(g) (1) Failure to meet the deadlines in subdivision (c) shall subject the owner or operator of the wastewater treatment facility, as well as affiliated water suppliers, to a penalty of two thousand dollars ($2,000) per acre-foot of water above the required reduction in overall volume discharged.

(2) The failure of an NPDES permitholder and affiliated water suppliers to submit a report required pursuant to subdivision (d) or (e) by the report's deadline shall result in a penalty of up to ten thousand dollars ($10,000).

(3) Moneys collected from the civil penalties levied pursuant to this subdivision shall be available, upon appropriation by the Legislature.

(h) The failure of an NPDES permitholder and affiliated water suppliers to submit a report required pursuant to subdivision (d) or (e) shall make the permitholder and suppliers ineligible for a state loan or grant until the delinquent report has been submitted.

O

COMMITTEES
VICE CHAIR: WATER, PARKS AND WILDLIFE
AGRICULTURE
APPROPRIATIONS
GOVERNMENTAL ORGANIZATION

E-MAIL
Assemblymember.Gallagher@assembly.ca.gov

Assembly
California Legislature

JAMES GALLAGHER
ASSEMBLYMEMBER, THIRD DISTRICT

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CHICO, CA 95928
(530) 895-4217
FAX (530) 895-4219

March 1, 2019

Governor Gavin Newsom
State Capitol, Governor's Office
Sacramento, CA 95814

Re: Backfill Funding for Paradise Irrigation District

Dear Governor Newsom:

We respectfully request your support for a one-time appropriation of $21,693,203 from the General Fund to the Paradise Irrigation District (PID) to allocate toward the District's operations and maintenance costs over the next three fiscal years. PID is a special district providing water service to the town of Paradise. PID was hit hard by the Camp Fire in 2018 and faces a significant reduction in operating capital for the next few years (see attachments). Although PID currently has approximately $3 million held in reserves, it anticipates facing insolvency in less than 6 months without State action.

The district has explored funding opportunities to address damaged infrastructure and water quality issues, however, no funding avenues are currently available for maintenance and operations costs. Even though the district currently serves a smaller population, PID's cost of service is mostly (over 95%) fixed.

Providing a short-term funding solution to allow the district to develop long-term funding models will ensure that the residents returning to Paradise will not have to worry about access to clean, safe drinking water. Backfilled revenues by the State ensure that the men and women who work for and service the District – the majority of whom were also affected by the fire – will be able to maintain their employment and provide a measure of economic stability to the region.

Respectfully,

James Gallagher
Assemblyman, 3rd District

Jim Nielsen
Senator, 4th District

Encl. 1- PID Background
Encl. 2- PID Revenue Needs
Encl. 3- PID Operating Expenses

Cc:
Keely Bosler, Director, Department of Finance
Members, Senate Committee on Budget and Fiscal Review
Members, Assembly Committee on Budget

PARADISE IRRIGATION DISTRICT
6332 Clark Road, Paradise CA 95969 | Phone (530)877-4971 | Fax (530)876-0483

Revenue Backfill Request

Background

Paradise Irrigation District (PID) is a local public agency formed in 1916 and operating under Division 11 of the California Water Code. It is governed by a five-member elected Board of Directors and has powers and purposes attendant to a government agency. PID serves only drinking water to the homes and businesses within the Town of Paradise, despite its "irrigation" name.

Before the November 8, 2018 Camp Fire, PID provided drinking water to approximately 10,500 customer connections. Today, approximately 1,500 connections remain; however, only about 700 of those connections are active given various reasons, including damage to PID's infrastructure and use limitations given water quality concerns.

Revenue Backfill Request – $21,693,203.00

The unprecedented Camp Fire has left PID in financial crisis without enough revenue to meet ongoing operational expenses. The cost to replace and repair PID's infrastructure will be addressed through FEMA/CalOES and PID's insurance provider. The State's recent approval of a three-year property tax backfill for Butte County (AB 72, February 13, 2019) does not address PID's financial crisis because its revenue is predominantly (+90%) derived from customer fees, not property taxes. The attached revenue worksheet shows PID's budgeted revenue for operations and resulting shortfall totaling $21,693,203.00. Like AB 72, PID's backfill request would be appropriated this fiscal year and then prorated out over a total of three fiscal years.

PID's Operational Costs Are Mostly Fixed

PID's cost of service is mostly (over 95%) fixed, meaning its cost to store, treat and deliver water to 1 customer connection is roughly the same as it is for 10,500 connections. PID's operational expenses do not decrease because it is serving water to fewer connections. The attached cost worksheet shows PID's budgeted costs pre-Fire and post-Fire in greater detail.

Parallel Processes – PID in the Future

PID recognizes that its financial challenges will likely extend beyond the requested three-year backfill. For that reason, it is actively analyzing ways to address its financial situation so that it can be positioned to reliably serve drinking water to the residents and businesses of Paradise in the future. Current concepts being discussed include PID wholesaling treated water through more expansive regional intertie projects or deliveries to water users to help achieve groundwater sustainability under the Sustainable Groundwater Management Act. PID will also be at the forefront of efforts to harden its water system to make it more resilient to the threat of climate change and the reality of larger and more dangerous wildfires.

The requested three year backfill is essential to keep PID solvent and to afford it time and resources to address this unprecedented catastrophe.

Paradise Irrigation District CAMP Fire Revenue Needs
February 2019

The information below shows PID's 2018/19 budgeted water rate revenue, 2019/20 budgeted water rate revenue, which included an approved (Proposition 218) rate increase and 2020/21 budgeted water rate revenue.

Pre-Fire					
Description	Customers	2018/19 Budget	2019/20 Budget	2020/21 Budget	Total Revenue
Service Charge	10,500	5,148,252	5,646,258	5,646,258	16,440,768
Quantity Charge	10,500	2,833,600	2,833,600	2,833,600	8,500,800
Penalty Charges	10,500	65,000	65,000	65,000	195,000
Total Annual Water Rate Revenue		**8,046,852**	**8,544,858**	**8,544,858**	**25,136,568**

Below is the post-CAMP fire revenue projections based on 1,500 customers.

Post-Fire					
Description	Customers	2018/19 Budget	2019/20 Budget	2020/21 Budget	Total Revenue
Service Charge	1,500	705,240	773,460	773,460	2,252,160
Quantity Charge	1,500	388,164	388,164	388,164	1,164,493
Penalty Charges	1,500	8,904	8,904	8,904	26,712
Total Annual Water Rate Revenue		**1,102,308**	**1,170,528**	**1,170,528**	**3,443,365**

Below is the annual loss of revenue due to the Camp Fire

Annual Loss due to CAMP fire					
Description	Customers	2018/19 Budget	2019/20 Budget	2020/21 Budget	Total Revenue
Service Charge	1,500	4,443,012	4,872,798	4,872,798	14,188,608
Quantity Charge	1,500	2,445,436	2,445,436	2,445,436	7,336,307
Penalty Charges	1,500	56,096	56,096	56,096	168,288
Total Annual Water Rate Revenue Loss		**6,944,544**	**7,374,330**	**7,374,330**	**21,693,203**

Paradise Irrigation District Post-CAMP Fire Operating Expenses
February 2019

PID's annual operating expenses are over 95% fixed. PID has two surface water reservoirs and a treatment plant that requires 24-hour staffing. PID also has 171 miles of distribution pipes that are 90% feed by gravity.

Below is an expense comparison from pre-fire to post fire.

Pre-Fire Budgeted Expenese			
	FY 2018/19 Budget	FY 2019/20 Budget	Post Fire Estimate
Salary and Benefits	4,462,340	4,631,009	3,730,870
Materials and Supplies	852,500	916,450	500,000
Outside Services	521,520	443,420	1,750,000
Utilities	286,285	284,385	284,385
Insurance	105,339	105,339	105,339
Board	61,049	40,375	40,375
Total Operating Expense	6,289,032	6,420,977	6,410,969
Debt Service	963,307	963,677	963,667
	7,252,339	**7,384,654**	**7,374,636**

Pre-Fire and Post Fire expense differences:

1. Salaries and Benefits have decreased due to the post-fire reduction in personnel from early retirement of long-term employees and other employees leaving the area for personal reasons. Despite the need, PID has not backfilled these positions because it is actively trying to keep its long-term expenses to a minimum.
2. Materials and Supplies expenses will decrease due to operational maintenance costs shifting to disaster recovery expenses that will be reimbursed through FEMA/OES.
3. Outside Services will increase due to the lack of regular full-time employees. For example, PID must hire outside consultants to assist it with engineering, GIS, project management, contract management and many other services that it cannot currently perform in-house with limited staffing.

PID currently has approximately $3,000,000 in reserves that it is using to maintain operations. Based on these estimates, and unless the requested backfill is approved, PID will be insolvent in less than 6 months.

El Toro Water District

"A District of Distinction"

Serving the Public - Respecting the Environment

Board of Directors
Jose F. Vergara
President
Mark L. Monin
Vice President
M. Scott Goldman
Director
Kathryn Freshley
Director
Mike Gaskins
Director

General Manager/ Secretary
Robert R. Hill

Treasurer
Neely Shahbakhti

March 28, 2019

Senator Jim Nielsen
State Capitol, Room 5064
Sacramento, CA 95814-4900

Assemblyman James Gallagher
P.O. Box 942849
Sacramento, CA 94249-0003

RE: SUPPORT FOR BACKFILL FUNDING FOR PARADISE IRRIGATION DISTRICT

Dear Senator Nielsen and Assemblyman Gallagher:

The El Toro Water District writes to support backfill funding for Paradise Irrigation District (PID). The one-time appropriation of $21,693.203.00 from the General Fund is essential and necessary to keep PID operating while Paradise recovers and rebuilds from the November 2018 Camp Fire.

The Camp Fire devastated the Town of Paradise, which mirrors PID's service area. Pre-fire, PID served approximately 10,500 customer connections in the Town of Paradise. Today, approximately 1,500 of those connections remain, but only about 700 are currently active given infrastructure damage and other issues. Funding for PID's infrastructure damage and Fire-related water quality issues are being addressed through FEMA/OES and insurance proceeds. However, there is no current funding source to sustain PID's operational expenses given the overwhelming property losses suffered by PID's customers. Even though PID currently serves a smaller population, PID's cost of service is mostly (over 95%) fixed.

Maintaining PID as a viable public agency water supplier is vital to the recovery and rebuilding effort in Paradise. This short-term funding solution allows PID to continue to focus its efforts on Fire recovery, will allow time for it to develop long-term funding models as Paradise rebuilds over the coming years, and will ensure that the men and women who work for PID and serve the community – most of whom were also affected by the Fire – will be able to maintain their employment.

Sincerely,

EL TORO WATER DISTRICT

_____

Jose F. Vergara
Board President

P.O. Box 4000 • Laguna Hills, CA 92654-4000 • Phone 949.837.7050 • Fax 949.837.7092
www.etwd.com

GENERAL MANAGER'S REPORT

March 2019

I. OFFICE OF THE GENERAL MANAGER

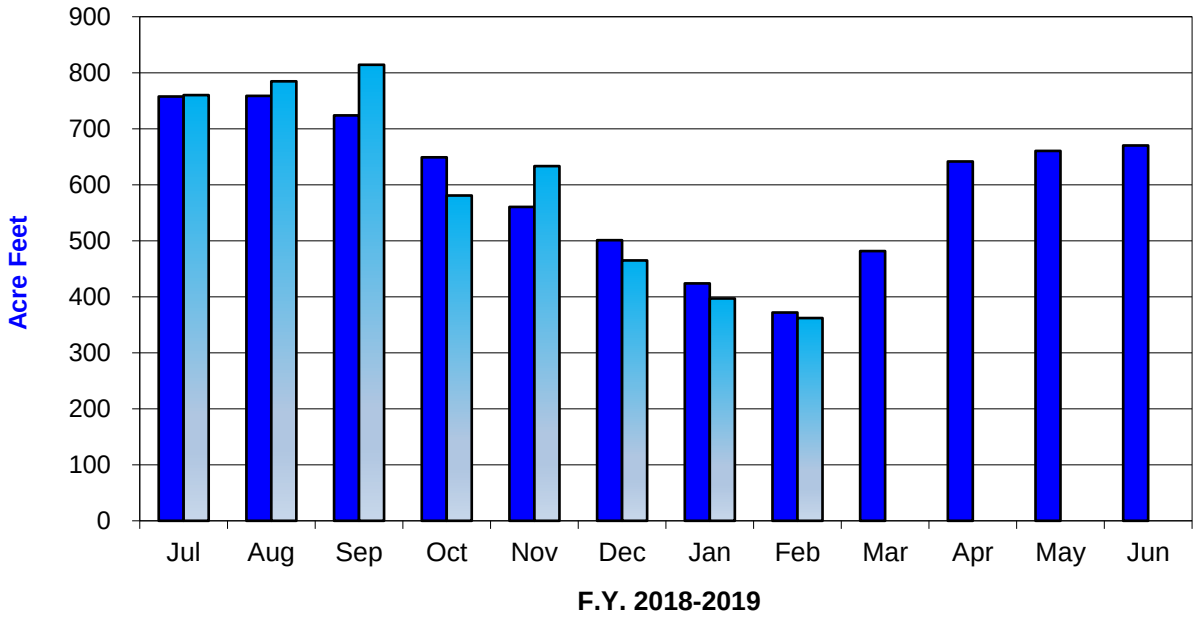
- Attended Chair/GM Meetings
- Attended Elected Officials/Board Tour at ETWD
- Attended RRC Meeting
- Attended Meeting with Staff and General Counsel Regarding Greg Moser Letter
- Attended a 401(k) Ad-Hoc Meeting
- Attended a Board Strategic Workshop Meeting

II. DOMESTIC AND RECYCLED WATER SALES

Actual domestic sales for the year-to-date as of February 28, 2019 are 4,797.00 acre-feet. This compares to year-to-date budgeted domestic sales of 4,746.75 acre-feet. The year-to-date variation in actual to budgeted sales reflects an increase of 50.25 acre-feet. Actual sales are 371.79 acre-feet lower than last year-to-date actual sales for the same period.

Actual recycled sales for the year-to-date as of February 28, 2019 are 876.18 acre-feet. This compares to year-to-date budgeted recycled sales of 1,023.57 acre-feet. The year-to-date variation in actual to budgeted sales reflects a decrease of 147.39 acre-feet. Actual sales are 135.98 acre-feet lower than last year-to-date actual sales for the same period.

POTABLE WATER SALES



Year to Date:

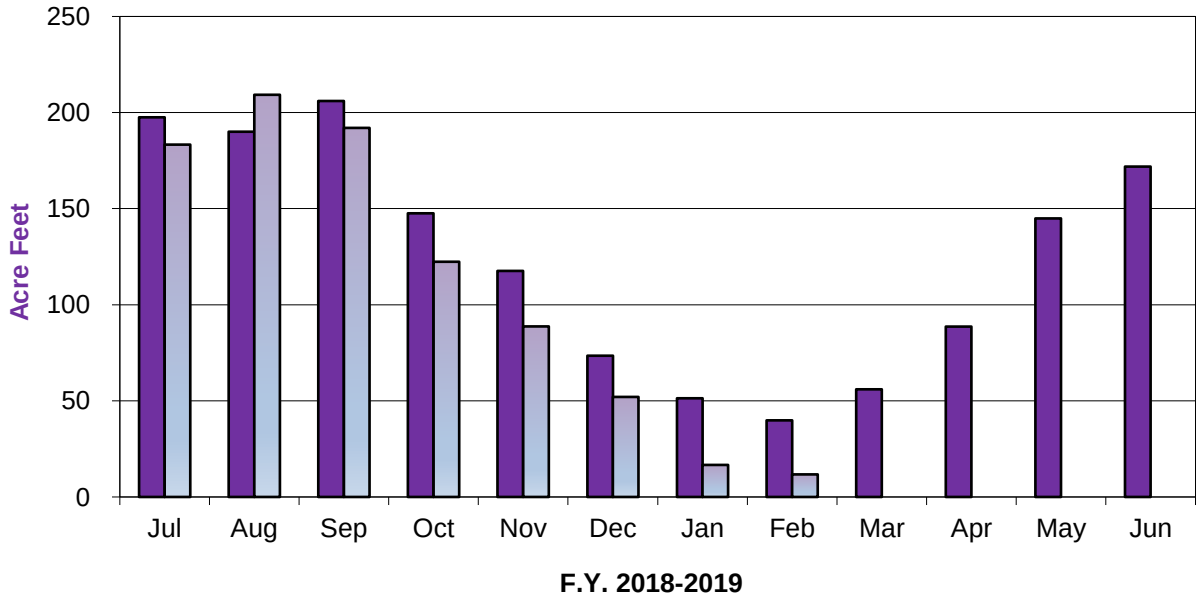
Total Budget
7,200.00 AF

YTD Budget
4,746.75 AF

Actual
4,797.00 AF

Over Budget
50.25 AF

RECYCLED WATER SALES



Year to Date:

Total Budget
1,485.00 AF

YTD Budget
1,023.57 AF

Actual
876.18 AF

Under Budget
147.39 AF

Customer Service Activity Report **FEBRUARY 2019**

Regular Service Calls	FEB 2019	FEB 2018
Serviceman Dispatched to Read, Connect/Disconnect Service	68	48
Field Investigations:		
Check for leaks - calls to CS Office:(irrigation,meter,street leaks)		
Customer Responsible	21	23
District Responsible	6	15
None found/other	15	9
High Reads Checked - High Consumption (Billing Dept.) Cust Leaks: _11_ No Leaks: _10_	21	12
Check Stopped Slowed Meters-Low Consumption (Billing)	6	14
Re-Check Read	6	12
Ordinance Infraction	5	0
Recycled Water	1	0
Water Quality: Taste / Odor / Color	1	8
Phone response: _1_ Field response: __0_		
Flooding (Hydrant) Meters issued	0	0
Sewer - Odor/Stoppage/ Manhole Covers	0	3
Meter Box: Lids / Covers Replaced	12	14
Meter Box Clean, Digout	5	10
Raised Meter Box	1	6
Trim Bushes / Meter Obstruction	28	3
General Maintenance Response	5	5
Fire Hydrants: Hit / Leaks / Caps	1	1
Pressure(psi) Checks / Reads	5	7
CSSOV (Angle Meter/Ball Valve/Gate Valve/Globe Valve) chk,repair,replaced	6	5
AMS angle-meter-stop replace/repair	1	*
Bees Removed	0	0
Backflow / Cross Connection	0	0
Fogged Registers	52	1
OMCOP: Old Meter Change - Out Program	1	14
calls)	2	8
On-Call After Hrs. CS Response	18	33
# 48/24 Hr. Door Hangers Hung	169	185
# Locked Off For Non-Pay (Disconnect)	12	10
Removed Meter	1	0
New Meter	3	1
Unread Meters	16	6
Total Field Investigations	**488**	**453**

Telephone Calls	FEB 2019	FEB 2018
Change of Service: Connections and Disconnections	84	71
Billing / Payments & Graph Inquires	292	440
Assistance with online payments and ETWD's portal (cc, e-checks)	99	106
Variance / Waiver Inquiries	34	66
Variance / Waiver Requests Processed	14	14
Ordinance Infraction / Water Waste Complaints	2	0
Outside Utility Districts	49	59
Phone calls Transfer to other Departments within ETWD	86	135
phone calls for the Board of Directors	0	5
Recycled Water	0	1
Water Quality Taste - Odor - Color	1	8
Leaks / Breaks	12	66
Flooding Meter calls (Hydrant)	1	2
Sewer Problems (odor / spills)	4	5
Backflow / Cross Connection (questions or yearly testing forms)	0	2
ETWD facilities inquiries: Boxes/Covers/Lids/Hydrants/Pump Stations/Graffiti/ "Gen. Maint"	5	7
Tyco (ADT) Calls (Alarms to ETWD facilities)	2	5
ATT Calls (access to tower sites)	0	1
SCE Calls (access to tower sites)	1	5
Pager Calls specifically for Pump Stations - SCADA	0	0
Payment Extensions	90	139
Delinquent Payment Calls to Customer 's prior to shut off per billing calendar (automatic courtesy dialer)	59	41
Return Calls from customers left on our voice mail system. Ext 500	13	43
Email Correspondence:	86	151
Maintenance Service Order Requests (bees, psi, fogged-dirty registers)	0	0
Misc. (other: employment, deliveries, sales calls)	51	18
Total Telephone Calls	**985**	**1390**

Uncollectible Accounts:		
Budget YTD	**$ 13,333.00**	**$ 13,333.00**
Actual YTD	**$ 399.00**	**$ 10,646.00**

Credit Card Payments	**FEB 2019**		**FEB 2018**	
REGULAR	**692**	**$71,950.50**	**577**	**$62,039.28**
DISCONNECTS				

EL TORO WATER DISTRICT
MONTHLY POTABLE WATER QUALITY REPORT

The quality and safety of drinking water in the U.S. is regulated by the federal government through the U.S. Environmental Protection agency (USEPA). In California, those standards are enforced by the California Department of Public Health (CDPH). Water Quality parameters must meet both primary and secondary water quality standards as established by the CDPH.

PRIMARY STANDARDS - are intended to protect public health against substances in the water that may be harmful to humans if consumed for long periods of time.

SECONDARY STANDARDS - are to ensure esthetic qualities of water such as taste, odor or clarity. Rather than its healthfulness, these standards govern substances that may influence consumer acceptance of water.

Given that 100% of ETWD's potable water resource is fully treated and delivered by Metropolitan Water District of southern California (MWDSC) through an enclosed and protected conveyance system, the majority of the State and federal primary and secondary source water quality monitoring requirements are performed by MWDSC. The District's physical responsibility for water quality monitoring is associated with the distribution system. To monitor the distribution system water quality the District utilizes both in house and outside lab services. Routine distribution analysis conforming to CDPH requirements is conducted for the following constituents:

1) Microbiological - The number of microbiological samples and the frequency of analysis during the month is based on the population and/or service connections served. Utilizing a population of 50,000, the CDPH requires that 20 "representative" samples be collected and analyzed for coliform bacteria. The objective is to maintain water quality that is absent of coliform bacteria which is a general indicator for the existence of fecal coliform.

2) Chlorine Residual - The chlorine residual monitoring is performed in conjunction with the microbiological monitoring. The CDPH requirement for treated surface water mandates that the distribution system maintain a "detectable" residual. The number of and frequency of sampling is determined utilizing the same formula applied to microbiological requirements. At a minimum, we are obligated to collect and analyze for chlorine residual each time we collect the representative microbiological samples. Per EPA Disinfectants & Disinfection Byproduct Rule (D/DBP), which was effective January 2002, requires quarterly reporting for all sampling.

3) TTHM & HAA5 Stage 2 DBPR Compliance The U.S. Environmental Protection Agency (EPA) published the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR) on January 4, 2006. The Stage 2 DBPR builds on existing regulations by requiring water systems to meet disinfection byproduct (DBP)* maximum contaminant levels (MCLs) at each monitoring site in the distribution system to better protect public health. The Stage 2 DBP rule is intended to reduce potential cancer and reproductive and developmental health risks from disinfection byproducts (DBPs) in drinking water, which form when disinfectants are used to control microbial pathogens.
This final rule strengthens public health protection for customers of systems that deliver disinfected water by requiring such systems to meet maximum contaminant levels as an average at each compliance monitoring location (instead of as a system-wide average as in previous rules) for two groups of DBPs, trihalomethanes (TTHM) and five haloacetic acids (HAA5). The rule targets systems with the greatest risk and builds incrementally on existing rules. This regulation will reduce DBP exposure and related potential health risks and provide more equitable public health protection. The Stage 2 DBPR is being released simultaneously with the Long Term 2 Enhanced Surface Water Treatment Rule to address concerns about risk tradeoffs between pathogens and DBPs.

The mandatory requirement under the Stage 2 DBP rule, known as an Initial Distribution System Evaluation (IDSE) was completed by ETWD in 2008 and a Stage 2 monitoring plan has been approved by CDPH. Full Stage 2 compliance begins in 2012. The IDSE identified the locations with high disinfection byproduct concentrations. These locations will then be used by the District as the 8 sampling sites for Stage 2 DBP rule compliance monitoring. Compliance with the maximum contaminant levels for two groups of disinfection byproducts (TTHM and HAA5) will be calculated for each monitoring location in the distribution system. This approach, referred to as the locational running annual average (LRAA), differs from current requirements, which determine compliance by calculating the running annual average of samples from all monitoring locations across the system. The Stage 2 DBP rule also requires each system to determine if they have exceeded an operational evaluation level, which is identified using their compliance monitoring results. The operational evaluation level provides an early warning of possible future MCL violations, which allows the system to take proactive steps to remain in compliance. A system that exceeds an operational evaluation level is required to review their operational practices and submit a report to the state that identifies actions that may be taken to mitigate future high DBP levels, particularly those that may jeopardize their compliance with the DBP MCLs.

4) Physical Quality - **Physical Quality analysis is associated with the esthetic qualities of the finished water. Primarily, we are performing analysis for taste, odor and Turbidity (Clarity). In accordance with CDPH requirements, the District collects a minimum of 15 samples per month.**

5) Nitrites - **Although the chloramine disinfection process has been effective in controlling TTHM levels, it requires increased monitoring and adjustment as a result of its susceptibility to the Nitrification process. Nitrification is a biological process caused by naturally occurring ammonia oxidizing bacteria. Nitrification in chloraminated drinking water can have various adverse impacts on water quality, the most serious of which is the loss of total chlorine residual which is required by the CDPH and the subsequent potential to increase bacteria-iological activity within the finished or treated water system. MWD has developed an effective nitrification monitoring and prevention program which ETWD staff have adopted and incorporated into the District's daily water quality monitoring and action plan. The number and frequency of this type of monitoring is not currently regulated by CDPH. Staff monitor the level of nitrites in source water, reservoirs and the distribution system daily and weekly in conjunction with the microbiological and chlorine sampling program. A nitrite level of between 0.015 and 0.030 would signal an alert. > 0.030 would require action such as the addition of chlorine to produce a chloramine residual.**

EL TORO WATER DISTRICT
MONTHLY POTABLE WATER QUALITY ANALYSIS
MONTH: February YEAR : 2019

CONSTITUENT ANALYSIS		INSIDE LAB		OUTSIDE LAB	
	MCL	NO.	RESULTS	NO.	RESULTS
1 Microbiological	Pres/Absence	147(A)	Pres/Absence		Average
2 Chlorine (ppm)	Detectable Resid	165	Average = 1.45 ppm		
3 TTHM (ppb) (Stage 2)	0.080 ppb		N/A		ppb
3 HAA5 (ppb) (Stage 2)	0.060 ppb		N/A		ppb
4 Physical Quality:			RANGE		
Turbidity (ppm)	5 NTU	20	0.00 to 0.05		
Odor	3 Units	20	ND<1		
Color	15 Units	20	ND<5		
Temperature	No standard	20	59.7°F To 65.0°F		
5 Nitrite (Alert/Action level)ppm	0.015 to 0.030 ppm	76	0.000 to 0.013 Res.		

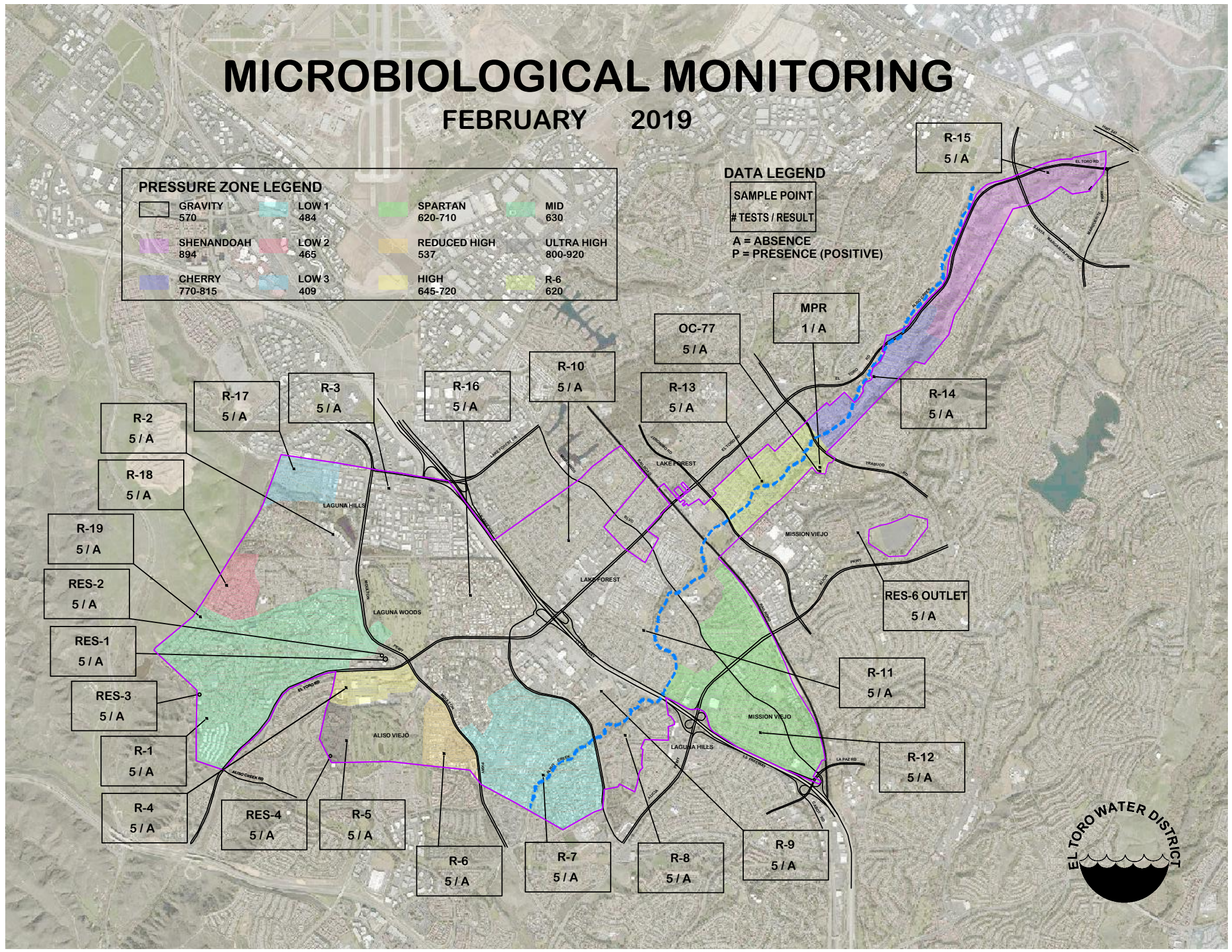
To ensure water quality compliance, the District annually performs approximately 8,750 water quality analytical evaluations of the samples collected from the distribution system.

Abbreviations:

RES	**Indicates that the nitrification was isolated to a reservoir and treated**
ND	**None detected**
Pres/Absence	**Presence (P) or Absence (A) related to a positive or negative bacteriological result**
MCL	**Maximum Contaminant Level**
NTU	**Nephelometric Turbidity Units, a measure of the suspended material in the water**
ppm	**Parts per million**
ppb	**Parts per billion**
Total Coliform	**No more than 5% of the monthly samples may be total coliform-positive**
N/A	**Not available**

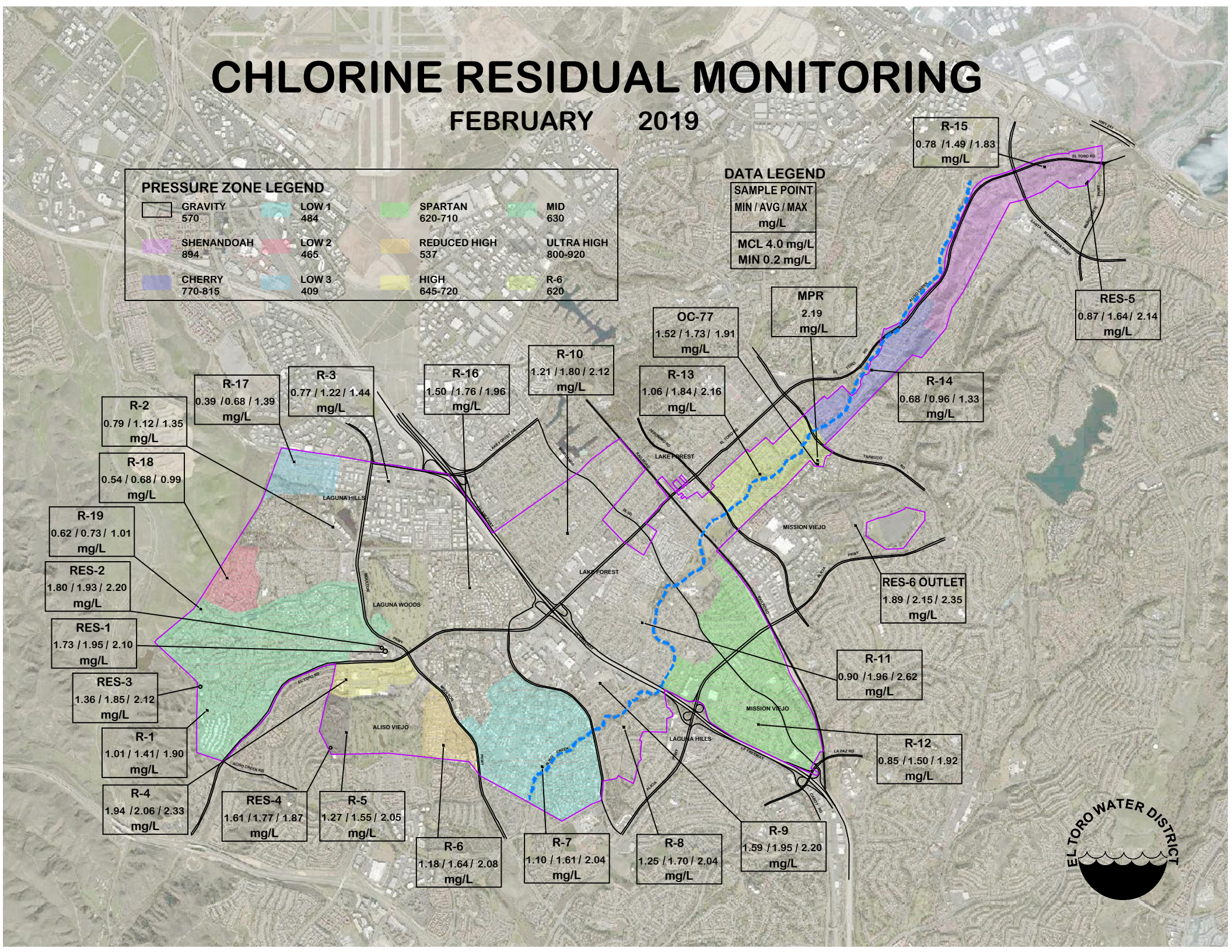
MICROBIOLOGICAL MONITORING

FEBRUARY 2019



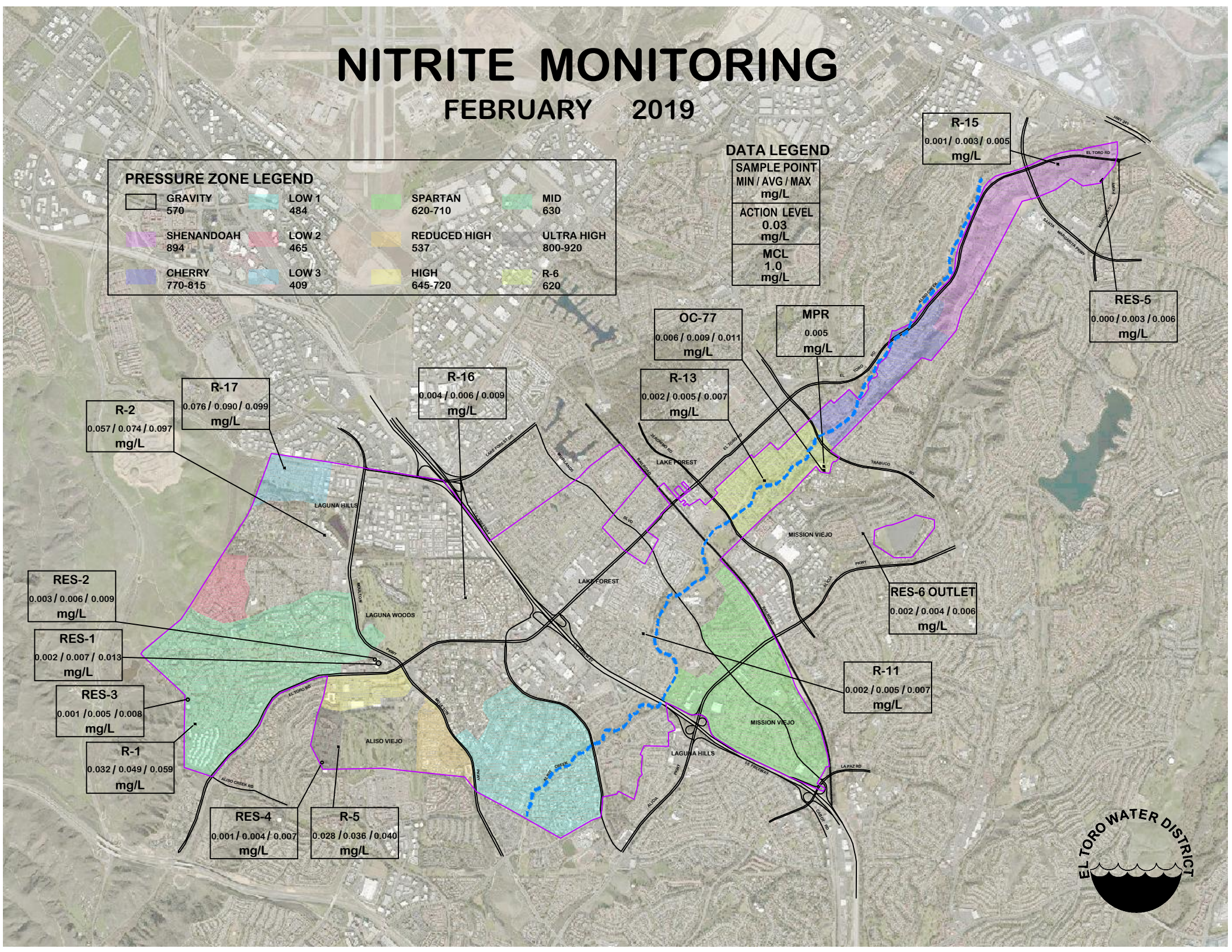
CHLORINE RESIDUAL MONITORING

FEBRUARY 2019



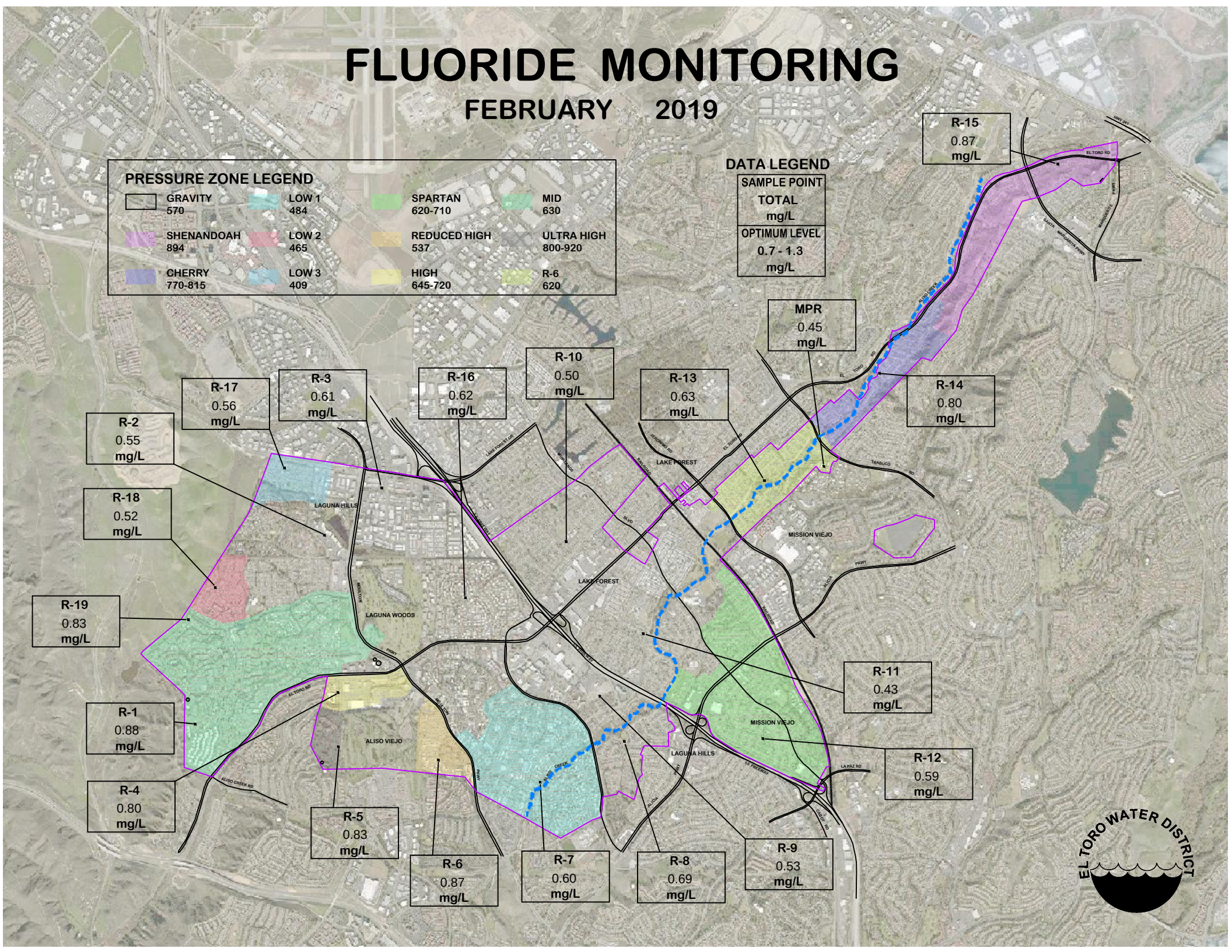
NITRITE MONITORING

FEBRUARY 2019



FLUORIDE MONITORING

FEBRUARY 2019



EL TORO WATER DISTRICT
COLLECTION SYSTEM ACTIVITY REPORT

MONTH ENDING: **Febuary** **2019**

ODOR COMPLAINTS	**NUMBER**	**LOCATION, ORIGIN, ACTION:**
Outside Laguna Woods Village		
Outside Laguna Woods Village		
Laguna Woods Village		
New World		
Private System		
Other: WRP		
TOTAL	**0**	

ROOT FOAMING	**FOOTAGE**	**CHEMICAL USED**	**CHEMICAL COST**	**COMMENTS:**
Outside Laguna Woods Village				
Laguna Woods Village				
New World				
Other				
TOTAL	**0**			

ROOT CUTTING	**FOOTAGE**	**COMMENTS:**
Outside Laguna Woods Village		
Laguna Woods Village		
New World		
TOTAL	**0**	

HYDRO-CLEANING	**FOOTAGE**	**COMMENTS:**
Outside Laguna Woods Village	16,989	
Laguna Woods Village		
New World		
Private System		
Hot Spots	18,552	
ETWD TOTALS:	35,541	
SANTA MARGARITA TOTALS:		
COMBINED TOTALS:	**35,541**	

TV INSPECTIONS	**FOOTAGE**	**COMMENTS:**
Outside Laguna Woods Village		
Laguna Woods Village	4,351	
New World		
Private System		
Other		
TOTAL	**4,351**	

Wet Wells	**Number**	**3**	Westline-Freeway-Mathis
Flow Meter/Sampling	**Number**		
WATER TANK FILLS **27**	**27,000**		

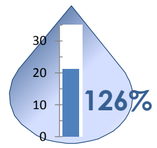
Water Supply Conditions Report

As of: 03/19/2019

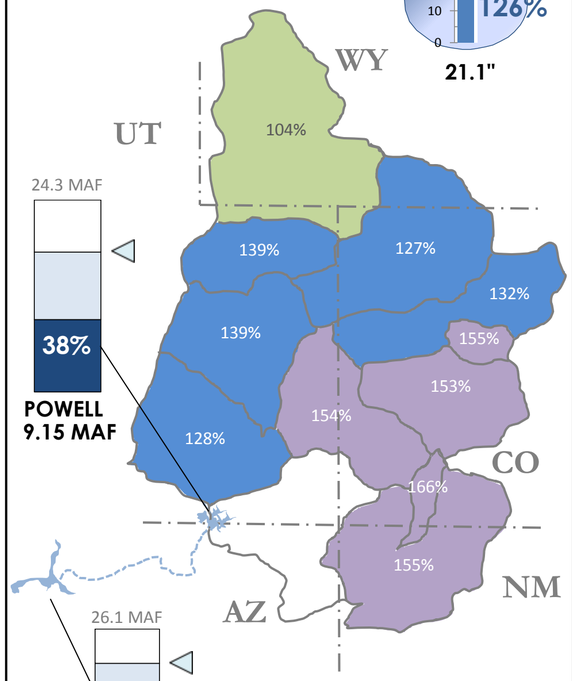
2019 Colorado River

955,180 AF
76% of full CRA
Does not include storage withdrawals

Upper Colorado River Basin **137%**



21.1"



Snow Water Equivalent (% of Normal)

Snowpack % of Normal

- No Data
- Less than 50
- 50 - 80
- 81 - 120
- 121 - 150
- Greater than 150

Turn page for more CRA Data

Flip Over for SWP Data

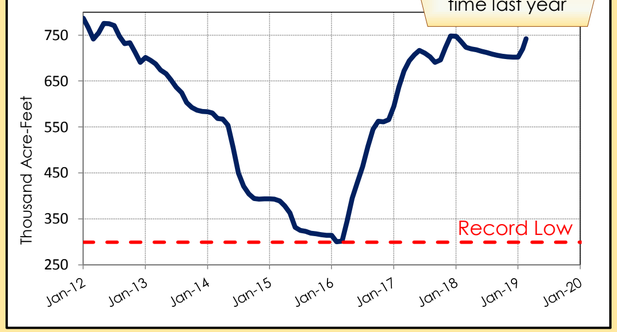
Highlights

- Northern Sierra snowpack is at 153% of normal
- Upper Colorado River Basin snowpack is at 137% of normal
- Southern California precipitation above normal - Los Angeles (147% of normal) and San Diego (136% of normal)

Diamond Valley Lake Storage

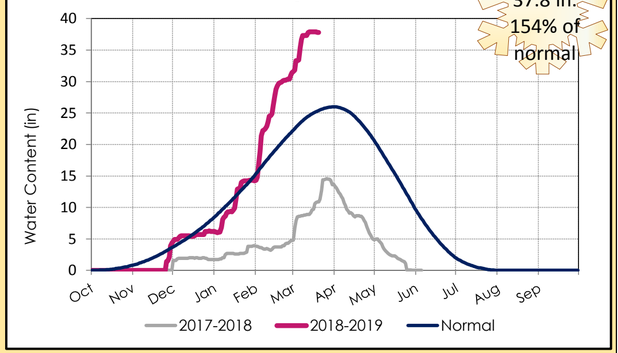
Capacity: 810 TAF

18 TAF more in storage than this time last year

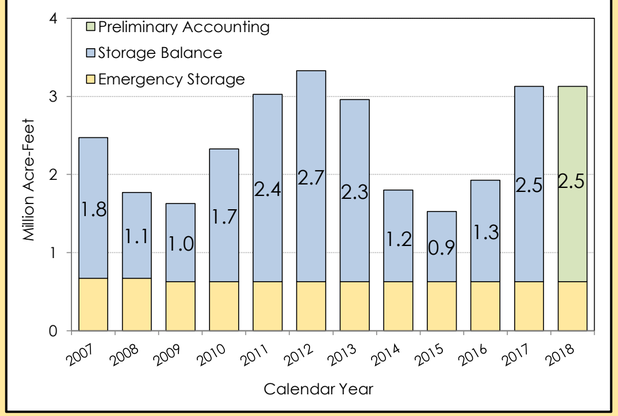


Southern Sierra Snowpack

37.8 in.
154% of normal



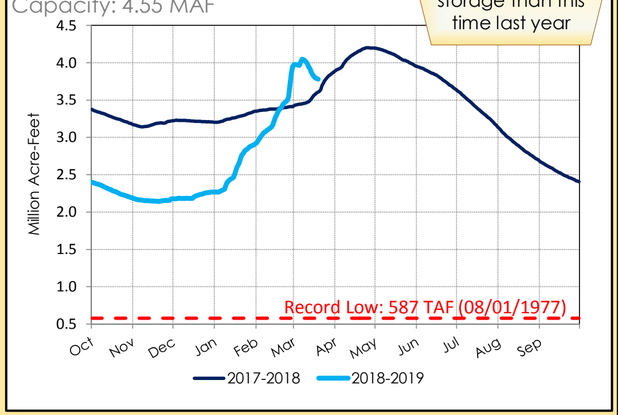
MWD Storage Reserve Levels



Lake Shasta Reservoir Storage

Capacity: 4.55 MAF

173 TAF more in storage than this time last year



This report is produced by the Water Resource Management Group and contains information from various federal, state, and local agencies.
The Metropolitan Water District of Southern California cannot guarantee the accuracy or completeness of this information.
Readers should refer to the relevant state, federal, and local agencies for additional or for the most up to date water supply information.
Reservoirs, lakes, aqueducts, maps, watersheds, and all other visual representations on this report are not drawn to scale.

http://www.mwdh2o.com/WSCR

This report is best printed double sided on legal size paper (8.5" x 14") and folded in quarters

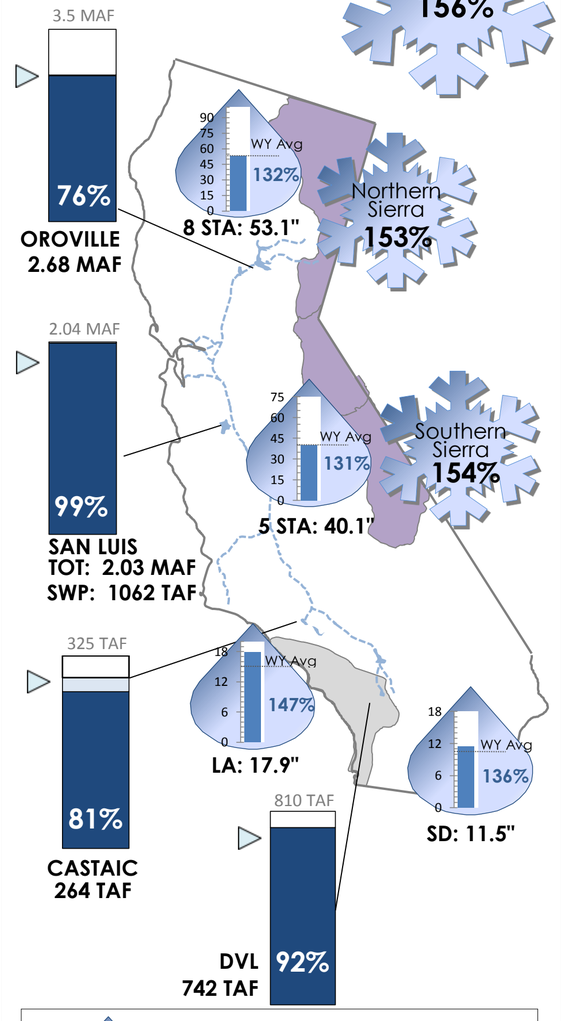
Water Supply Conditions Report

As of: 03/19/2019

2019 SWP Allocation

669,025 AF
35% of Table A

Statewide **156%**



- WY Avg
- % Normal WY to Date
- Rainfall to Date (in)
- Capacity
- Average EOM
- Current Storage (% Capacity)

Flip Over for CRA Data

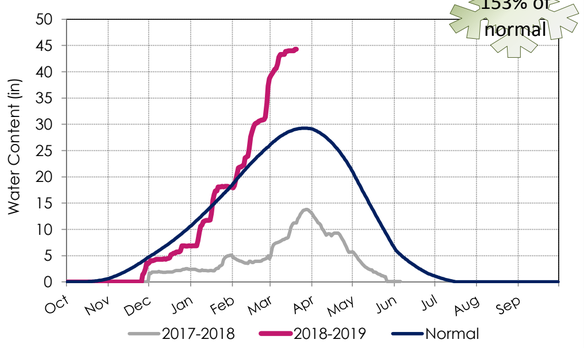
Turn page for more SWP Data

State Water Project Resources

As of: 03/19/2019

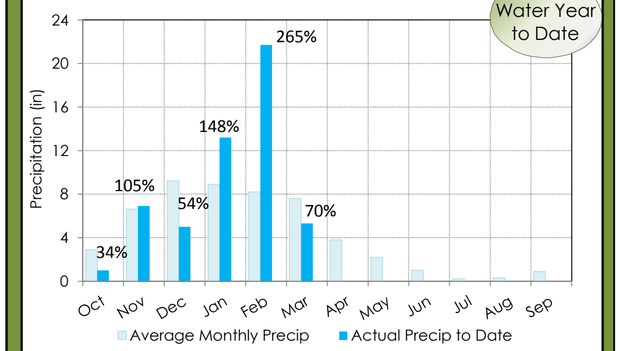
Northern Sierra Snowpack

44.3 in.
153% of normal



8 Station Index Precip

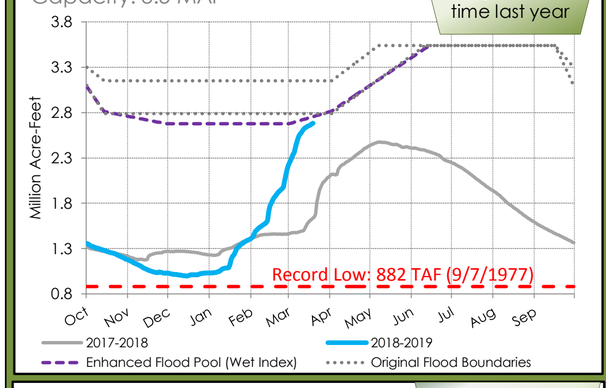
53.1 in.
Water Year to Date



Oroville Reservoir Storage

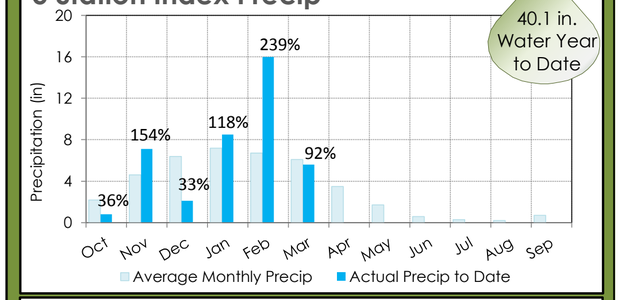
Capacity: 3.5 MAF

1.05 MAF more in storage than this time last year



5 Station Index Precip

40.1 in.
Water Year to Date



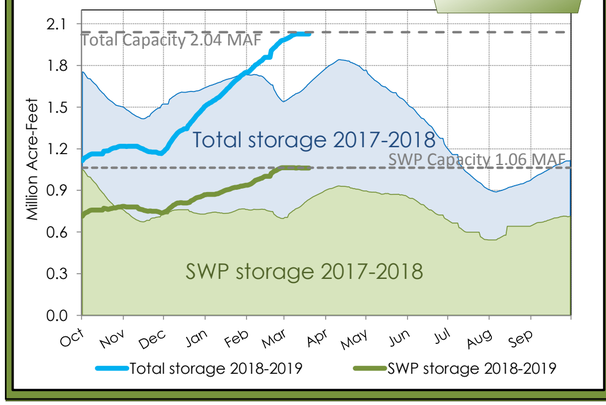
Other SWP Contract Supplies for 2019 (AF)

Article 21	50,000
Carryover	147,000

San Luis Reservoir Storage

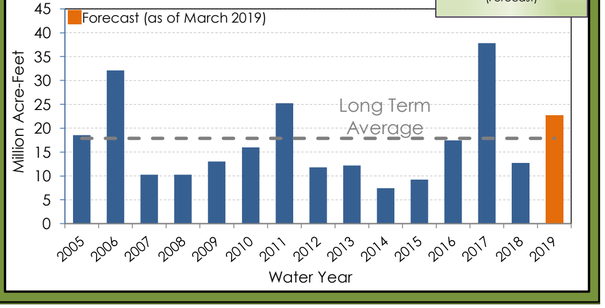
Capacity: 2.04 MAF

228 TAF more in SWP storage than this time last year



Sacramento River Runoff

WY 2019
127% of normal
(Forecast)

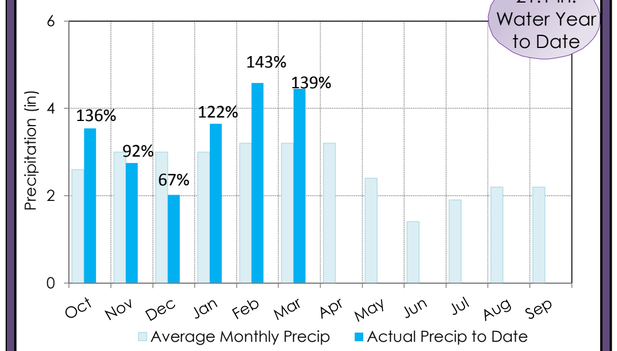


Colorado River Resources

As of: 03/19/2019

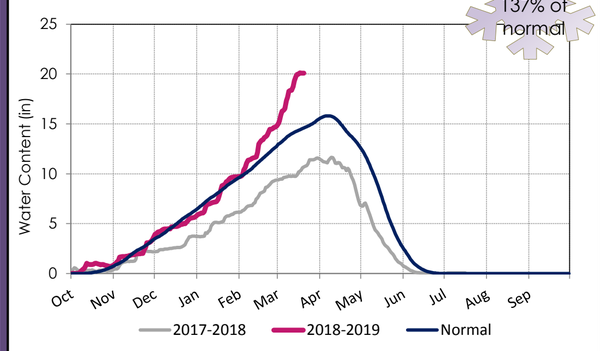
Upper Colorado Basin Precip

21.1 in.
Water Year to Date

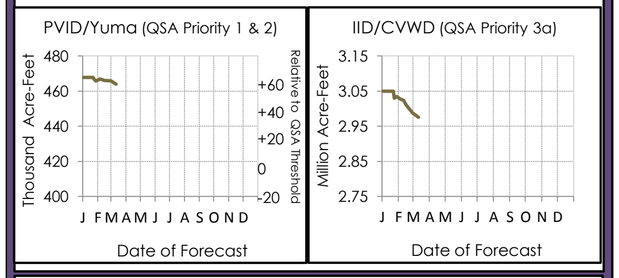


Upper Colorado Basin Snowpack

20.1 in
137% of normal



2019 Colorado River Ag Use

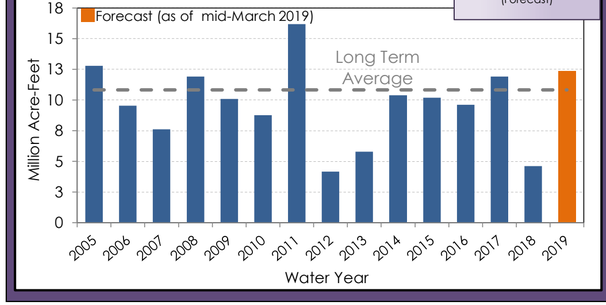


Lake Mead Shortage/Surplus Outlook

This table will be updated once Reclamation publishes the next 24-month study in April 2019.

Powell Unregulated Inflow

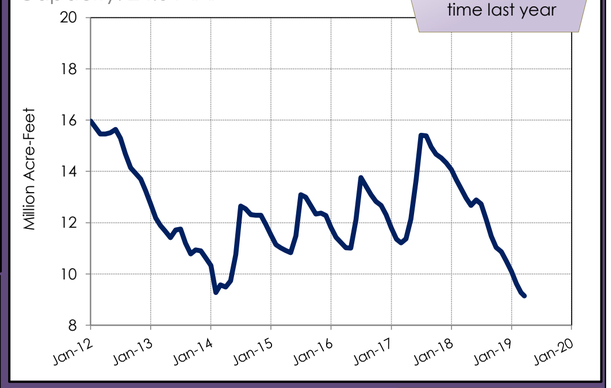
WY 2019
114% of normal
(Forecast)



Lake Powell Storage

Capacity: 24.3 MAF

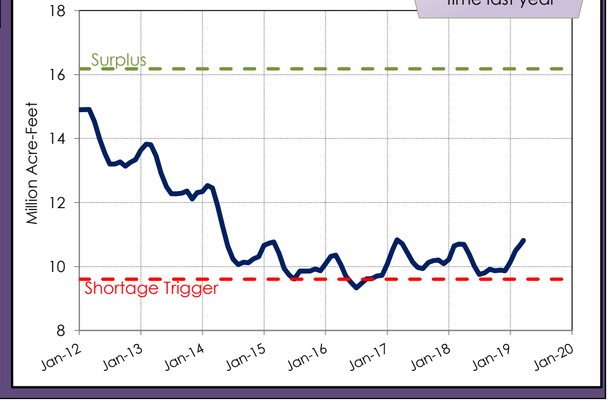
3.96 MAF less in storage than this time last year



Lake Mead Storage

Capacity: 26.1 MAF

127 TAF more in storage than this time last year



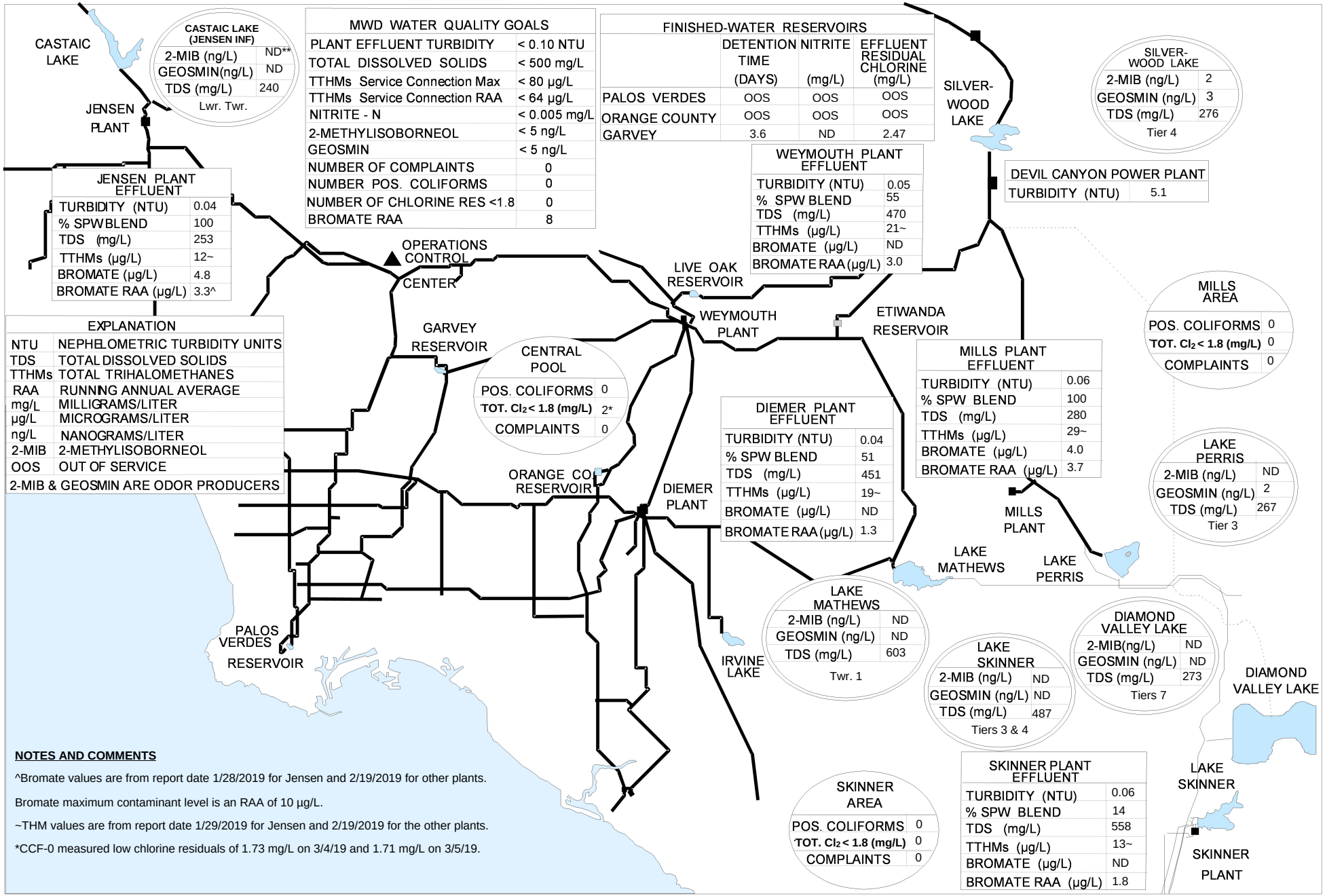
Weekly Water Quality System Status

Wednesday, March 06, 2019

Generated On:3/7/2019 2:52:28 PM

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

No violations of State or Federal regulations were recorded during the current period.



EXPLANATION

NTU	NEPHELOMETRIC TURBIDITY UNITS
TDS	TOTAL DISSOLVED SOLIDS
TTHMs	TOTAL TRIHALOMETHANES
RAA	RUNNING ANNUAL AVERAGE
mg/L	MILLIGRAMS/LITER
µg/L	MICROGRAMS/LITER
ng/L	NANOGRAMS/LITER
2-MIB	2-METHYLISOBORNEOL
OOS	OUT OF SERVICE

2-MIB & GEOSMIN ARE ODOR PRODUCERS

NOTES AND COMMENTS

^Bromate values are from report date 1/28/2019 for Jensen and 2/19/2019 for other plants.

Bromate maximum contaminant level is an RAA of 10 µg/L.

~THM values are from report date 1/29/2019 for Jensen and 2/19/2019 for the other plants.

*CCF-0 measured low chlorine residuals of 1.73 mg/L on 3/4/19 and 1.71 mg/L on 3/5/19.

MWD water quality goals meets or exceed all State and Federal regulations.

WATER QUALITY INFORMATION LINE: (800) 354-4420
VISIT MWD ON THE WEB AT http://www.mwdh2o.com

Memorandum

DATE: March 20, 2019

TO: Member Agencies – MWDOC Division Five

FROM: Sat Tamaribuchi, Director – Division Five

SUBJECT: Monthly Water Usage Data, Tier 2 Projection & Water Supply Information

---

The attached figures show the recent trend of water consumption in Orange County (OC), an estimate of Imported Water Sales for MWDOC, and selected water supply information.

- OC Water Usage, Monthly by Supply ***OCWD Groundwater was the main supply in January***
- OC Water Usage, Monthly, Comparison to Previous Years Water usage in ***January 2019 was below average compared to the last 5 years***. We are continuing to see slight increases in overall water usage compared to the previous three Fiscal Years. It has been 23 months since all mandatory water restrictions were lifted by the California State Water Resources Control Board.
- Historical OC Water Consumption Orange County M & I water consumption is projected to be ***545,000 AF in FY 2018-19*** *(this includes ~15 TAF of agricultural usage and non-retail water agency usage).* This is about ***5,000 AF more than FY 2017-18*** and is about ***27,000 AF more than FY 2016-17***. Water usage per person is projected to be slightly higher in ***FY 2018-19 for Orange County at 151 gallons per day*** (This includes recycled water). Although OC population has increased 20% over the past two decades, water usage has not increased, on average. A long-term decrease in per-capita water usage is attributed mostly to Water Use Efficiency (water conservation) efforts. ***O.C. Water Usage for the last three Fiscal Years is the lowest since the 1982-83 Fiscal Year*** (FY 1982-83 was the third wettest year on record).

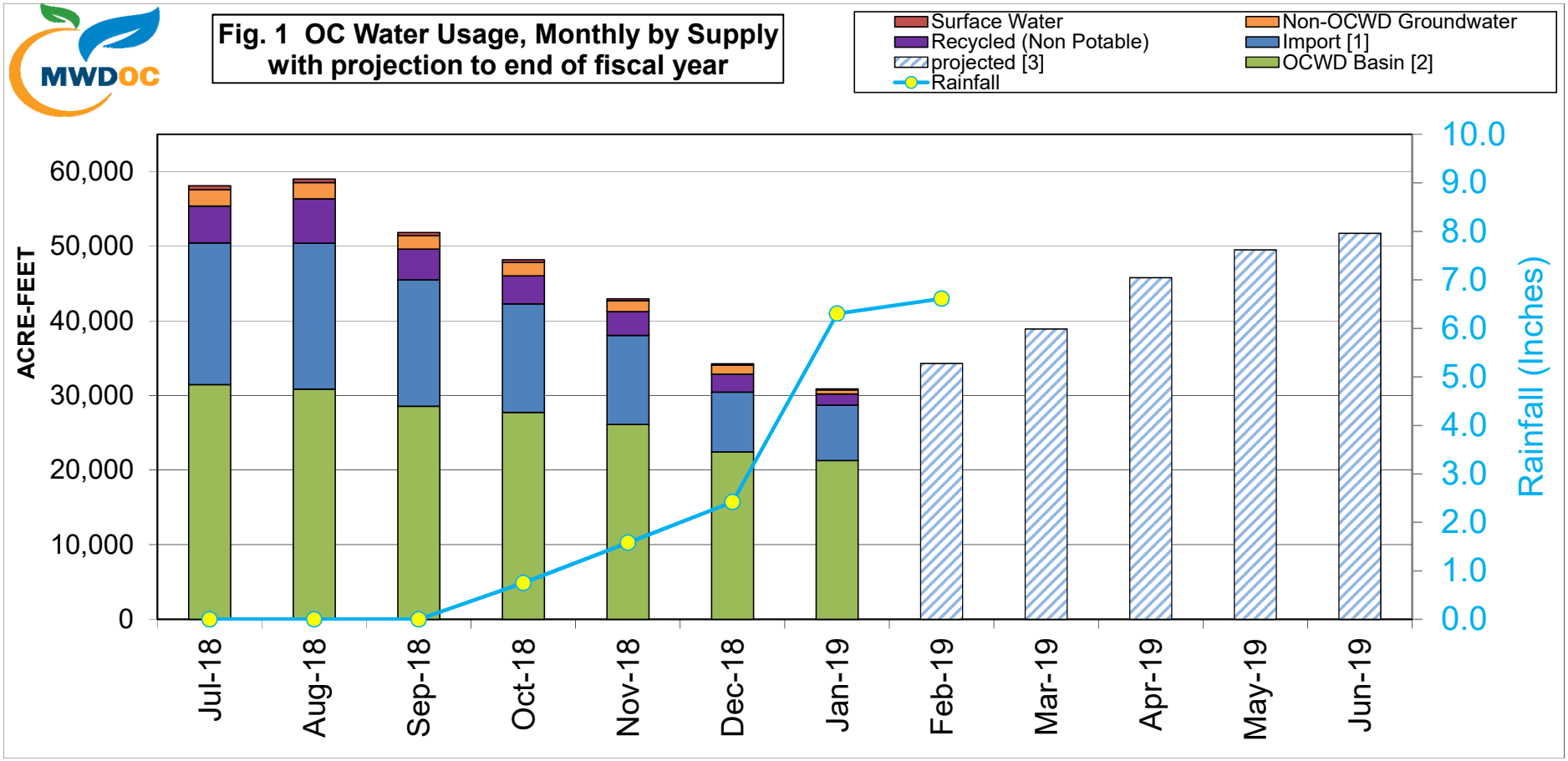
Water Supply Information Includes data on Rainfall in OC; the OCWD Basin overdraft; Northern California and Colorado River Basin hydrologic data; the State Water Project (SWP) Allocation, and regional storage volumes. The data have implications for the magnitude of supplies from the three watersheds that are the principal sources of water for OC. Note that a hydrologic year is Oct. 1st through Sept. 30th.

- Orange County's accumulated rainfall through ***early March*** was above average for this period. Water year to date rainfall in Orange County is ***18.40 inches***, which is ***188% of normal***.

- Northern California accumulated precipitation through ***early March*** was ***137% of normal for this period***. Water Year 2018 was 82% of normal while water year 2017 was 187% of normal. The ***Northern California snowpack*** was ***153% of normal*** as of March 3rd. ***As of late February, 2.33%*** of California is experiencing ***moderate drought conditions*** while 12.83% of the state is experiencing abnormally dry conditions. The State Water Project Contractors Table A Allocation was increased to 35% in February 2019.

- Colorado River Basin accumulated precipitation through ***early March was 113% of normal*** for this period. The ***Upper Colorado Basin snowpack was 122% of normal*** as of March 3rd***. Lake Mead and Lake Powell*** combined have about ***58% of their average storage volume*** for this time of year and are at ***39.7% of their total capacity***. If Lake Mead's ***level falls below a "trigger" limit 1,075 ft. at the end of a calendar year***, then a shortage will be declared by the US Bureau of Reclamation (USBR), impacting Colorado River water deliveries to the Lower Basin states. As of late February, Lake Mead levels were ***13.20' above the "trigger" limit***. The USBR predicts that the start of 2019 will not hit the "trigger" level but there is ***a 69% chance that the trigger level will be hit in 2020 and a 82% chance in 2021***.

Fig. 1 OC Water Usage, Monthly by Supply with projection to end of fiscal year

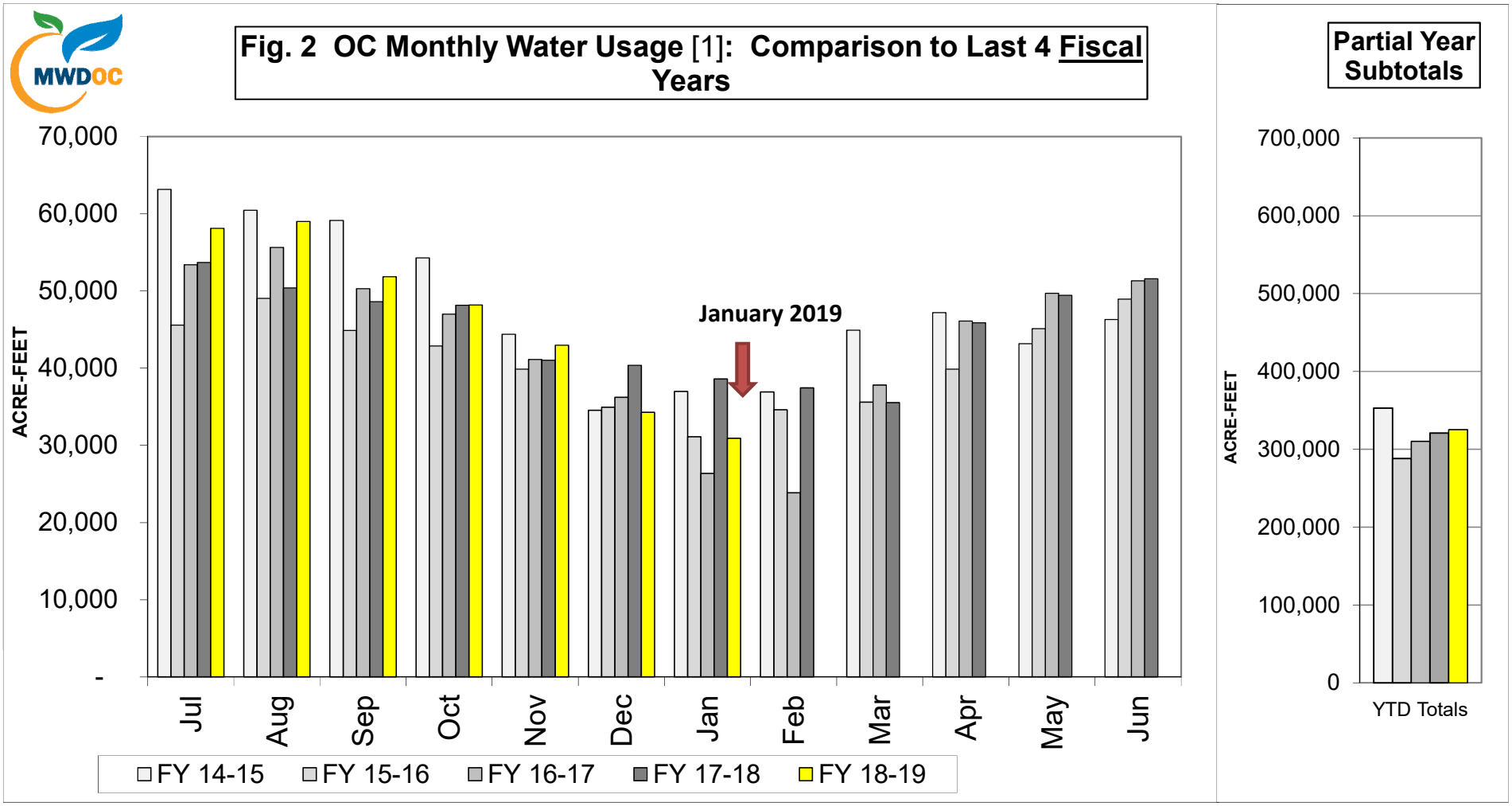


[1] Imported water for consumptive use. Includes "In-Lieu" deliveries and CUP water extraction. Excludes "Direct Replenishment" deliveries of spreading water, "Barrier Replenishment" deliveries, and deliveries into Irvine Lake.

[2] GW for consumptive use only. Excludes In-Lieu water deliveries and CUP water extraction that are counted with Import. BPP in FY '17-18 is 75%.

[3] MWDOC's estimate of monthly demand is based on the projected FY 15-16"Retail" water demand and historical monthly demand patterns.

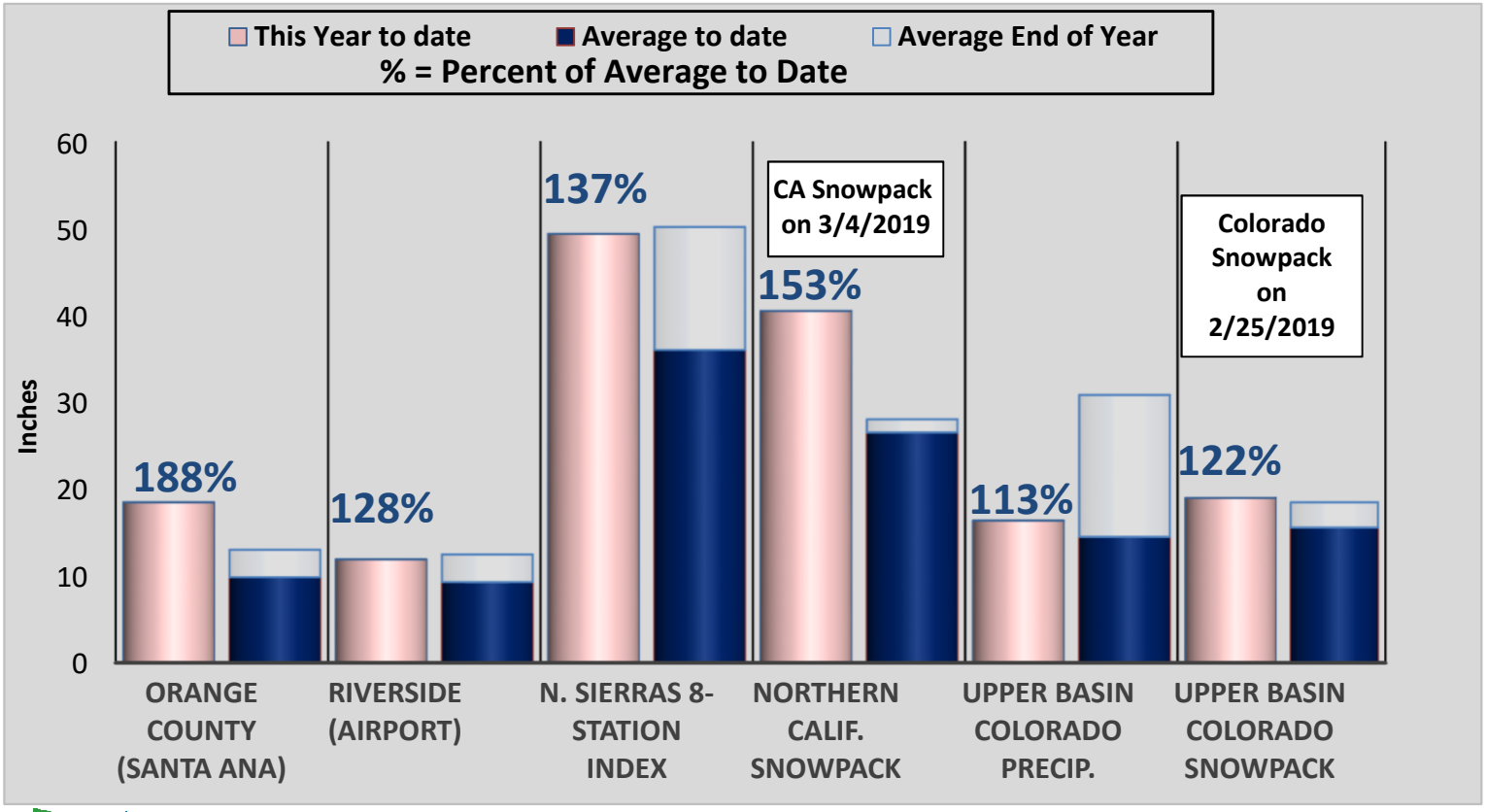
[4] Total water usage includes IRWD groundwater agricultural use and usage by non-retail water agencies.



[1] Sum of Imported water for consumptive use (includes "In-Lieu" deliveries; excludes "Direct Replenishment "and "Barrier Replenishment") and Local water for consumptive use (includes recycled and non-potable water and excludes GWRS production) Recent months numbers include some estimation.

Accumulated Precipitation

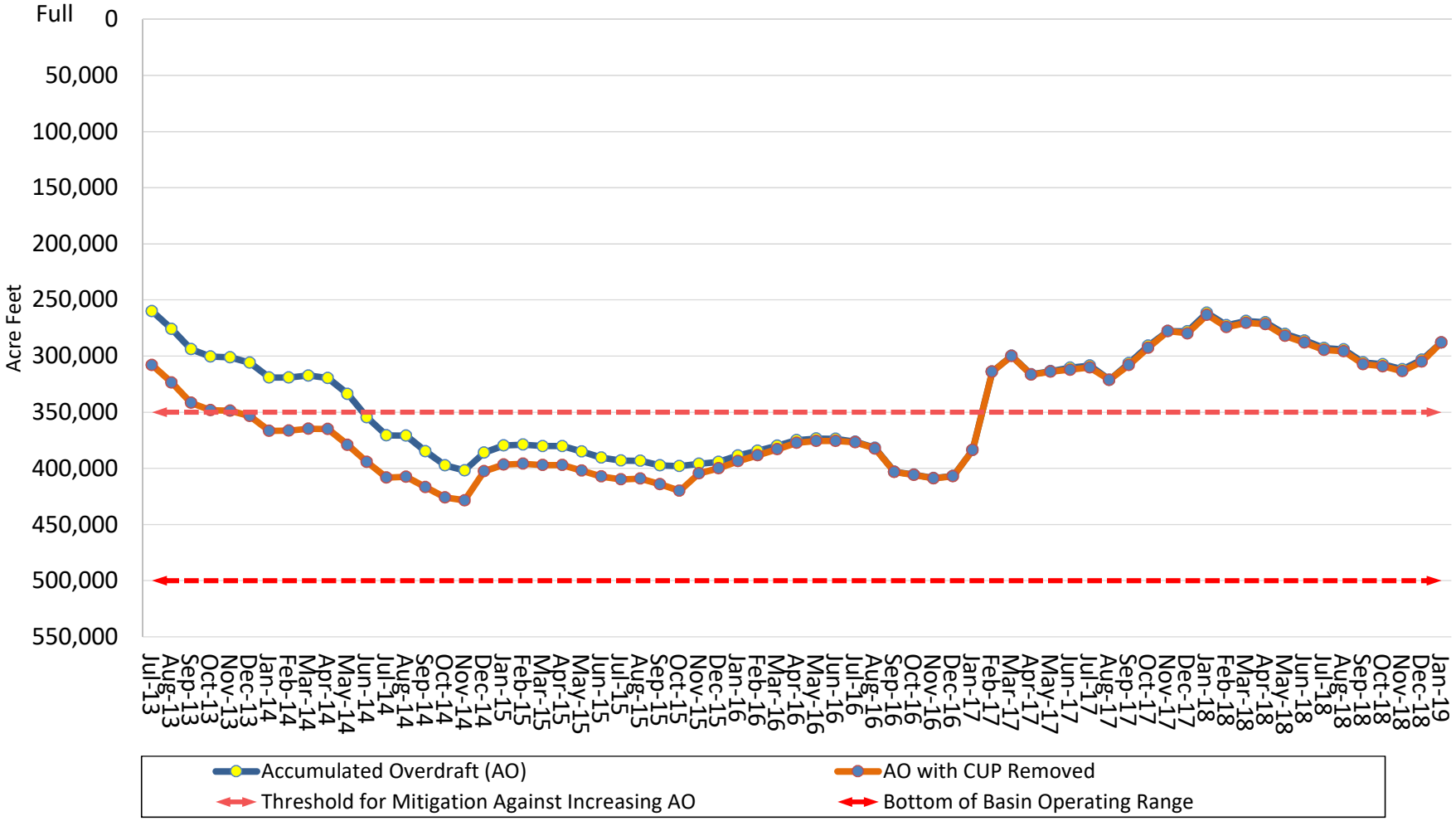
for the *Oct.-Sep.* water year, through Early March 2019



MWDOC

* The date of maximum snowpack accumulation (April 1st in Northern Calif. , April 15th in the Upper Colorado Basin) is used for year to year comparison.

Accumulated Overdraft of the OCWD Groundwater Basin as of January 2019



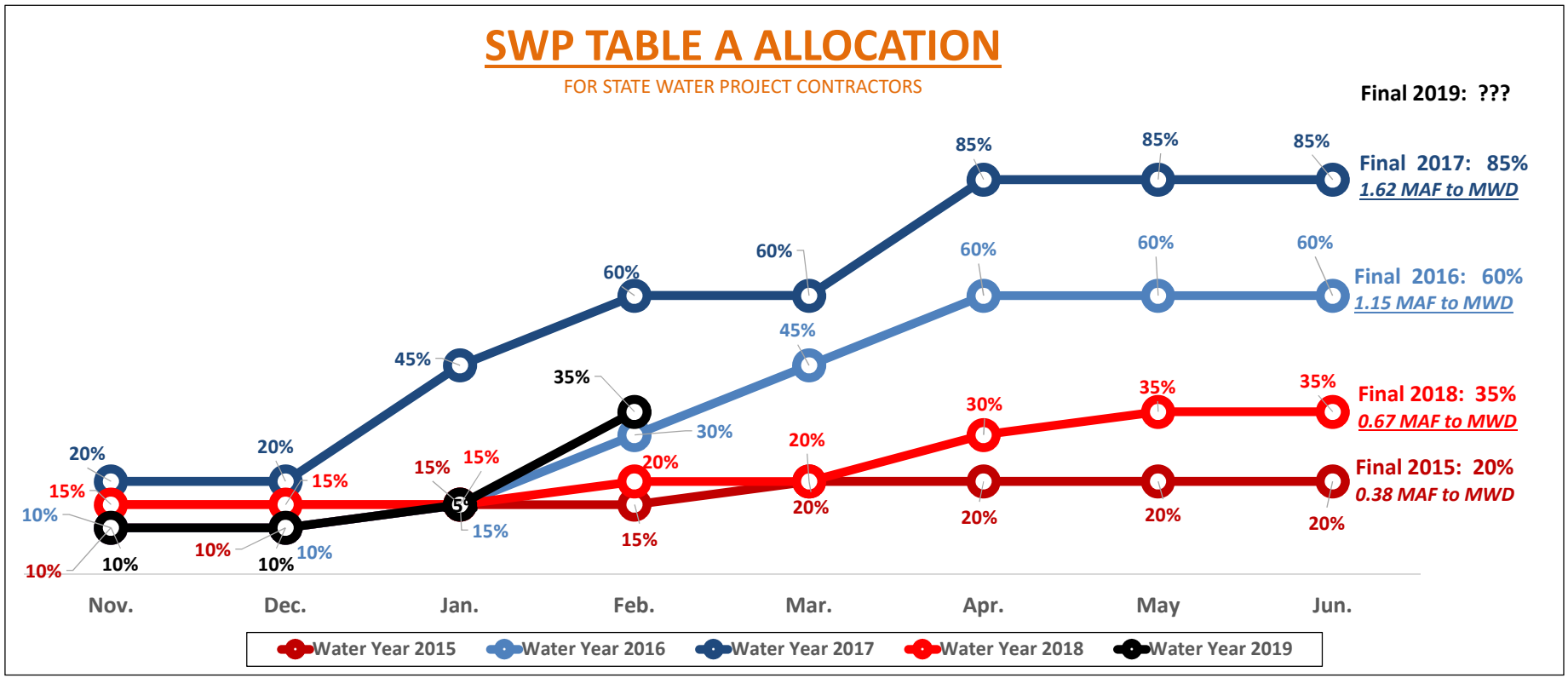
	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18
AO (AF)	308,488	321,131	306,280	290,800	277,691	278,056	261,521	272,475	268,752	269,889	280,329	286,163
AO w/CUP removed (AF)	310,216	321,131	308,007	292,522	277,691	279,776	263,237	274,188	270,463	271,601	282,041	287,869

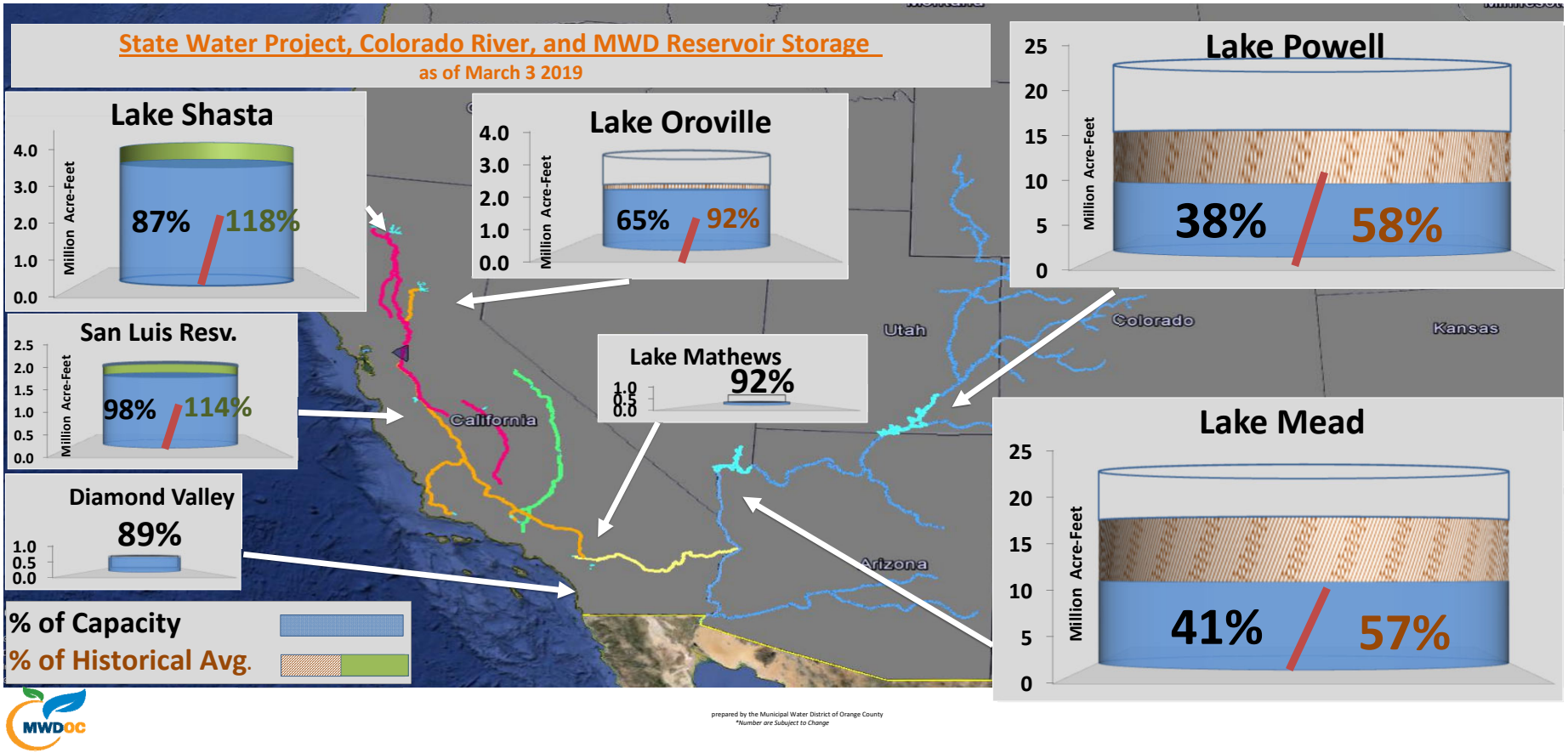
	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19
AO (AF)	292,869	294,090	305,572	307,374	311,765	303,249	287,800					
AO w/CUP removed (AF)	294,572	295,790	307,271	309,072	313,460	304,943	287,800					

Source of data = OCWD monthly Water Resources Report in Board meeting packet

SWP TABLE A ALLOCATION

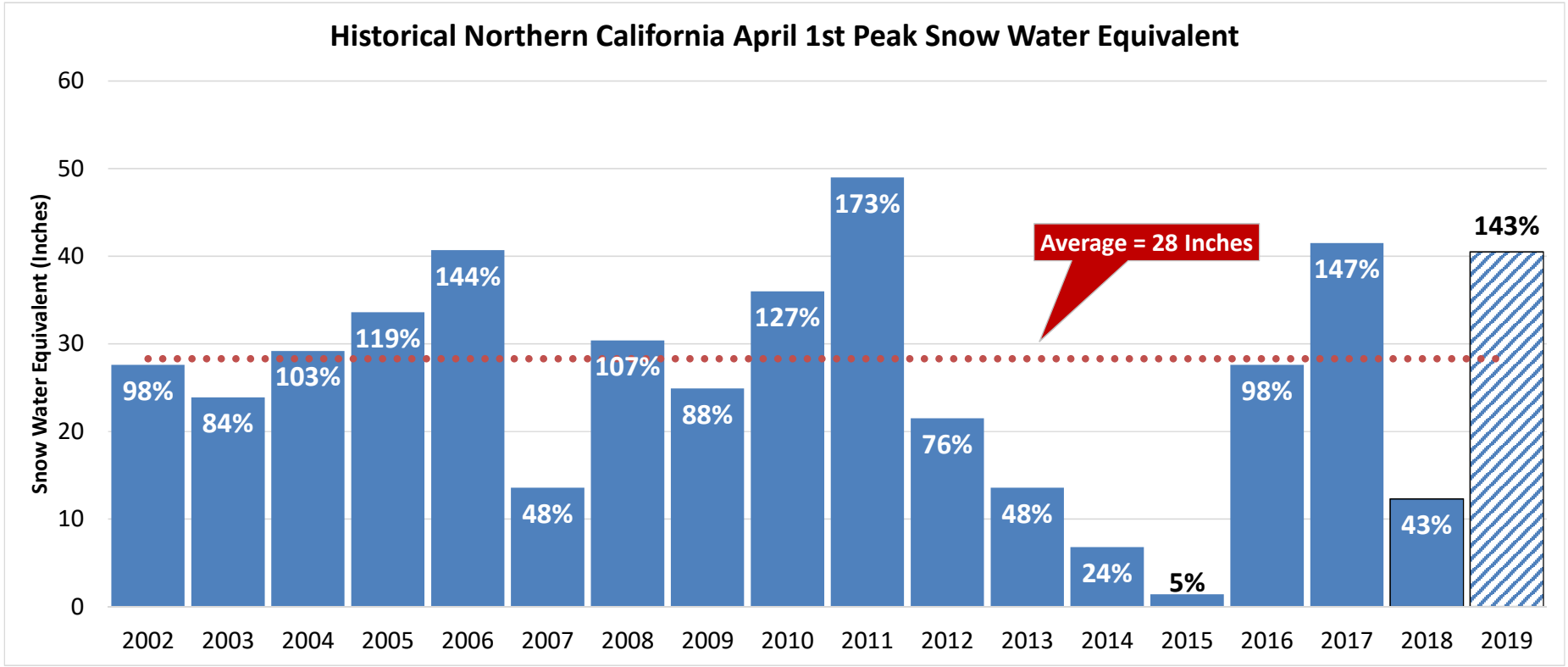
FOR STATE WATER PROJECT CONTRACTORS

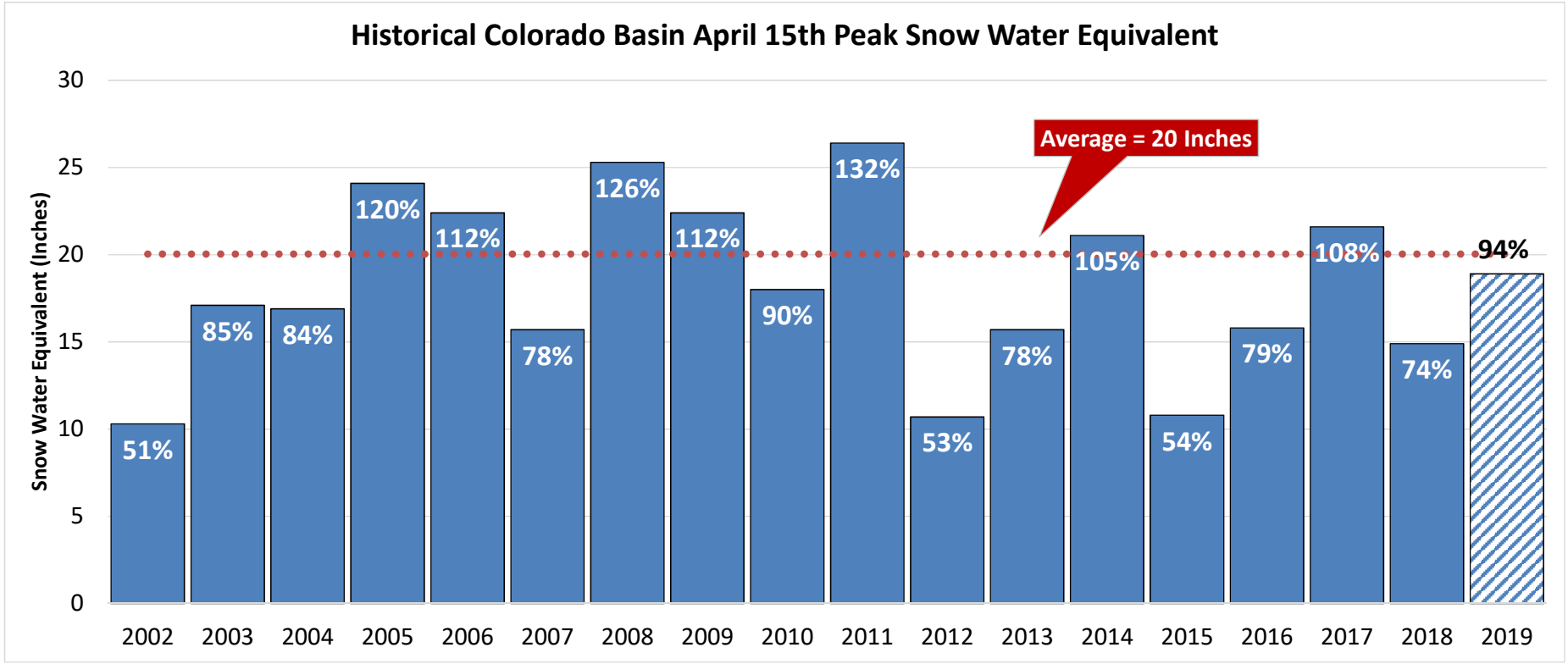




MWDOC

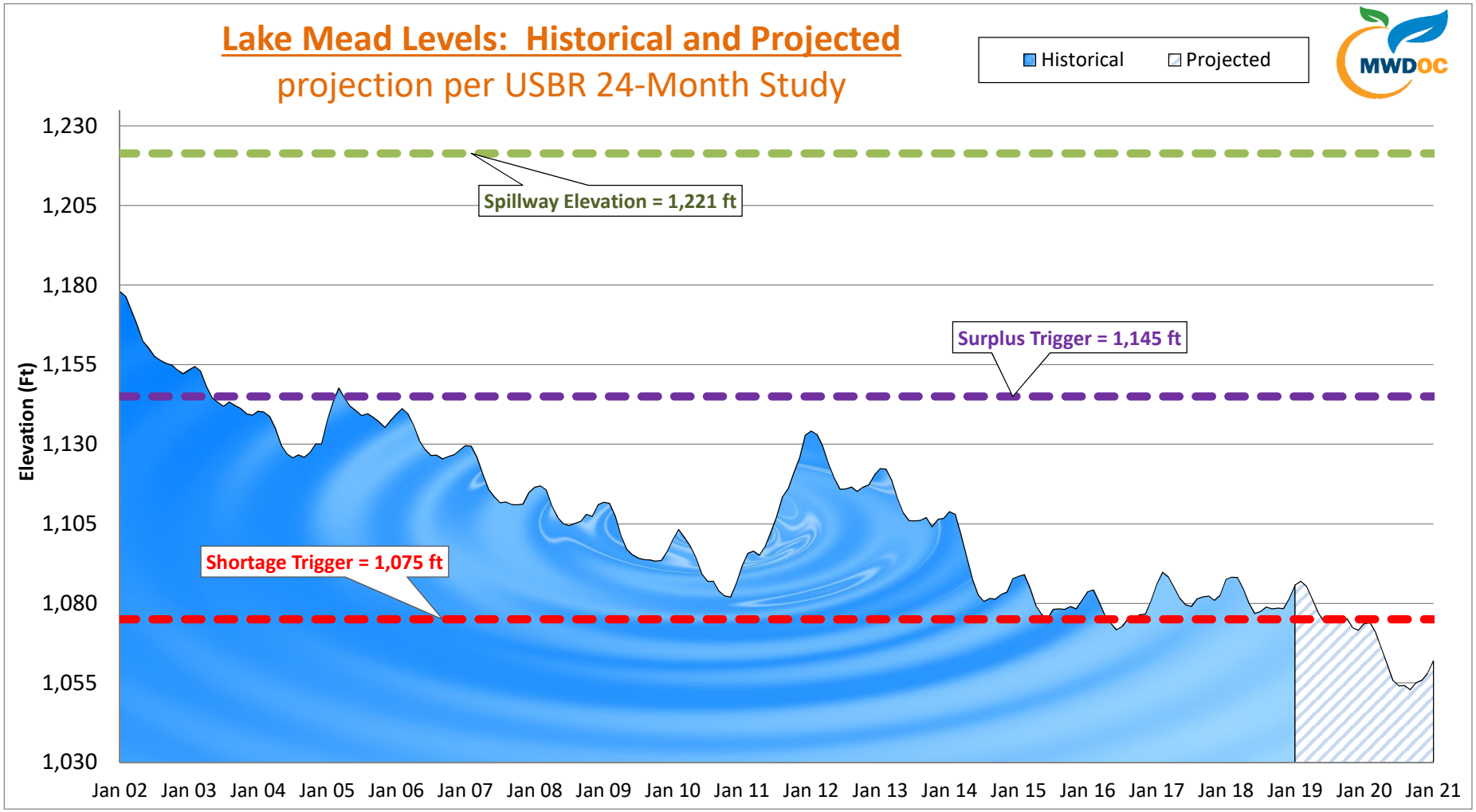
prepared by the Municipal Water District of Orange County
*Number are Subuject to Change

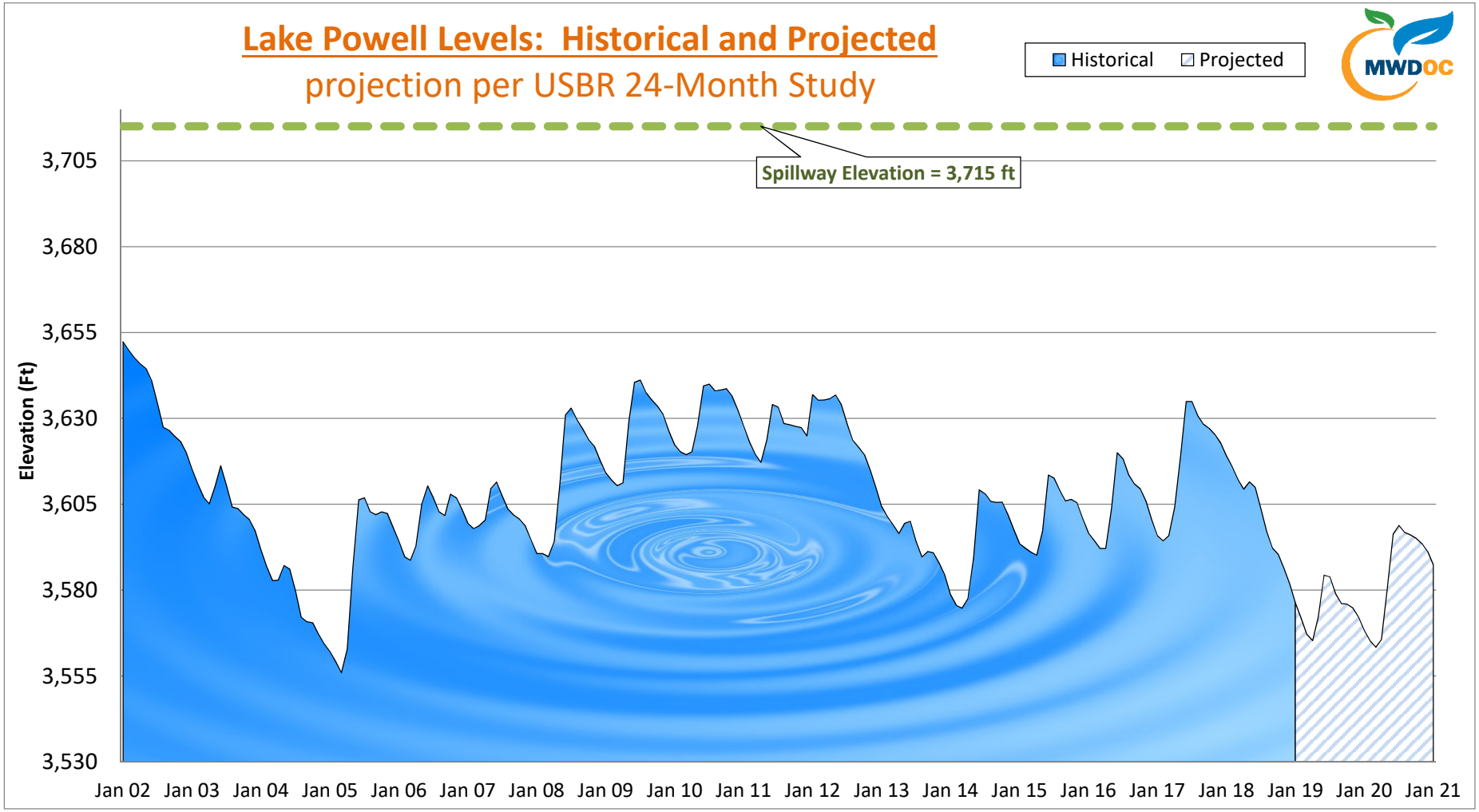

Historical Northern California April 1st Peak Snow Water Equivalent
Snow Water Equivalent (Inches)
60
50
40
30
20
10
0
98%
84%
103%
119%
144%
48%
107%
88%
127%
173%
76%
48%
24%
5%
98%
147%
43%
143%
Average = 28 Inches
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019

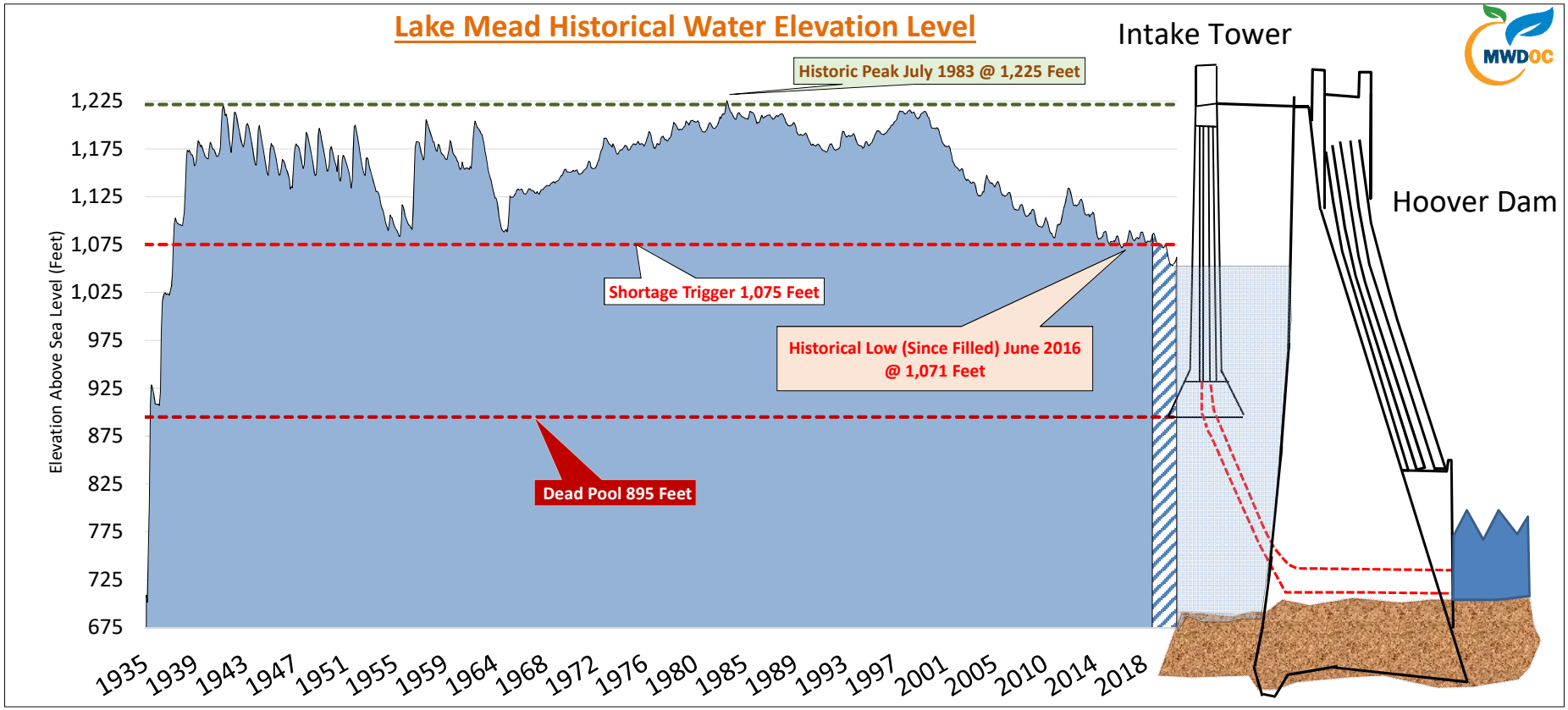

Historical Colorado Basin April 15th Peak Snow Water Equivalent
Snow Water Equivalent (Inches)
30
25
20
15
10
5
0
Average = 20 Inches
51%
85%
84%
120%
112%
78%
126%
112%
90%
132%
53%
78%
105%
54%
79%
108%
74%
94%
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019

Lake Mead Levels: Historical and Projected

projection per USBR 24-Month Study




Lake Powell Levels: Historical and Projected
projection per USBR 24-Month Study
Historical
Projected
MWDOC
Spillway Elevation = 3,715 ft
Elevation (Ft)
3,705
3,680
3,655
3,630
3,605
3,580
3,555
3,530
Jan 02
Jan 03
Jan 04
Jan 05
Jan 06
Jan 07
Jan 08
Jan 09
Jan 10
Jan 11
Jan 12
Jan 13
Jan 14
Jan 15
Jan 16
Jan 17
Jan 18
Jan 19
Jan 20
Jan 21


Lake Mead Historical Water Elevation Level
Intake Tower
Hoover Dam
MWDOC
Historic Peak July 1983 @ 1,225 Feet
Shortage Trigger 1,075 Feet
Historical Low (Since Filled) June 2016
@ 1,071 Feet
Dead Pool 895 Feet
Elevation Above Sea Level (Feet)
1,225
1,175
1,125
1,075
1,025
975
925
875
825
775
725
675
1935
1939
1943
1947
1951
1955
1959
1964
1968
1972
1976
1980
1985
1989
1993
1997
2001
2005
2010
2014
2018

WILL SERVE REQUEST STATUS REPORT

(February 2019)

All projects subject to previously issued Will Serve Letters are either Complete or the Will Serve Letter has Expired

(Will Serve Letters Expire One Year from Date of Issuance)

Date Requested	Applicant	Project Description	Type	Location	Status	Date Issued
1/3/18	PS Business Parks, L.P.	GameCraft Brewing	TI	23301 Ave. de la Carlota	Issued	3/6/18
7/17/18	City of Laguna Woods	A Place for Paws Dog Park	ND	23301 Ridge Route Dr.	Issued	7/25/18
7/17/18	MPVCA Laguna LLC	24022 Calle de la Plata Fire Service	ND	24022 Calle de la Plata Dr.	Issued	8/1/18
11/30/18	Camino Oaks LLC	24191 Paseo de Valencia Fire Service	ND	24191 Paseo de Valencia	Issued	11/30/18

ND = New Development TI = Tenant Improvement

EL TORO WATER DISTRICT
UNAUTHORIZED DISCHARGE SUMMARY
YEAR OF 2019

DATE	PUBLIC / PRIVATE	SPILL TYPE	LOCATION	REASON	IMMEDIATE CORRECTIVE MEASURES	PREVIOUS MAINTENANCE		POST-INCIDENT PREVENTIVE MEASURES	RWQCB	DISCHARGED TO	SPILL VOLUME (PUBLIC) Gallons		SPILL VOLUME (PRIVATE) Gallons		REGULATORY NOTIFICATION AND RESPONSE
						CLEANING	TV				CONTAINED	SPILLED	CONTAINED	SPILLED	
January 23, 2019	PUBLIC	Sewer	RES. 23566 Los Adornos Aliso Viejo	Root Intrusion	Ran root cutter in Public Lateral and cut the blockage out.			Tv'd the line and saw it was cleared	9	Grass Yard	**3**	**5**			Notified OCEH, RWQCB 9, and City of Aliso Viejo
February 2, 2019	Private	Sewer	Res. 23902 Bough Ave. Mission Viejo	Toliet Paper Blockage	Collections ran a snake in line breaking the blockage. Noticed there was a belly in line, a dip in line where material can collect causing blockages.			Tv'd the line and saw it was cleared that is when the dip in line was discovered	9	Grass Yard	**1**	**1**			Notified OCEH, RWQCB 9, and City of Mission Viejo
LEGEND											**4**	**6**	**0**	**0**	

S.DC = San Diego Creek		RES. = Residential	R.S. = Rocks
S.D. = Storm Drain		C. = Commercial	C.W.D. = Calcium Water Deposits
A.C. = Aliso Creek		S.B. = Siphon	B.P, = Broken Pipe
G.B. = Grease Blockage		P.F. = Power Failure	U.W. = Untreated Water

Bob Hill

From: SWRCB Office Research, Planning & Performance <drinc@waterboards.ca.gov>
Sent: Thursday, March 14, 2019 4:50 PM
To: Bob Hill
Subject: Monitoring Report Acknowledgement for February 2019

Hello Robert Hill

Thank you for your Monitoring Report. Below is the information you have submitted for the month of February 2019. If this information is incorrect, you can edit the report or re-submit your report for the month with the corrected information. We use your most recently submitted monthly report in our calculations.

Reporter	Robert Hill
Urban Water Supplier(Number)	El Toro Water District (562)
Reporting Month	0219
Stage/Mandatory	None No
Days Outside Irrigation	
Total Potable Water Production	311.48 AF
2013 Same Month Production	502.41 AF
CII Water	50.14 AF
Commercial Agricultural Water	0 AF
Commercial Agricultural Water 2013	AF
Recycled Water	10.08 AF
Non-revenue Water	0 AF
Residential Use Percentage	80.12 %
Population	48628
Estimated R-GPCD	60
Number Complaints	0
Number Follow-ups	0

Number Warnings	0
Rate Penalties	0
Other Penalties	0
Enforcement Actions	
Actions Taken	
Implementation Comments	
Qualification	

To edit your report click HERE (After logging in, select the report to edit, click on "Edit", make your corrections, and click on "Update" when finished)

State Water Resources Control Board Office of Research, Planning & Performance

El Toro Water District
SWRCB Emergency Drought Regulations
Monthly Urban Water Supplier Reporting/ Tracking

Month	Total Purchases 2013 (AF)	ET 2013	Total Purchases 2015-2019 (AF)	ET 2015-2019	Delta (AF)	Delta %	Residential % of Total 2015-2019	Residential Usage 2015-2019 (AF)	GPCD 2015-2019	RW 2013 (AF)	RW 2015-2019 (AF)
Jun-15	996.66	6.00	773.57	5.73	-223.09	-22%	61.75%	477.68	107	62.62	55.65
Jul-15	1,016.80	5.80	723.00	5.95	-293.8	-29%	60.26%	435.68	94	56.51	87.87
Aug-15	1,042.70	6.55	790.17	6.24	-252.53	-24%	61.06%	482.48	104	49.34	124.29
Sep-15	963.00	5.26	663.40	4.96	-299.6	-31%	63.32%	420.06	94	46.06	101.44
Oct-15	811.60	3.92	613.70	3.86	-197.9	-24%	61.46%	377.18	82	25.45	90.39
Nov-15	684.20	2.51	528.90	3.26	-155.3	-23%	64.97%	343.63	77	16.87	58.30
Dec-15	593.20	2.49	430.70	2.36	-162.5	-27%	67.92%	292.53	63	15.55	32.44
Jan-16	543.15	2.53	417.00	1.89	-126.15	-23%	75.41%	314.46	68	13.00	23.43
Feb-16	502.41	2.89	455.20	3.83	-47.21	-9%	74.80%	340.50	79	18.35	55.08
Mar-16	736.34	4.06	474.45	3.99	-261.89	-36%	70.86%	336.20	73	35.55	52.33
Apr-16	825.00	4.82	526.00	5.15	-299	-36%	71.43%	375.72	84	53.97	105.24
May-16	874.56	5.97	621.70	4.65	-252.86	-29%	67.21%	417.84	90	62.80	133.64
Jun-16	996.66	6.00	731.50	5.81	-265.16	-27%	66.57%	486.96	109	62.62	172.45
Jul-16	1,016.80	5.80	770.10	6.78	-246.7	-24%	67.21%	517.56	112	56.51	195.68
Aug-16	1,042.70	6.55	753.50	5.96	-289.2	-28%	64.76%	488.00	105	49.34	198.34
Sep-16	963.00	5.26	672.80	4.50	-290.2	-30%	65.56%	441.09	99	46.06	160.69
Oct-16	811.60	3.92	600.30	3.23	-211.3	-26%	65.59%	393.77	85	25.45	110.38
Nov-16	684.20	2.51	524.60	2.76	-159.6	-23%	69.16%	362.81	81	16.87	80.81
Dec-16	593.20	2.49	429.60	1.91	-163.6	-28%	71.19%	305.82	66	15.55	49.90
Jan-17	543.15	2.53	357.22	1.99	-185.93	-34%	78.25%	279.51	60	13.00	27.75
Feb-17	502.41	2.89	341.84	1.77	-160.57	-32%	79.10%	270.39	65	18.35	21.00
Mar-17	736.34	4.06	544.19	4.27	-192.15	-26%	77.34%	420.88	91	35.55	88.91
Apr-17	825.00	4.82	634.95	5.17	-190.05	-23%	69.72%	442.66	99	53.97	146.88
May-17	874.56	5.97	669.86	4.70	-204.7	-23%	67.16%	449.91	97	62.80	170.35
Jun-17	996.66	6.00	734.87	5.25	-261.79	-26%	67.01%	492.44	110	62.62	168.67
Jul-17	1,016.80	5.80	849.65	6.34	-167.15	-16%	65.31%	554.91	120	56.51	206.55
Aug-17	1,042.70	6.55	829.15	6.13	-213.55	-20%	64.21%	532.43	115	49.34	201.74
Sep-17	963.00	5.26	684.25	4.80	-278.75	-29%	64.06%	438.35	98	46.06	157.58
Oct-17	811.60	3.92	731.30	3.57	(80.30)	-10%	66.20%	484.11	105	25.45	144.70
Nov-17	684.20	2.51	548.66	2.36	-135.54	-20%	66.12%	362.75	81	16.87	79.64
Dec-17	593.20	2.49	646.24	3.26	53.04	9%	69.45%	448.82	97	15.55	105.69
Jan-18	543.15	2.53	481.56	2.38	-61.59	-11%	71.74%	345.48	75	13.00	59.07
Feb-18	502.41	2.89	529.34	3.12	26.93	5%	71.59%	378.95	91	18.35	92.01
Mar-18	736.34	4.06	526.15	3.72	(210.19)	-29%	71.90%	378.33	82	35.55	43.98
Apr-18	825.00	4.82	638.39	4.82	(186.61)	-23%	72.66%	463.88	104	53.97	140.30
May-18	874.56	5.97	630.76	3.80	(243.80)	-28%	66.48%	419.30	91	62.80	129.23
Jun-18	996.66	6.00	778.62	6.29	(218.04)	-22%	66.04%	514.17	115	62.62	180.46
Jul-18	1,016.80	5.80	847.99	7.42	(168.81)	-17%	66.13%	560.76	121	56.51	215.87
Aug-17	1,042.70	6.55	834.68	6.85	(208.02)	-20%	63.16%	527.21	114	49.34	233.30
Sep-18	963.00	5.26	724.38	5.21	(238.62)	-25%	63.93%	463.07	103	46.06	171.40
Oct-18	811.60	3.92	670.25	4.04	(141.35)	-17%	62.97%	422.09	91	25.45	105.58
Nov-18	684.20	2.51	528.64	3.17	(155.56)	-23%	65.60%	346.77	77	16.87	86.52
Dec-18	593.20	2.49	442.99	2.07	(150.21)	-25%	71.88%	318.40	69	15.55	21.47
Jan-19	543.15	2.53	419.69	2.30	(123.46)	-23%	76.65%	321.71	70	13.00	23.64
Feb-19	502.41	2.89	311.92	2.29	(190.49)	-38%	80.12%	249.92	60	18.35	10.09
Total	35,922.58	196.35	27,437.73	189.91	-8484.85	-24%	68.34%	18,497.18	91	1,671.96	4,920.72

(WRP) Tertiary Treatment Plant

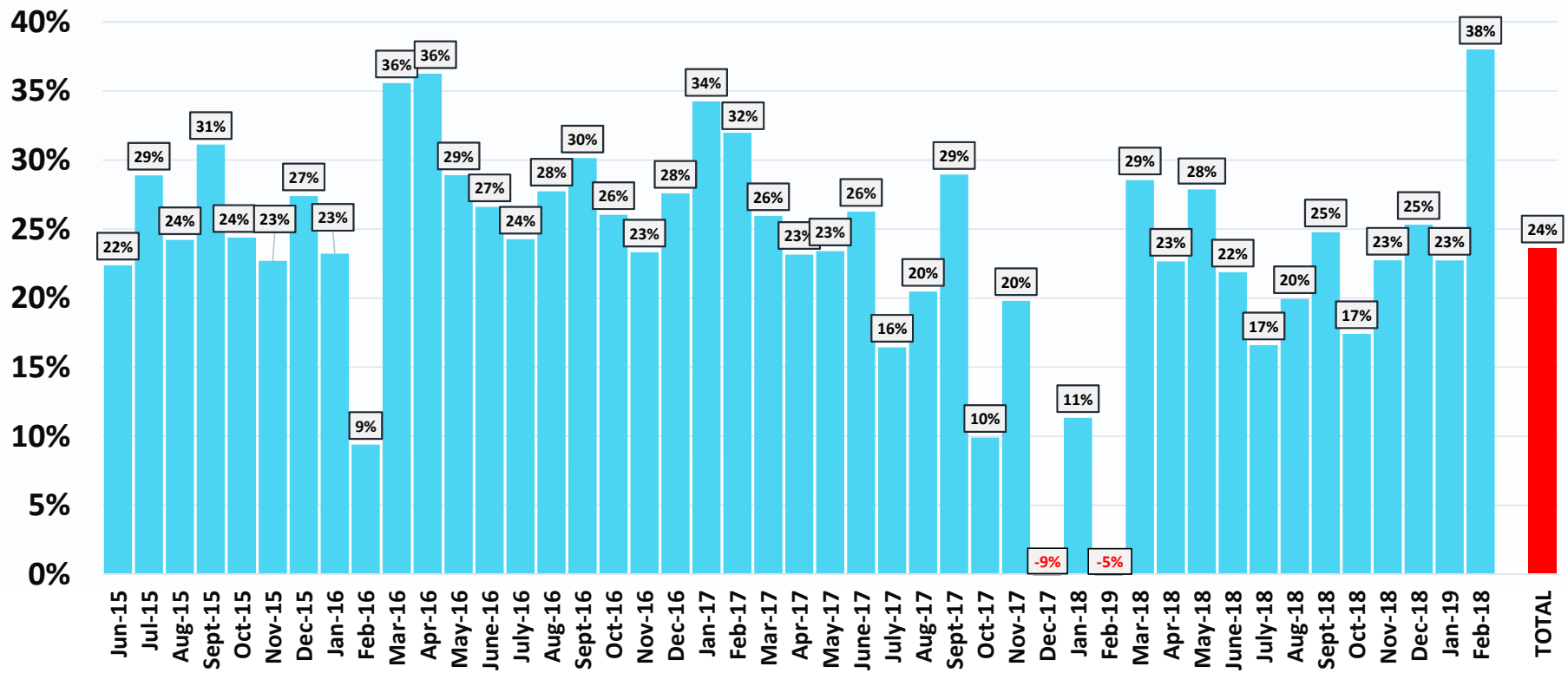
Feb-19

Total Recycled Water Production

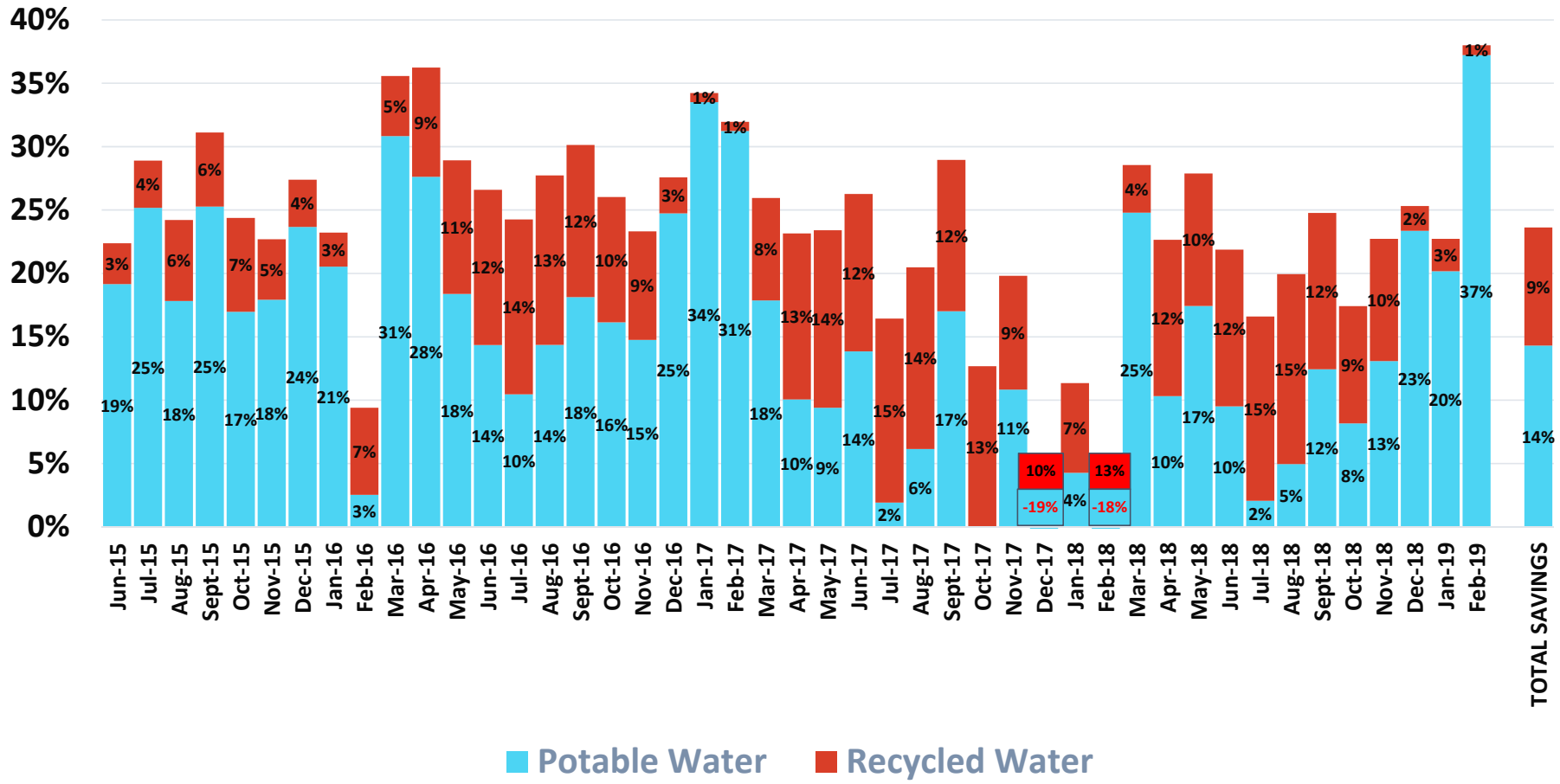
Flow, Units	G.C. Irrigation	Main Distribution	WRP Irrigation/Utility	Total, Production
Avg. Daily Q MGD	0.008	0.046	0.064	0.118
Total Q MG	0.220	1.285	1.782	3.287
Total Acre Feet	0.675	3.944	5.469	10.088

* No Potable Water Was Used to Supplement the Recycled Water Total Production this Month

ETWD WATER SAVINGS COMPARED TO 2013



ETWD WATER SAVINGS COMPARED TO 2013



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WASHINGTON, DC 20007
(202) 293-4064
jimbarker@jcbdc.com

Nicholas Crockett
Allison Leavitt

Municipal Water District of Orange County, California
Washington Update
March 12, 2019

The Trump Administration released its annual budget proposal to the Congress on March 11, 2019. Details are still being released as this report is being written. This Budget is the fiscal year that begins on October 1, 2019.

In the minds of many here in Washington, the Politico Media Publication said it best: "THIS IS YOUR ANNUAL REMINDER that the White House budget is a particularly meaningless document. A White House budget is a list of priorities. It doesn't become law or have any other tremendous import otherwise. The budget is particularly useless this year, since Democrats control the House."

At the outset it is important to remember that the Congress has the power of the purse and will appropriate and set spending the priorities it wants. For the last several budgets, we have seen the Trump Administration severely reduce domestic spending and this year's budget is no different.

For the Department of the Interior: (quoting from the Budget Documents)

"The FY 2020 budget will continue to support water delivery and quality concerns along the Colorado River. The long-term impacts from droughts, such as those in the Colorado River Basin, can't be solved by a single wet year. Even in states such as California, where hydrologic patterns have recently been beneficial, the hydrologic system is ill equipped to address long term needs. The FY 2020 budget, through programs such as the Lower Colorado River Operations Program ($31.3 million) and the Central Valley Project ($144.3 million), will continue efforts in both areas to find a long-term, comprehensive solution to water supply and quality issues in Colorado and California.

Other highlights of Reclamation's FY 2020 budget proposal include:

- $92.8 million for the Dam Safety Program, to effectively manage risks to the downstream public, property, project and natural resources and provides for risk management activities at Reclamation's high and significant hazard dams.

- $54.8 million for the Central Valley Project Restoration Fund, to protect, restore, and enhance fish, wildlife, and associated habitats and address impacts of the Central Valley Project (CVP).Offset by discretionary receipts to be collected from project beneficiaries.
- $2.6 million for the Desalination and Water Purification Research Program, to support new and continued projects in three funding areas -- laboratory scale research studies, pilot-scale testing projects and full-scale testing projects.
- $11.0 million for the Science and Technology Program to support continued science and technology projects, water and power technology prize competitions, technology transfer and dissemination/outreach activities that address critical water and power management issues.
- $36.4 million for the Site Security Program, which includes physical security upgrades at key facilities, guards and patrols, anti-terrorism program activities and security risk assessments.
- $19.9 for the WaterSMART Program to support Reclamation's collaboration with non-federal partners in efforts to address emerging water demands and water shortage issues in the West as well as promote water conservation and improved water management."

President Donald Trump is requesting a 14 percent cut in spending for the entire Interior Department in his fiscal 2020 budget proposal. And the White House request for $12.5 billion for Interior would shave $2 billion from the estimated fiscal 2019 funding. It is, however, an increase compared with the $11.5 billion the president proposed the previous year.

Some other key takeaways in the Bureau of Reclamation Budget:

- Overall cut of $450 million
- Title XVI funded at $3 million
- Colorado River Basin Salinity Control Project funding is up by $1.2 million
- Dam Safety got a slight increase in funding

Again, while the White House issues a budget plan, enacting it ultimately rests with Congress. Lawmakers have consistently approved spending for Interior above the administration's suggested levels — even under a GOP-held Congress the previous two years.

Of note, the White House proposal would hike spending for offshore and onshore energy development. The Trump administration is expected to release its final five-year offshore drilling plan for 2019 through 2024 soon and vastly expand the federal waters open to energy exploration.

EPA:

The White House's proposed budget for the EPA seeks $6.1 billion for fiscal year 2020. That would represent a 31 percent reduction over this year's enacted funding of $8.8 billion. This is similar to previous recommendations made to Congress—which the House and the Senate have rejected.

Virtually every major EPA program would be hit, according to EPA budget request. That includes popular programs such as the two water-based state revolving funds, grants that pay for state-level environmental work and money for the Superfund clean-up program.

The budget also proposes eliminating dozens of programs at EPA. Among them are a $9.5 million beach protection program, an $8 million radon program, $1.5 million in grants for leaking underground storage tanks, a $4 million program to monitor river water contaminated by the Gold King mine spill and $13 million for water infrastructure and environmental programs along the Mexican border.

The administration used the budget document to underscore its deregulatory priorities, including efforts to reduce the scope of federal Clean Water Act protections and to replace the Obama administration's Clean Power Plan with a narrower rule that would ease requirements for coal-fired power plants.

Again, Congressional appropriators rejected Trump's first two requests for similar cuts to EPA budgets, instead increasing funding levels seen during most of the Obama administration.

Republican lawmakers in both chambers have indicated they believe EPA's funding, now down to levels not seen in decades, has been cut as low as it can go. Around half of EPA's funding goes back out the door to states to fund water infrastructure projects, toxic clean-ups and other environmental work that enjoys broad support.

The proposed cuts to drinking water and sewer programs stand to be among its most controversial.

The Trump administration proposed slashing the two primary programs by which the federal government helps communities upgrade drinking water and sewer infrastructure by 31 percent. Specifically, the Clean Water SRF would be reduced to $1.12 billion under the proposal, a cut of 34 percent, and the Drinking Water SRF would see a budget of $863 million under the spending blueprint, a reduction of 26 percent from fiscal 2019 enacted levels.

The proposal also calls for a 60 percent cut to WIFIA, a newer program that loans money for water infrastructure projects at Treasury's long-term interest rate and can leverage billions more in investment. The proposal would slash that program's funding from the $63 million it received last year down to $25 million.

The SRFs and WIFIA are very popular with lawmakers on both sides of the aisle on Capitol Hill, and proposed cuts to the programs are usually dismissed out of hand.

All of these cuts have caused many to question the Administration's commitment to "Infrastructure" development…

The Army Corps:

The Trump administration is proposing to cut the country's builder of locks, dams, levees and ecosystem restoration projects by nearly a third at the same time it is calling for a major boost to infrastructure spending.

The White House's budget blueprint envisions a 31 percent cut to the Army Corps of Engineers, following a pattern that has spanned administrations and parties in which the water resources agency is targeted for cuts every year—which the House and the Senate typically reject.

In it, the Trump administration argues that the Corps should focus its spending on projects addressing "the most significant risks to public safety or to provide a high economic or environmental return." It calls for the agency not to begin any new projects and instead focus on those where construction is already underway. There will be more information coming out on the Army Corps budget in the coming weeks.

Earmarks:

The House and the Senate have decided, at least for this year that they would not authorize Congressionally Directed Spending or "Earmarks". See the attached letter from the new Chairwoman of the House Appropriations Committee.

Wildfire Funding:

As reported in our last Conference Call, there was $12 Billion appropriated for wildfire related disaster relief in the funding bill that was signed into law on February 14th.

Infrastructure Bill in the New Congress:

Congressman Peter DeFazio (D-Ore.), the incoming Chairman of the House Transportation and Infrastructure Committee, continues to discuss writing a Infrastructure Bill this year. Most experienced observers question that as long as the Trump Administration sits on the sidelines—not supporting any funding streams—we are not likely to see an Infrastructure Bill pass this year. We may see elements of Infrastructure package pushed into a Surface Transportation Bill next year. The vexing issue that has yet to be resolved that we have discussed many times—how to pay for an ambitious national infrastructure bill –which would also include water infrastructure.

Washington, DC Water Luncheon:

MWDOC helped host a very well attended water briefing and luncheon on February 27, 2019. Six Members of Congress attended and participated (Representatives Calvert, Lowenthal, Cook, Levin, Chu, and Cisneros). In addition, there were many legislative staffers who attended the meeting, as well as water officals from California.

JCB 3/12/19

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

Memorandum

To: Municipal Water District of Orange County
From: Syrus Devers, Best Best & Krieger
Date: March 18, 2019
Re: Monthly State Political Report

Legislative Report

In General

With all the bills now introduced for 2019, BB&K is tracking 43 water-related bills for MWDOC, 34 of which are included on the Bill Matrix. This exceeds the number of bills tracked during the peak of the drought, and nearly twice the number from last year. The first round of policy committee hearings have started, albeit with limited agendas, but the activity level will jump exponentially the third week of March and continue until the deadline to hear fiscal bills in policy committees on April 26th.

In other news, Assemblyman Joaquin Arambula (D-Fresno) was arrested for misdemeanor child abuse and has taken a voluntary leave of absence. The arrest stems from a highly-publicized investigation from last December where the Assemblyman held a press conference flanked by his attorney and denied all charges. His absence temporarily reduces the number of Democrats in the Assembly to a mere 60.

WaterFix

The Senate Natural Resources and Water Committee (NR&W) heard the first of several bills attacking the WaterFix on March 12th. SB 204 (Dodd—MWDOC is opposed) seeks to insert the Legislature into the process of negotiating contracts on the State Water Project (SWP) and the JPA formed to build the tunnels. Under the guise of even more transparency, the bill would open up contract negotiations to significant delays even without legislative hearing, and possible delays of six months with hearings. Sen. Dodd is a highly successful author and the bill did pass out of committee, but not until the committee amendments were taken that called for removing the two most onerous provisions, and Sen. Dodd agreeing to work on alternatives to the remaining provisions with the SWP contractors.

NR&W is a nine member committee, and four democrats and the Chair pressed Dodd to work on amendments and bring the bill back to committee. While encouraging, Sen. Dodd does have a history of moving bills along as a "work in progress" but ultimately ignoring verbal commitments to take further amendments. Not a bad outcome, but more work to be done.

Tax on Water

Senator Monning amended his bill SB 200 to begin in the same way as SB 623 did previously. The March 11th version creates the Safe and Affordable Drinking Water Fund in the State Treasury, specifies how the funds may be spent, but does not provide a funding source. In 2017, SB 623 was not amended to include the tax on water until three weeks from the end of session.

The lobbying effort against a tax on water continues to roll out. BB&K and MWDOC staff have now met with all but three of the Orange County delegation offices[1], five member offices on the Assembly Water, Parks and Wildlife Committee, and BB&K has organized a multi-agency meeting on March 15th with Sen. NR&W Chair Henry Stern in his district office. BB&K will give an update on that meeting during the PAL Committee hearing, as well as two other member meetings scheduled to take place before the 18th. Although this is just the start of a long process, opponents of the tax are feeling like they are out ahead of the supporters at this stage.

Administrative Report

Administrative activity on policy matters has been understandably quiet over the last month as Governor Newsom continues to work on filling hundreds of vacancies in his administration, and in light of changes made to the SWRCB board last month. Budget Subcommittee testimony by administrative staff has shown that many of Newsom's budget priorities have yet to be turned into actionable policy language.

[1] MWDOC staff also discusses the importance of the WaterFix when meeting with any office representing Southern California.

The County of Orange Report

March 13, 2019
by Lewis Consulting Group

SPECIAL ELECTION RESULTS

EDGE TO WAGNER BUT TOO CLOSE TO CALL

When the initial absentee ballots were counted, Mayor Don Wagner opened up an 1,800 vote lead. The lead swelled to 3,000 votes when precinct election votes were counted. Usually you would say this election is over, but to do so you would have to know the status of the Democrat's vaunted ballot harvesting program. Have those votes been counted? And if not, how many are there? As of Wednesday morning, the Registrar says there are only 9,233 ballots left to count, although this number will increase somewhat. Unless the overwhelming majority of uncounted ballots are harvested Democrat votes, Don Wagner will be the new Orange County Supervisor from the Third District.

VOTE TOTALS AS OF WEDNESDAY A.M.

CANDIDATE	TOTAL VOTES	PERCENTAGE
WAGNER	25,017	41.6%
SANCHEZ	22,037	36.6%
MURRAY	4,496	7.5%

Lite Board Agenda on Election Day

The March 12th meeting of the Board of Supervisors led to a shorter than usual meeting undoubtedly accommodating the election day calenders of the four current Supervisors. It also provides yours truly a convenient time to place a small blemish on my near perfect record of Board meeting attendance.

One item of interest on the agenda is approval of a funding agreement to allow the widening of Oso Parkway at Antonio Parkway. Widening is needed to accommodate the future growth in the Rancho Mission Viejo area. Part of the reconstruction will require the relocation of water and sewer lines within the Santa Margarita Water District. The lion's share of the $2.2 million project will be shouldered by the Ranch Mission Viejo LLC and the Orange County Transportation Authority, with lesser amounts required from the County and SMWD.

Revolutionary New Voting System in our Future

At the February 26, 2019 Board of Supervisors meeting, the Board of Supervisors unanimously voted to allow County Registrar Neal Kelley the ability to issue an RFP for new voting systems to accommodate 188 Vote Centers which will be strategically placed throughout the County. The Vote Centers, now allowed under state law, will bring an end to neighborhood precincts we have been accustom to.

The Vote Centers will be open for up to ten days prior to the election. A registered voter in Orange County can vote at any of the 188 locations and can drop off completed absentee ballots as well. The life cycle of current voting machines is at their end and it is estimated that moving to the new Vote Center system will result in about $10 million savings to the County.

ORANGE COUNTY LAFCO Update

EST. 1963

The March 13th LAFCO meeting occurred after our print deadline. The focus of the meeting is the Annual Strategic Planning Workshop. As noted by the LAFCO agenda, "The Strategic Plan Workshop will serve as the foundation for the development of an agency strategic plan and annual work plan to be considered at a future Commissioners meeting".

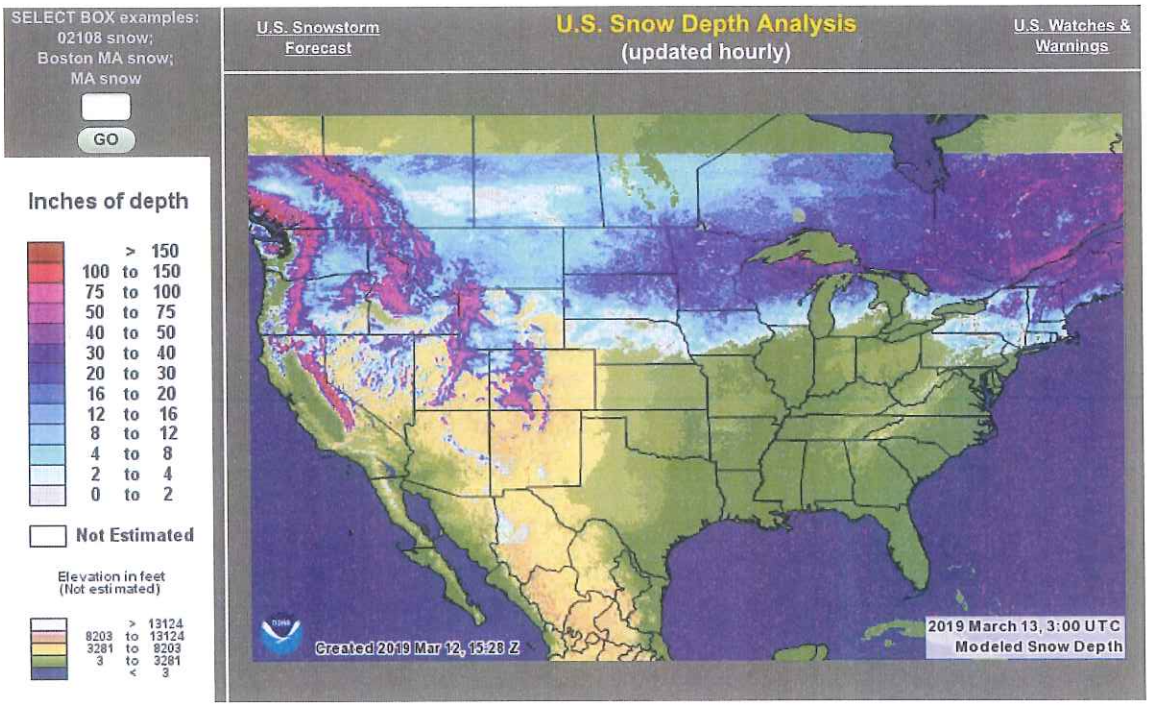
The Strategic Plan Workshop has a wide ranging agenda including:

- Assessment of LAFCO progress and accomplishments
- Discussion of public perception - How does LAFCO want to be known?
- Challenges and Opportunities - looking towards 2023
- Commission and staff expectations
- 18 month priorities

All of the above will hugely impact the direction of the Commissioner's 4th Cycle of Sphere of Influence Reviews and Updates and Municipal Services Review.

WHOA NELLIE! *

The turnaround in California's water fortune is nothing less than spectacular. The last estimate for California's Sierra snowpack was approximately 160% of normal. Mammoth Mountain has received 426 inches of snow at 9000 foot elevation. As a result, our drought has been decimated, reservoirs are nearing capacity and the only thing left to fear this year is a sudden warm El Niño rain which could unleash dangerous flooding.



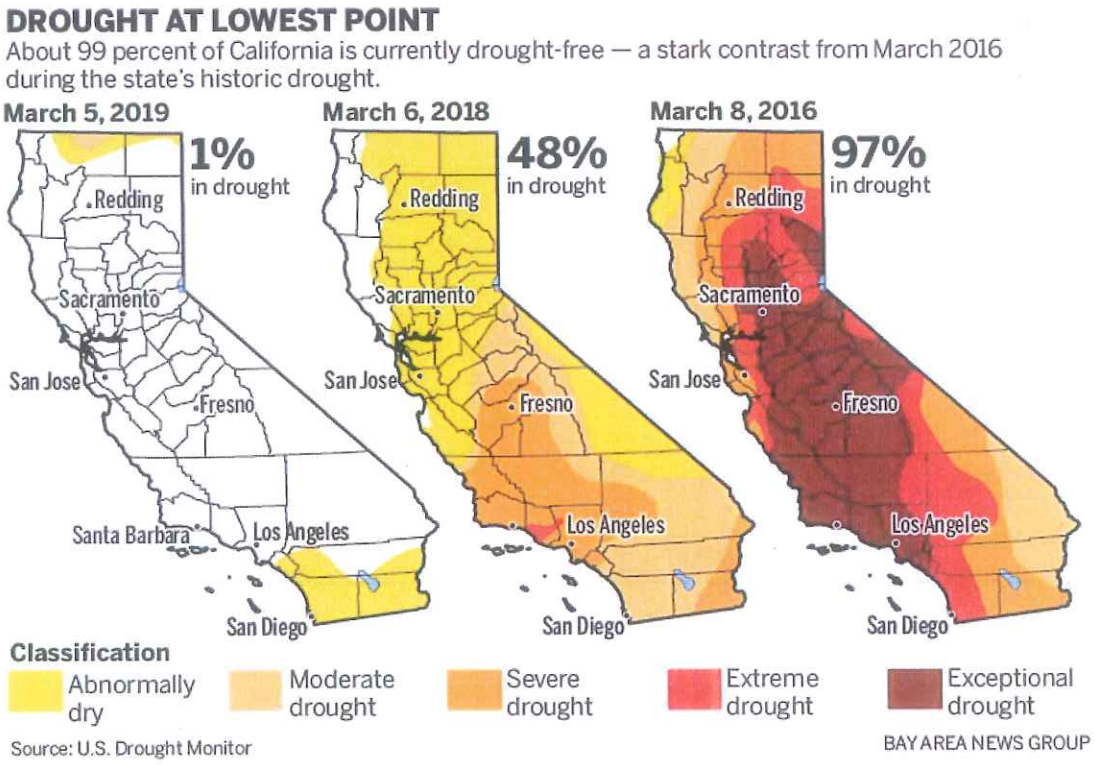
* *POPULARIZED BY PAT BUTTRUM, DICK LANE& KEITH JACKSON*

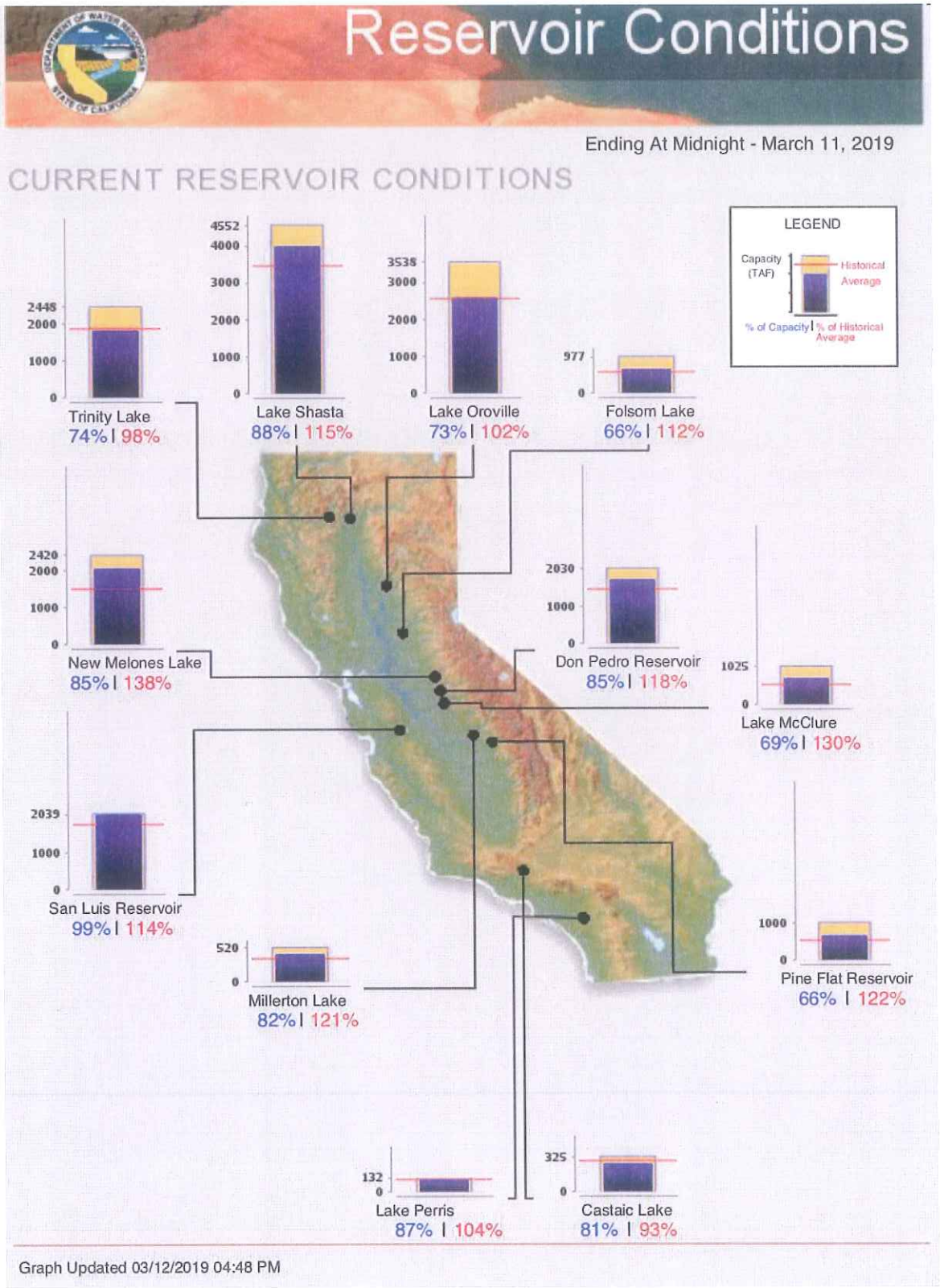
FROM THE YEAR 2000

"Children just aren't going to know what snow is"

DR. DAVID VINER
CLIMATE SCIENTIST
CLIMATE RESEARCH UNIT
UNIVERSITY OF EAST ANGLIA - U.K.

California's Disappearing Drought





The highlight of this map is the much beleaguered Orovolle Dam and Reservoir. Only a month ago, Oroville was still at 66% of normal capacity for that time of year. Now it is at 102% of historical capacity.

MWDOC

Item No. 1e

PAL Committee

Prepared by Best Best & Krieger for MWDOC

March, 18, 2019

A. Priority Support/Oppose

Measure	Author	Topic	Status	Brief Summary	Position	Priority	Notes 1
AB 134	Bloom D	Safe, clean, affordable, and accessible drinking water.	1/7/2019-Read first time.	Would state findings and declarations relating to the intent of the Legislature to adopt policies to ensure that every Californian has the right to safe, clean, affordable, and accessible drinking water.	Out for Analysis	A. Priority Support/ Oppose	
AB 217	Garcia, Eduardo D	Safe and Affordable Drinking Water Fund.	2/4/2019-Referred to Com. on E.S. & T.M.	Would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are available, upon appropriation by the Legislature, to the board to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure.	Watch	A. Priority Support/ Oppose	
AB 223	Stone, Mark D	California Safe Drinking Water Act: microplastics.	2/25/2019-In committee: Set, first hearing. Hearing canceled at the request of author.	The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law requires the state board, on or before July 1, 2020, to adopt a definition of microplastics in drinking water and, on or before July 1, 2021, to adopt a standard methodology to be used in the testing of drinking water for microplastics and requirements for 4 years of testing and reporting of microplastics in drinking water, including public disclosure of those results. This bill would require the state board, to the extent possible, and where feasible and cost effective, to work with the State Department of Public Health in complying with those requirements.	Out for Analysis	A. Priority Support/ Oppose	
AB 533	Holden D	Income taxes: exclusion: water conservation or efficiency programs: water runoff	2/21/2019-Referred to Com. on REV. & TAX.	The Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally defines "gross income" as income from whatever source derived, except as specifically excluded, and provides various		A. Priority Support/ Oppose	In PAL Committee for consideration.

		management improvement program.		exclusions from gross income. This bill would provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for any water conservation or efficiency program or water runoff management improvement program, as provided.			
AB 756	Garcia, Cristina D	Public water systems: perfluorooctanoic acid and perfluorooctane sulfonate.	2/28/2019-Referred to Com. on E.S. & T.M.	Would require a public water system to monitor for perfluorooctanoic acid and perfluorooctane sulfonate.	Out for Analysis	A. Priority Support/ Oppose	
AB 1194	Frazier D	Sacramento-San Joaquin Delta: Delta Stewardship Council.	3/11/2019-Referred to Com. on W., P., & W.	Would increase the membership of the Delta Stewardship Council to 13 members, including 11 voting members and 2 nonvoting members, as specified. By imposing new duties upon local officials to appoint new members to the council, the bill would impose a state-mandated local program.		A. Priority Support/ Oppose	In PAL Committee for consideration
ACA 3	Mathis R	Water: minimum funding guarantee.	1/17/2019-From printer. May be heard in committee February 16.	Would additionally require, commencing with the 2021–22 fiscal year, not less than 2% of specified state revenues to be set apart for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014; water supply, delivery, and quality projects administered by the department, and water quality projects administered by the state board, as provided.	Out for Analysis	A. Priority Support/ Oppose	
SB 134	Hertzberg D	Water conservation: water loss performance standards: enforcement.	1/24/2019-Referred to Com. on N.R. & W.	Current law authorizes the State Water Resources Control Board to issue information orders, written notices, and conservation orders to an urban retail water supplier that does not meet its urban water use objective, and existing law authorizes the board to impose civil liability for a violation of an order or regulation issued pursuant to these provisions, as specified. Current law requires the board, no earlier than January 1, 2019, and no later than July 1, 2020, to adopt rules requiring urban retail water suppliers to meet performance standards for the volume of water losses. This bill would prohibit the board from imposing liability for a violation of the performance standards for the volume of water losses except as part of the enforcement of an urban water use objective.	Support	A. Priority Support/ Oppose	
SB 200	Monning	Safe and	3/11/2019-	Would establish the Safe and	Watch	A.	

	D	Affordable Drinking Water Fund.	From committee with author's amendments. Read second time and amended. Re-referred to Com. on EQ.	Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board. The bill would require the board to administer the fund to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The bill would authorize the board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, and bequests. The bill would require the board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants with projects relating to the provision of safe and affordable drinking water.		Priority Support/ Oppose	
SB 204	Dodd D	State Water Project: contracts.	2/26/2019-Set for hearing March 12.	Would require the Department of Water Resources to provide at least 10 days' notice to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature before holding public sessions to negotiate any potential amendment of a long-term water supply contract that is of projectwide significance with substantially similar terms intended to be offered to all contractors, or that would permanently transfer a contractual water amount between contractors.	Oppose	A. Priority Support/ Oppose	
SB 205	Hertzberg D	Business licenses: stormwater discharge compliance.	3/6/2019-Set for hearing March 20.	Would require, when applying to a city or a county for an initial business license or business license renewal, a person who conducts a business operation that is a regulated industry to demonstrate compliance with the NPDES permit program by providing specified information, under penalty of perjury, on the application, including, among other things, the Standard Industrial Classification code for the business. This bill would apply to all applications for initial business licenses and business license renewals submitted on and after January 1, 2020.	Watch	A. Priority Support/ Oppose	
SB 332	Hertzberg D	Wastewater treatment: recycled water.	3/5/2019-Set for hearing April 3.	Would declare, except in compliance with the bill's provisions, that the discharge of treated wastewater from ocean outfalls is a waste and unreasonable use of water. The bill would require each wastewater treatment facility that discharges	Out for Analysis	A. Priority Support/ Oppose	

				through an ocean outfall and affiliated water suppliers to reduce the facility's annual flow as compared to the average annual wastewater discharge baseline volume, as prescribed, by at least 50% on or before January 1, 2030, and by at least 95% on or before January 1, 2040. The bill would subject the owner or operator of a wastewater treatment facility, as well as the affiliated water suppliers, to a civil penalty of $2,000 per acre-foot of water above the required reduction in overall volume discharge for the failure to meet these deadlines.			
SB 414	*Caballero D*	*Small System Water Authority Act of 2019.*	*2/28/2019-Referred to Coms. on GOV. & F. and EQ.*	*Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.*		*A. Priority Support/ Oppose*	*In PAL Committee for consideration*
SB 669	*Caballero D*	*Water quality: Safe Drinking Water Fund.*	*2/25/2019-From printer. May be acted upon on or after March 27. Read first time.*	*Would establish the Safe Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board. The bill would require the state board to administer the fund to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs to comply with those standards, as specified.*		*A. Priority Support/ Oppose*	*In PAL Committee for consideration*

B. Watch

Measure	*Author*	*Topic*	*Status*	*Brief Summary*	*Position*	*Priority*	*Notes 1*
AB 129	*Bloom D*	*Waste management:*	*1/7/2019-Read first time.*	*Would declare the intent of the Legislature to, among other things,*	*Out for Analysis*	*B. Watch*	

		plastic microfiber.		*enact legislation to recognize the emerging threat that microfibers pose to the environment and water quality and would make related findings and declarations.*			
AB 231	*Mathis R*	*California Environmental Quality Act: exemption: recycled water.*	*2/7/2019-Referred to Com. on NAT. RES.*	*Would exempt from CEQA a project to construct or expand a recycled water pipeline for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor if the project meets specified criteria. Because a lead agency would be required to determine if a project qualifies for this exemption, this bill would impose a state-mandated local program. The bill would also exempt from CEQA the development and approval of building standards by state agencies for recycled water systems.*	*Watch*	*B. Watch*	
AB 292	*Quirk D*	*Recycled water: raw water and groundwater augmentation .*	*3/7/2019-Re-referred to Com. on E.S. & T.M.*	*Current law requires the State Water Resources Control Board, on or before December 31, 2023, to adopt uniform water recycling criteria for direct potable reuse through raw water augmentation, as specified. Current law defines "direct potable reuse" and "indirect potable reuse for groundwater recharge" for these purposes. This bill would eliminate the definition of "direct potable reuse" and instead would substitute the term "groundwater augmentation" for "indirect potable reuse for groundwater recharge" in these definitions. The bill would revise the definition of "treated drinking water augmentation."*	*Watch*	*B. Watch*	
AB 405	*Rubio, Blanca D*	*Sales and use taxes: exemption: water treatment.*	*2/15/2019-Referred to Com. on REV. & TAX.*	*Would exempt from Sales and Use Tax the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, chemicals used to treat water, recycled water, or wastewater regardless of whether those chemicals or other agents become a component part thereof and regardless of whether the treatment takes place before or after the delivery to consumers.*	*Watch*	*B. Watch*	
AB 441	*Eggman D*	*Water: underground storage.*	*2/21/2019-Referred to Com. on W., P., & W.*	*Under current law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Current law provides for the reversion of water rights to which a person is entitled when the person fails to beneficially use the water for a period of 5 years. Current law declares that the storing of water underground, and related diversions*	*Watch*	*B. Watch*	

				for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made. This bill would revise the above declaration to additionally provide that certain uses of stored water while underground constitute beneficial use.			
AB 591	*Garcia, Cristina D*	*Central Basin Municipal Water District: board of directors.*	*3/11/2019- From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended.*	*Current law requires the board of directors of the Central Basin Municipal Water District to be composed of 8 directors until the directors elected at the November 8, 2022, election take office, when the board would be composed of 7 directors, as prescribed. Current law requires the 3 directors appointed by the water purveyors, as specified, to live or work within the district and requires the term of an appointed director to be terminated if the appointed director no longer is employed by or a representative of the appointing entity.This bill would define representative for these purposes to be a consultant or contractor of an entity, or a board member of an entity that is a mutual water company.*	*Watch*	*B. Watch*	*Watch for potential amendments relating to membership allocation on MWD*
AB 636	*Gray D*	*State Water Resources Control Board: water quality objectives.*	*2/19/2019- From printer. May be heard in committee March 21.*	*Would prohibit the State Water Resources Control Board from implementing water quality objectives for which the state board makes a certain finding relating to environmental quality until it has submitted the water quality objectives and a statement of that finding to the appropriate policy committees of the Legislature and each committee has held a hearing on these matters.*	*Watch*	*B. Watch*	
AB 637	*Gray D*	*State Water Resources Control Board: regional water quality control boards: severely disadvantaged communities: drinking water supplies.*	*3/11/2019- From committee chair, with author's amendments: Amend, and re-refer to Com. on E.S. & T.M. Read second time and amended.*	*Would prohibit the State Water Resources Control Board or a regional board from adopting or implementing any policy or plan that results in a significant reduction to the drinking water supplies that serve a severely disadvantaged community, as defined.*	*Watch*	*B. Watch*	
AB 638	*Gray D*	*Department of Water Resources: water storage capacity.*	*2/25/2019- Referred to Com. on W., P., & W.*	*Current law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use*	*Watch*	*B. Watch*	

				of the water resources of the state, which is known as The California Water Plan. This bill would require the department, on or before January 1, 2021, with updates every 2 years thereafter, to identify the statewide water storage capacity, the adverse impacts to the capacity from the effects of climate change, and the mitigation strategies for anticipated adverse impacts.			
AB 658	*Arambula D*	*Water rights: water management.*	*2/25/2019-Referred to Com. on W., P., & W.*	*Would authorize a groundwater sustainability agency or local agency to apply for, and the State Water Resources Control Board to issue, a conditional temporary permit for diversion of surface water to underground storage for beneficial use that advances the sustainability goal of a groundwater basin, as specified.*	*Watch*	*B. Watch*	
AB 841	*Ting D*	*Drinking water: contaminants: perfluoroalkyl and polyfluoroalkyl substances.*	*3/4/2019-Referred to Com. on E.S. & T.M.*	*Would require the Office of Environmental Health Hazard Assessment to adopt and complete a work plan within prescribed timeframes to assess which substances in the class of perfluoroalkyl and polyfluoroalkyl substances should be tested as a risk to human health. The bill would require the office, as part of those assessments, to determine which of the substances are appropriate candidates for notification levels to be adopted by the State Water Resources Control Board.*	*Watch*	*B. Watch*	
AB 955	*Gipson D*	*Water quality.*	*2/22/2019-From printer. May be heard in committee March 24.*	*The Porter-Cologne Water Quality Control Act establishes a statewide program for the control of the quality of all the waters in the state and makes related legislative findings and declarations. This bill would make nonsubstantive changes to the legislative findings and declarations.*	*Watch*	*B. Watch*	
AB 1204	*Rubio, Blanca D*	*Public water systems: primary drinking water standards: implementation date.*	*3/11/2019-Referred to Com. on E.S. & T.M.*	*Would require the adoption or amendment of a primary drinking water standard for a contaminant in drinking water not regulated by a federal primary drinking water standard or that is more stringent than a federal primary drinking water standard to take effect 3 years after the date on which the state board adopts or amends the primary drinking water standard. The bill would authorize the state board to delay the effective date of the primary drinking water standard adoption or amendment by no more than 2 additional years as necessary for capital improvements to comply with a maximum contaminant level*	*Watch*	*B. Watch*	

				or treatment technique.			
AB 1220	*Garcia, Cristina D*	*Metropolitan water districts.*	*3/11/2019-Referred to Com. on L. GOV.*	*Would authorize each member public agency to designate and appoint additional representatives pursuant to the greater of that allowed under either the assessed valuation calculation or, on and after January 1, 2021, for each full 5% of the population within the entire district that is within the member public agency. The bill would require a district to conduct the analysis of additional directors using the Department of Finance population data and any other pertinent population data and would require the number of population-based directors authorized to remain fixed until it is recalculated, every 10 years in the year immediately following each United States census.*	*Out for Analysis*	*B. Watch*	
AB 1414	*Friedman D*	*Urban retail water suppliers: reporting.*	*2/25/2019-Read first time.*	*Would require each urban retail water supplier on or before January 1 of each year until January 1, 2024, to submit a completed and validated water loss audit report as prescribed by the Department of Water Resources. The bill would require on or before January 1, 2024, and on or before January 1 of each year thereafter, each urban retail water supplier to submit a completed and validated water loss audit report for the previous calendar year or previous fiscal year as part of an existing report relating to its urban water use.*	*Watch*	*B. Watch*	
AB 1588	*Gloria D*	*Drinking water and wastewater operator certification programs.*	*2/25/2019-Read first time.*	*Would require for purposes of water treatment operator certification experience a treatment plant using advanced water treatment processes, as defined, that treats water of wastewater origin for purposes of water reuse to be considered to provide certain equivalent experience to working at a water treatment plant. The bill would require for purposes of water distribution operator certification experience operation of a recycled water distribution system to be considered to provide equivalent experience to operating a potable distribution system.*	*Watch*	*B. Watch*	
SB 1	*Atkins D*	*California Environmental, Public Health, and Workers Defense Act of 2019.*	*2/12/2019-Set for hearing March 20.*	*Current state law regulates the discharge of air pollutants into the atmosphere. The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems.*	*Out for Analysis*	*B. Watch*	

				The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and generally prohibits the taking of those species. This bill would require specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified.			
SB 19	*Dodd* D	*Water resources: stream gages.*	*2/28/2019-From committee with author's amendments. Read second time and amended. Re-referred to Com. on N.R. & W.*	*Would require the Department of Water Resources and the State Water Resources Control Board, upon an appropriation of funds by the Legislature, to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for modernizing and reactivating existing gages and deploying new gages, as specified. The bill would require the department and the board, in consultation with the Department of Fish and Wildlife, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species.*	*Out for Analysis*	*B. Watch*	
SB 45	*Allen* D	*Wildfire, Drought, and Flood Protection Bond Act of 2020.*	*3/5/2019-From committee with author's amendments. Read second time and amended. Re-referred to Com. on N.R. & W. March 12 hearing postponed by committee.*	*Would enact the Wildfire, Drought, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in an amount of $4,300,000,000 pursuant to the State General Obligation Bond Law to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources.*	*Out for Analysis*	*B. Watch*	
SB 307	*Roth* D	*Water conveyance: use of facility with unused capacity.*	*2/28/2019-Referred to Com. on N.R. & W.*	*Current law prohibits the state or a regional or local public agency from denying a bona fide transferor of water from using a water conveyance facility that has unused capacity for the period of time for which that capacity is available, if fair compensation is paid for that use and other requirements are met.*		*B. Watch*	*In PAL Committee for consideration*

				This bill would, notwithstanding that provision, prohibit a transferor of water from using a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying desert lands, as defined, that is in the vicinity of specified federal lands or state lands to outside of the groundwater basin unless the State Lands Commission, in consultation with the Department of Fish and Wildlife, finds that the transfer of the water will not adversely affect the natural or cultural resources of those federal and state lands.			

Total Measures: 34

Total Tracking Forms: 34

Metropolitan Water District of Southern California
State Legislative Matrix
March 11, 2019

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 292 **Quirk (D)** Sponsor: WateReuse California	Amended 3/6/2019 Assembly Environmental Safety and Toxic Materials Committee Date of Hearing: 3/12/19	**Recycled water: raw water and groundwater augmentation.** Would modernize definitions from AB 574 (Quirk, 2017), which Metropolitan supported. Seeks to further clarify terminology related to recycled water that more accurately reflects current uses and practices.	**SUPPORT** Based upon Board-adopted 2019 State Legislative Priorities and Principles	Providing outreach and education on process and benefits of recycled water is essential as California encourages increased development of recycled water supplies. AB 292 will help reduce confusion as water agencies work to increase public's comfort level with use of recycled water.
AB 441 **Eggman (D)** Sponsor: Author	Introduced 2/11/2019 Assembly Water, Parks and Wildlife Committee Date of Hearing: 3/26/19	**Water: underground storage.** Provides that certain uses of stored water while underground will constitute a beneficial use.	**OPPOSE** Based upon past opposition to AB 647 (Eggman) from 2015/16 and AB 1427 (Eggman) from 2017/18	Fails to provide sufficient safeguards to ensure that permanent underground storage is implemented in reasonable manner. Unchecked, diversion of water for underground storage, whether new or existing appropriation, may adversely impact other beneficial uses of water for fish and wildlife, recreation, commerce, or use by downstream diverter.

Metropolitan Water District of Southern California
State Legislative Matrix
March 11, 2019

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 533 **Holden (D)** Sponsors: CA Water Efficiency Partnership, WaterNow Alliance, and Metropolitan	Introduced 2/13/2019 Assembly Revenue and Taxation Committee Date of Hearing: 3/18/19	**Income taxes: exclusion: water conservation or efficiency programs: water runoff management improvement program.** Would exclude from gross income, under both personal and corporation income tax laws, amounts received as rebate, voucher, or other financial incentive issued by local water agency for participation in water efficiency program or storm water runoff improvement program.	**CO-SPONSOR** Based upon Board-adopted 2019 State Legislative Priorities and Principles	Water providers need broad array of tools to increase participation in water use efficiency programs to further achieve water use savings. Utility-sponsored financial incentives are effective measures, and their appeal increases if rebates are excluded from taxable income.
AB 654 **B. Rubio (D)** Sponsors: California Municipal Utilities Association (CMUA) and California Special Districts Association (CSDA)	Introduced 2/15/2019 Assembly Judiciary Committee Date of Hearing: 3/26/19	**Public records: utility customers: disclosure of personal information.** Authorizes local agency to voluntarily release customer information to another governmental agency for scientific, research, or educational purposes, and if receiving agency agrees to maintain information as confidential.	**SUPPORT** Based upon Board-adopted 2019 State Legislative Priorities and Principles	Data sharing is state policy objective, with intent to improve decision making. Measure will facilitate voluntary exchange of customer data information for prescribed uses to further improve customer programs and projects, while providing protections to ensure information remains confidential.

Metropolitan Water District of Southern California
State Legislative Matrix
March 11, 2019

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 1194 Frazier (D) Sponsor: Delta Counties Caucus	Introduced 2/21/2019	**Sacramento-San Joaquin Delta: Delta Stewardship Council.** Will increase membership of Delta Stewardship Council from seven members to 13 members, all representing in-Delta interests.	**OPPOSE** Based upon past opposition to AB 1876 (Frazier) from 2017/18	Fails to recognize the importance of statewide approach to advancing progress in Sacramento-San Joaquin Delta as encompassed in comprehensive package of reforms embedded in Delta Reform Act of 2009.
AB 1204 B. Rubio (D) Sponsor: Association of California Water Agencies (ACWA)	Introduced 2/21/19	**Public water systems: primary drinking water standards: implementation date.** Requires State Water Resources Control Board (SWRCB) to allow water providers reasonable period of time to complete work required to comply with new Maximum Contaminant Levels (MCLs), without being found in violation. Specifically proposes that any drinking water standards (MCL or treatment technique) adopted or amended by SWRCB will only be effective three years after initial date of adoption. Also grants SWRCB authority to allow up to two additional years to comply with standards, if it determines that more time is necessary for capital improvements.	**SUPPORT** Based upon Board-adopted 2019 State Legislative Priorities and Principles	Positive impact to Metropolitan and its member agencies as it would establish fair and reasonable compliance period similar to that of U.S. Environmental Protection Agency.
AJR 8 Quirk (D) Sponsor: Author	Introduced 2/15/2019	**Invasive species: Federal Nutria Eradication and Control Act of 2003.** Requests that U.S. Congress add California to Nutria and Eradication and Control Act of 2003, and appropriate $4 million for nutria eradication in California.	**SUPPORT** Based upon Board-adopted 2019 State Legislative Priorities and Principles	Invasive species create significant, long-term burdens that require significant investments to either control and/or eradicate. Presence of nutria within Delta represents significant threat to water supply and quality, and levee stabilization.

Metropolitan Water District of Southern California
State Legislative Matrix
March 11, 2019

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
SB 19 **Dodd (D)** Sponsor: The Nature Conservancy	Introduced 2/28/2019 Senate Natural Resources and Water Committee Date of Hearing: 3/12/19	**Water resources: stream gages.** Requires Department of Water Resources and State Water Resources Control Board to develop plan to implement network of stream gages that includes determination of funding and opportunities to modernize existing network of gages, in consultation with other stakeholders.	**SUPPORT** Based upon past support for SB 919 (Dodd) from 2017/18	Currently no comprehensive or authoritative database on gage locations exists, and ability to link measurements to water quantity and water quality is essential for sound, informed water management decisions statewide. Metropolitan supported the Open and Transparent Water Data Act (AB 1755 Dodd, 2016), and improving gage data is consistent with purpose of Act.
SB 204 **Dodd (D)** Sponsor: Delta Counties Caucus	Introduced 2/4/2019 Senate Natural Resources and Water Committee Date of Hearing: 3/12/19	**State Water Project: contracts.** Would require Delta Conveyance Design and Construction Authority (DCA) to submit terms and conditions of any contract for planning, design and construction to Joint Legislative Budget Committee (JLBC) and relevant policy and fiscal committees within 60 days of final approval. Further requires that if JLBC or relevant policy and fiscal committees hold hearing to review contract, contract may not be approved for 90 days until after first review hearing is convened.	**OPPOSE UNLESS AMENDED** Based upon Board-adopted 2019 State Legislative Priorities and Policies	While Metropolitan understands author's interest to further transparency and sharing of information regarding future State Water Project contract amendments and DCA contracting, his measure would significantly delay action to advance a Delta conveyance solution or in modifying SWP contracts in way that meets needs of population, economy, environment, and farms.

Metropolitan Water District of Southern California
State Legislative Matrix
March 11, 2019

Bill Number Author	Amended Date; Location	Title-Summary	MWD Position	Effects on Metropolitan
SB 241 **Moorlach (R)** Sponsor: Author	Introduced 2/11/19 Senate Governance and Finance Committee	**Public agencies: joint powers authorities: contracts.** Would require Joint Powers Authorities formed pursuant to Joint Exercise of Powers Act to have each member agency of joint power authority (JPA) to approve and ratify each MOU negotiated between JPA and its employees for each contract for municipal services or functions.	**OPPOSE UNLESS AMENDED** Based upon Board-adopted 2019 State Legislative Priorities and Principles	Joint powers authorities for Delta, as well as other JPAs including Metropolitan as member, would be required to follow this requirement, requiring more work, delays, and possibly obstacles for getting work done.
SB 414 **Caballero (D)** Sponsor: Eastern Municipal Water District and California Municipal Utilities Association (CMUA)	Introduced 2/20/2019 Senate Governance and Finance Committee	**Small System Water Authority Act of 2019.** Authorizes State Water Resources Control Board (SWRCB) to merge small, non-noncompliant public water systems into regional water authority that will directly benefit from increased economies of scale and access to public financing.	**SUPPORT** Based upon past support for AB 2050 (Caballero) from 2017/18	SB 414 sets deadline for small water systems to comply with safe drinking water standards or consolidate into regional authority managed by SWRCB-appointed contractor until water system achieves self-sufficiency, complies with drinking water standards, and can reliably provide access to safe drinking water.

ETWD Public Education and Outreach Report
March 28, 2019

The following provides an update on the education and outreach ETWD is developing or has completed.

Drought Log

Customer Service continues to update the drought response log. This includes phone calls, walk-ins and emails regarding water waste complaints and ETWD's permanent mandatory conservation measure inquiries. There were one water waste complaints for the month of January regarding water runoff.

Messaging/Materials

The March bill message: "Did you know that each year nearly 1 trillion gallons of water is wasted nationwide due to household leaks. Time to find and repair leaks inside and outside your home. For more info, visit: www.epa.gov/watersense/fix-leak-week"

ETWD distributed a turf removal rebate insert with the March water bills. A copy follows this report.

Laguna Woods Village Television Channel 6

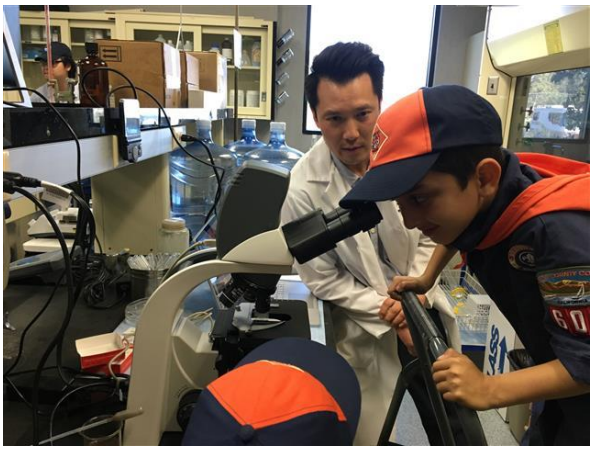
Director Gaskins will discuss public outreach and ETWD accolades on LWV TV -6 on March 29, 2019.

Third Mutual Water Committee and Board Meeting

Sherri and Director Freshley presented information on water conservation to the Water Committee on March 4th and followed up at the Board Meeting on March 19th. The goal was to education the committee and the community on water conservation practices and rebates. Overall, the meetings were very successful and we will continue to work with Third Mutual on water conservation practices/rebates and community messaging.

Cub Scout WRP Tour

Cub Scout Tiger Den 603 toured the Water Recycling Plant on February 27th. The scouts chose the ETWD Water Recycling Plant and were very excited and eager to learn about how it worked and generated many questions. Staff did an excellent job in explaining the processes to the scouts.



Newly Elected Officials Orientation and Tour

ETWD held a successful orientation and tour of R-6 for our non-water industry newly elected and elected officials on Friday, March 1st.

EL TORO WATER DISTRICT
EL TORO WATER DISTRICT

EL TORO WATER DISTRICT

Pet Expo

ETWD host a booth and distributed water from the emergency drinking water trailer at the Pet Expo March 9th.

ETWD Community Outreach Schedule

Wednesday, March 27 and Thursday, March 28 – Children's Water Education Festival

ETWD will staff a booth for students with the activity Water Bingo that interacts with the students teaching them water conservation.

Saturday, March 30, 2019 – Santiago Canyon College Class Tour

The Water Reclamation and Reuse class at Santiago Canyon College will tour the Water Recycling plant on March 30, 2019 focusing on tertiary treatment.

Friday, May 17, 2019 – South County Senior Summit

ETWD will host a booth and sponsor the 2019 South County Senior Summit at Soka University in Aliso Viejo from 8:00 am – 12:00 pm.

Saturday, June 1, 2019 – Boy Scout Clinic and Tour

This annual Soil and Water Conservation Badge clinic and tour will take place at the ETWD Water Recycling Plant. Time TBA.

Thursday, June 13, 2019 – Orange County Boy Scouts of America Annual Saddleback District Roundtable

ETWD will staff a booth at the OCBSCA Saddleback District Roundtable on June 13th from 7:00 PM - 8:30 PM at the Refinery within Saddleback Church - 1 Saddleback Pkwy, Lake Forest, CA 92630.

Submitted by: Sherri Seitz 3/20/19

Turf Removal Rebates!

Save Money, Save Water

Receive a rebate for replacing your thirsty lawn with a beautiful, climate-appropriate landscape.

Rebates: Up to $3 per sq. ft. of turf removed.
Max. of 5,000 sq. ft. for residents.*

Commercial cap of 50,000 sq. ft.*

For more information, visit: www.mwdoc.com/ocresidentialrebates.

Benefits of *TURF REMOVAL*

SAVES WATER!

Use up to 70% less water outdoors by replacing thirsty turf with a beautiful, climate-appropriate landscape!

SAVES YOU MONEY!

By reducing the amount of water used to grow turf, you can save BIG on your water bill each month!

GET PAID TO MAKE OVER YOUR YARD!

Attract more birds and butterflies, and spend less time on maintenance.

** Rates are subject to change. Does not exceed device/equipment cost. Visit ocwatersmarthomes.com for rates.*

*Visit **ocwatersmarthomes.com** for additional resources and rebates that complement your turf removal project!*

RAIN BARRELS
$50/Barrel*
Up to 2 per home

SPRAY TO DRIP IRRIGATION
Up to $90/kit*
Max of 5 per home

SMART IRRIGATION TIMERS
Up to $155*

EL TORO WATER DISTRICT
CONSERVATION PROGRAM
Monthly
Status Report
March 28, 2019

REBATE PROGRAMS

The following tables are the current device rebate amounts for MET, MWDOC and ETWD for the fiscal year 2018/19 from July 1st through June 30th. An update to the Turf Removal Rebate Program rebates is noted.

Select device purchases are eligible for rebates while devices meet eligibility requirements and while funding lasts. The rebate process is completed online through www.ocwatersmart.com. Customers without computer access can call 888-376-3314 to apply.

1) Residential Rebate Program:

Device	MET Rebate	MWDOC Grant	ETWD Rebate	Total Rebate (up to)
High Efficiency Clothes Washer (CEE tier one or better)	$85		$115	$200
Premium High Efficiency Toilet (4 liter)	$40		$60	$100
Rotating Sprinkler Nozzles (min 30 per home)	$2 ea		$1	$3
Smart Irrigation Timer	$80		$75	$155
Turf Removal Program (up to 5,000 sq ft)* Effective 2-13-19	$2 sq. ft	$1		$3 sq. ft.
Soil Moisture Sensor System <1 Acre >1 Acre	 $80 $35/station		$75	 $155 $35/station
Rain Barrels – 1/1 – 6/30/17 **Cisterns** (200 -500 gallon) (501-999 gallon) (1,000 gallon or more)	$35 $250 $300 $350		$15	$50 $250 $300 $350
Drip Irrigation (per kit and up to 5 kits)		$90 base plus $85		$175 per kit

***Designated recycled water sites are not eligible for turf removal rebates. MWDOC Grant funding based on availability.**

2) Commercial Plumbing/Irrigation Devices Rebate Program:

Device	MET Rebate	MWDOC Grant	ETWD Rebate	Total Rebate (up to)
Premium High Efficiency Toilet (4 liter)	**$40**			**$40**
Multi-family Premium High Efficiency Toilet (4 liter)	**$40**			**$40**
Zero Water/Ultra Low Water Urinal	**$200**			**$200**
Plumbing Flow Control Valve (min. 10)	**$5**			**$5**
Smart Irrigation Timer (weather based or central computer)	**$35/station**			**$35/station**
Rotating Sprinkler Nozzles (minimum quantity of 15)	**$2**		**$1**	**$3**
Rotating Nozzles – Large Rotary	**$13**			**$13**
Turf Removal Program (up to 50,000 sq ft)* Effective 2-13-19	**$2 sq. ft.**	**$1 sq. ft.**		**$3 sq. ft.**
Drip Irrigation (sq. ft.)(maximum 45,000 sq. ft)		**$0.20 sq. ft.**		**$0.20 sq. ft.**
Soil Moisture Sensor System	**$35/station**			**$35/station**

***Designated recycled water sites are not eligible for turf removal rebates.**
Additional commercial rebates available online at ocwatersmart.com. MWDOC Grant funding based on availability.

WATER USE EFFICIENCY PLAN UPDATE (WATER CONSERVATION PLAN)

The District Water Budget-Based Tiered Conservation Rate Structure (WBBTCRS) pricing structure is the primary plan that gives customers the incentive needed to be efficient. The Plan efforts initially will concentrate on those customers continually in the Inefficient and Excessive Tiers (Tiers 3 and 4). As of February 2019 year-to-date sales, residential accounted for 62% of the overall Tier 3 usage and dedicated irrigation accounted for 58% of Tier 4 usage.

TOTAL CONSUMPTION COMPARISON TO EVAPOTRANSPIRATION (ET) FACTOR

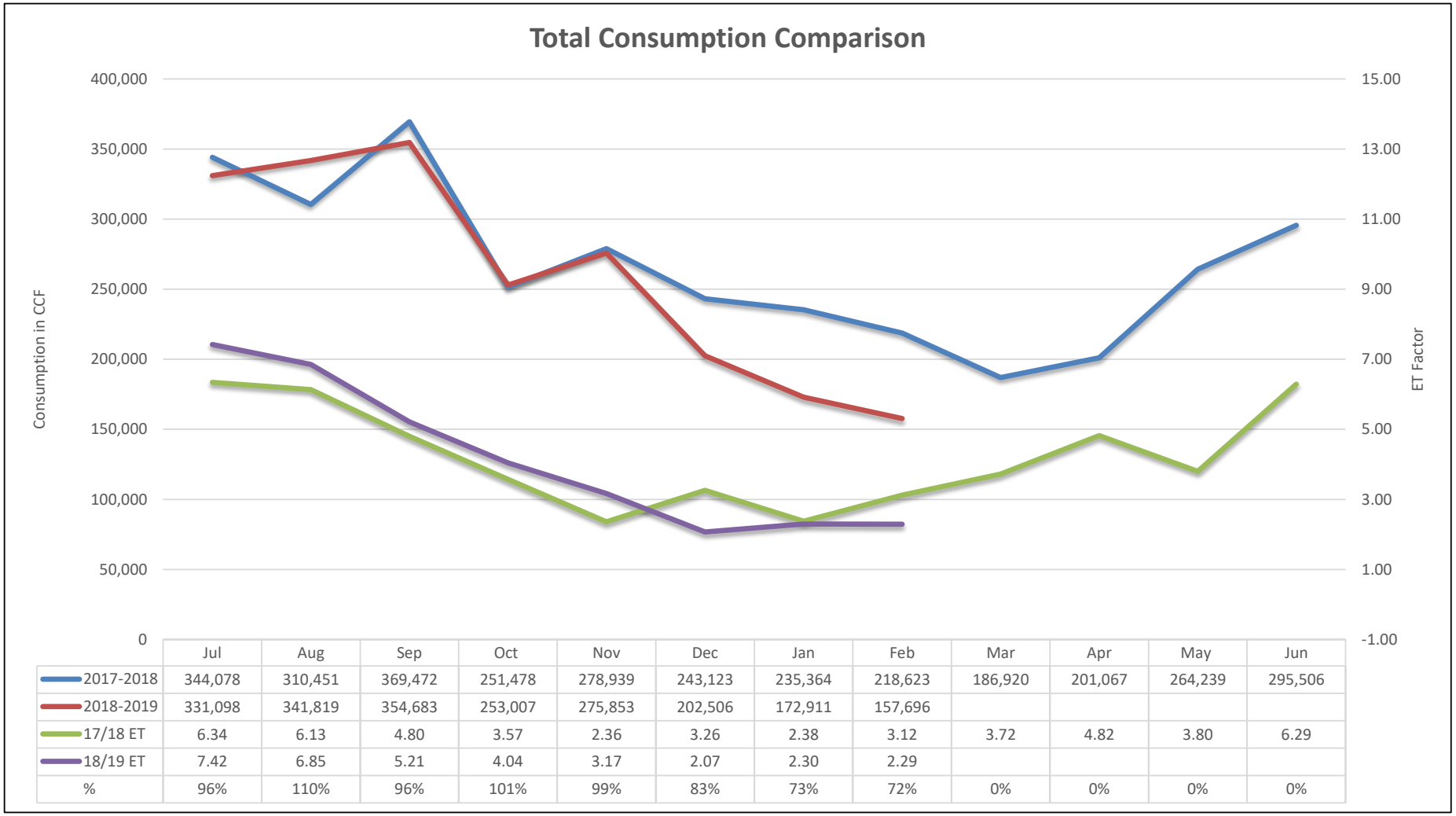
Included in this month's Conservation Report is a chart comparing the current fiscal year 2018/19 consumption and ET factor to the fiscal 2017/18 consumption and ET factor.

The ET factor decreased 36% from February 2018 when compared to February 2019. There was a 28% decrease in consumption reflected in February 2019.

MWDOC's—WATER USE EFFICIENCY PROGRAMS SAVINGS AND IMPLEMENTATION REPORT / ETWD's—WATER USE EFFICIENCY PROGRAM SAVINGS REPORT

The current MWDOC and ETWD's Program Savings Reports follow this report. MWDOC's report show all their client agencies current participation levels in water use efficiency programs and savings calculations. ETWD's report show current District customer participation in water use efficiency programs along with savings provided in acre/feet per year, million gallons per year and avoided water costs based on those calculations.

By: Sherri Seitz
Date: March 20, 2019



	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
2017-2018	344,078	310,451	369,472	251,478	278,939	243,123	235,364	218,623	186,920	201,067	264,239	295,506
2018-2019	331,098	341,819	354,683	253,007	275,853	202,506	172,911	157,696				
17/18 ET	6.34	6.13	4.80	3.57	2.36	3.26	2.38	3.12	3.72	4.82	3.80	6.29
18/19 ET	7.42	6.85	5.21	4.04	3.17	2.07	2.30	2.29				
%	96%	110%	96%	101%	99%	83%	73%	72%	0%	0%	0%	0%

El Toro Water District
Water Use Efficiency Program Savings

Program	Program Start Year	Program/Total Years	Avoided Water Use Acre Feet/Annual	Avoided Water Use Million Gallons/Annual	Avoided Water Costs Based on MWDOC Rate ($2.16 CCF) Annual
High Efficiency Toilet (HET)	2005	14	43.7	14.2	$41,126
High Efficiency Clothes Washers--Residential	2001	18	22.2	7.2	$20,892
*SoCal Water Smart Commercial Plumbing Fixtures Rebate Program (ULFT's, HET's, Urinals, HECW, Cooling Tower Conductivity Controllers)	2002	17	44.1	14.4	$41,503
SmarTimer Program--Irrigation Timers	2004	15	182.0	59.3	$171,280
Rotating Nozzles Rebate Program	2007	12	156.7	51.1	$147,471
Turf Removal Program	2010	9	47.5	15.5	$44,721
**Water Smart Landscape Program - Ended 2016	1997	20	242.9	79.2	$228,594
Synthetic Turf Rebate Program-Ended 2011	2007	8	0.9	0.3	$847
***Ultra Low Flush Toilets (ULFT)--Ended 2009	1992	16	193.2	58.0	$167,487
Computer Controlled Irrigation System--Gate 11--Ended 2006	2001	6	8.9	2.9	$8,357
Totals			942.1	307.0	$886,612

*** Formerly the Save Water Save a Buck - Commercial Rebate Program**
**** Formerly the Landscape Performance Certification Program**
***** Correction on date and total**

Because of our participation in Water Use Efficiency Programs, the District will not be using an estimated 307 million gallons of water per year.

rev/ss 3/20/2019

Orange County

Water Use Efficiency Programs Savings
and
Implementation Report

Retrofits and Acre-Feet Water Savings for Program Activity

Program	Program Start Date	Retrofits Installed in	Month Indicated		Current Fiscal Year		Overall Program		
			Interventions	Water Savings	Interventions	Water Savings	Interventions	Annual Water Savings[4]	Cumulative Water Savings[4]
High Efficiency Clothes Washer Program	2001	January-19	238	0.68	1,712	19.27	118,257	4,080	30,426
Smart Timer Program - Irrigation Timers	2004	January-19	158	1.27	1,759	137.27	24,483	8,385	55,160
Rotating Nozzles Rebate Program	2007	January-19	0	0.00	2,965	35.56	567,272	2,775	26,650
Commercial Plumbing Fixture Rebate Program	2002	January-19	2,879	8.87	10,051	65.40	103,824	5,260	49,622
Industrial Process/Water Savings Incentive Program (WSIP)	2006	January-19	0	0.00	2	8.53	33	673	3,480
Turf Removal Program[3]	2010	February-19	30,248	0.35	531,379	27.69	22,126,457	3,098	13,379
High Efficiency Toilet (HET) Program	2005	January-19	13	0.05	166	7.06	60,269	2,228	19,280
Water Smart Landscape Program [1]	1997						12,677	10,621	72,668
Home Water Certification Program	2013						312	7.339	15.266
Synthetic Turf Rebate Program	2007						685,438	96	469
Ultra-Low-Flush-Toilet Programs [2]	1992						363,926	13,452	162,561
Home Water Surveys [2]	1995						11,867	160	1,708
Showerhead Replacements [2]	1991						270,604	1,667	19,083
Total Water Savings All Programs				**11**	**548,034**	**301**	**24,345,419**	**52,502**	**454,501**

(1) Water Smart Landscape Program participation is based on the number of water meters receiving monthly Irrigation Performance Reports.

(2) Cumulative Water Savings Program To Date totals are from a previous Water Use Efficiency Program Effort.

(3) Turf Removal Interventions are listed as square feet.

[4] Cumulative & annual water savings represents both active program savings and passive savings that continues to be realized due to plumbing code changes over time.

HIGH EFFICIENCY CLOTHES WASHERS INSTALLED BY AGENCY

through MWDOC and Local Agency Conservation Programs

Agency	FY 12/13	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	Total	Current FY Water Savings Ac/Ft (Cumulative)	Cumulative Water Savings across all Fiscal Years	15 yr. Lifecycle Savings Ac/Ft
Brea	93	115	114	76	57	56	37	1,960	0.39	503.91	1,014
Buena Park	105	106	91	76	54	50	25	1,593	0.24	397.64	824
East Orange CWD RZ	10	8	8	8	3	1	4	197	0.03	53.85	102
El Toro WD	134	121	111	65	47	50	22	1,593	0.25	399.21	824
Fountain Valley	115	102	110	76	65	49	26	2,475	0.24	665.23	1,281
Garden Grove	190	162	165	251	127	87	47	3,697	0.50	948.77	1,913
Golden State WC	265	283	359	260	138	156	64	5,235	0.78	1,344.81	2,709
Huntington Beach	334	295	319	225	180	141	56	8,443	0.64	2,312.37	4,369
Irvine Ranch WD	1,763	1,664	1,882	1,521	1,373	1,203	568	26,437	6.15	6,423.00	13,679
La Habra	82	114	87	66	53	48	27	1,402	0.30	348.25	725
La Palma	34	25	34	29	10	14	4	476	0.05	120.42	246
Laguna Beach CWD	38	37	39	32	19	20	14	966	0.15	253.92	500
Mesa Water	114	86	89	113	80	54	26	2,598	0.30	708.52	1,344
Moulton Niguel WD	442	421	790	688	575	527	213	10,661	2.58	2,557.70	5,516
Newport Beach	116	92	95	66	61	51	31	2,706	0.36	750.53	1,400
Orange	218	163	160	124	80	74	38	4,010	0.44	1,101.97	2,075
San Juan Capistrano	76	73	92	63	33	33	11	1,503	0.12	392.36	778
San Clemente	140	94	141	75	70	85	47	2,752	0.47	711.26	1,424
Santa Margarita WD	553	662	792	466	367	274	134	9,924	1.60	2,478.14	5,135
Seal Beach	31	29	38	23	9	17	6	625	0.05	163.13	323
Serrano WD	13	10	26	8	11	8	-	365	0.00	100.05	189
South Coast WD	89	79	68	43	44	36	19	1,639	0.21	424.11	848
Trabuco Canyon WD	30	45	47	34	28	22	4	824	0.03	212.03	426
Tustin	78	59	80	66	44	49	22	1,683	0.22	448.42	871
Westminster	121	82	109	149	84	65	26	2,677	0.27	696.67	1,385
Yorba Linda	181	167	156	123	56	67	25	3,844	0.32	1,056.40	1,989
MWDOC Totals	5,365	5,094	6,002	4,726	3,668	3,237	1,496	100,297	16.70	25,576.78	19,377
Anaheim	331	285	295	266	213	173	78	10,933	0.85	3,040.12	5,657
Fullerton	200	186	211	165	107	99	79	3,873	0.95	1,001.15	2,004
Santa Ana	163	131	132	259	141	124	59	3,154	0.76	808.22	1,632
Non-MWDOC Totals	694	602	638	690	461	396	216	17,960	2.56	4,849.50	3,470
Orange County Totals	6,059	5,696	6,640	5,416	4,129	3,633	1,712	118,257	19.27	30,426.27	22,847

SMART TIMERS INSTALLED BY AGENCY

through MWDOC and Local Agency Conservation Programs

Agency	FY 12/13		FY 13/14		FY 14/15		FY 15/16		FY16/17		FY17/18		FY18/19		Total Program		Cumulative Water Savings across all Fiscal Years
	Res	Comm	Res	Comm	Res	Comm	Res	Comm	Res	Comm	Res	Comm	Res	Comm	Res	Comm.	
Brea	9	8	4	0	43	6	20	4	31	4	32	0	22	0	185	80	585.16
Buena Park	3	0	0	0	4	10	7	4	10	7	15	3	16	7	62	51	184.56
East Orange CWD RZ	2	0	0	0	2	0	1	0	11	1	6	0	1	0	32	1	26.86
El Toro WD	7	2	11	0	8	9	9	17	33	8	29	4	23	0	167	359	2,729.47
Fountain Valley	3	2	4	0	7	10	13	1	33	12	28	12	25	1	144	53	229.97
Garden Grove	5	2	9	0	10	14	13	11	28	0	27	2	25	0	153	40	209.31
Golden State WC	9	49	9	25	39	12	35	16	56	37	88	6	55	14	368	212	979.10
Huntington Beach	18	33	20	35	19	2	42	12	88	94	70	30	79	63	421	361	1,343.55
Irvine Ranch WD	414	135	71	59	67	310	239	207	344	420	416	78	263	83	2,448	2,447	13,143.92
La Habra	4	7	2	0	4	7	3	1	12	7	8	0	13	3	57	47	237.63
La Palma	1	0	2	0	2	0	3	2	1	0	5	0	2	0	17	2	8.34
Laguna Beach CWD	76	2	71	0	86	0	86	1	27	0	11	0	4	0	512	20	272.50
Mesa Water	10	2	15	2	17	28	36	12	149	41	49	0	25	55	392	209	893.73
Moulton Niguel WD	51	74	40	45	46	95	163	100	236	129	284	33	204	57	1,402	891	4,271.85
Newport Beach	242	26	168	75	11	9	28	43	30	12	24	0	16	0	1,078	409	2,941.28
Orange	20	24	13	9	18	31	51	13	69	10	61	13	65	26	411	204	1,094.84
San Juan Capistrano	14	18	6	11	6	19	20	8	22	8	23	5	16	0	261	130	746.15
San Clemente	26	7	28	2	28	24	26	3	37	13	38	41	25	0	1,114	415	3,015.21
Santa Margarita WD	53	171	64	93	53	321	189	136	326	221	273	220	163	19	1,590	1,611	6,934.81
Seal Beach	1	0	1	36	1	12	2	2,446	2	4	5	0	2	0	14	2,502	6,804.43
Serrano WD	1	0	0	0	4	0	11	2	4	0	8	0	10	0	56	2	18.26
South Coast WD	13	16	8	4	104	73	9	11	7	0	15	2	5	7	298	221	1,312.12
Trabuco Canyon WD	6	0	2	0	6	1	16	50	13	3	20	0	22	0	145	157	1,063.40
Tustin	8	4	9	1	18	14	33	8	33	23	27	1	28	0	198	81	404.49
Westminster	1	1	2	0	13	17	7	1	17	12	22	0	18	0	105	44	232.45
Yorba Linda	20	0	12	5	32	2	61	27	72	71	68	10	53	4	459	197	989.06
MWDOC Totals	1,017	583	571	402	648	1,026	1,123	3,136	1,691	1,137	1,652	460	1,180	339	12,089	10,746	50,672.42
Anaheim	19	10	9	26	7	52	30	34	87	10	66	0	97	68	407	525	2,980.95
Fullerton	9	29	8	0	40	26	32	12	53	7	45	0	57	0	301	199	1,083.22
Santa Ana	8	19	7	8	9	27	22	26	15	3	16	0	18	0	116	100	423.47
Non-MWDOC Totals	36	58	24	34	56	105	84	72	155	20	127	0	172	68	824	824	4,487.64
Orange County Totals	1,053	641	595	436	704	1,131	1,207	3,208	1,846	1,157	1,779	460	1,352	407	12,913	11,570	55,160

ROTATING NOZZLES INSTALLED BY AGENCY
through MWDOC and Local Agency Conservation Programs

Agency	FY 12/13			FY 13/14			FY 14/15			FY 15/16			FY 16/17			FY 17/18			FY 18/19			Total Program			Cumulative Water Savings across all Fiscal Years
	Small		Large	Small		Large	Small		Large	Small		Large	Small		Large	Small		Large	Small		Large	Small		Large	
	Res	Comm.	Comm.	Res	Comm.	Comm.	Res	Comm.	Comm.	Res	Comm.	Comm	Res	Comm.	Comm.	Res	Comm.	Comm.	Res	Comm.	Comm.	Res	Comm.	Comm.	
Brea	65	120	0	84	0	0	157	45	0	74	2,484	0	0	0	0	0	0	0	0	0	0	572	2,749	0	89.29
Buena Park	65	0	0	53	0	0	248	0	0	45	98	0	0	0	0	0	0	0	0	0	0	509	173	2,535	1,087.46
East Orange	55	0	0	30	0	0	221	0	0	0	0	0	0	0	0	30	0	0	0	0	0	781	0	0	28.66
El Toro	23	6,281	0	56	3,288	0	1,741	28,714	0	730	4,457	0	55	242	0	36	0	0	0	0	0	3,405	46,222	890	1,880.40
Fountain Valley	35	0	0	0	0	0	107	0	0	222	0	0	0	0	0	85	0	0	0	283	0	795	283	0	30.48
Garden Grove	95	0	0	80	0	0	88	50	0	110	0	0	55	98	0	52	0	0	0	0	0	985	299	0	48.13
Golden State	257	2,595	0	192	0	0	583	1,741	0	1,088	0	0	207	6,008	0	161	-495	0	35	259	0	3,644	11,080	0	417.06
Huntington Beach	270	0	0	120	0	0	798	1,419	0	1,345	2,836	0	149	3,362	0	-37	0	0	0	0	0	3,760	12,526	2,681	1,787.65
Irvine Ranch	25,018	1,014	0	11,010	4,257	0	1,421	632	0	1,989	5,047	0	335	9,511	0	356	-215	0	0	0	0	47,493	94,346	2,004	6,656.81
La Habra	0	0	0	15	0	0	109	338	0	300	0	0	0	0	0	0	0	0	0	0	0	481	1,236	900	481.06
La Palma	0	0	0	0	0	0	0	0	0	46	505	0	0	2,385	0	33	0	0	0	0	0	89	2,890	0	61.95
Laguna Beach	3,596	0	0	2,948	878	0	2,879	1,971	0	1,390	0	0	0	0	0	0	0	0	0	0	0	12,139	2,896	0	481.53
Mesa Water	270	0	0	361	0	0	229	0	0	166	0	0	113	0	0	36	0	0	0	0	0	2,066	385	343	260.70
Moulton Niguel	512	1,385	0	361	227	0	1,596	4,587	0	5,492	1,441	0	153	5,872	0	893	0	0	647	38	0	13,414	20,553	2,945	2,408.63
Newport Beach	25,365	50	0	19,349	6,835	0	460	3,857	0	348	670	0	0	0	0	45	0	0	0	0	0	46,723	21,413	0	2,401.56
Orange	264	0	0	245	120	0	304	668	0	631	91	0	0	0	0	0	0	0	0	0	0	3,170	1,072	0	160.13
San Juan Capistrano	684	30	0	370	0	0	495	737	0	310	593	0	75	123	0	59	0	0	40	1,400	0	5,594	10,252	0	635.80
San Clemente	631	172	0	415	5,074	0	326	0	0	426	0	0	0	0	0	146	0	0	0	0	0	10,135	7,538	1,343	1,153.17
Santa Margarita	983	0	0	389	0	0	1,207	1,513	0	1,820	837	0	15	0	0	224	0	0	0	0	0	16,389	6,921	611	1,168.61
Seal Beach	0	0	0	0	0	0	40	5,261	0	0	2,300	0	0	0	0	0	0	0	0	0	0	155	7,852	0	223.48
Serrano	190	0	0	105	0	0	377	0	0	695	0	0	0	0	0	0	0	0	0	0	0	3,405	0	0	134.13
South Coast	435	0	0	70	0	0	4,993	13,717	0	1,421	2,889	0	16	0	0	0	0	0	0	0	0	8,130	18,870	0	796.62
Trabuco Canyon	34	0	0	0	0	0	56	0	0	130	0	0	0	4,339	0	0	0	0	0	0	0	2,086	5,130	0	218.14
Tustin	378	0	0	329	0	0	408	0	0	317	386	0	65	-341	0	30	0	0	47	0	0	3,448	1,058	0	174.88
Westminster	15	0	0	0	0	0	54	0	0	73	0	0	105	0	0	50	0	0	42	0	0	556	0	0	17.85
Yorba Linda	730	0	0	40	990	0	921	0	0	1,715	0	0	213	0	0	0	0	0	34	0	0	6,115	4,359	500	638.19
MWDOC Totals	59,970	11,647	0	36,622	21,669	0	19,818	65,250	0	20,883	24,634	0	1,556	31,599	0	2,199	-710	0	845	1,980	0	196,039	280,103	14,752	23,442.37
Anaheim	459	813	0	338	0	0	498	712	0	794	5,221	0	147	3,953	0	0	0	0	0	0	0	4,020	49,799	105	2,007.03
Fullerton	119	0	0	107	0	0	684	1,196	0	521	7,015	0	65	3,034	0	0	0	0	140	0	0	3,050	11,309	1,484	996.79
Santa Ana	99	0	0	86	2,533	0	310	0	0	0	1,420	0	0	1,106	0	0	0	0	0	0	0	859	5,752	0	203.76
Non-MWDOC Totals	677	813	0	531	2,533	0	1,492	1,908	0	1,315	13,656	0	212	8,093	0	0	0	0	140	0	0	7,929	66,860	1,589	3,207.58
Orange County Totals	60,647	12,460	0	37,153	24,202	0	21,310	67,158	0	22,198	38,290	0	1,768	39,692	0	2,199	-710	0	985	1,980	0	203,968	346,963	16,341	26,649.95

COMMERCIAL PLUMBING FIXTURES REBATE PROGRAM[1]
INSTALLED BY AGENCY
through MWDOC and Local Agency Conservation Programs

Agency	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19	Totals	Cumulative Water Savings across all Fiscal Years
Brea	234	0	10	91	734	242	0	**1,607**	**586**
Buena Park	5	23	56	591	133	49	0	**2,538**	**1,363**
East Orange CWD RZ	0	0	0	0	0	0	0	**0**	**0**
El Toro WD	0	212	6	268	35	737	717	**2,516**	**750**
Fountain Valley	0	0	1	249	0	895	0	**1,767**	**755**
Garden Grove	4	1	167	676	410	0	0	**2,451**	**1,805**
Golden State WC	0	1	0	1,008	53	93	0	**2,958**	**2,278**
Huntington Beach	104	144	7	783	641	10	0	**2,964**	**1,942**
Irvine Ranch WD	1,090	451	725	11,100	5,958	1,599	993	**30,458**	**9,816**
La Habra	0	0	0	340	42	0	0	**925**	**664**
La Palma	0	0	0	0	509	0	0	**675**	**159**
Laguna Beach CWD	0	27	0	0	0	0	0	**446**	**373**
Mesa Water	6	0	79	661	782	0	110	**4,364**	**2,549**
Moulton Niguel WD	0	0	3	413	281	506	4,391	**6,174**	**1,194**
Newport Beach	0	0	566	0	0	0	1,596	**3,430**	**1,609**
Orange	1	271	81	275	2,851	458	512	**6,000**	**2,284**
San Juan Capistrano	0	14	0	0	0	0	0	**260**	**457**
San Clemente	0	0	1	0	0	0	0	**432**	**444**
Santa Margarita WD	0	0	2	90	743	598	699	**2,247**	**376**
Seal Beach	0	0	0	0	184	278	0	**816**	**519**
Serrano WD	0	0	0	0	0	0	0	**0**	**0**
South Coast WD	148	0	382	0	0	0	0	**1,320**	**646**
Trabuco Canyon WD	0	0	0	0	0	0	0	**11**	**18**
Tustin	0	0	75	358	212	2	284	**1,688**	**1,015**
Westminster	1	28	0	146	177	25	0	**1,163**	**1,191**
Yorba Linda	1	0	0	226	84	338	0	**933**	**684**
MWDOC Totals	**1,594**	**1,172**	**2,161**	**17,275**	**13,829**	**5,830**	**9,302**	**78,143**	**33,474**
Anaheim	165	342	463	3,072	309	1,808	384	**15,945**	**8,482**
Fullerton	94	0	178	476	621	274	365	**3,417**	**2,028**
Santa Ana	16	17	5	1,293	238	582	0	**6,319**	**5,637**
Non-MWDOC Totals	**275**	**359**	**646**	**4,841**	**1,168**	**2,664**	**749**	**25,681**	**16,148**
Orange County Totals	**1,869**	**1,531**	**2,807**	**22,116**	**14,997**	**8,494**	**10,051**	**103,824**	**49,622**

Family 4-Liter HETs, Zero Water Urinals, High Efficiency Clothes Washers, Cooling Tower Conductivity Controllers, Ph Cooling Tower Conductivity Controllers, Flush Valve Retrofit Kits, Pre-rinse Spray heads, Hospital X-Ray Processor Recirculating Systems, Steam Sterilizers, Food Steamers, Water Pressurized Brooms, Laminar Flow Restrictors, and Ice Making Machines.

INDUSTRIAL PROCESS/WATER SAVINGS INCENTIVE PROGRAM

Number of Projects by Agency

Agency	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19	Overall Program Interventions	Annual Water Savings[1]	Cumulative Water Savings across all Fiscal Years[1]
Brea	0	0	0	0	0	0	0	0	0	0	0
Buena Park	0	0	0	0	1	0	0	0	2	54	546
East Orange	0	0	0	0	0	0	0	0	0	0	0
El Toro	0	0	0	0	0	0	0	1	1	9	4
Fountain Valley	0	0	0	0	0	1	0	0	1	23	44
Garden Grove	0	0	0	0	1	0	0	0	1	0	1
Golden State	0	0	0	0	0	0	0	0	1	3	32
Huntington Beach	0	2	0	1	2	0	1	0	6	180	716
Irvine Ranch	1	1	1	0	2	1	1	0	10	119	732
La Habra	0	0	0	0	1	0	0	0	1	0	1
La Palma	0	0	0	0	0	0	0	0	0	0	0
Laguna Beach	0	0	0	0	0	0	0	0	0	0	0
Mesa Water	0	0	0	0	0	0	0	0	0	0	0
Moulton Niguel	0	0	0	0	0	0	0	0	0	0	0
Newport Beach	0	0	0	1	0	0	0	0	1	21	88
Orange	0	0	0	0	1	2	1	0	5	97	577
San Juan Capistrano	0	0	0	0	0	0	0	0	0	0	0
San Clemente	0	0	0	0	0	0	0	0	0	0	0
Santa Margarita	0	0	0	0	0	0	0	0	0	0	0
Seal Beach	0	0	0	0	0	0	0	0	0	0	0
Serrano	0	0	0	0	0	0	0	0	0	0	0
South Coast	0	0	0	0	1	1	0	0	2	134	258
Trabuco Canyon	0	0	0	0	0	0	0	0	0	0	0
Tustin	0	0	0	0	0	0	0	0	0	0	0
Westminster	0	0	0	0	0	0	0	0	0	0	0
Yorba Linda	0	0	0	0	0	0	0	1	1	20	8
MWDOC Totals	1	3	1	2	9	5	3	2	32	662	3007
Anaheim	0	0	0	0	0	0	0	0	0	0	0
Fullerton	0	0	0	0	0	0	0	0	0	0	0
Santa Ana	0	0	0	0	1	0	0	0	1	11	473
OC Totals	1	3	1	2	10	5	3	2	33	673	3480

[1] Acre feet of savings determined during a one year monitoring period.

If monitoring data is not available, the savings estimated in agreement is used.

TURF REMOVAL BY AGENCY[1]

through MWDOC and Local Agency Conservation Programs

Agency	FY 12/13		FY 13/14		FY 14/15		FY 15/16		FY 16/17		FY 17/18		FY 18/19		Total Program		Cumulative Water Savings across all Fiscal Years
	Res	Comm.	Res	Comm.	Res	Comm.	Res	Comm.	Res	Comm.	Res	Comm.	Res	Comm.	Res	Comm.	
Brea	7,605	0	5,697	0	71,981	30,617	118,930	404,411	8,354	479	9,853	27,234	3,180	17,790	228,997	489,997	**408.56**
Buena Park	0	0	0	0	11,670	1,626	77,127	16,490	3,741	0	4,586	0	1,230	0	98,354	18,116	**64.76**
East Orange	0	0	1,964	0	18,312	0	27,844	0	0	0	0	0	0	0	48,120	0	**30.06**
El Toro	4,680	72,718	4,582	0	27,046	221,612	63,546	162,548	13,139	48,019	7,273	42,510	7,437	9,895	132,426	557,302	**427.70**
Fountain Valley	682	7,524	4,252	0	45,583	5,279	65,232	0	3,679	0	8,631	0	4,704	28,700	134,063	41,503	**93.84**
Garden Grove	4,534	0	8,274	0	67,701	22,000	177,408	49,226	11,504	0	4,487	0	0	0	287,921	117,403	**281.06**
Golden State	31,813	3,200	32,725	8,424	164,507	190,738	310,264	112,937	0	0	0	0	0	0	581,902	346,272	**636.92**
Huntington Beach	9,219	12,437	20,642	0	165,600	58,942	305,420	270,303	9,560	21,534	14,236	6,032	7,937	36,267	561,045	458,004	**634.31**
Irvine Ranch	32,884	32,384	36,584	76,400	234,905	317,999	782,844	2,675,629	231,483	46,725	86,893	61,037	44,189	131,717	1,461,655	3,356,351	**2,697.53**
La Habra	0	0	0	0	14,014	1,818	49,691	72,164	0	0	3,003	0	1,504	0	68,212	90,019	**99.42**
La Palma	0	0	0	0	4,884	0	10,257	59,760	0	0	0	0	0	0	15,141	59,760	**42.63**
Laguna Beach	2,664	1,712	4,586	226	13,647	46,850	47,614	0	3,059	0	589	0	0	0	75,670	48,788	**82.86**
Mesa Water	10,667	0	22,246	0	131,675	33,620	220,815	106,896	4,173	77,033	17,373	77,785	2,283	0	416,009	295,334	**397.02**
Moulton Niguel	11,538	84,123	14,739	40,741	314,250	1,612,845	889,748	1,059,279	220,749	0	98,271	0	78,697	0	1,633,431	2,840,054	**2,768.68**
Newport Beach	3,548	2,346	894	0	33,995	65,277	76,675	375,404	2,924	0	5,938	6,499	0	35,480	127,428	485,006	**342.72**
Orange	15,951	8,723	11,244	0	120,093	281,402	289,990	106,487	12,847	2,366	11,956	0	10,320	1,798	485,372	400,776	**562.65**
San Clemente	16,062	13,165	18,471	13,908	90,349	1,137	215,249	438,963	4,267	0	33,083	7,098	6,500	0	405,483	474,271	**524.26**
San Juan Capistrano	29,544	27,156	12,106	0	101,195	32,366	197,290	143,315	2,624	40,748	0	0	0	0	365,415	347,277	**509.68**
Santa Margarita	10,151	11,600	17,778	48,180	211,198	514,198	534,048	550,420	17,010	28,094	62,706	25,000	24,121	23,198	883,459	1,217,651	**1,269.52**
Seal Beach	3,611	0	0	0	15,178	504	17,349	15,911	1,234	0	752	0	0	0	38,124	16,415	**33.87**
Serrano	0	0	2,971	0	41,247	0	127,877	4,403	5,450	0	555	0	4,000	0	182,100	4,403	**108.45**
South Coast	9,429	4,395	15,162	116,719	84,282	191,853	181,102	128,290	14,967	0	13,319	7,806	5,990	0	331,057	465,387	**532.10**
Trabuco Canyon	1,542	22,440	2,651	0	14,771	0	42,510	88,272	1,465	0	4,788	0	1,536	0	69,535	110,712	**111.78**
Tustin	9,980	0	1,410	0	71,285	14,137	232,697	33,362	11,173	0	16,926	0	5,941	6,894	349,412	54,393	**230.98**
Westminster	0	0	0	0	14,040	34,631	71,833	23,902	11,112	0	10,033	0	5,461	0	112,479	58,533	**95.92**
Yorba Linda	0	0	0	0	112,136	12,702	360,279	116,985	19,420	0	9,529	3,696	12,590	12,020	525,303	145,403	**384.25**
MWDOC Totals	**216,104**	**303,923**	**238,978**	**304,598**	**2,195,544**	**3,692,153**	**5,493,639**	**7,015,357**	**613,934**	**264,998**	**424,780**	**264,697**	**227,620**	**303,759**	**9,618,113**	**12,499,130**	**13,371.52**
Anaheim	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**-**
Fullerton	0	0	0	9,214	0	0	0	0	0	0	0	0	0	0	0	9,214	**7.74**
Santa Ana	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**-**
Non-MWDOC Totals	**0**	**0**	**0**	**9,214**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**9,214**	**7.74**
Orange County Totals	**216,104**	**303,923**	**238,978**	**313,812**	**2,195,544**	**3,692,153**	**5,493,639**	**7,015,357**	**613,934**	**264,998**	**424,780**	**264,697**	**227,620**	**303,759**	**9,618,113**	**12,508,344**	**13,379**

[1]Installed device numbers are listed as square feet

HIGH EFFICIENCY TOILETS (HETs) INSTALLED BY AGENCY

through MWDOC and Local Agency Conservation Programs

Agency	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	Total	Cumulative Water Savings across all Fiscal Years
Brea	0	38	146	154	4	6	1	**457**	**116.36**
Buena Park	0	96	153	112	13	3	0	**687**	**215.26**
East Orange CWD RZ	0	13	26	24	0	0	0	**86**	**24.09**
El Toro WD	133	218	869	264	12	6	6	**2,049**	**611.70**
Fountain Valley	0	41	132	220	7	9	1	**833**	**278.76**
Garden Grove	0	63	350	363	7	4	4	**1,492**	**475.04**
Golden State WC	2	142	794	512	9	11	2	**2,803**	**877.57**
Huntington Beach	0	163	1,190	628	4	3	0	**2,904**	**821.99**
Irvine Ranch WD	1,449	810	1,777	2,798	638	239	101	**17,249**	**6,028.02**
Laguna Beach CWD	0	45	112	81	1	4	0	**392**	**118.10**
La Habra	0	37	94	83	5	1	0	**591**	**215.86**
La Palma	0	21	59	52	4	2	3	**227**	**66.14**
Mesa Water	0	147	162	162	7	3	3	**1,624**	**650.22**
Moulton Niguel WD	0	400	2,497	1,939	49	40	12	**5,742**	**1,344.82**
Newport Beach	0	49	168	243	11	6	0	**731**	**208.28**
Orange	1	142	978	416	17	10	3	**2,192**	**608.94**
San Juan Capistrano	0	35	140	202	3	9	2	**534**	**139.85**
San Clemente	0	72	225	246	11	6	7	**885**	**256.16**
Santa Margarita WD	0	528	997	1,152	114	34	3	**3,346**	**794.02**
Seal Beach	2	17	50	69	-1	0	0	**857**	**421.72**
Serrano WD	0	2	40	55	3	0	0	**121**	**28.68**
South Coast WD	64	102	398	235	11	7	0	**1,028**	**266.55**
Trabuco Canyon WD	0	10	108	169	2	3	2	**344**	**77.50**
Tustin	0	64	132	201	12	10	4	**1,520**	**589.95**
Westminster	0	35	161	359	3	4	0	**1,335**	**460.36**
Yorba Linda WD	0	40	280	379	12	8	2	**1,261**	**388.78**
MWDOC Totals	1,651	3,330	12,038	11,118	958	428	156	**51,290**	**16,084.73**
Anaheim	0	156	1,188	614	70	19	5	**5,889**	**2,193.20**
Fullerton	0	61	293	286	14	9	4	**1,068**	**314.09**
Santa Ana	0	33	602	293	20	0	1	**2,022**	**687.58**
Non-MWDOC Totals	0	250	2,083	1,193	104	28	10	**8,979**	**3,194.87**
Orange County Totals	**1,651**	**3,580**	**14,121**	**12,311**	**1,062**	**456**	**166**	**60,269**	**19,279.60**

Rain Barrels by Agency

Agency	FY 18/19 7/1/2018		Aug-18		Sep-18		Oct-18		Nov-18		Dec-18		Jan-19		Total Program		FY 13/14		FY 14/15		FY 15/16		FY 16/17		FY 17/18		FY 18/19	
	Res	CII	Res	CII	Res	CII	Res	CII	Res	CII	Res	CII	Res	CII	Res	CII	Res	CII	Res	CII	Res	CII	Res	CII	Res	CII	Res	CII
Brea	-		-		-				0				0	0	86	-	-	-	15	-	61	-	8	-	2	-	-	-
Buena Park	-		-		-				2				1	1	194	1	5	-	9	-	148	-	24	-	5	-	3	1
East Orange	-		-		-				0				0	0	39	-	8	-	8	-	23	-	-	-	-	-	-	-
El Toro	-		-		-				1				3	3	111	3	5	-	4	-	78	-	13	-	7	-	4	3
Fountain Valley	-		-		-				0				0	0	392	-	8	-	22	-	210	-	136	-	16	-	-	-
Garden Grove	4		-		-				0				0	0	346	-	16	-	34	-	237	-	38	-	17	-	4	-
Golden State WC	-		1		-				0				2	2	517	2	14	-	43	-	239	-	207	-	11	-	3	2
Huntington Beach	-		-		1				0				0	0	1,203	-	147	-	294	-	700	-	50	-	11	-	1	-
Irvine Ranch	-		2		-				0				1	1	1,009	1	21	-	101	-	778	-	82	-	24	-	3	1
La Habra	-		-		-				0				0	0	71	-	12	-	15	-	39	-	4	-	1	-	-	-
La Palma	-		-		-				0				0	0	8	-	-	-	-	-	4	-	4	-	-	-	-	-
Laguna Beach	-		-		-				0				0	0	439	-	67	-	279	-	85	-	7	-	1	-	-	-
Mesa Water	-		2		-				0				0	0	349	-	8	-	64	-	229	-	32	-	14	-	2	-
Moulton Niguel	3		2		-				2				0	0	417	-	2	-	74	-	259	-	63	-	12	-	7	-
Newport Beach	-		-		-				0				0	0	69	-	3	-	4	-	52	-	5	-	5	-	-	-
Orange	-		-		1				2				0	0	382	-	8	-	41	-	284	-	31	-	15	-	3	-
San Juan Cap	-		-		-				0				4	4	293	4	20	-	70	-	192	-	4	-	3	-	4	4
San Clemente	-		-		2				0				0	0	172	-	7	-	54	-	95	-	6	-	8	-	2	-
Santa Margarita	4		-		-				0				0	0	355	-	30	-	29	-	237	-	46	-	9	-	4	-
Santiago	-		-		-				0				0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Seal Beach	-		-		-				0				0	0	71	-	8	-	20	-	37	-	4	-	2	-	-	-
Serrano	-		-		-				0				0	0	40	-	-	-	11	-	21	-	8	-	-	-	-	-
South Coast	-		-		-				0				0	0	183	-	14	-	97	-	55	-	14	-	3	-	-	-
Trabuco Canyon	-		-		-				0				0	0	58	-	-	-	11	-	44	-	2	-	1	-	-	-
Tustin	-		-		-				0				2	2	241	2	9	-	23	-	175	-	27	-	5	-	2	2
Westminster	-		-		-		1		0		1		0	0	219	-	5	-	8	-	118	-	63	-	23	-	2	-
Yorba Linda	-		-		-				0				0	0	228	-	5	-	20	-	185	-	18	-	-	-	-	-
MWDOC Totals	11	-	7	-	4	-	1	-	7	-	1	-	13	13	7,492	13	422	-	1,350	-	4,585	-	896	-	195	-	44	13
Anaheim	2		2		-				0				0	0	298	-	12	-	27	-	235	-	18	-	2	-	4	-
Fullerton	-		-		-				0				0	0	219	-	16	-	13	-	171	-	19	-	-	-	-	-
Santa Ana	-		-		-				0				0	0	241	-	8	-	46	-	154	-	31	-	2	-	-	-
Non-MWDOC Totals	-	-	-	-	-	-	-	-	0	-	-	-	0	0	758	-	36	-	86	-	560	-	68	-	4	-	4	-
OC Totals	11	-	7	-	4	-	1	-	7	-	1	-	13	13	8,250	13	458	-	1,436	-	5,145	-	964	-	199	-	48	13

NOTICE OF SPECIAL MEETING
OF THE
SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

PROJECT COMMITTEE NO. 15

March 1, 2019
10:00 a.m.

NOTICE IS HEREBY GIVEN that a Special Meeting of the South Orange County Wastewater Authority (SOCWA) Project Committee No. 15 has been called by the Chairman of PC-15 Committee to be held on **March 1, 2019,** at **10:00 a.m.** at the SOCWA Administrative Office located at 34156 Del Obispo Street, Dana Point, California.

CONFERENCE CALL LOCATION

Publicly Accessible Remote Conference Call Location for John Pietig

3700 Las Vegas Blvd. South
Room 600
Las Vegas, Nevada

THE MEETING ROOM IS WHEELCHAIR ACCESSIBLE. IF YOU REQUIRE ANY SPECIAL DISABILITY RELATED ACCOMMODATIONS (I.E., ACCESS TO AN AMPLIFIED SOUND SYSTEM, ETC.) PLEASE CONTACT THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY SECRETARY'S OFFICE AT (949) 234-5421 AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING. THIS AGENDA CAN BE OBTAINED IN ALTERNATE FORMAT UPON WRITTEN REQUEST TO THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY'S SECRETARY AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING.

AGENDA EXHIBITS AND OTHER WRITINGS THAT ARE DISCLOSABLE PUBLIC RECORDS DISTRIBUTED TO ALL, OR A MAJORITY OF, THE MEMBERS OF THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY PROJECT COMMITTEE NO. 15 IN CONNECTION WITH A MATTER SUBJECT TO DISCUSSION OR CONSIDERATION AT AN OPEN MEETING OF THE PROJECT COMMITTEE NO. 15 ARE AVAILABLE FOR PUBLIC INSPECTION AT THE LOCATION OF THE MEETING. IF SUCH WRITINGS ARE DISTRIBUTED TO MEMBERS OF THE PROJECT COMMITTEE NO. 15 LESS THAN TWENTY-FOUR (24) PRIOR TO THE MEETING, THEY WILL BE AVAILABLE AT THE LOCATION OF THE MEETING AT THE SAME TIME AS THEY ARE DISTRIBUTED TO THE PROJECT COMMITTEE NO. 15 MEMBERS, EXCEPT THAT, IF SUCH WRITINGS ARE DISTRIBUTED IMMEDIATELY PRIOR TO, OR DURING, THE MEETING, THEY WILL BE AVAILABLE IN THE PROJECT COMMITTEE NO. 15 MEETING AT THE LOCATION OF THE MEETING.

AGENDA

1. Call Meeting to Order

2. Public Comments

*THOSE WISHING TO ADDRESS THE **PROJECT COMMITTEE NO. 15** ON ANY ITEM LISTED ON THE AGENDA SHOULD SUBMIT A "REQUEST TO BE HEARD" FORM TO THE CLERK OF THE BOARD BEFORE THE PRESIDING OFFICER ANNOUNCES THAT AGENDA ITEM. YOUR NAME WILL BE CALLED TO SPEAK AT THAT TIME.*

3. Closed Session

A Closed Session will be conducted for the following matter:

1. Existing Litigation per paragraph (1) of subdivision (d) of Government Code Section 54956.9, *Case of SOCWA, et al. v. Moulton Niguel Water District*
   Case number RIC 1721240.

I hereby certify that the foregoing Notice was personally emailed or mailed to each member of the SOCWA Project Committee No. 15 at least 24 hours prior to the scheduled time of the Special Meeting referred to above.

I hereby certify that the foregoing Notice was posted at least 24 hours prior to the time of the above-referenced Project Committee No. 15 meeting at the usual agenda posting location of the South Orange County Wastewater Authority and at www.socwa.com and at the Las Vegas meeting location identified herein.

Dated this 27th day of February 2019.

B. Burnett

Betty C. Burnett, General Manager/Secretary
SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

NOTICE OF SPECIAL MEETING
OF THE
SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

FINANCE / ENGINEERING JOINT COMMITTEE

March 5, 2019
10:30 a.m.

NOTICE IS HEREBY GIVEN that a Special Meeting of the South Orange County Wastewater Authority (SOCWA) Finance / Engineering Joint Committee was called to be held on **March 5, 2019** at **10:30 a.m.** at the SOCWA Administrative Office located at 34156 Del Obispo Street, Dana Point, California.

THE SOCWA MEETING ROOM IS WHEELCHAIR ACCESSIBLE. IF YOU REQUIRE ANY SPECIAL DISABILITY RELATED ACCOMMODATIONS (I.E., ACCESS TO AN AMPLIFIED SOUND SYSTEM, ETC.) PLEASE CONTACT THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY SECRETARY'S OFFICE AT (949) 234-5421 AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING. THIS AGENDA CAN BE OBTAINED IN ALTERNATE FORMAT UPON WRITTEN REQUEST TO THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY'S SECRETARY AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING.

AGENDA EXHIBITS AND OTHER WRITINGS THAT ARE DISCLOSABLE PUBLIC RECORDS DISTRIBUTED TO ALL, OR A MAJORITY OF, THE MEMBERS OF THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY FINANCE COMMITTEE IN CONNECTION WITH A MATTER SUBJECT TO DISCUSSION OR CONSIDERATION AT AN OPEN MEETING OF THE FINANCE COMMITTEE ARE AVAILABLE FOR PUBLIC INSPECTION IN THE AUTHORITY OFFICE, 34156 DEL OBISPO STREET, DANA POINT, CA ("AUTHORITY OFFICE"). IF SUCH WRITINGS ARE DISTRIBUTED TO MEMBERS OF THE FINANCE COMMITTEE LESS THAN TWENTY-FOUR (24) PRIOR TO THE MEETING, THEY WILL BE AVAILABLE IN THE RECEPTION AREA OF THE AUTHORITY OFFICE AT THE SAME TIME AS THEY ARE DISTRIBUTED TO THE FINANCE COMMITTEE MEMBERS, EXCEPT THAT, IF SUCH WRITINGS ARE DISTRIBUTED IMMEDIATELY PRIOR TO, OR DURING, THE MEETING, THEY WILL BE AVAILABLE IN THE FINANCE COMMITTEE MEETING ROOM.

AGENDA

1. **Call Meeting to Order**

2. **Pledge of Allegiance**

3. **Public Comments**

   THOSE WISHING TO ADDRESS THE FINANCE COMMITTEE ON ANY ITEM LISTED ON THE AGENDA SHOULD SUBMIT A "REQUEST TO BE HEARD" FORM TO THE CLERK OF THE BOARD BEFORE THE PRESIDING OFFICER ANNOUNCES THAT AGENDA ITEM. YOUR NAME WILL BE CALLED TO SPEAK AT THAT TIME.

4. Approval of Minutes

The following Minutes are resubmitted due to revisions:

a) Finance Committee Meeting Minutes of November 16, 2018
b) Finance Committee Meeting Minutes of November 30, 2018
c) Finance Committee Meeting Minutes of January 28, 2018

Recommendation
Staff recommends the Finance Committee approve revised Minutes as submitted.

5. Monthly Financial Report for January 2019

a) Summary of Disbursements for January 2019 (Exhibit A)
b) Schedule of Funds Available for Reinvestment (Exhibit B)
   - LAIF Performance Report
c) Schedule of Cash and Investments (Exhibit C)
d) Capital Projects Summaries (Exhibit D)
   - Capital Projects – Graph (Exhibit D-1)
e) Budget vs. Actual Expenses:
   - O&M Environmental Safety Costs Summary (Exhibit E-1)
   - O&M Environmental Safety Costs by PC (Exhibit E-1.2)
   - Residual Engineering, After Transfer to Capital (Exhibit E-2)
   - Comparison Administration (Exhibit E-3)
   - Comparison IT (Exhibit E-4)
   - FY2018-19 Fringe Pool and Rate Forecast (Exhibit 5)

Recommendation:
Staff recommends that the Finance Committee recommends to the Board of Directors to ratify the Summary of Disbursements for January 2019 totaling $3,364,434 and to receive and file the Financial Reports as submitted.

6. Additional Cash Distribution by Project Committee and Member Agency Methodology
Staff recommends that the Finance Committee recommends to the Board of Directors to receive and file the Additional Cash Distribution by Project Committee and Member Agency Methodology.

7. Status of the Regional Treatment Plant Co-Generation Upgrade Project (Separate Cover)

Recommendation
Information Item

8. Report on Capital Cash, Returned Cash and Retained Cash

Recommendation
The staff recommends that the joint Finance Committee and Engineering Committee concur in the recommendation to return Large Capital Cash and to retain Large Capital Cash consistent with the approach detailed in the attached Tables A, B, C including any adjustments due to activity through June 30, 2019.

9. Preview of Draft Capital Improvements Budget for Fiscal Year 2019/2020 (Separate Cover)

Recommendation
Information Item

10. Adjournment

I hereby certify that the foregoing Notice was personally emailed or mailed to each member of the SOCWA Finance Committee at least 24 hours prior to the scheduled time of the Special Meeting referred to above.

I hereby certify that the foregoing Notice was posted at least 24 hours prior to the time of the above-referenced Finance Committee at the usual agenda posting location of the South Orange County Wastewater Authority and at www.socwa.com.

Dated this 28th day of February 2019.

B. Burnett

Betty C. Burnett, General Manager/Secretary
SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

REVISED

NOTICE OF REGULAR MEETING
OF THE
SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

ENGINEERING COMMITTEE

March 14, 2019

8:30 a.m.

NOTICE IS HEREBY GIVEN that a Regular Meeting of the South Orange County Wastewater Authority (SOCWA) Engineering Committee has been scheduled to be held on **March 14, 2019 at 8:30 a.m.** at the SOCWA Administrative Office located at 34156 Del Obispo Street, Dana Point, California.

THE SOCWA MEETING ROOM IS WHEELCHAIR ACCESSIBLE. IF YOU REQUIRE ANY SPECIAL DISABILITY RELATED ACCOMMODATIONS (I.E., ACCESS TO AN AMPLIFIED SOUND SYSTEM, ETC.) PLEASE CONTACT THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY SECRETARY'S OFFICE AT (949) 234-5421 AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE SCHEDULED MEETING. THIS AGENDA CAN BE OBTAINED IN ALTERNATE FORMAT UPON WRITTEN REQUEST TO THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY'S SECRETARY AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE SCHEDULED MEETING.

AGENDA EXHIBITS AND OTHER WRITINGS THAT ARE DISCLOSABLE PUBLIC RECORDS DISTRIBUTED TO ALL, OR A MAJORITY OF, THE MEMBERS OF THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY ENGINEERING COMMITTEE IN CONNECTION WITH A MATTER SUBJECT TO DISCUSSION OR CONSIDERATION AT AN OPEN MEETING OF THE ENGINEERING COMMITTEE ARE AVAILABLE FOR PUBLIC INSPECTION IN THE AUTHORITY OFFICE, 34156 DEL OBISPO STREET, DANA POINT, CA ("AUTHORITY OFFICE"). IF SUCH WRITINGS ARE DISTRIBUTED TO MEMBERS OF THE ENGINEERING COMMITTEE LESS THAN 72 HOURS PRIOR TO THE MEETING, THEY WILL BE AVAILABLE IN THE RECEPTION AREA OF THE AUTHORITY OFFICE AT THE SAME TIME AS THEY ARE DISTRIBUTED TO THE ENGINEERING COMMITTEE MEMBERS, EXCEPT THAT, IF SUCH WRITINGS ARE DISTRIBUTED IMMEDIATELY PRIOR TO, OR DURING, THE MEETING, THEY WILL BE AVAILABLE IN THE ENGINEERING COMMITTEE MEETING ROOM.

AGENDA

1. **Call Meeting to Order**

2. **Public Comments**

PERSONS WISHING TO ADDRESS THE ENGINEERING COMMITTEE ON MATTERS NOT LISTED ON THE AGENDA MAY DO SO AT THIS TIME. "REQUEST TO BE HEARD" FORMS ARE AVAILABLE AT THE ENTRANCE TO THE ENGINEERING COMMITTEE MEETING ROOM. COMMENTS ARE LIMITED TO THREE (3) MINUTES UNLESS FURTHER TIME IS GRANTED BY THE PRESIDING OFFICER. SUBMIT FORM TO THE CLERK OF THE BOARD PRIOR TO THE BEGINNING OF THE MEETING.

THOSE WISHING TO ADDRESS THE ENGINEERING COMMITTEE ON ANY ITEM LISTED ON THE AGENDA SHOULD SUBMIT A "REQUEST TO BE HEARD" FORM TO THE CLERK OF THE BOARD BEFORE THE PRESIDING OFFICER ANNOUNCES THAT AGENDA ITEM. YOUR NAME WILL BE CALLED TO SPEAK AT THAT TIME.

3. **Review/Approval of Meeting Minutes (February 2019)**

4. **Review Engineering Committee Schedule Dates**

5. **Requests for Addition to List of Select General Contractors**

6. **Operations Report**

7. **Response to Comments on O&M Cost Distribution Report Presentation**

8. **Review of Bids – Regional Treatment Plant Miscellaneous Improvements 2018 (Project Committee 17)**

9. **Proposed Fiscal Year 2019/2020 Capital Improvement Program Budget (Project Committees 2, 5, 15, 17, 21, and 24)**

10. **Review of Bids – J. B. Latham Treatment Plant Package 'B' Improvements 2018 (Project Committee 2)**

11. **Review of J. B. Latham Treatment Plant Package 'B' Improvements Construction Services Proposal (Project Committee 2)**

12. **Review of J. B. Latham Treatment Plant Package 'B' Improvements and Coastal Treatment Plant Facility Improvements Construction Management Proposals (Project Committees 2 and 15)**

13. **Coastal Treatment Plant Aeration Upgrade Technical Memorandum Presentation (Project Committee 15)**

14. **AWMA Road and Aliso Creek Issues (Project Committees 15 and 21)**

I hereby certify that the foregoing Notice was personally emailed or mailed to each member of the SOCWA Engineering Committee at least 72 hours prior to the scheduled time of the Regular Meeting referred to above.

I hereby certify that the foregoing Notice was posted at least 72 hours prior to the time of the above-referenced Engineering Committee at the usual agenda posting location of the South Orange County Wastewater Authority and at www.socwa.com.

Dated this 11th day of March 2019.

Teri Moon, Assistant Secretary

Betty C. Burnett, General Manager/Secretary
SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

NOTICE OF SPECIAL MEETING
OF THE
SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

FINANCE COMMITTEE

March 26, 2019
10:30 a.m.

NOTICE IS HEREBY GIVEN that a Special Meeting of the South Orange County Wastewater Authority (SOCWA) Finance Committee was called by the Chairman to be held on **March 26, 2019** at **10:30 a.m.** at the SOCWA Administrative Office located at 34156 Del Obispo Street, Dana Point, California.

THE SOCWA MEETING ROOM IS WHEELCHAIR ACCESSIBLE. IF YOU REQUIRE ANY SPECIAL DISABILITY RELATED ACCOMMODATIONS (I.E., ACCESS TO AN AMPLIFIED SOUND SYSTEM, ETC.) PLEASE CONTACT THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY SECRETARY'S OFFICE AT (949) 234-5421 AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING. THIS AGENDA CAN BE OBTAINED IN ALTERNATE FORMAT UPON WRITTEN REQUEST TO THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY'S SECRETARY AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING.

AGENDA EXHIBITS AND OTHER WRITINGS THAT ARE DISCLOSABLE PUBLIC RECORDS DISTRIBUTED TO ALL, OR A MAJORITY OF, THE MEMBERS OF THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY FINANCE COMMITTEE IN CONNECTION WITH A MATTER SUBJECT TO DISCUSSION OR CONSIDERATION AT AN OPEN MEETING OF THE FINANCE COMMITTEE ARE AVAILABLE FOR PUBLIC INSPECTION IN THE AUTHORITY OFFICE, 34156 DEL OBISPO STREET, DANA POINT, CA ("AUTHORITY OFFICE"). IF SUCH WRITINGS ARE DISTRIBUTED TO MEMBERS OF THE FINANCE COMMITTEE LESS THAN TWENTY-FOUR (24) PRIOR TO THE MEETING, THEY WILL BE AVAILABLE IN THE RECEPTION AREA OF THE AUTHORITY OFFICE AT THE SAME TIME AS THEY ARE DISTRIBUTED TO THE FINANCE COMMITTEE MEMBERS, EXCEPT THAT, IF SUCH WRITINGS ARE DISTRIBUTED IMMEDIATELY PRIOR TO, OR DURING, THE MEETING, THEY WILL BE AVAILABLE IN THE FINANCE COMMITTEE MEETING ROOM.

AGENDA

1. **Call Meeting to Order**

2. **Pledge of Allegiance**

3. **Public Comments**

   THOSE WISHING TO ADDRESS THE FINANCE COMMITTEE ON ANY ITEM LISTED ON THE AGENDA SHOULD SUBMIT A "REQUEST TO BE HEARD" FORM TO THE CLERK OF THE BOARD BEFORE THE PRESIDING OFFICER ANNOUNCES THAT AGENDA ITEM. YOUR NAME WILL BE CALLED TO SPEAK AT THAT TIME.

4. Approval of Minutes

a) Finance Committee Meeting Minutes of November 16, 2018
b) Finance Committee Meeting Minutes of November 30, 2018
c) Finance Committee Meeting Minutes of January 28, 2019
d) Finance Committee Meeting Minutes of February 19, 2019

Recommendation: Finance Committee approval of minutes as corrected and submitted

5. Financial Reports for the month of February 2019

The reports included are as follows:

a) Summary of Disbursements for February 2019 (Exhibit A)
b) Schedule of Funds Available for Reinvestment (Exhibit B)
   - LAIF Performance Report
c) Schedule of Cash and Investments (Exhibit C)
d) Capital Projects Summaries (Exhibit D)
   - Capital Projects – Graph (Exhibit D-1)
e) Budget vs. Actual Expenses:
   - O&M Environmental Safety Costs Summary (Exhibit E-1)
   - O&M Environmental Safety Costs by PC (Exhibit E-1.2)
   - Residual Engineering, After Transfer to Capital (Exhibit E-2)
   - Administration (Exhibit E-3)
   - Information Technology (Exhibit E-4)

Recommendation:
Staff recommends that the Finance Committee recommend to the Board of Directors to ratify the February 2019 disbursements for the period from February 1, 2019, through February 28, 2019, totaling $1,975,071, and to receive and file the February 2019 Financial Reports as submitted.

6. FY 2019/2020 O&M Budget

a) Key Budget Assumptions
   - Funding PERS/OPEB costs
b) General Assumptions
c) Staffing Plan
d) Legal Cost Projection
e) Utility Cost Distribution
f) Capital Funding Policy
g) Budget Schedule

Recommendation:
Finance Committee review, comments and recommendations for Board consideration. Action may include setting further Finance Committee Meetings for additional discussions and information.

7. Carollo Cost Distribution Report

Recommendation:

Staff recommends that the Finance Committee recommend that the Board of Director receive and file the March 20, 2019 Operational Cost Distribution Analysis prepared by Carollo Engineers. Also, Staff will proceed to include the report recommendations in the FY2019-20 Draft Budget preparations.

8. Policy for Funding of Capital Work

Recommendation:
That the Finance Committee recommends to the Board of Directors to approve the Policy for the Funding of Capital Work.

9. Adjournment

I hereby certify that the foregoing Notice was personally emailed or mailed to each member of the SOCWA Finance Committee at least 24 hours prior to the scheduled time of the Special Meeting referred to above.

I hereby certify that the foregoing Notice was posted at least 24 hours prior to the time of the above-referenced Finance Committee at the usual agenda posting location of the South Orange County Wastewater Authority and at www.socwa.com.

Dated this 21st day of March 2019.

Betty C. Burnett, General Manager/Secretary
SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

MEETING OF THE BOARD OF DIRECTORS OF THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
Jointly with the
PLANNING & OPERATIONS COMMITTEE
March 4, 2019, 8:30 a.m.
Conference Room 101

P&O Committee:
Director Yoo Schneider, Chair
Director Tamaribuchi
Director Dick

Staff: R. Hunter, K. Seckel, J. Berg,
H. De La Torre, K. Davanaugh

Ex Officio Member: Director Barbre

MWDOC Committee meetings are noticed and held as joint meetings of the Committee and the entire Board of Directors and all members of the Board of Directors may attend and participate in the discussion. Each Committee has designated Committee members, and other members of the Board are designated alternate committee members. If less than a quorum of the full Board is in attendance, the Board meeting will be adjourned for lack of a quorum and the meeting will proceed as a meeting of the Committee with those Committee members and alternate members in attendance acting as the Committee.

PUBLIC COMMENTS - Public comments on agenda items and items under the jurisdiction of the Committee should be made at this time.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED - Determine there is a need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda. (Requires a unanimous vote of the Committee)

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING – Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Web site, accessible at http://www.mwdoc.com.

INFORMATION ITEMS (The following items are for informational purposes only – background information is included in the packet. Discussion is not necessary unless a Director requests.)

1. WEROC JANUARY 2019 DISASTER EXERCISE AFTER ACTION REPORT

2. REPORT ON POSEIDON UPDATE AT THE SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD MEETING ON FEBRUARY 8, 2019

3. REPORT ON SECOND LOWER FEEDER SHUTDOWN POTENTIALLY IMPACTING LA PALMA AND GOLDEN STATE WATER COMPANY

4. STATUS REPORTS

   a. Ongoing MWDOC Reliability and Engineering/Planning Projects
   b. WEROC
   c. Water Use Efficiency Projects
   d. Water Use Efficiency Programs Savings and Implementation Report

5. REVIEW OF ISSUES RELATED TO CONSTRUCTION PROGRAMS, WATER USE EFFICIENCY, FACILITY AND EQUIPMENT MAINTENANCE, WATER STORAGE, WATER QUALITY, CONJUNCTIVE USE PROGRAMS, EDUCATION, DISTRICT FACILITIES, and MEMBER-AGENCY RELATIONS

ADJOURNMENT

NOTE: At the discretion of the Committee, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated, and may be subject to action by the Committee. On those items designated for Board action, the Committee reviews the items and makes a recommendation for final action to the full Board of Directors; final action will be taken by the Board of Directors. Agendas for Committee and Board meetings may be obtained from the District Secretary. Members of the public are advised that the Board consideration process includes consideration of each agenda item by one or more Committees indicated on the Board Action Sheet. Attendance at Committee meetings and the Board meeting considering an item consequently is advised.

Accommodations for the Disabled. Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by telephoning Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.

WORKSHOP MEETING OF THE
BOARD OF DIRECTORS WITH MET DIRECTORS
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
18700 Ward Street, Board Room, Fountain Valley, California
March 6, 2019, 8:30 a.m.

AGENDA

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC PARTICIPATION/COMMENTS

At this time members of the public will be given an opportunity to address the Board concerning items within the subject matter jurisdiction of the Board. Members of the public may also address the Board about a particular Agenda item at the time it is considered by the Board and before action is taken.

The Board requests, but does not require, that members of the public who want to address the Board complete a voluntary "Request to be Heard" form available from the Board Secretary prior to the meeting.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize item(s), which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present or, if less than two-thirds of the Board members are present, a unanimous vote.)

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

Pursuant to Government Code Section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Web site, accessible at http://www.mwdoc.com.

(NEXT RESOLUTION NO. 2081)

PRESENTATION/DISCUSSION/INFORMATION ITEMS

1. INPUT OR QUESTIONS ON MET ISSUES FROM THE MEMBER AGENCIES/MET DIRECTOR REPORTS REGARDING MET COMMITTEE PARTICIPATION

Recommendation: Receive input and discuss the information.

2. WATER SUPPLY CONDITIONS UPDATE

Recommendation: Review and discuss the information presented.

3. PRESENTATION REGARDING THE REGIONAL RECYCLED WATER PROGRAM BY METROPOLITAN STAFF

Recommendation: Review and discuss the information presented.

4. CALIFORNIA WATERFIX ACTIVITIES UPDATE

Recommendation: Review and discuss the information presented.

5. MET ITEMS CRITICAL TO ORANGE COUNTY (The following items are for informational purposes only – a write up on each item is included in the packet. Discussion is not necessary unless requested by a Director)

a. MET's Water Supply Conditions
b. MET's Finance and Rate Issues
c. Colorado River Issues
d. Bay Delta/State Water Project Issues
e. MET's Ocean Desalination Policy and Potential Participation by MET in the Doheny Desalination Project and in the Huntington Beach Ocean Desalination Project (Poseidon Desalination Project)
f. Orange County Reliability Projects
g. East Orange County Feeder No. 2
h. South County Projects

Recommendation: Discuss and provide input on information relative to the MET items of critical interest to Orange County.

6. METROPOLITAN (MET) BOARD AND COMMITTEE AGENDA DISCUSSION ITEMS

a. Summary regarding February Board Meeting
b. Review items of significance for MET Board and Committee Agendas

Recommendation: Review and discuss the information presented.

ADJOURNMENT

Note: Accommodations for the Disabled. Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by telephoning Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodations should make the request with adequate time before the meeting for the District to provide the requested accommodations.

MEETING OF THE
BOARD OF DIRECTORS OF THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
Jointly with the
ADMINISTRATION & FINANCE COMMITTEE
March 13, 2019, 8:30 a.m.
MWDOC Conference Room 101

Committee
Director Thomas, Chair
Director Finnegan
Director Osborne

Staff: R. Hunter, K. Seckel, C. Harris, K. Davanaugh, H. Chumpitazi

Ex Officio Member: Director Barbre

MWDOC Committee meetings are noticed and held as joint meetings of the Committee and the entire Board of Directors and all members of the Board of Directors may attend and participate in the discussion. Each Committee has designated Committee members, and other members of the Board are designated alternate committee members. If less than a quorum of the full Board is in attendance, the Board meeting will be adjourned for lack of a quorum and the meeting will proceed as a meeting of the Committee with those Committee members and alternate members in attendance acting as the Committee.

PUBLIC COMMENTS - Public comments on agenda items and items under the jurisdiction of the Committee should be made at this time.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED - Determine there is a need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda. (Requires a unanimous vote of the Committee)

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING – Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Web site, accessible at http://www.mwdoc.com.

PROPOSED BOARD CONSENT CALENDAR ITEMS

1. TREASURER'S REPORT
   - a. Revenue/Cash Receipt Report – February 2019
   - b. Disbursement Approval Report for the month of March 2019
   - c. Disbursement Ratification Report for the month of February 2019
   - d. GM Approved Disbursement Report for the month of February 2019
   - e. Water Use Efficiency Projects Cash Flow – February 28, 2019
   - f. Consolidated Summary of Cash and Investment – January 2019
   - g. OPEB and Pension Trust Fund monthly statement

2. FINANCIAL REPORT - Combined Financial Statements and Budget Comparative for the Period ending January 31, 2019

ACTION ITEMS

3. METROPOLITAN FUTURE SUPPLY ACTIONS PROGRAM FUNDING AGREEMENTS

4. AUTHORIZE THE GENERAL MANAGER TO ENTER INTO A CONTRACT TO PROVIDE ASSISTANCE TO WEROC PROGRAM

5. AMENDMENTS TO ADMINISTRATIVE CODE

6. AUTHORIZE ATTENDANCE AT CALIFORNIA WATER ENVIRONMENT ASSOCIATION ANNUAL CONFERENCE, PALM SPRINGS, APRIL 9-12, 2019

DISCUSSION ITEMS

7. FY 2019-20 SECOND DRAFT BUDGET

INFORMATION ITEMS – (THE FOLLOWING ITEMS ARE FOR INFORMATIONAL PURPOSES ONLY – BACKGROUND INFORMATION IS INCLUDED IN THE PACKET. DISCUSSION IS NOT NECESSARY UNLESS REQUESTED BY A DIRECTOR.)

8. PUBLIC HEARING DATE SCHEDULED FOR APRIL 17, 2019 RE ORDINANCE SUPERSEDING AND REPEALING MWDOC ORDINANCE NO. 47 REGARDING COMPENSATION FOR DIRECTORS

9. DEPARTMENT ACTIVITIES REPORTS
   a. Administration
   b. Finance and Information Technology

10. MONTHLY WATER USAGE DATA, TIER 2 PROJECTION, AND WATER SUPPLY INFORMATION

OTHER ITEMS

11. REVIEW ISSUES REGARDING DISTRICT ORGANIZATION, PERSONNEL MATTERS, EMPLOYEE BENEFITS FINANCE AND INSURANCE

ADJOURNMENT

NOTE: At the discretion of the Committee, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated, and may be subject to action by the Committee. On those items designated for Board action, the Committee reviews the items and makes a recommendation for final action to the full Board of Directors; final action will be taken by the Board of Directors. Agendas for Committee and Board meetings may be obtained from the District Secretary. Members of the public are advised that the Board consideration process includes consideration of each agenda item by one or more Committees indicated on the Board Action Sheet. Attendance at Committee meetings and the Board meeting considering an item consequently is advised.
Accommodations for the Disabled. Any person may make a request for a disability-related

modification or accommodation needed for that person to be able to participate in the public meeting by telephoning Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.

MEETING OF THE
BOARD OF DIRECTORS OF THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
Jointly with the
PUBLIC AFFAIRS AND LEGISLATION COMMITTEE
March 18, 2019, 8:30 a.m.
Conference Room 101

Committee:
Director Dick, Chair
Director Thomas
Director Osborne

Staff: R. Hunter, K. Seckel, H. Baez, D. Micalizzi, T. Dubuque, T. Baca

Ex Officio Member: Director Barbre

MWDOC Committee meetings are noticed and held as joint meetings of the Committee and the entire Board of Directors and all members of the Board of Directors may attend and participate in the discussion. Each Committee has designated Committee members, and other members of the Board are designated alternate committee members. If less than a quorum of the full Board is in attendance, the Board meeting will be adjourned for lack of a quorum and the meeting will proceed as a meeting of the Committee with those Committee members and alternate members in attendance acting as the Committee.

PUBLIC PARTICIPATION
Public comments on agenda items and items under the jurisdiction of the Committee should be made at this time.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED - Determine there is a need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda. (Requires a unanimous vote of the Committee)

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DISCUSSION ITEMS

1. LEGISLATIVE ACTIVITIES
   a. Federal Legislative Report (Barker)
   b. State Legislative Report (BBK)
   c. County Legislative Report (Lewis)
   d. Legal and Regulatory Report (Ackerman)
   e. MWDOC Legislative Matrix
   f. Metropolitan Legislative Matrix

2. SOUTHERN CALIFORNIA WATER ISSUES CONGRESSIONAL DELEGATION BRIEFING LUNCHEON (DC)

3. SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT – RULE 1403: ASBESTOS EMISSION FROM DEMOLITION/RENOVATION ACTIVITIES

ACTION ITEMS

4. SB 307 (ROTH) – WATER CONVEYANCE: USE OF FACILITY WITH UNUSED CAPACITY

5. SB 669 (CABALLERO) – SAFE DRINKING WATER FUND

6. SB 414 (CABALLERO) - THE SMALL SYSTEM WATER AUTHORITY ACT OF 2019

7. SOLE SOURCE CONTRACT FOR BROWN AND CALDWELL TO DEVELOP INFORMATION RELATIVE TO SMALL NON-COMPLIANT CALIFORNIA DRINKING WATER SYSTEMS

8. CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2020-2022 BOARD OF DIRECTORS CALL FOR NOMINATIONS – SOUTHERN NETWORK REGION, SEAT B

9. AB 533 (HOLDEN) – INCOME TAX EXCLUSION, WATER CONSERVATION OR EFFICIENCY PROGRAMS

10. AB 1194 (FRAZIER) - SACRAMENTO-SAN JOAQUIN DELTA: DELTA STEWARDSHIP COUNCIL

INFORMATION ITEMS (THE FOLLOWING ITEMS ARE FOR INFORMATIONAL PURPOSES ONLY – BACKGROUND INFORMATION IS INCLUDED IN THE PACKET. DISCUSSION IS NOT NECESSARY UNLESS REQUESTED BY A DIRECTOR.)

11. MWDOC SOCIAL MEDIA AUDIT

12. 2019 OC WATER SUMMIT (May 31, 2019)

13. EDUCATION PROGRAMS UPDATE

14. PUBLIC AFFAIRS ACTIVITIES REPORT

OTHER ITEMS

15. REVIEW ISSUES RELATED TO LEGISLATION, OUTREACH, PUBLIC INFORMATION ISSUES, AND MET

ADJOURNMENT

NOTE: At the discretion of the Committee, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated, and may be subject to action by the Committee. On those items designated for Board action, the Committee reviews the items and makes a recommendation for final action to the full Board of Directors; final action will be taken by the Board of Directors. Agendas for Committee and Board meetings may be obtained from the District Secretary. Members of the public are advised that the Board consideration process includes consideration of each agenda item by one or more Committees indicated on the Board Action Sheet. Attendance at Committee meetings and the Board meeting considering an item consequently is advised.

Accommodations for the Disabled. Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by telephoning Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.

REGULAR MEETING
OF THE BOARD OF DIRECTORS
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
18700 Ward Street, Board Room, Fountain Valley, California
March 20, 2019, 8:30 a.m.

AGENDA

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENTS/PARTICIPATION

At this time, members of the public will be given an opportunity to address the Board concerning items within the subject matter jurisdiction of the Board. Members of the public may also address the Board about a particular Agenda item at the time it is considered by the Board and before action is taken. If the item is on the Consent Calendar, please inform the Board Secretary before action is taken on the Consent Calendar and the item will be removed for separate consideration.

The Board requests, but does not require, that members of the public who want to address the Board complete a voluntary "Request to be Heard" form available from the Board Secretary prior to the meeting.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize items(s) which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present, or, if less than two-thirds of the Board members are present, a unanimous vote of those members present.)

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Web site, accessible at http://www.mwdoc.com.

NEXT RESOLUTION NO. 2081

CONSENT CALENDAR (Items 1 to 7)

(All matters under the Consent Calendar will be approved by one motion unless a Board member requests separate action on a specific item)

1. **MINUTES**
   a. February 6, 2019 Workshop Board Meeting
   b. February 20, 2019 Regular Board Meeting

   Recommendation: Approve as presented.

2. **COMMITTEE MEETING REPORTS**
   a. Planning & Operations Committee Meeting: February 4, 2019
   b. Administration & Finance Committee Meeting: February 13, 2019
   c. Public Affairs & Legislation Committee Meeting: February 19, 2019
   d. Executive Committee Meeting: February 21, 2019

   Recommendation: Receive and file as presented.

3. **TREASURER'S REPORTS**
   a. MWDOC Revenue/Cash Receipt Register as of February 28, 2019
   b. MWDOC Disbursement Registers (February/March)

   Recommendation: Ratify and approve as presented.

   c. Summary of Cash and Investment and Portfolio Master Summary Report (Cash and Investment report) as of January 31, 2019
   d. PARS Monthly Statement (OPEB Trust)
   e. Water Use Efficiency Projects Cash Flow

   Recommendation: Receive and file as presented.

4. **FINANCIAL REPORT**
   a. Combined Financial Statements and Budget Comparative for the Period ending January 31, 2018

   Recommendation: Receive and file as presented.

5. **METROPOLITAN FUTURE SUPPLY ACTIONS PROGRAM FUNDING AGREEMENTS**

   Recommendation: Authorize the General Manager to enter into (1) a not-to-exceed $205,754 funding agreement with Metropolitan Water District of Southern California under the Future Supply Actions Funding Program for the "Smart Watershed Network" and (2) a complementary not-to-exceed $205,754 funding agreement between MWDOC and Moulton Niguel Water District.

6. **AUTHORIZE THE GENERAL MANAGER TO ENTER INTO A CONTRACT TO PROVIDE ASSISTANCE TO WEROC PROGRAM**

   Recommendation: Authorize the General Manager to enter into a contract with Athena EHS Consulting, LLC in an amount not to exceed $25,000 for WEROC Program assistance.

7. **AUTHORIZE ATTENDANCE AT CALIFORNIA WATER ENVIRONMENT ASSOCIATION ANNUAL CONFERENCE, PALM SPRINGS, APRIL 9-12, 2019**

   Recommendation: Authorize attendance at the California Water Environment Association Annual Conference, April 9-12, 2019 in Palm Springs, California.

End Consent Calendar

ACTION ITEMS

8-1 AMENDMENTS TO ADMINISTRATIVE CODE

Recommendation: *Approve revision to Section 2201 (Level of Expenses and Expense Reimbursement Rates), and receive information from Legal Counsel on whether to approve adding Section 1406 (Incompatible Offices) to the Administrative Code; authorize staff to make such change(s).*

8-2 SB 307 (ROTH) – WATER CONVEYANCE: USE OF FACILITY WITH UNUSED CAPACITY

Recommendation: *Adopt an oppose position on SB 307 (Roth).*

8-3 SB 669 (CABALLERO) – SAFE DRINKING WATER FUND

Recommendation: *Adopt a support position on SB 669 (Caballero).*

8-4 SB 414 (CABALLERO) - THE SMALL SYSTEM WATER AUTHORITY ACT OF 2019

Recommendation: *Adopt a support position on SB 414 (Caballero) - The Small System Water Authority Act of 2019*

8-5 SOLE SOURCE CONTRACT FOR BROWN AND CALDWELL TO DEVELOP INFORMATION RELATIVE TO SMALL NON-COMPLIANT CALIFORNIA DRINKING WATER SYSTEMS

Recommendation: *Authorize the GM to enter into a contract with Brown and Caldwell to complete the scope of work presented. The cost for the MWDOC portion of this study effort will be provided prior to the March 18 PAL Committee meeting.*

8-6 CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2020-2022 BOARD OF DIRECTORS CALL FOR NOMINATIONS – SOUTHERN NETWORK REGION, SEAT B

Recommendation: *Receive recommendation from the Public Affairs & Legislation Committee.*

8-7 AB 533 (HOLDEN) – INCOME TAX EXCLUSION, WATER CONSERVATION OR EFFICIENCY PROGRAMS

Recommendation: *Adopt a support position on AB 533 (Holden).*

8-8 AB 1194 (FRAZIER) - SACRAMENTO-SAN JOAQUIN DELTA: DELTA STEWARDSHIP COUNCIL

Recommendation: Adopt an oppose position on AB 1194 (Frazier).

INFORMATION CALENDAR (All matters under the Information Calendar will be Received/Filed as presented following any discussion that may occur)

9. GENERAL MANAGER'S REPORT, MARCH 2019 (ORAL AND WRITTEN)

Recommendation: Receive and file report(s) as presented.

10. MWDOC GENERAL INFORMATION ITEMS

a. Board of Directors - Reports re: Conferences and Meetings
b. Requests for Future Agenda Topics

Recommendation: Receive and file as presented.

CLOSED SESSION

11. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: General Manager
Government Code Section 54957

ADJOURNMENT

Note: Accommodations for the Disabled. Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by contacting Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.

GENERAL MANAGER'S REPORT OF STAFF ACTIVITIES MARCH 2019

MWDOC Agencies Managers Meeting	MWDOC held its Member Agency Managers' meeting at its office in Fountain Valley on **February 21, 2019.** **In attendance were:** Lisa Ohlund – EOCWD, Mark Sprague – Fountain Valley, Cel Pasillas – Garden Grove, Paul Cook – IRWD, Drew Atwater – Moulton Niguel WD, John Kennedy – OCWD, Jose Diaz – Orange, Dave Rebensdorf – San Clemente, Steve May – San Juan Capistrano, Dan Ferons – SMWD, David Spitz – Seal Beach, Joe McDivitt and Rick Shintaku– South Coast WD, Michael Perea – TCWD, Art Valenzuela – Tustin, Rosanne Weston – Yorba Linda WD **MWDOC Staff:** R. Hunter, K. Seckel, H. De La Torre, J. Berg, M. Baum-Haley, K. Hubbard, H. Baez, K. Hostert, C. Lingad and C. Busslinger • **Discussion Items:** o MWDOC Draft Budget o Changes to the Turf Removal Program • **WEROC Items:** o Critical Infrastructure Act Requirements, Deadlines, and Support at Mtg. o Discussion: Public Safety Power Shutoff (Follow-up) o Proposed Amendment to SCAQMD Rule 1470 for Emergency Generators **Legislative Items:** • Water Tax Proposal and Alternative Legislative Options **Next meeting will tentatively be held March 21, 2019.**
Meetings	• Charles Busslinger participated in the South OC IRWM Project Review Ad Hoc Committee meetings on February 5th and 14th. The committee reviewed 13 projects submitted in response to the November 2018 Call for Projects for Prop 1 IRWM grant funding. $2.33 million is available to South OC for this funding round with a 2nd round anticipated in 2022. The Ad Hoc committee is waiting on the State to release the final grant guidelines to complete the scoring of projects. • Charles Busslinger attended the 7th Annual CalDesal Conference on February 7th and 8th. The conference was very informative and topics included – Implementing the Ocean Plan Amendments and Salinity Management. State Water Board staff made presentations explaining the consistency determination process for the Ocean Plan Amendments in order to obtain a permit from DWR; which starts with the ocean intake feasibility determination, through site, design, mitigation, and finally best technology determinations. Several desalination experts also presented case studies which helped to explain multiple nuances with various aspects of the Ocean

Meetings - continued	Plan amendments; including how the State's process for handling 'groundwater' differs from 'water flowing underground'. • On February 11, 2019, MWDOC staff coordinated a presentation, hosted by Black & Veatch, on the Tampa Bay Water (TBW) regional hydraulic model. The model helps TBW coordinate and manage an extensive water supply portfolio across multiple member governments. TBW's supply portfolio includes the Tampa Bay Seawater Desalination Plant and 14 other supply sources including both groundwater and surface water supplies, most of which are owned and operated by local jurisdictions within the TBW boundary. The presentation was made by technical experts who helped create the model and included experts on the operation of the system. The presentation was attended by several MWDOC member agencies and was well received. • Kevin Hostert, Chris Lingad and Charles Busslinger met with South Coast Water District staff on February 13th to discuss water production accounting. • MWDOC staff met with staff from Buena Park, La Palma, Golden State Water, and MET on February 20th to discuss the upcoming shutdown of the 2nd Lower Feeder as part of the Pre-stressed Concrete Cylinder Pipe (PCCP) Rehabilitation Program. A portion of the 2nd Lower Feeder will be shut down from March to September 2019 to install a steel lining to reinforce the PCCP. • Charles Busslinger participated in the North/Central OC IRWM Project Review Ad Hoc Committee meetings on February 21st. The Ad Hoc committee is currently scoring projects but is also waiting on the State to release the final grant guidelines to complete scoring of projects. • Karl Seckel participated on an interview panel for an open MET Operations position.

MET ITEMS CRITICAL TO ORANGE COUNTY

MET's Water Supply Conditions	The 2018-19 Water Year officially began October 1, 2018. Thus far, the Northern California accumulated precipitation (8-Station Index) is reporting ***40.1 inches or 117% of normal*** as of February 25th. In the month of February 2019, accumulated precipitation reached 14.1 inches, which is ***6.0 inches above normal*** compared to the historical average (As of February 25th). The Northern Sierra Snow Water Equivalent was at 31.5 inches on February 25th, which was ***124% of normal*** for that day. As of February 24th Lake Oroville storage is at 55% of total capacity and 80% of normal. As of February 24th San Luis Reservoir has a current volume of 96% of the reservoirs total capacity and is 114% of normal. Due to the high levels in San Luis Reservoir, California Department of Water Resources (DWR) announced Article 21 deliveries would be made starting February 20, 2019. The Department of Water Resources (DWR) in February increased the State Water Project (SWP) "Table A" allocation to 35%. This allocation provides Metropolitan with approximately 669,025 AF in SWP deliveries this water year. DWR's approval

MET's Water Supply Conditions – continued	considered several factors including existing storage in SWP conservation reservoirs, SWP operational regulatory constraints, and the 2019 contractor demands. On the Colorado River system, snowpack is measured across four states in the Upper Colorado River Basin. As of February 24, 2019, snowpack measured at 118% of normal for that date. The ongoing decline in the Colorado River watershed has impacted storage levels in Lake Powell and Lake Mead, which in turn affects the likelihood of surplus or shortage conditions in the future. The Bureau of Reclamation is projecting that there is a 69% chance of a shortage on the Colorado River in 2020, increasing to 82% in 2021. With estimated total demands and losses of 1.76 million acre-feet (MAF) and with a 35% SWP Table A Allocation, Metropolitan is projecting that demands will exceed supply levels in CY 2019. Based on this, estimated total dry-year storage for Metropolitan at the end of CY 2019 will go down to 2.4 MAF.
Bay Delta/State Water Project Issues	**Science Activities** The Salmon Predation Study funded by a California Department of Fish and Wildlife grant and Metropolitan was completed this month. The study findings suggest that for a commonly occurring predator in the Delta, largemouth bass, there were significant increases in predation of juvenile salmon due to interactions with submerged aquatic vegetation. Both largemouth bass and submerged aquatic vegetation are common in the Delta, and these study results may inform possible management actions that could benefit Chinook salmon survival. Metropolitan staff is working with the investigators to complete a draft manuscript for publication. Metropolitan staff worked with DWR to film a short documentary video on the EcoRestore initiative to highlight the value and purpose of this large restoration effort and the benefits it will bring to the Delta. The video will be highlighted on the DWR website. Metropolitan supports the EcoRestore effort, and staff is working with the state and federal agencies to use science to develop projects that focus on restoring habitat function and process to support fish and wildlife species. Metropolitan staff continued participating in the Collaborative Science and Adaptive Management Program (CSAMP), including participation on the Collaborative Adaptive Management Team (CAMT). In January, CAMT received an update on the development of the Delta Smelt Science Plan and discussed comments and next steps for the process. CAMT also discussed a proposal from consultant Compass Resource Management Ltd., for a comprehensive and collaborative structured decision making process for Delta smelt actions. The 2019 work plan for CAMT includes focus on these two Delta smelt processes. Metropolitan staff is participating on the Interagency Ecological Program Flow Alteration Project Work team analyzing the data collected during the 2017 fall outflow studies focused on Delta smelt, and is reviewing the draft report. The fall outflow studies investigated the hypothesis that wet year conditions would improve population numbers for Delta smelt. Initial findings of the study suggest that despite the wet year conditions of 2017, an increase in the population of Delta smelt was not observed. Higher than average temperatures in the summer and fall of 2017 have been suggested as the reason for why the population of Delta smelt did not improve. Metropolitan staff participated in the Delta Independent Science Board (Delta ISB) workshops on January 10 and 11, to provide information on water supply reliability

Bay Delta/State Water Project Issues - continued	estimation methods for Delta water users, and to provide input on implementing recommendations from the Delta ISB Water Quality Review report. **Delta Flood Emergency Management Plan** DWR executive briefings on the final Delta Flood Emergency Management Plan (DFEMP) have been completed and DFEMP documents are being circulated for final approval. DWR conducted a management level tour of completed emergency materials storage sites at Rio Vista and Stockton. Stockpiles and inventories include 535,000 tons of rock and other flood fight materials housed in existing and recently rehabilitated warehouses. Two new water access rock-loading facilities have been built at Stockton and access is available to existing rock loading facilities at Rio Vista. These facilities support barge transport of rock to emergency operations in the Delta.
MET's Ocean Desalination Policy and Potential Participation in the Huntington Beach Ocean (Poseidon) Desalination Projects	**Poseidon Huntington Beach** Poseidon expects the SARWQCB to act on its permit in the next four to six months. Assuming approval, Poseidon would then seek a permit from the California Coastal Commission in 2019.
South Orange County Projects	**Doheny Desal Project** South Coast WD submitted a grant application for up to $20 million for project construction through Bureau of Reclamation 'Water SMART: Desalination Construction Projects under the WIIN Act'. Applications are currently being reviewed. MWDOC participated in a phone conference call with South Coast Water District to provide a briefing to the Deputy Commissioner Harrison and to make her aware of the grant application. South Coast staff and consultants are in the process of responding to comments submitted regarding the EIR for the project. South Coast WD anticipates adopting the response to comments in early 2019. **SMWD Trampas Canyon Recycled Water Reservoir** This project involves the construction of a 5,000-acre-foot recycled water storage reservoir and the various complementary facilities to support this reservoir. The construction of the Trampas Canyon Recycled Water Seasonal Storage Reservoir consists of three main components: 1. Trampas Canyon Dam (Dam) 2. Conveyance facilities to transport recycled water into and out of the Reservoir (Pipelines) 3. Trampas Canyon Pump Station (Pump Station)

South Orange County Projects - continued	The construction of the facilities is being completed in three phases: 1. Preconstruction/Site Preparation for the Dam and Pump Station Construction 2. Dam and Pipelines 3. Pump Station **PROJECT STATUS** Dam and Pipelines The $81M Construction Contract was awarded in December 2017 and is approximately 35% complete. Pump Station The preliminary design of this facility was resubmitted by AECOM in mid-December for District review and approval. The Design process is likely to continue thru the end of February 2019, and the project will likely be available to start the construction bidding process in March 2019. Completion of the construction is expected to be in February 2020, about two months ahead of the Reservoir and Dam completion.
ENGINEERING & PLANNING	
Orange County Reliability Study	The Final OC Reliability Study is now available on the website at: https://www.mwdoc.com/your-water/water-supply/local-water-supply/orange-county-water-supply-reliability-study/ Spin off work from the Reliability Study to further analyze the Strand Ranch Extraordinary Water Supply program is now in progress.
South Orange County Emergency Service Program	Dudek continues to assist MWDOC and IRWD to determine if the existing IRWD South Orange County Interconnection capacity for providing emergency water to South Orange County can be expanded and/or extended beyond its current time horizon of 2030. The draft Planning Level Reliability Alternatives Analysis Report is currently under review. The next step is to share the information with South OC agencies.
Strand Ranch Project	MWDOC is using the modeling from the Orange County Reliability Study to evaluate how "extraordinary supplies" from the Strand Ranch Project can be utilized by the MWDOC agencies to provide drought protection over the next 7 to 11 years or longer. The analysis is currently in progress.

MET Evaluation of Regional Storage Portfolio (ERSP)

MET Evaluation of Regional Storage Portfolio (ERSP).

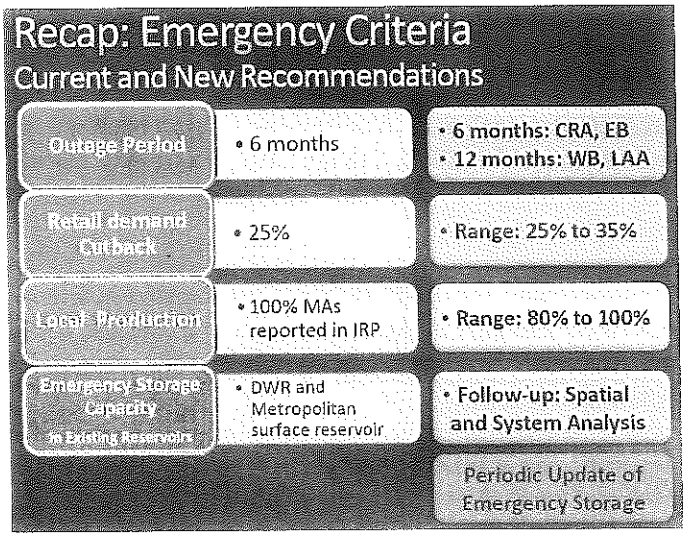
Metropolitan's emergency water storage objective is based on the potential for major earthquake damage to the State Water Project and Colorado River aqueducts that transport imported water supplies to Southern California (following the San Andreas M7.8 'Great ShakeOut' scenario developed by the US Geological Survey).

MET established a Member Agency Workgroup to consider updates to MET's emergency storage objective, including:

1. Updating emergency criteria
2. Revising the framework for determining emergency storage volume. The new framework would shift from a traditional single equation for determining emergency storage volume, to an updated evaluation that considers various combinations of criteria to determine a storage amount that provides an envelope of alternatives for MET's emergency storage that could provide reliability during the outage period.
3. Proposing periodic re-evaluation of emergency storage volume to coincide with completion of each new IRP (every 5 years).

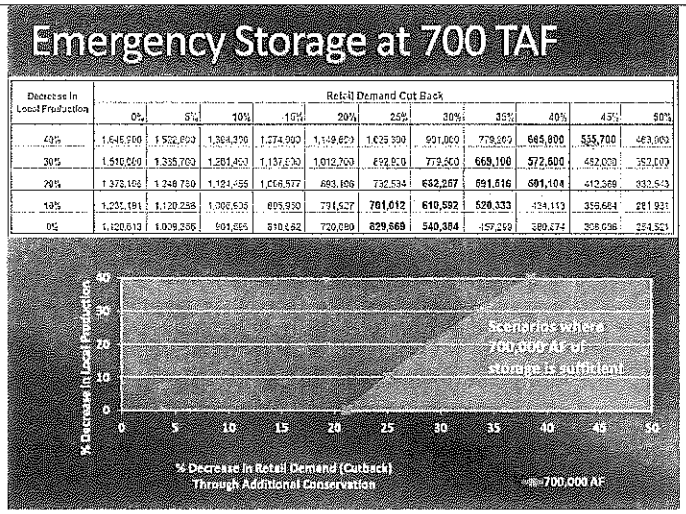
MET released a Final Draft of a White Paper on January 28, 2019 which expanded on these issues. The paper discusses a methodology for review and update of emergency criteria and re-evaluation of Metropolitan's emergency storage.

Charles Busslinger attended the fourth Workgroup meeting on January 31, 2019 on emergency storage evaluation. Highlights of the recommended changes include changes to emergency criteria and moving the storage volume from 630,000 AF to 700,000 AF with a recommendation to re-visit these changes upon completion of the 2020 IRP.



EB- East Branch SWP
WB – West Branch SWP
LAA – Los Angeles Aqueduct

MET Evaluation of Regional Storage Portfolio (ERSP) - continued



MET staff will be presenting its recommendations to the Water Planning and Stewardship Committee in March 2019.

EMERGENCY PREPAREDNESS

Coordination with WEROC Member Agencies

Ongoing: WEROC, with Michael Baker as the lead consultant, is facilitating 19 agencies through the process of updating the Orange County Water and Wastewater Multi-Jurisdictional Hazard Mitigation Plan. Update: The Hazard Mitigation Plan was approved by Cal Office of Emergency Services (OES) and submitted to FEMA for review on Friday, February 15, 2019. It is expected that the plan will be returned by FEMA within 45 working days (April 19, 2019).

The WEROC Quarterly meeting was on February 5. February topics and presentations included: Woolsey and Camp Fire Response, America's Water Infrastructure Act 2018, Orange Crush Exercise Debrief, WEROC Training, Planning, and Exercises, Dam Agency Planning. Additional recommendations are welcome.

Francisco Soto and Kelly Hubbard participated in Orange County Water District's (OCWD) training on their newly revised Emergency Response Plan (ERP). WEROC staff provided input on how OCWD would coordinate with WEROC in a real event.

WEROC and MWDOC staff participated in the annual county-wide exercise titled Orange Crush 2019 on January 30, 2019. The exercise was based on a 7.8 on the San Andreas Fault line 48 hours post-earthquake. The goal in facilitating an exercise 48 hours post-earthquake was to facilitate discussions that started to look at coordination of mutual aid. There were many lessons learned and a full report on the exercise can be found in a separate staff report to the March 2019 MWDOC Planning and Operations Committee.

Training and Programs	Kelly provided a presentation to Orange County Sanitation District operations and emergency response staff on WEROC and how to coordinate during an event.
Coordination with the County of Orange	Kelly attended the February OCEMO meeting in Mission Viejo. The OCEMO Exercise Design Committee chairs presented on the county-wide exercise. The CalOES representative reported on changes to the Stafford Act and funding mechanisms. Other presentation topics included OA Managers Report, Grant Updates, and Sub-committee updates. Francisco attended the County Communications meeting on the 800MHz Next Generation Updates to the county-wide radio systems. Francisco and Kelly met with management from the Orange County Environmental Health Division. The purpose was to better understand each agency's day to day role, as well as disaster response role. Often County Environmental Health is involved in water quality decisions and coordination with water utilities and the Division of Drinking Water (DDW). After discussing coordination issues and questions, it was determined that it would be beneficial to host a table-top exercise that includes all possible agencies who may have a role in water quality decisions. Kelly attended the OC Operational Area (OA) Executive Board Meeting as the voting representative of ISDOC. Kelly provided the OA Executive Board and the County's Emergency Management Council a copy of the letter to the CA Public Utility Commission (PUC) from Orange County water utilities. She provided a briefing on the 3/19/2019 PUC hearing as well. The Executive Board approved the newly revised Unified County of Orange and Orange County Operational Area Emergency Operations Plan with modifications suggested by Kelly. Those modifications were suggested to clarify concerns related to impacts to water utilities in a disaster. Francisco and Kelly participated in various conference calls throughout the month for the possible activation of the Holy Fire Debris Flow Plan and the Canyon 2 Debris Flow Plan due to rain events. The calls detailed the current rain forecast and each agency's response actions and concerns for possible debris flows. Trabuco Canyon Water District (TCWD) has infrastructure that can be impacted by the Holy Fire Debris Flow area. On February 20, 2019 Orange County Proclaimed a Local Emergency due to the storms that started on February 13, 2019. The County and local agencies (including 7 water agencies) sustained an estimated $12 million in damages. The County is seeking a California Declaration of Emergency and state or federal funding to assist in the costs of recovery. WEROC and MWDOC staff participated in the Operational Area EOC Exercise on January 31, 2019 based on the same scenario as the county-wide exercise the day prior. The separate exercise allowed for greater participation of WEROC staff at both events. There were many lessons learned and a full report on the exercise can be found in a separate staff report to the March 2019 MWDOC Planning and Operations Committee.

EOC Readiness	Janine worked with ATT and Uverse to restore internet service at the North EOC. Janine has collected updated contact information from the 35 WEROC member agencies and some of our coordination partners. She will now work on updating this information in AlertOC, Outlook, SafetyCenter, and hard copy phone books in multiple locations. This is an annual effort that takes a significant amount of work.
Coordination with Outside Agencies	On-going: California Public Utilities Commission (PUC) proceedings regarding the Impacts from De-Energization with a Focus on First Responders and Local Government. Kelly worked with Ryan Baron of BBK to file for Party Status on the proceedings process. Party Status ensures that we receive all communications regarding the proceedings and that our comments are included officially for consideration. On February 7, 2019 MWDOC submitted comments to the PUC from 19 OC participating water and wastewater agencies. Kelly attended the February 19, 2019 pre-conference hearing in Sacramento to provide support to the comments submitted and answer questions from the PUC. Kelly will be working with Mr. Baron and WEROC Member Agencies to continue to provide input throughout the hearing process. A schedule should be available within the next 2 weeks. Kelly has been assisting a group of water utilities in the Frazier Park/Grapevine area to organize themselves into a mutual assistance group. They reached out following last year's fires with a concern to be better coordinated. Kelly has provided them examples of agreements, SOPs, and other documents that may help. On February 20 she met with them during their monthly meeting in Frazier Park to answer outstanding questions.
WATER USE EFFICIENCY	
CalWEP Research and Evaluation Committee	On February 13, Rachel Waite attended the online CalWEP Research and Evaluation Committee meeting. Agenda items included: • Research Activity Typology • Research Protocols and Methodologies • Research in Progress • Research Needs The next meeting will be scheduled for some time in April.
One Water One Watershed (OWOW) Proposition 1 Grant Applicant Workshop	On February 21, Rachel W. attended the OWOW workshop hosted by the Santa Ana Watershed Project Authority (SAWPA). Rachel presented MWDOC's collaborative project — SAWPA Regional Comprehensive Landscape Rebate Program - which has been submitted to SAWPA's Integrated Regional Water Management (IRWM) Plan for eligibility to receive Proposition 1 funding.

Metropolitan Water District of Southern California (MET) Water Use Efficiency Workgroup	On February 21, Rachel Davis attended Metropolitan's Water Use Efficiency Workgroup meeting. Approximately 30 member agencies participated in the meeting. Agenda items included:
	• January Metropolitan Board Presentation
	  ○ Approval of Turf Replacement Program Modifications
	• Water Supply Update
	• MWD External Affairs Update
	• MWD Updates
	  ○ DAC
	  ▪ Regional Pilot Program
	  ▪ Local Support
	  ▪ Grant Opportunities
	  ○ California Friendly Landscape Classes – New Vendor
	  ○ Large landscape survey
	
	The next workgroup meeting is scheduled for March 21st at Metropolitan.

Qualified Water Efficient Landscaper (QWEL) Training	On February 11, February 25, March 4 and March 11 Rachel D. and Jonathan Meier attended the QWEL training at Santa Margarita Water District. The training was sponsored and organized by MWDOC, and there were 29 professional landscapers and water professionals in attendance. On March 7, Rachel D. coordinated the setup of the first of six QWEL class sessions at the Irvine Ranch Water District (IRWD) Duck Club. The sessions are six consecutive Thursdays, ending April 11.
California Water Efficiency Partnership Board Meeting	On February 26, Joe Berg participated in the California Water Efficiency Partnership Board Meeting via conference call. This meeting was hosted by the San Francisco Public Utilities Commission. The agenda included: • Consent Calendar • Executive Directors Report • Revised 2019 Budget • AWE Chapter Agreement • Executive Director Search • Policy Principles and Support Position for Tax Exempt Rebate Bill • Committee Updates • Draft March 14 Plenary Agenda • Peer to Peer Conference Update The next meeting will be held on May 17 and will be hosted by Cal American Water in San Diego.
Leak Detection Equipment Training	On February 27 and 28, MWDOC sponsored Leak Detection Equipment Training, which was hosted by Moulton Niguel Water District. Thirty-two water agency staff representing sixteen agencies attended the training. The two-day training included both classroom and hands-on training for use of the equipment. Joe, Rachel D., and Chris Lingad attended.

SAWPA PA-22 Advisory Meeting	On February 27, Rachel W. attended the PA-22 Advisory Meeting at SAWPA. Agenda items included: • Proposition 1 IRWM Grant Application Integration Opportunities • Proposition 84 IRWM Drought Grant Geocoding Project Benefits • Update on the Aerial Imagery Partnership Study with the Department of Water Resources (DWR).
Metropolitan Water Use Efficiency Program Advisory Committee (PAC) Meeting	On March 6, Rachel W. attended the Metropolitan Water Use Efficiency PAC meeting. Approximately 20 agencies participated in the meeting. Agenda items included: • Water Use Accountability Incentive • HECW Rebates • Pressure Regulating/ In-Stem Valve Sprinklers • Drip Irrigation • CII Audits • New Devices and Technologies The next meeting has not yet been scheduled.

Orange County Water Use Efficiency Coordinators Workgroup Meeting	On March 7, Joe, Beth Fahl, Rachel D., and Rachel W. hosted the Orange County Water Use Efficiency Coordinators Workgroup meeting at MWDOC. Approximately 23 agencies participated in the meeting. Highlights on the agenda included:
	• MWDOC Updates
	  o Recently Released Grants
	• Agency Roundtable/Problem Solving
	• Water Supply Update
	• Public Affairs/Marketing
	  o WUE Marketing Materials and Resources
	  o Media Kits for Member Agencies
	  o Upcoming Events, Contests, and Campaigns
	  o Water Education School Programs
	  o Promotional Videos
	  o PAW Meeting
	• Metropolitan Update
	  o Update on Regional Pilot Program for Premium High Efficiency Toilets in Pre-1994 Multi-Family Properties
	  o California Friendly Landscape Training Program
	  o Large Landscape Survey
	  o PAC Update
	• Water Use Efficiency Programs Update
	  o Turf Removal
	  ▪ Program Update
	  ▪ Sites over $10,000
	  ▪ Inspection Form Update
	  ▪ Training on Inspections
	  ▪ OC Turf Removal Spotlight
	  o OC-Qualified Water Efficient Landscaper Training
	  ▪ Santa Margarita

Orange County Water Use Efficiency Coordinators Workgroup Meeting - continued	▪ Irvine ▪ San Juan Capistrano o MWDOC MET-Funded/Member Agency Administered Program Update ▪ Plant Database and Garden Website ▪ Pressure Regulating Valves Program ▪ Landscape Design Assistance Program ▪ Available Funding • CalWEP Update • Future Agenda Items The next meeting is scheduled for April 4th at MWDOC.
Water Loss Control Workgroup	On March 12, MWDOC hosted the Water Loss Control Workgroup meeting. Thirty water loss control staff from 22 agencies attended the meeting. The meeting included discussions on: • Water Loss Control Updates o Shared Services Business Plan o Water Systems Optimization's Recommendations and Scoping for 2019 • Proposed SWRCB Water Loss Standard o Compliance Planning The next meeting is scheduled for May 14th and will be hosted by MWDOC.
PUBLIC/GOVERNMENT AFFAIRS	
Member Agency Relations	Public Affairs Staff: • Prepared Media and Tool Kits Water Tax, Water Use Efficiency and Disaster Response • Sent Media/Took Kit for annual Wyland National Mayor's Challenge and OC Breakaway Competition • Hosted Public Affairs Workgroup meeting including presentations on Water Tax, water supply, Water Use Efficiency programs, Member Agency media kits, and school programs • Provided Public Affairs update at the monthly Water Use Efficiency Workgroup meeting • Created bill inserts for eleven member agencies, promoting $2 square foot turf rebates. Governmental Affairs Staff: • Provided an update to the MWDOC member agency GMs on the status of the water tax and ACWA alternative • Attended Moulton Niguel Water District's reception for MWD Chairwoman Gloria Gray

Community Relations	Public Affairs Staff: • Entries open for 2019 Water Awareness Poster Contest • Reached out to Orange County Boys and Girls Club, libraries, chamber offices and over 600 school district contacts. • Entries open for 2019 Voice4Planet High School Video Contest o Secured prize sponsors for the Orange County water category: Discovery Cube, Wyland Foundation, HashtagPinpoint, and Great Wolf Lodge Governmental Affairs Staff: • Attended the Southern California Water Coalition Quarterly Lunch
Education	Public Affairs Staff: • Posted RFP for both Elementary and High School Programs • Requested samples and quotes for the redesign of the Ricki Raindrop education booklets • Coordinated details with Bolsa Chica Conservancy and registered attendees for the April 6 Girl Scout Clinic • Coordinated details with Santa Margarita Water District for the April 13 clinic • Attended school program visit to Bryant Elementary • Sent member agency notifications regarding upcoming school program visits • Provided Moulton Niguel Water District with information for Laguna Hills High School visit • Attended school program visit to Violette Elementary • Coordinated outreach efforts with Discovery Cube and Laguna Beach County Water District for elementary school program participation • Promoted Voice4Planet video contest on social media, and prepared newsletter article for Orange County Department of Education's newsletter • Provided South Coast Water District with details regarding school program visit to Saint Edwards Elementary School • Drafted text for City of San Clemente Girl Scout program presentation • Coordinated with Inside the Outdoors on Core Program visit to Esqueda school per Metropolitan referral • Provided Moulton Niguel Water District with details on Moulton Elementary school program visit • Provided City of San Juan Capistrano with information on Serra High School expo schedule

Media Relations	Public Affairs Staff: • Worked with Consultants to produce PSA promoting Wyland Mayor's OC Challenge • Discussed potential partnership, participation and promotion of Xtreme Home Water Makeover with NBC/ Water Zone/Toro • Coordinated and booked 30 minute radio segment on KSBR
Staff Training and Development	Public Affairs Staff: • Four (4) staff completed the Hootsuite Advanced Social Media Advertising Certification
Special Projects	Public Affairs Staff: • Accompanied Director Dick for his February 22-23 inspection trip. • Currently working on itineraries, trip logistics, guest and Director requirements for the following inspection trips: o April 12, Director McKenney Infrastructure • Worked with Consultant HashtagPInpoint on Social Media Audit. • Continued to work on booking speakers and sponsors for OC Water Summit. Governmental Affairs Staff: • Participated in the SCAQMD "Buried Utilities Coalition" (BUC) group conference call • Staffed the WACO Planning Meeting • Made name tags for the D.C. Luncheon • Participated in the ISDOC Scholarship Ad-Hoc Committee • Sent out invite for upcoming ISDOC Quarterly Luncheon • Secured speaker for June WACO meeting on the Salton Sea • Booked room for April ACC-OC Energy, Environment & Water Committee Meeting • Staffed the ISDOC Executive Committee Meeting
Water Policy Dinner	Public Affairs Staff: • Hosted quarterly Water Policy Forum & Dinner. Governmental Affairs Staff: • Sent out invitation to Congressional, State Senate and State Assembly offices encouraging attendance
Legislative Affairs	Governmental Affairs Staff: • Participated in the MWD Legislative Coordinators' Conference Call • Met with Congressman Lou Correa's District Director and provided a brief overview of MWDOC and our current priorities • Attended the ACWA State Legislative Committee meeting • Attended meetings in Washington D.C. with ACWA Federal Affairs Committee members: o Senate Committee on Indian Affairs (Minority staff) o Senate Appropriations Committee, Interior and Environment Subcommittee (Majority staff)

Legislative Affairs - continued	○ Congresswoman Anna Eshoo (staff) ○ Congressman Salud Carbajal (staff) ○ Senate Environment and Public Works Committee (Majority staff) ○ Congresswoman Julia Brownley (staff) ○ House Appropriations, Interior and Environment Subcommittee (Majority staff) • Attended the ACWA D.C. Conference • Coordinated and staffed the Southern California Congressional Briefing Luncheon hosted by MWDOC, EMWD, IEUA and WMWD • Participated in the Southern California Water Coalition Legislative Task Force Meeting • Participated in the ACWA State Legislative Committee conference call for Orange County ACWA members • Coordinated signatories for MWD's SB 204 (Dodd) and AB 533 (Holden) coalition letters • Attended Water Agencies of the Inland Empire and Orange County Reception in Sacramento • Attended the ACWA Legislative Symposium • Met with staff from the following offices: ▪ Senator Tom Umberg ▪ Assemblyman Tom Daly ▪ Assembly Water, Parks and Wildlife Committee ▪ Assembly Appropriations Committee

MWD

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MEMBER AGENCIES
City of Brea
City of Buena Park
East Orange County Water District
El Toro Water District
Emerald Bay Service District
City of Fountain Valley
City of Garden Grove
Golden State Water Co.
City of Huntington Beach
Irvine Ranch Water District
Laguna Beach County Water District
City of La Habra
City of La Palma
Mesa Water District
Moulton Niguel Water District
City of Newport Beach
City of Orange
Orange County Water District
City of San Clemente
City of San Juan Capistrano
Santa Margarita Water District
City of Seal Beach
Serrano Water District
South Coast Water District
Trabuco Canyon Water District
City of Tustin
City of Westminster
Yorba Linda Water District

MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
AGENCIES MANAGERS MEETING

LOCATION: MWDOC's Fountain Valley office is located at 18700 Ward St, and the entrance/exit is about ¼ mile south of Ellis Ave. The nearest freeway access is Euclid at the 405. Parking is available to the east of the MWDOC/OCWD Admin offices (follow driveway from Ward St to parking areas).

WHEN: Thursday, March 21, 2019 from 10:30 am to noon.

DRAFT AGENDA

1. **Opportunity to add and discuss items not already listed.**

Page #

2. **Discussion Items:**

2-1. MWDOC Draft Budget 2

3. **Legislative Items:**

3-1. Water Tax Update 68
3-2. Small Non-Compliant Water Systems (Paul Jones, EMWD)..... 85

4. **Information Items:**

4-1. Colorado River Issues Update
4-2. Water Supply Update 148
4-3. MET's In-Lieu Program Proposal..... 156

5. **Report Items:**

5-1. Monthly GM Report 161
5-2. Legislative Reports 176
5-3. WEROC Matrix 208
5-4. Grant Funding Opportunities ..... Provided at Mtg.

6. **Reminders**

6-1. OC Water Summit ..... May 31, 2019

7. **Next meeting will tentatively be held April 18, 2019.**

Lunch will be provided immediately following the meeting.

LOCAL AGENCY FORMATION COMMISSION
ORANGE COUNTY

2677 North Main Street, Suite 1050
Santa Ana, CA 92705
(714) 640-5100 ◆ FAX (714) 640-5139

ANNUAL STRATEGIC PLANNING WORKSHOP

Wednesday, March 13, 2019
8:15 a.m. – 1:00 p.m.

Orange County Transportation Authority
Conference Room - 08
550 South Main Street, Orange, CA 92868

Any member of the public may request to speak on any agenda item at the time that item is being considered by the Commission.

1. **CALL THE MEETING TO ORDER**
2. **PLEDGE OF ALLEGIANCE – COMMISSIONER CHARLEY WILSON**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
   a.) **February 13, 2019 – Regular Commission Meeting**
5. **INTRODUCTION TO WORKSHOP**
6. **PUBLIC COMMENT**
7. **STRATEGIC PLANNING WORKSHOP**
8. **ADJOURNMENT OF WORKSHOP**

NOTICE REGARDING ITEMS DISTRIBUTED TO THE COMMISSION LESS THAN 72 HOURS PRIOR TO THE LAFCO REGULAR MEETING:
Pursuant to Government Code Section 54957.5 public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be available to the public at Orange County LAFCO offices at 2677 North Main Street, Suite 1050, Santa Ana, CA 92705 during regular business hours. These records when possible will also be made available on the OC LAFCO website at http://www.oclafco.org.

NOTICE: ***State law requires that a participant in a LAFCO proceeding who has a financial interest in a decision and who has made a campaign contribution of more than $250 to any commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission's staff before the hearing.***

LAFCO Agendas and supporting documentation are available on the Internet at http://oclafco.org.

SOUTH ORANGE COUNTY WATERSHED MANAGEMENT AREA
CHWSRS WORKSHOP & MANAGEMENT COMMITTEE

JOINT AGENDA
March 4, 2019
10:00 AM – 3:00 p.m.

City of Laguna Hills, Community Center
25555 Alicia Parkway
Laguna Hills, CA 92653
Heritage Room C

Shaun Pelletier
City of Aliso Viejo
Lisa Zawaski
City of Dana Point
Mary Vondrak
City of Laguna Beach
Ken Rosenfield
City of Laguna Hills
Hal Ghafari
City of Laguna Niguel
Moy Yahya
City of Laguna Woods
Devin Slaven
City of Lake Forest
Joe Ames
City of Mission Viejo
Hazel McIntosh
City of Rancho Santa Margarita
David Rebensdorf
City of San Clemente

Joe Parco
City of San Juan Capistrano
Grant Sharp
County of Orange
Dennis Cafferty
El Toro Water District
Mark Tettemer
Irvine Ranch Water District
Rodney Woods
Moulton Niguel Water District
Charles Busslinger
Municipal Water District of OC
Dan Ferons
Santa Margarita Water District
Rick Shintaku
South Coast Water District
Betty Burnett
South OC Wastewater Authority
Michael Perea
Trabuco Canyon Water District
David Youngblood
Laguna Beach County Water District

Public Comprehensive Human Waste Source Reduction Strategy (CHWSRS) Workshop
10 AM – 12 PM

1. **Overview of CHWSRS Work Plan Development**
   a) **WQIP Background**
   b) **CHWSRS Requirements**
2. **Work Plan Elements**
   a) **Overview**
   b) **Prioritization Approach**
   c) **Potential Human Source Investigation and Abatement Strategies**
3. **Next Steps**
4. **Discussion/Questions**

****LUNCH (PROVIDED)****

South OC WMA Management Committee Meeting
1 PM – 3 PM

1.	**Welcome & Introductions**	**1:00 PM – 1:05 PM**
2.	**Proposition 1 IRWM Grant Update**	**1:05 PM – 1:30 PM**
3.	**DAC Water Needs Assessment Update**	**1:30 PM – 1:45 PM**
4.	**Stakeholder Project Planning Framework Update**	**1:45 PM – 2:00 PM**
5.	**CHWSRS Post-Workshop Agency Discussion**	**2:00 PM – 2:45 PM**

   a) **Progress Update: Process Flow Chart, Data Needs Status, Prioritization Approach and Example Results, Potential Human Source Investigation & Abatement Strategies**
   b) **Next Steps: Schedule and Coordination, Report-out from Public Workshop**

6. **Updates on Current Activities & Projects (As Needed)** **2:45 PM – 3:00 PM**
   Group Discussion
7. **Closing and Adjourn**

AGENDA
SOUTH ORANGE COUNTY WATERSHED MANAGEMENT AREA
EXECUTIVE COMMITTEE

March 7, 2019
2:30 – 4:30 p.m.

Laguna Niguel Council Chambers
30111 Crown Valley Parkway
Laguna Niguel, CA 92677
Map

Jack Hunt, Chair
City of San Juan Capistrano
Saundra Jacobs
Santa Margarita Water District
Elaine Gennawey
City of Laguna Niguel
Tiffany Ackley
City of Aliso Viejo
Paul Wyatt
City of Dana Point
Mark Monin
El Toro Water District
Mary Aileen Matheis
Irvine Ranch Water District
Bob Whalen
City of Laguna Beach
Erica Pezold
City of Laguna Hills
Carol Moore
City of Laguna Woods
Trish Kelley
City of Mission Viejo

Debbie Neev, Vice Chair
Laguna Beach County Water District
Scott Voigts
City of Lake Forest
Bill Moorhead
Moulton Niguel Water District
Megan Yoo Schneider
Municipal Water District of OC
Lisa Bartlett
County of Orange
Brad McGirr
City of Rancho Santa Margarita
Tim Brown
City of San Clemente
Derek Reeve
San Juan Basin Authority
Wayne Rayfield
South Coast Water District
Rick Erkeneff
South OC Wastewater Authority
Ed Mandich
Trabuco Canyon Water District

The Watershed Management Area Executive Committee welcomes you to this meeting and encourages your participation.

This agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action shall be taken on any items not appearing in the following agenda. However, items may be taken up in a different sequence.

Any member of the public wishing to speak on non-agenda items under the jurisdiction of the Executive Committee may do so during Public Comments (Item 2) after completing a speaker request card. Those wishing to speak on agenda items may do so following the item by completing a speaker request card.

All persons addressing the Executive Committee are requested to limit their comments to three minutes.

Agenda materials: www.ocwatersheds.com

WELCOME AND PLEDGE OF ALLEGIANCE

ITEM # 1 INTRODUCTIONS

ITEM # 2 PUBLIC COMMENTS (NON-AGENDA ITEMS)

ITEM # 3 APPROVAL OF MINUTES

Recommended Action: Approve the minutes of the November 1, 2018 meeting.

ITEM # 4 ELECTION OF CHAIR AND VICE-CHAIR

Recommended Action: Form a nominating committee to return with slate for Chair and Vice Chair for the upcoming term.

ITEM # 5 OVERVIEW OF PROPOSITION 1 IRWM GRANT PROCESS AND SCHEDULE

JENNA VOSS, COUNTY OF ORANGE

Recommended Action: Receive and file.

ITEM # 6 2019-2021 PROPOSED WORK PLAN AND COST-SHARE BUDGET

JENNA VOSS

Recommended Action: Provide direction to staff.

ITEM # 7 EXECUTIVE OFFICER'S REPORT

ITEM # 8 EXECUTIVE COMMITTEE MEMBER COMMENTS

ITEM # 9 ADJOURNMENT

Next meeting date: May 2, 2019

AGENDA STAFF REPORTS

ITEM # 1. INTRODUCTIONS

ITEM # 2. PUBLIC COMMENTS, NON-AGENDA TOPICS

Any member of the public wishing to speak on non-agenda items under the jurisdiction of the Executive Committee may do so during Public Comments by submitting a completed speaker request card to the Committee staff. Those wishing to speak on agenda items may do so following the item by completing a speaker request card.

All persons addressing the Executive Committee are requested to limit their comments to three minutes.

ITEM # 3. APPROVAL OF MINUTES OF THE NOVEMBER 10, 2016 MEETING

Date and Location: November 1, 2018 2:30 – 4:30 p.m.
Laguna Niguel Council Chambers
30111 Crown Valley Parkway
Laguna Niguel, CA 92677

Audio recording for the November 1st meeting is available here. Recording times noted in the minutes correspond to that item on the recording. *

ITEM # 1 Roll Call/Self-Introductions (Recording: 00:00:48)

Jack Hunt, Chair, City of San Juan Capistrano
Debbie Neev, Vice Chair, Laguna Beach County Water District
Carol Moore, City of Laguna Woods
Ed Mandich, Trabuco Canyon Water District
Karl Seckel for Megan Yoo Schneider, Municipal Water District of OC
Lisa Zawaski for Paul Wyatt, City of Dana Point
Mark Monin, El Toro Water District
Mary Aileen Matheis, Irvine Ranch Water District
Rich Schlesinger for Trish Kelley, City of Mission Viejo
Saundra F. Jacobs, Santa Margarita Water District
Steve Kooyman for Brad McGirr, City of Rancho Santa Margarita
Wayne Rayfield, South Coast Water District
William Phillips, City of Aliso Viejo
Ziad Mazboudi for Elaine Gennawey, City of Laguna Niguel

ITEM # 2 Public Comments (Non-Agenda Items) (Recording: 00:03:12)
There were no public comments on non-agenda items.

ITEM # 3 Approval of Minutes (Recording: 00:03:20)

The minutes of the August 2, 2018 meeting were presented to the Executive Committee for approval.

Recommended Action: Approve the minutes of the August 2, 2018 meeting

Motion:	*Approve minutes*
First/Second:	*Carol Moore/Mark Monin*
Abstained:	*None*
Outcome:	*Approved unanimously*

ITEM # 4 2019 Meeting Dates (Recording: 00:03:57)

Jenna Voss, County of Orange, stated the proposed meeting included alternate dates to provide flexibility for meeting the Department of Water Resources (DWR) Proposition 1 IRWM Implementation Grant application process. The Executive Committee will not meet more than four times in 2019.

Recommended Action: Approve the proposed 2019 meeting dates of March 7, June 6, September 5 and December 5, including alternate dates of May 2, July 11 and October 3.

Motion:	*Approve the slate of proposed 2019 meeting dates.*
First/Second:	*Carol Moore/Saundra Jacobs*
Abstained:	*None*
Outcome:	*Approved unanimously*

ITEM # 5 Discussion of San Juan Basin Authority (SJBA) Request to Join South OC (Recording 00:05:03) Watershed Management Area Cooperative Agreement
Jenna Voss, County of Orange

Ms. Voss, County of Orange, provided background information and an overview of SJBA's request to join the South OC Watershed Management Area Cooperative Agreement (agreement). Ms. Voss indicated that staff coordinated with Orange County Counsel (County Counsel) to summarize and provide options for the Committee's consideration based on Section 6 (page 7) of the agreement.

Mr. Wayne Rayfield commented that the addition of SJBA as a voting member would greatly benefit the Executive Committee based on SJBA's role in overseeing the watershed and technical expertise. He shared his support of adding SJBA as a voting member. Mr. Karl Seckel agreed with Mr. Rayfield's comments and added watershed management should be inclusive of interested parties wanting to join for watershed purposes. He also supported the important role of SJBA and the motion.

Mr. Ziad Mazboudi also agreed and spoke on the benefits of double representation from SJBA, SOCWA, MWDOC, and MNWD. Ms. Carol Moore asked for clarification on the recommended action. Ms. Voss clarified. There were no further comments.

Recommended Action: Continue discussion of and consider San Juan Basin Authority's request to be added to the South Orange County Watershed Management Area Executive Committee and Cooperative Agreement.

Motion:	*Approve the San Juan Basin Authority as a voting member of the Executive Committee including representation on the Management Committee.*
First/Second:	*Saundra Jacobs/Debbie Neev*
Abstained:	*None*
Outcome:	*Approved unanimously*

ITEM # 6 2018 OC Reliability Study – Overview of Draft Report (Recording: 00:13:47)
Karl Seckel, Municipal Water District of OC (MWDOC)

Mr. Seckel, MWDOC, provided an overview of the 2018 OC Reliability Study (Study), which analyzes and summarizes water supply and system reliability for Orange County to aid in the decision-making process for managing current and expected water supply issues out to the year 2050. In this analysis, water supply reliability considers whether or not demands can be met during all periods of hydrologic variation, while water system reliability considers whether or not demands would be met during emergency events.

Ms. Carol Moore commended the Study and shared information from a presentation she attended regarding water desalination in Israel. Ms. Saundra Jacobs also commended the Study, noting that it helps emphasize the importance of water supply for South Orange County.

Chair Hunt asked about the size of desalination projects in Southern California. Mr. Seckel indicated the amount of million gallons per day (MGD) for each project is as follows:

- San Diego/Carlsbad - 50 MGD
- Huntington Beach - 50 MGD
- Doheny Beach - 15 MGD
- South Coast Water District - 5 MGD

Recommended Action: Receive and file.

ITEM # 7 Executive Officer's Report (Recording: 01:04:32)

Mr. Grant Sharp, County of Orange reported the following:

- The 2018 H2O for HOAs Forum was held October 25th at the Norman P. Murray Community Center.
- San Diego Region Basin Plan Triennial Review can be found online at: https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/tri_review.html
- South OC Water Quality Improvement Plan (South OC WQIP) update
- ACWA Fall Conference (November 27 – 30, 2018, San Diego)
- Executive Officer Transition - Amanda Carr will be the Executive Officer to the Executive Committee effective January 2019, Grant Sharp will be the representative on the Management Committee.

Jenna Voss provided an overview of the timeline and process for the Prop 1 Grant. The Committee will be provided a slate of projects at the March 7th and May 2nd meeting based on recommendations from both the Stakeholder, Ad Hoc, and Management Committee. The approved slate of projects will be submitted to DWR in July or August 2019.

ITEM # 8 Executive Committee Member Comments (Recording: 01:25:05)

Ms. Jacobs encouraged committee members to attend the Prop 1 Grant funding workshops for further involvement and to experience the process.

Chair Hunt acknowledged Mr. Grant Sharp for serving as the Executive Officer and his time for the one on one meetings.

ITEM # 9 Adjournment (Recording: 01:26:58)

Non-Committee Attendees:

Amber Baylor	South Orange County Wastewater Authority
Bob Hill	El Toro Water District
Devin Slaven	City of Lake Forest
Hal Ghafari	City of Laguna Niguel
Jeff Meberg	Pacific Marine Mammal Center
Joey Soto	Soto Resources
Kathryn Freshly	El Toro Water District
Ken Rosenfield	City of Laguna Hills
Mark Tettemer	Irvine Ranch Water District
Mary Vondrak	City of Laguna Beach
Moy Yahya	City of Aliso Viejo and Laguna Woods
Nancy Gardiner	Haley & Aldrich
Norris Brandt	San Juan Basin Authority
Roger Bütow	Clean Water Act
Shaun Pelletier	City of Aliso Viejo

County Staff: Grant Sharp, Jenna Voss, and Iris Corpus

ITEM # 4. ELECTION OF CHAIR AND VICE-CHAIR

According to the Terms of the Executive Committee Handbook, a new Chair and Vice Chair should be elected for a 2019-2021 term. The recommendation is for the Executive Committee to select a nominating ad hoc committee to bring back nominees for consideration at the May 2, 2019 meeting. For the FY 2017-2019 term a city representative served as Chair and a water agency representative served as Vice-Chair; the ad hoc should nominate water agency representatives for Chair and city representatives for Vice-Chair for the 2019-2021 term. At the May meeting, voting will occur and a new Chair and Vice Chair will be chosen.

Recommended Action: Establish a nominating committee to return with slate for Chair and Vice Chair for the upcoming term.

ITEM # 5. OVERVIEW OF PROPOSITION 1 IRWM GRANT PROCESS & SCHEDULE

Integrated Regional Water Management (IRWM) is a collaborative framework for management of all aspects of water resources in a region. IRWM crosses jurisdictional, watershed, and political boundaries; involves multiple agencies, stakeholders, and groups; and attempts to address the issues and differing perspectives of all the entities involved through mutually beneficial solutions. IRWM is administered through the Department of Water Resources (DWR). Grant funding made available through voter-approved bonds and allotted for the IRWM Program is allocated to Funding Areas throughout the state. South Orange County is in the San Diego Funding Area, which was allotted $52.5 million through Proposition 1, approved by the voters in 2014. Of this total, approximately $4.66 million will fund water resource projects in South Orange County through competitive grant programs.

As a recognized IRWM Region, the South OC WMA IRWM Group prepared and maintains an IRWM Plan to comply with DWR standards for IRWM Grant funding. The IRWM Plan was updated for Proposition 1, the process for which concluded in mid-2018. Following approval of the 2018 IRWM Plan at the May 3, 2018 Committee meeting, the Member Agencies will have all taken the plan to their respective Councils,

Commissions, and/or Boards for adoption by early March 2019. Once the IRWM Plan has been adopted by all of the Member Agencies, it will be submitted to the Department of Water Resources (DWR) for their review; this review will ensure eligibility of SOCWMA projects for Proposition 1 IRWM Grant funding. To access the 2018 IRWM Plan and to see all previously funded projects visit the SOCWMA website/Data Management System (http://arcg.is/1WWTmb).

As was noted at the November Committee meeting, DWR has continued to delay release of Proposition 1 IRWM Grant funds, pending finalization of the grant Guidelines and Proposal Solicitation Package (PSP). The Guidelines and PSP outline the requirements for the grant application process, an essential element for IRWM Regions (like South OC WMA) to prepare a slate of projects to submit for funding. Additionally, the grant application process for Proposition 1 will include several additional steps compared to previous IRWM Grants. For example, the application process as expressed in the draft grant guidance includes a workshop and interim application steps, requiring several more months of preparation. Ms. Voss will provide an update to the Committee on the expected schedule and release of IRWM Grant funds, and an overview of the revised grant application process. For Committee member reference prior to the meeting, the grant process as laid out in the Draft Guidelines and PSP and in accordance with South OC WMA meeting schedules would follow the following course:

*Completed as of March 7th
**Process under way or completed until continued DWR delay – process now on hold as of March 7th

Final IRWM Grant Guidelines and the PSP were expected in late 2018; however, DWR now indicates that this guidance may not be available until mid- to late-March 2019. As a result, the dates presented to the Committee for potential project review and selection by IRWM stakeholders at the November Committee meeting has changed. Ms. Voss will further detail the anticipated schedule changes resultant from DWR delays, and provide more background on the role of the Committee in selecting projects.

Recommended Action: Receive and file

ITEM # 6. 2019-2021 PROPOSED WORK PLAN AND COST-SHARE BUDGET

The Cooperative Agreement for the South WMA states that the Executive Committee shall approve an annual work plan and budget for the administration and activities of the WMA, its committees, projects, actions, and administrative support. The budget shall be equally divided amongst the participating agencies in the agreement, and shall be budgeted by each agency in their annual budget.

On May 4, 2017 the Management Committee recommended, and the Executive Committee approved, a two-year work plan and budget for FY 2017 – 2019. The cost share budget for FY 2017-18 was $9,095.24 and the cost share budget for FY 2018-19 was $7,619.05. The addition of the San Juan Basin Authority as a member was approved at the November 2, 2018 meeting; the adjusted cost share amount for FY 2018-19 is $7,272.70 per Member Agency. The Committee approved moving funds allocated in FY 2017-18 to FY 2018-19 to accommodate changes in Proposition 1 IRWM and Storm Water Grant programs (administered by DWR and the State Water Resources Control Board, respectively). The Member Agencies will not see a change to the invoiced amounts for each FY; the movement of funds did not impact the approved two-year budget. Overall, the FY 2019 – 2021 budget represents an increase from previous years, reflective of more intensive grant application processes, increased interest in Team Arundo, and an Executive Committee directive to foster greater regional project collaboration. Per the Cooperative Agreement, any unspent funds approved by the Committee in any given year will be refunded to the Member Agencies.

The proposed work plan and budget for FY 2019 – 2021 is included below.

Work Plan Budget Narrative for 2019 – 2021

- **Proposition 1 Implementation Grants (Items #1 and #9)**: Department of Water Resources (DWR) administers a grant program throughout the state for multi-benefit projects through the IRWM Program. These grants make available a specific amount of funding for each Funding Area – the South Orange County WMA is in the San Diego Funding Area and will receive approximately $5 million over two rounds of IRWM Grant funding. The line item for FY 2019-20 is to continue the grant application process and support for Round 1 – slated for completion by the beginning of 2020. Funding proposed for FY 2019-2020 also provides for preparation for Round 2, currently expected to start in 2020. Stakeholder coordination for Round 2 would continue in FY 2020-2021, including working with the Management Committee, Executive Committee, and stakeholders to prioritize and approve projects for inclusion in the application to DWR. *This item includes funding for consultant support in the shared-cost budget.*

- **Call for projects and IRWM Plan/Orange County Stormwater Resource Plan (OC SWRP) Project List management (Items #2 and #10)**: Each round of IRWM Grant funding begins with a call for projects, whereby member agencies and stakeholders will be solicited for projects to consider in the grant application to DWR. County staff conducts the call for projects and brings the projects to the Management and Executive Committees. Both the IRWM Plan and OC SWRP (appended and incorporated into the IRWM Plan per SB 985) require maintenance of prioritized project lists; support is ongoing, and the Data Management System (DMS)/website provides for submittal of projects any time, in addition to supplemental support provided during a Call for Projects. *This budget includes funding for both County staff time and consultant support in the shared-cost budget; FTEs are included in* **Table A***.*

- **Grant administration – Proposition 84 & 1 Implementation Grants (Items #3 and #11)**: Grants previously garnered by the WMA include County staff time to administer the associated state and project agreements, process invoices, generate reports, and comply with DWR requirements for grant

processing. *County staff time is refunded by the grants themselves; this budget item does not include shared-cost funding.*

- **Data management (Items #4 and #12)**: DWR requires that IRWM Plans include a "Data Management System" for collecting and making publicly available data associated with implementation of projects funded within each IRWM Region. To comply, the County produced on behalf of the South OC WMA a Data Management System (DMS) website (http://arcg.is/1WWTmb) for tracking project data in the FY 2017 – 19 budget cycle. This budget item includes maintaining and updating the geospatial-based database to include data and reports for each of the projects funded through IRWM Grants in the WMA, and ongoing updates to serve stakeholders. Data management represents a continuation of the previous budgeted tasks and ongoing County staff support. *This budget item includes shared-cost funding for County staff time; FTEs are included in* **Table A**.

- **Committee support (Items #5 and #13)**:
  - 4 Executive Committee meetings, including agenda package preparation and minutes
  - 12 Management Committee and/or Stakeholder meetings
  - 6 Ad hoc Committee meetings

  Committee support includes administration of Executive Committee, Management Committee, and Stakeholder meetings; funding also includes allocations for ad hoc meetings, where necessary. This item includes support elements such as preparation of agendas, presentations, agenda staff reports, responding to member agency requests and supporting administration of the program. *This budget item is County staff time to administer the program; FTEs are included in* **Table A**.

- **Regional Project Development & Stakeholder Framework (Items #6 and #14)**: Through the 2015-16 Strategic Visioning process, the Executive Committee expressed interest in supporting development of regional projects for implementation through the IRWM Grant program or by member agencies to meet regional water resource needs. Initial work to meet this request began during the last budget cycle, including stakeholder interviews, compilation of regional project coordination needs and development of a guidance memo with recommendations for how best to proceed. County staff coordinated with Management Committee members to refine these tasks. Funds are proposed for FY 2019-2020 to support implementation of the recommendations included in the memo, including development of a comprehensive project database for the South OC WMA to better facilitate regional planning and partnership building, and coordination of a project development workshop. Proposed funds in FY 2020-2021 would continue these efforts, with the establishment of project and watershed-based meetings to identify challenges to project development and implementation with the goal of collaborating on solutions to address challenges. County staff will provide an update on this process at a future Executive Committee meeting. *The shared-cost budget includes funding for County staff time and consultant services for this item; FTEs are included in* **Table A**.

- **Roundtable of Regions (Items #7 and #15)**: the California Integrated Regional Water Management (IRWM) Roundtable of Regions is an informal but well-established collaborative of representatives from organizations and agencies engaged in the current, ongoing and future success of the Integrated Regional Water Management Program in California. The Roundtable of Regions has effectively coordinated with DWR on state initiatives impacting funding for water resource projects in California since 2006. The primary role of the group is to a) promote IRWM and coordinate with DWR and the State Water Resources Control Board on policy applicable to water resource projects, and to b) equip those engaged in the work of integrated water resource management with the tools and partnerships necessary for success. County staff have been engaged with the Roundtable of Regions for several

years; however, funding for this participation was removed in the 2017-19 budget cycle. This participation has provided exceptional support for the South OC WMA IRWM Group and County staff propose re-instating funds for staff participation in Roundtable meetings, workshops and coordination. *This budget item is for County staff time and travel on behalf of the IRWM Group; FTEs are included in* **Table A**.

- **Team Arundo program oversight (Items #8 and #16)**: stakeholders have expressed renewed interest in County staff tracking Arundo removal efforts in South Orange County; funding is included in the draft budget to maintain environmental permitting (as necessary), develop map-based tracking of historic and planned removal efforts, and for County staff to advise project proponents on existing, and/or creation of new projects to address Arundo, wherever applicable. *The shared-cost budget includes funding for County staff time and consultant services for this item; FTEs are included in* **Table A**.

Notable elements of the FY 2019 – 2021 budget include:

- Reinstatement of funding for coordination with the Roundtable of Regions (previously called "Advocacy" in past approved budgets)
- Funding for staff time to administer IRWM and OC SWRP project lists and for ongoing data management to comply with DWR requirements
- Reinstatement of greater regional support for Team Arundo
- Implementation of Regional Project and Stakeholder Framework – will include a stakeholder workshop, coordination meetings, and development of a comprehensive regional project list with the goal of seeing more projects implemented in South Orange County to meet water resource goals expressed in the IRWM Plan and through local planning efforts (e.g. OC Water Reliability Study, Water Quality Improvement Plan).

The table below summarizes the two-year budget described above; elements of the budget that include County staff FTE are highlighted in green.

Table A: FY 2019-2021 Shared-cost Budget, including appropriations and revenues broken down by program element and by fiscal year.

LINE ITEM	APPROPRIATIONS			REVENUES		
	County Costs	Consultant Services	Total	Grants/ County	County FTE (if applicable)	Net Cost to 22 Member Agencies (Shared Costs)
FY 2019-2020						
1. Proposition 1 Implementation Grant Submittals, IRWM Plan Updates, Stakeholder Support	10,000	85,000	**95,000**	10,000	N/A	**85,000**
2. Call for Projects & IRWM/OC SWRP Project List Management	10,000	7,500	**17,500**	5,000	0.0355 (74)	**12,500**
3. Grant Administration	60,000	0	**60,000**	60,000	N/A	**0**
4. Data Management & Monitoring	15,000	5,000	**20,000**	0	0.1025 (213)	**20,000**
5. Committee Support: 4 EC, 12 MC/Stakeholder, 6 Ad Hoc	60,000	0	**60,000**	0	0.4075 (848)	**60,000**
6. Regional Project Development & Stakeholder Framework	20,000	45,000	**65,000**	5,000	0.10 (208)	**60,000**
7. Roundtable of Regions	2,500		**2,500**	2,500	0.0155 (32)	**2,500**
8. Team Arundo Program Oversight	5,000	2,500	**7,500**	2,500	0.0155 (32)	**7,500**
Total	**182,500**	**145,000**	**327,500**	**85,000**		**247,500**
COST SHARE PER PARTY FY 2019-20						***$11,250.00***
FY 2020-2021						
9. Proposition 1 Implementation Grant Submittals, IRWM Plan Updates, Stakeholder Support	10,000	70,000	**80,000**	10,000	N/A	**70,000**
10. Call for Projects & IRWM/OC SWRP Project List Management	10,000	7,500	**17,500**	5,000	0.0355 (74)	**12,500**
11. Grant Administration	60,000	0	**60,000**	60,000	N/A	**0**
12. Data Management & Monitoring	15,000	5,000	**20,000**	0	0.1025 (213)	**20,000**
13. Committee Support: 4 EC, 12 MC/Stakeholder, 6 Ad Hoc	60,000	0	**60,000**	0	0.4075 (848)	**60,000**
14. Regional Project Development & Stakeholder Framework	20,000	52,500	**72,500**	5,000	0.10 (208)	**67,500**
15. Roundtable of Regions	2,500	0	**2,500**	2,500	0.0155 (32)	**2,500**
16. Team Arundo Program Oversight	5,000	2,500	**7,500**	2,500	0.0155 (32)	**5,000**
Total	**182,500**	**137,500**	**320,000**	**85,000**		**237,500**
COST SHARE PER PARTY FY 2020-21						***$10,795.45***
GRAND TOTAL (FY 2019-21)	**365,000**	**282,500**	**637,500**	**170,000**		**485,000**

The proposed work plan and budget will be scheduled for approval at the May 2, 2019 Executive Committee meeting and will take effect July 1, 2019.

Recommended Action: Receive and file

ITEM # 7. DAC WATER NEEDS ASSESSMENT

Recommended Action: Receive and file

ITEM # 8. EXECUTIVE OFFICER'S REPORT

Amanda Carr, County of Orange, will provide an update on several ongoing projects and efforts within the South Orange County Watershed Management Area.

ITEM # 9. EXECUTIVE COMMITTEE MEMBER COMMENTS

ITEM # 10. ADJOURNMENT

Next meeting date: May 2, 2019

Executive Committee Meeting

Tuesday, March 5, 2019
7:30 a.m.
Municipal Water District of Orange County, Conference Room 101

AGENDA

I. Welcome – 7:30
[Please silence cell phones]

II. Approval of Minutes
- Consider approval of the minutes for the Feb. 5, 2019 meeting.

III. Public Comments on items not on the agenda- 7:35

IV. Old Business not already on the agenda - 7:45

V. New Business not already on the agenda, to be added to future agendas – 7:50

VI. Treasurer's Report – Joan Finnegan – 7:55
- Receive, discuss and file January Treasurer's Report
- Funds available for XII below.

VII. CSDA Report – Bill Nelson/Arlene Schafer/Chris Palmer – 8:00
- Receive, discuss and file the CSDA Report

VIII. LAFCO Report – Doug Davert/Jim Fisler/Carolyn Emery – 8:10
- Receive, discuss and file the LAFCO report

IX. ACWA Report – Saundra Jacobs – 8:15
- Receive, discuss and file the ACWA report

X. OCCOG Report – Mike Schaefer – 8:20

XI. Subcommittee Reports – 8:25
- Programs (Mark Monin)
  - Discuss speakers for March 28, June 27 and October 24, 2019 quarterly membership meetings.
- Membership (Arlene Schafer)
- Legislative (Mary Aileen Matheis)
  - Discuss and consider taking action on proposed legislation of interest to Special Districts.

XII. Scholarship Ad Hoc Committee Report Update – 8:45
- Special District Leadership Foundation
  - Possible Scholarship funding levels.

XIII. LAFCO Dues Ad Hoc Committee Report Update – 8:50
- Update on formula
- Responses from ISDOC members

XIV. President and Committee Member Announcements and Comments – 8:55

XV. Adjourn – 9:00

Next Executive Committee Meeting: Tuesday, April 2, 2019
Next ISDOC Quarterly Meeting: March 28, 2019

Mailing Address

P.O. Box 20895
Fountain Valley, CA 92728

Meeting Location

MWDOC/OCWD
18700 Ward Street
Fountain Valley, CA 92708

(714) 963-3058
(714) 964-5930 *fax*

www.mwdoc.com/isdoc

Executive Committee

President
Hon. Saundra Jacobs
Santa Margarita Water District

1st Vice President
Hon. Mark Monin
El Toro Water District

2nd Vice President
Hon. Arlene Schafer
Costa Mesa Sanitary District

3rd Vice President
Hon. Mary Aileen Matheis
Irvine Ranch Water District

Secretary
Hon. William "Bill" Green
South Coast Water District

Treasurer
Hon. Joan C. Finnegan
Municipal Water District of Orange County

Immediate Past President
Hon. James Fisler
Mesa Water District

Staff Administration

Heather Baez
Municipal Water District of Orange County

Christina Hernandez
Municipal Water District of Orange County

Independent Special Districts of Orange County

ISDOC Executive Committee

February 5, 2019

Minutes

I. Welcome

President Saundra Jacobs called the meeting to order at 7:30 a.m.

Saundra Jacobs, President (SMWD)
Mark Monin, 1st Vice President (ETWD)
Arlene Schafer, 2nd Vice President (CMSD)
Mary Aileen Matheis, 3rd Vice President (IRWD)
Bill Green, Secretary (SCWD)
Joan Finnegan, Treasurer (MWDOC)
Jim Fisler, Past President (Mesa Water/LAFCO)

Others Present:
Chris Palmer (CSDA)
Mike Gaskins (ETWD)
Larry Dick, (MWDOC)
Al Nederhood (YLWD)
Alicia Duncan (OCWD)
Stacy Taylor (Mesa WD)
Heather Baez (MWDOC)
Christina Hernandez (MWDOC)
Jody Brennan (SCWD)

II. Minutes

1. The minutes from the January 8, 2019 meeting of the Executive Committee were reviewed. Upon a motion by 2nd Vice President Arlene Schafer and second by Jim Fisler the minutes were unanimously approved.

III. Public Comments

- Al Nederhood thanked the leadership for a great Quarterly meeting and luncheon

IV. Old Business

1. LAFCO Dues Structure: The Ad Hoc Committee to review alternative membership fee structures will be reconvened. President Jacobs said a notice will be sent to the original Ad Hoc Committee members and other member agencies before the end of the month regarding a date to reconvene the Committee.

V. New Business

None

VI. Treasurer's Report

1. As of February 4, 2019, there is a balance of $11,574.97 in the ISDOC account. The Treasurer reported she is 1) still awaiting membership dues from a few agencies and 2) starting the audit process.
2. There was considerable discussion on ways to use the funds to benefit the membership. A motion was made by Mark Monin, seconded by Arlene Schafer and unanimously approved to form a Scholarship Ad Hoc Committee to determine the parameters of providing scholarships to smaller districts to attend CSDA events. Other suggested uses included a "Bring a Friend" Quarterly Luncheon where a member could bring in someone new and each would receive a complimentary lunch as well as providing complimentary lunches at trainings (such as Emergency Response Training).

VII. CSDA Report

1. Chris Palmer of CSDA would like to see ISDOC host a student video content for 7th – 12 graders to broaden awareness of Special Districts. The contest would accept submissions from May through September and he asked that ISDOC consider emailing their membership and ask each District to post on their website. He will bring more information to the March Executive Committee meeting for consideration.
2. Upcoming CSDA trainings are Board Member Best Practices on February 11 and the Special District Leadership Academy April 7 – 10.

VIII. LAFCO Report

1. Jim Fisler reported the next OC LAFCO meeting is February 13 at 8:15. Upcoming OC LAFCO items include filing a vacant Supervisor seat, mid-year work plan, legislative quarterly report and a strategic planning session to be held on March 13.

IX. ACWA Report

1. Heather Baez announced the ACWA DC Conference is Feb. 26 – 28 and the Legislative Symposium is March 6. ACWA and CMUA are co-sponsoring an alternative to the water tax.

X. OCCOG Report

None

XI. Subcommittee Reports

1. Programs: Mark Monin reported on the 2019 ISDOC Quarterly Luncheons as follows:
    a. March 28, 2019 – speaker has not yet been confirmed
    b. June 27, 2019 – speaker will be Sanjay Guar, Raftelis.
    c. October 24, 2019 – speaker will be Supervisor Bartlett
2. Membership: Stated support for the "Bring a Friend" Quarterly luncheon

XII. President and Committee Member Announcements and Comments

1. Mark Monin acknowledged the great presentation by the Cemetery District at the Quarterly luncheon.
2. President Saundra Jacobs thanked the staff and the Executive Committee for the great feedback she received on the Quarterly luncheon and thanked the participants in today's meeting for their ideas.

XIII. Adjourn

The meeting was adjourned at 8:28 and the next meeting will be held on March 5, 2019 at 7:30.

AGENDA

Friday, March 1, 2019
7:30 a.m. - 9:00 a.m.
Doors open at 7:00 a.m.

OCWD/MWDOC JOINT BOARD ROOM
18700 Ward Street, Fountain Valley

Mailing Address
P.O. Box 8300
Fountain Valley, CA 92708

Meeting Location
18700 Ward Street
Fountain Valley, CA 92708

(714) 378-3200
(714) 963-0291 *fax*

www.ocwd.com/news-events/events/waco
www.mwdoc.com/waco

Officers

Chair
Hon. Jim Atkinson
Mesa Water District

Vice Chair
Hon. Cathy Green
Orange County Water District

Staff Contacts

Alicia Dunkin
Orange County Water District

Heather Baez
Municipal Water District of Orange County

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Pledge of Allegiance

Announcements & Introductions

- Jim Atkinson, Mesa Water District

Reports

- Association of California Water Agencies (ACWA) Report – Cathy Green, Orange County Water District
- Metropolitan Water District of Southern California Report – Linda Ackerman, Metropolitan Water District of Southern California

Program: Ice Cores and Climate – Studying the Past to Understand the Future

- Dr. Jeffrey Severinghaus, Professor, Geosciences Research Division, Scripps Institute of Oceanography

Adjourn

……..……..

Next WACO Meeting

Friday, April 5, 7:30 a.m. @ OCWD/MWDOC Joint Boardroom

Next WACO Planning Committee Meeting

Tuesday, March 19, 7:30 a.m. @ MWDOC 101

WACO Planning Committee
Tuesday, March 19, 2019
7:30 A.M.

AGENDA

ACTION ITEMS

1. April 5 speaker details
   - Speaker Michael Cervin will address the following questions in his presentation. Is there anything else you would like him to cover/answer?
     - History of bottled water and rise of popularity
     - What are the testing standards for bottled water?
     - Are standards uniform across the world?
     - Dangers and health risks of plastic bottles
     - What are the effects of nanoplastics on the body?
     - Can recycled materials be used to make new bottles?
   - Speaker will also bring different bottled water to taste test and will bring copies of his book available for purchase
   - Speaker dinner on April 4?
2. April 5 reports
   - CSDA confirmed for April (was not available in March)
   - Invite LAFCO speaker as well or move to later month? (NWRI has been invited for May.)
3. Confirm details of May 3 meeting
   - Is there anything specific you would like speaker Doug Chaffee (and possibly Don Wagner) to address?

DISCUSSION ITEMS

1. Additional meeting topics to consider in July-December 2019
   - OCWD/MWDOC year-end report
   - Disadvantaged communities follow up (top of meeting report)
   - Snowpack update
   - What do unimpaired flows mean to agencies in the north?
   - OC Health Care Agency
   - History of federal/CA water rights
   - PFOA/PFOS

2. Feedback of March meeting
   - Dr. Jeffrey Severinghaus, Scripps Institute of Oceanography

INFORMATIONAL ITEMS

1. Confirmation of April 5 speaker
   - Michael Cervin, Author, Our World of Water
   - Topic: The Truth About Bottled Water
   - CSDA Update - Chris Palmer

2. Confirmation of May 3 speaker
   - Doug Chaffee, Orange County Supervisor
   - Don Wagner, Orange County Supervisor (staff to invite)
   - Topic: TBD
   - NWRI Update – Kevin Hardy (invited)

3. Confirmation of June 7 speaker
   - Phil Rosentrater, General Manager, Salton Sea Authority
   - Topic: Salton Sea

ADJOURN

Mailing Address
P.O. Box 20895
Fountain Valley, CA 92728

Meeting Location
18700 Ward Street
Fountain Valley, CA 92708

(714) 378-8232
(714) 963-0291 *fax*

www.mwdoc.com/waco
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Staff Contacts:

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Municipal Water District of Orange County

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DATES TO REMEMBER

MARCH/APRIL 2019

1. Mar 28 – 11:30 a.m. – ISDOC Quarterly Luncheon Meeting
2. Mar 29 – DISTRICT OFFICE CLOSED
3. Mar 29 – 8:00 a.m. – TV-6 (Gaskins)
4. Apr 1 – Form 700 Deadline
5. Apr 1 – 8:30 a.m. – MWDOC Planning & Operations Committee Meeting
6. Apr 1 – 1:30 a.m. – SOCWMA Management Committee Meeting
7. Apr 2 – 7:30 a.m. – RRC Meeting
8. Apr 2 – 7:30 a.m. – ISDOC Executive Committee Meeting
9. Apr 3 – 8:30 a.m. – MWDOC/MET Directors Workshop
10. Apr 3 – 5:30 p.m. – Lake Forest Meet the Mayor (Foothill Ranch)
11. Apr 4 – 7:00 a.m. – Board Budget Committee #2
12. Apr 4 – 8:30 a.m. – SOCWA Board Meeting
13. Apr 4 – 6:00 p.m. – MWDOC Elected Officials Meeting
14. Apr 5 – 7:30 a.m. – WACO Meeting
15. Apr 5 – 11:30 a.m. – Chair/GM Meeting
16. Apr 7-10 – Governance Training – San Diego (Director Gaskins)
17. Apr 9-12 – CWEA Conference (Palm Springs)
18. Apr 9 – 10:30 a.m. – SOCWA Finance Committee Meeting
19. Apr 10 – 8:30 a.m. – MWDOC Admin/Finance Committee Meeting
20. Apr 11 – 8:30 a.m. – SOCWA Engineering Committee Meeting
21. Apr 12 – DISTRICT OFFICE CLOSED
22. Apr 15 – 7:30 a.m. – Agenda Review
23. Apr 15 – 8:30 a.m. – MWDOC Public Affairs Meeting
24. Apr 16 – 7:30 am. – WACO Planning Committee Meeting
25. Apr 23 – 7:30 a.m. – Regular Engineering and Finance Committee Meetings

26. Apr 23 – 10:30 a.m. – SOCWA Finance Committee Meeting
27. Apr 25 – 7:30 a.m. – Regular Board Meeting
28. Apr 26 – 8:00 a.m. – TV-6 (Monin)
29. Apr 26 – DISTRICT OFFICE CLOSED

Carry-Over Pending Matters

1. System Vulnerability

2. Update District policies for contracting and purchasing. The goal is to document defensible, transparent, justifiable contracting and purchasing practices that are practical to implement.

EL TORO WATER DISTRICT
Glossary of Water Terms

Accumulated overdraft: The amount of water necessary to be replaced in the intake area of the groundwater basin to prevent the landward movement of ocean water into the fresh groundwater body.

Acre-foot, AF: A common water industry unit of measurement. An acre-foot is 325,851 gallons, or the amount of water needed to cover one acre with water one foot deep. An acre-foot serves annual needs of two typical California families.

ACWA: Association of California Water Agencies.
A statewide group based in Sacramento that actively lobbies State and Federal Government on water issues.

Advanced treatment: Additional treatment processes used to clean wastewater even further following primary and secondary treatment. Also known as tertiary treatment.

AFY: Acre-foot per year.

Alluvium: A stratified bed of sand, gravel, silt, and clay deposited by flowing water.

AMP: Allen McCulloch pipeline.

Major pipeline transporting treated water to water districts between Yorba Linda, where it starts to El Toro Water District reservoir, where it terminates.

Annexation: The inclusion of land within a government agency's jurisdiction.

Annual overdraft: The quantity by which the production of water from the groundwater supplies during the water year exceeds the natural replenishment of such groundwater supplies during the same water year.

Aqueduct: A man-made canal or pipeline used to transport water.

Aquifer: An underground geologic formation of rock, soil or sediment that is naturally saturated with water; an aquifer stores groundwater.

Arid: Dry; deserts are arid places. Semi-arid places are almost as dry as a desert.

Artesian: An aquifer in which the water is under sufficient pressure to cause it to rise above the bottom of the overlying confining bed, if the opportunity is provided.

Artificial recharge: The addition of surface water to a groundwater reservoir by human activity, such as putting surface water into recharge basins. (See also: groundwater recharge and recharge basin.)

AWWA American Water Works Association
Nationwide group of public and private water purveyors and related industrial suppliers.

Base flow: The portion of river surface flow which remains after deduction of storm flow and/or purchased imported water.

Bay-Delta: The Sacramento-San Joaquin Bay-Delta is a unique natural resource of local, state and national significance. The Delta Is home to more than 500,000 people; contains 500,000 acres of agriculture; provides habitat for 700 native plant and animal species; provides water for more than 25 million Californians and 3 million acres of agriculture; is traversed by energy, communications and transportation facilities vital to the economic health of California; and supports a $400 billion economy.

BIA: Building Industry Association.

Biofouling: The formation of bacterial film (biofilm) on fragile reverse osmosis membrane surfaces.

Biosolids: Solid organic matter recovered from a sewage treatment process and used especially as fertilizer.

BMP: Best Management Practice. An engineered structure or management activity, or combination of these, that eliminates or reduces adverse environmental effects.

Brackish water: A mixture of freshwater and saltwater.

Brown Act: Ralph M. Brown Act enacted by the State legislature governing all meetings of legislative bodies. Also know as the Open Meeting requirements.

Canal: A ditch used to move water from one location to another.

CASA: California Association of Sanitation Agencies The sanitation equivalent of ACWA concerned solely with issues affecting the treatment and disposal of solid waste and wastewater.

CEQA: California Environmental Quality Act.

CERCLA: Comprehensive Environmental Response, Compensation and Liability Act. This federal law establishes the Superfund program for hazardous waste sites. It provides the legal basis for the United States EPA to regulate and clean up hazardous waste sites, and if appropriate, to seek financial compensation from entities responsible for the site.

CFS: Cubic feet per second.

Chloramines: A mixture of ammonia and chlorine used to purify water.

Clarify: To make clear or pure by separation and elimination of suspended solid material.

Coagulation: The clumping together of solids so they can more easily be settled out or filtered out of water. A chemical called aluminum sulfate (alum) is generally used to aid coagulation in water treatment and reclamation.

Coastkeepers: A non-profit organization dedicated to the protection and preservation of the marine habitats and watersheds of Orange County through programs of education, restoration, enforcement and advocacy.

Colored water: Groundwater extracted from the basin that is unsuitable for domestic use without treatment due to high color and odor exceeding drinking water standards.

Condensation: The process of water vapor (gas) changing into liquid water. An example of condensation can be seen in the tiny water droplets that form on the outside of a glass of iced tea as warmer air touches the cooler glass.

Confined aquifer: An aquifer that is bound above and below by dense layers of rock and contains water under pressure.

Conjunctive use: Storing imported water in a local aquifer, in conjunction with groundwater, for later retrieval and use.

Contaminate: To make unclean or impure by the addition of harmful substances.

CPCFA: California Pollution Control Financing Authority. State agency providing funds for wastewater reclamation projects.

Crisis:
1. **a:** The turning point for better or worse **b:** a paroxysmal attack of pain, distress, or disordered function **c:** an emotionally significant event or radical change of status in a person's life <a midlife *crisis*>
2. The decisive moment (as in a literary plot)
3. **a:** An unstable or crucial time or state of affairs in which a decisive change is impending; *especially* **:** one with the distinct possibility of a highly undesirable outcome <a financial *crisis*> **b:** a situation that has reached a critical phase

CTP Coastal Treatment Plant

CWPCA California Water Pollution Control Association. A 7000 member non-profit educational organization dedicated to water pollution control.

Dam: A barrier built across a river or stream to hold water.

Decompose: To separate into simpler compounds, substances or elements.

Deep percolation: The percolation of surface water through the ground beyond the lower limit of the root zone of plants into a groundwater aquifer.

Degraded water: Water within the groundwater basin that, in one characteristic or another, does not meet primary drinking water standards.

Delta: Where the rivers empty; an outlet from land to ocean, also where the rivers deposit sediment they carry forming landforms.

Delta Vision: Delta Vision is intended to identify a strategy for managing the Sacramento-San Joaquin Delta as a sustainable ecosystem that would continue to support environmental and economic functions that are critical to the people of California.

Demineralize: To reduce the concentrations of minerals from water by ion exchange, distillation, electro-dialysis, or reverse osmosis.

De-nitrification: The physical process of removing nitrate from water through reverse osmosis, microfiltration, or other means.

Desalting (or desalination): Removing salts from salt water by evaporation or distillation. Specific treatment processes, such as reverse osmosis or multi-stage flash distillation, to demineralize seawater or brackish (saline) waters for reuse. Also sometimes used in wastewater treatment to remove salts other pollutants.

Desilting: The physical process of removing suspended particles from water.

Dilute: To lessen the amount of a substance in water by adding more water.

Disinfection: Water treatment which destroys potentially harmful bacteria.

Drainage basin: The area of land from which water drains into a river, for example, the Sacramento River Basin, in which all land area drains into the Sacramento River. Also called catchment area, watershed, or river basin.

Drought: A prolonged period of below-average precipitation.

DPHS: California Department of Public Health Services. Regulates public water systems; oversees water recycling projects; permits water treatment devices; certifies drinking water treatment and distribution operators; supports and promotes water system security; provides support for small water systems and for improving technical, managerial, and financial (TMF) capacity; provides funding opportunities for water system improvements.

DVL: Diamond Valley Lake. Metropolitan's major reservoir near Hemet, in southwestern Riverside County.

DWR: California Department of Water Resources. Guides development/management of California's water resources; owns/operates State Water Project and other water facilities.

Endangered Species: A species of animal or plant threatened with extinction.

Endangered Species Act of 1973 (ESA): The most wide-ranging of the dozens of United States environmental laws passed in the 1970s. As stated in section 2 of the act, it was designed to protect critically imperiled species from extinction as a "consequence of economic growth and development untendered by adequate concern and conservation.

Ecosystem: Where living and non-living things interact (coexist) in order to survive.

Effluent: Wastewater or other liquid, partially or completely treated or in its natural state, flowing from a treatment plant.

Evaporation: The process that changes water (liquid) into water vapor (gas).

Estuary: Where fresh water meets salt water.

Evapotransporation: The quantity of water transpired (given off), retained in plant tissues, and evaporated from plant tissues and surrounding soil surface. Quantitatively, it is expressed in terms of depth of water per unit area during a specified period of time.

FCH Federal Clearing House – Environmental Review/Processing

FEMA Federal Emergency Management Agency

Filtration: The process of allowing water to pass through layers of a porous material such as sand, gravel or charcoal to trap solid particles. Filtration occurs in nature when rain water soaks into the ground and it passes through hundreds of feet of sand and gravel. This same natural process of filtration is duplicated in water and wastewater treatment plants, generally using sand and coal as the filter media.

Flocculation: A chemical process involving addition of a coagulant to assist in the removal of turbidity in water.

Forebay: A reservoir or pond situated at the intake of a pumping plant or power plant to stabilize water level; also, a portion of a groundwater basin where large quantities of surface water can recharge the basin through infiltration.

Gray water reuse: Reuse, generally without treatment, of domestic type wastewater for toilet flushing, garden irrigation and other non-potable uses. Excludes water from toilets, kitchen sinks, dishwashers, or water used for washing diapers.

Green Acres Project (GAP): A 7.5 million gallons per day (MGD) water reclamation project that serves tertiary treated recycled water to irrigation and industrial users in Costa Mesa, Fountain Valley, Huntington Beach, Newport Beach, and Santa Ana.

God Squad: A seven-member committee that is officially called the "Endangered Species Committee". Members consist of Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Council of Economic Advisers, the Administrator of the National Oceanic and Atmospheric Administration and one individual from the affected state. The squad was established in 1978 by an amendment to the 1973 Endangered Species Act (ESA). It has only been called into action three times to deal with proposed federal agency actions that have been determined to cause "jeopardy" to any listed species. Such actions may receive an exemption from the ESA if five members of the committee determine that the action is of regional or national significance, that the benefits of the action clearly outweigh the benefits of conserving the species and that there are no reasonable and prudent alternatives to the action.

Groundwater: Water that has percolated into natural, underground aquifers; water in the ground, not water puddled on the ground.

Groundwater basin: A groundwater reservoir defined by the overlying land surface and the underlying aquifers that contain water stored in the reservoir. Boundaries of success-ively deeper aquifers may differ and make it difficult to define the limits of the basin.

Groundwater mining: The withdrawal of water from an aquifer in excess of recharge over a period of time. If continued, the underground supply would eventually be exhausted or the water table could drop below economically feasible pumping lifts.

Groundwater overdraft: The condition of a groundwater basin in which the amount of water withdrawn by pumping exceeds the amount of water that recharges the basin over a period of years during which water supply conditions approximate average.

Groundwater recharge: The action of increasing groundwater storage by natural conditions or by human activity. See also: Artificial recharge.

Ground Water Replenishment System (GWRS): A joint project of the Orange County Water District and the Orange County Sanitation District that will provide up to 100,000 acre-feet of reclaimed water annually. The high-quality water will be used to expand an existing underground seawater intrusion barrier and to replenish the groundwater basin underlying north and central Orange County.

Groundwater table: The upper surface of the zone of saturation (all pores of subsoil filled with water), except where the surface if formed by an impermeable body.

GPM: Gallons per minute.

Ground Water Replenishment System (GWRS): Orange County Water District's state-of-the-art, highly advanced, waste-water treatment facility.

Hydrologic balance: An accounting of all water inflow to, water outflow from, and changes in water storage within a hydrologic unit over a specified period.

Hydrologic cycle: The process of water constantly circulating from the ocean, to the atmosphere, to the earth in a form of precipitation, and finally returning to the ocean.

Imported water: Water that has originated from one hydrologic region and is transferred to another hydrologic region.

Inflatable rubber dams: Designed to replace temporary sand levees that wash out during heavy storm flow, the dams hold back high-volume river flows and divert the water into the off-river system for percolation.

Influent: Water or wastewater entering a treatment plant, or a particular stage of the treatment process.

Irrigation: Applying water to crops, lawns or other plants using pumps, pipes, hoses, sprinklers, etc.

JPIA Joint Powers Insurance Authority. A group of water agencies providing self-insurance to members of the ACWA.

LAIF Local Agency Investment Fund. Statewide pool of surplus public agency money managed by State Treasurer.

Leach: To remove components from the soil by the action of water trickling through.

MAF: Million acre feet.

MCL: Maximum contaminant level set by EPA for a regulated substance in drinking water. According to health agencies, the maximum amount of a substance that can be present in water that's safe to drink and which looks, tastes and smells good.

MET: Metropolitan Water District of Southern California.

MGD: Million gallons per day.

Microfiltration: A physical separation process where tiny, hollow filaments members separate particles from water.

Microorganism: An animal or plant of microscopic size.

MWD: Metropolitan Water District of Southern California.

MWDOC: Municipal Water District of Orange County. Intermediate wholesaler between MWD and 27 member agencies including ETWD.

Non-point source pollution: Pollution that is so general or covers such a wide area that no single, localized source of the pollution can be identified.

NPDES National Pollution Discharge Elimination System

OCBC: Orange County Business Council.

OCEMA Orange County Environmental Management Agency

OCWD: Orange County Water District.

Opportunity:
1. A favorable juncture of circumstances.
2. A good chance for advancement or progress .

Organism: Any individual form of life, such as a plant, animal or bacterium.

PCM Professional Community Management, Inc. Property Management company providing services to Laguna Woods Village and other homeowner associations.

Perched groundwater: Groundwater supported by a zone of material of low permeability located above an underlying main body of groundwater with which it is not hydrostatically connected.

Percolation: The downward movement of water through the soil or alluvium to the groundwater table.

Permeability: The capability of soil or other geologic formations to transmit water.

Point source: A specific site from which waste or polluted water is discharged into a water body, the source of which is identified. See also: non-point source.

Potable water: Suitable and safe for drinking.

PPB: Parts per billion.

Precipitation: Water from the atmosphere that falls to the ground as a liquid (rain) or a solid (snow, sleet, hail).

Primary treated water: First major treatment in a wastewater treatment facility, usually sedimentation but not biological oxidation.

Primary treatment: Removing solids and floating matter from wastewater using screening, skimming and sedimentation (settling by gravity).

Prior appropriation doctrine: Allocates water rights to the first party who diverts water from its natural source and applies the water to beneficial use. If at some point the first appropriator fails to use the water beneficially, another person may appropriate the water and gain rights to the water. The central principle is beneficial use, not land ownership.

Pumping Plant: A facility that lifts water up and over hills.

Recharge: The physical process where water naturally percolates or sinks into a groundwater basin.

Recharge basin: A surface facility, often a large pond, used to increase the infiltration of surface water into a groundwater basin.

Reclaimed wastewater: Wastewater that becomes suitable for a specific beneficial use as a result of treatment. See also: wastewater reclamation.

Reclamation project: A project where water is obtained from a sanitary district or system and which undergoes additional treatment for a variety of uses, including landscape irrigation, industrial uses, and groundwater recharge.

Recycling: A type of reuse, usually involving running a supply of water through a closed system again and again. Legislation in 1991 legally equates the term "recycled water" to reclaimed water.

Reservoir: A place where water is stored until it is needed. A reservoir can be an open lake or an enclosed storage tank.

Reverse osmosis: (RO) A method of removing salts or other ions from water by forcing water through a semi-permeable membrane.

RFP Request for Proposal

Riparian: Of or on the banks of a stream, river, or other body of water.

RO: Reverse osmosis. See the listing under "reverse osmosis."

R-O-W Right-of-way

Runoff: Liquid water that travels over the surface of the Earth, moving downward due to gravity. Runoff is one way in which water that falls as precipitation returns to the ocean.

RWQCB Regional Water Quality Control Board. State agency regulating discharge and use of recycled water.

Safe Drinking Water Act (SDWA): The Safe Drinking Water Act (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells. (SDWA does not regulate private wells which serve fewer than 25 individuals.) SDWA authorizes the United States Environmental Protection Agency (US EPA) to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water. US EPA, states, and water systems work together to make sure that these standards are met.

Safe yield: The maximum quantity of water that can be withdrawn from a groundwater basin over a long period of time without developing a condition of overdraft, sometimes referred to as sustained yield.

SAFRA Santa Ana River Flood Protection Agency

Salinity: Generally, the concentration of mineral salts dissolved in water. Salinity may be measured by weight (total dissolved solids - TDS), electrical conductivity, or osmotic pressure. Where seawater is known to be the major source of salt, salinity is often used to refer to the concentration of chlorides in the water.

SAWPA: Santa Ana Watershed Project Authority.

SCADA Supervisory Control and Data Acquisition

SCAP Southern California Alliance of Publicly. Newly formed group of public agencies seeking reasonable regulation of sewer industry.

SCH State Clearing House – Environmental Review/Processing

Seasonal storage: A three-part program offered by Metropolitan Water District of Southern California:

> **STSS (Short Term Seasonal Storage)** financially encourages agencies with local groundwater production capabilities to produce a higher percentage of their demand in the summer from their local groundwater supplies, thus shifting a portion of their demand on the MWD system from the summer to winter;
>
> **LTSS (Long Term Seasonal Storage)** financially encourages retail agencies to take and store additional amounts of MWD water above their normal annual demands for later use; Replenishment Water provides less expensive interruptible water that is generally available and used to increase the operating yield of groundwater basins.

Seawater intrusion: The movement of salt water into a body of fresh water. It can occur in either surface water or groundwater basins.

Seawater barrier: A physical facility or method of operation designed to prevent the intrusion of salt water into a body of freshwater.

Secondary treatment: The biological portion of wastewater treatment which uses the activated sludge process to further clean wastewater after primary treatment. Generally, a level of treatment that produces 85 percent removal efficiencies for biological oxygen demand and suspended solids. Usually carried out through the use of trickling filters or by the activated sludge process.

Sedimentation: The settling of solids in a body of water using gravity.

Settle: To clarify water by causing impurities/solid material to sink to a container's bottom.

Sewer: The system of pipes that carries wastewater from homes and businesses to a treatment plant or reclamation plant. Sewers are separate from storm drains, which is a system of drains and pipes that carry rain water from urban streets back to the ocean. Overwatering your yard can also cause water to run into the streets and into storm drains. Storm drain water is not treated before it is discharged.

SigAlert: Any unplanned event that causes the closing of one lane of traffic for 30 minutes or more, as opposed to a planned event, like road construction, which is planned.

SJBA San Juan Basin Authority

Sludge: The solids that remain after wastewater treatment. This material is separated from the cleaned water, treated and composted into fertilizer. Also called biosolids.

SOCWA South Orange County Wastewater Authority. Regional Joint Powers Authority formed for collection and treatment of sewerage (previously known as AWMA/SERRA/SOCRA). SOCWA member agencies:

CSC – City of San Clemente

CSJC – City of San Juan Capistrano

CLB – City of Laguna Beach

ETWD – El Toro Water District

EBSD – Emerald Bay Service District

IRWD – Irvine Ranch Water District

MNWD – Moulton Niguel Water District

SCWD – South Coast Water District

SMWD – Santa Margarita Water District

TCWD – Trabuco Canyon Water District

SRF State Revolving Fund

Storm Drain: The system of pipes that carries rain water from urban streets back to the ocean. Overwatering your yard can also cause water to run into the streets and into storm drains. Storm drain

water is not treated before it is discharged. Storm drains are separate from sewers, which is a separate system of pipes to carry wastewater from homes and businesses to a treatment plant or reclamation plant for cleaning.

Storm flow: Surface flow originating from precipitation and run-off which has not percolated to an underground basin.

SWP: State Water Project. An aqueduct system that delivers water from northern California to central and southern California.

SWRCB State Water Resources Control Board

TDS: Total dissolved solids. A quantitative measure of the residual minerals dissolved in water that remain after evaporation of a solution. Usually expressed in milligrams per liter.

Tertiary treatment: The treatment of wastewater beyond the secondary or biological stage. Normally implies the removal of nutrients, such as phosphorous and nitrogen, and a high percentage of suspended solids.

THM: Trihalomethanes. Any of several synthetic organic compounds formed when chlorine or bromine combine with organic materials in water.

TMA: Too many acronyms.

TMDL: Total maximum daily load; A quantitative assessment of water quality problems, contributing sources, and load reductions or control actions needed to restore and protect bodies of water.

Transpiration: The process in which plant tissues give off water vapor to the atmosphere as an essential physiological process.

Turbidity: Thick or opaque with matter in suspension; muddy water.

Ultraviolet light disinfection: A disinfection method for water that has received either secondary or tertiary treatment used as an alternative to chlorination.

VE Value Engineering

VOC: Volatile organic compound; a chemical compound that evaporates readily at room temperature and contains carbon.

Wastewater: Water that has been previously used by a municipality, industry or agriculture and has suffered a loss of quality as a result.

Water Cycle: The continuous process of surface water (puddles, lakes, oceans) evaporating from the sun's heat to become water vapor (gas) in the atmosphere. Water condenses into clouds and then falls back to earth as rain or snow (precipitation). Some precipitation soaks into the ground (percolation) to replenish groundwater supplies in underground aquifers.

Water rights: A legally protected right to take possession of water occurring in a natural waterway and to divert that water for beneficial use.

Water-use Efficiency: The water requirements of a particular device, fixture, appliance, process, piece of equipment, or activity.

Water year (USGS): The period between October 1st of one calendar year to September 30th of the following calendar year.

Watermaster: A court appointed person(s) that has specific responsibilities to carry out court decisions pertaining to a river system or watershed.

Water Reclamation: The treatment of wastewater to make it suitable for a beneficial reuse, such as landscape irrigation. Also called water recycling.

Watershed: The total land area that from which water drains or flows to a river, stream, lake or other body of water.

Water table: The top level of water stored underground.

WEF Water Environment Federation. Formerly – Water Pollution Control Federation (WPCF). International trade group advising members of sewage treatment techniques and their effect on the environment.

Weir box: A device to measure/control surface water flows in streams or between ponds.

Wellhead treatment: Water quality treatment of water being produced at the well site.

Wetland: Any area in which the water table stands near, at, or above the land surface for a portion of the year. Wetlands are characterized by plants adapted to wet soil conditions.

Xeriscape: Landscaping that requires minimal water.