

Sierra Nevada Conservancy Grants and CEQA Compliance

California Environmental Quality Act “CEQA”

- CEQA is the environmental review process California public agencies use to evaluate “projects” that are proposed to be undertaken or require approval by a State or local agency.
- The Sierra Nevada Conservancy is a state agency and is subject to all provisions of CEQA when initiating or making discretionary decisions to provide financial support to entities for the purpose of undertaking actions defined as projects per CEQA.
- CEQA is similar but distinct from the National Environmental Policy Act (NEPA)

CEQA website:

<http://ceres.ca.gov/ceqa/index.html>

How CEQA Defines a Project

- A “project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment ([CEQA Guideline 15378](#)).
- An activity which is funded, in whole or in part, through public agency contracts, **grants**, subsidies, loans, or other assistance from a public agency.

Activities categorically exempt from CEQA:

- [Categorically Exempt](#) from CEQA.

The following [link](#) provides comprehensive information regarding how the CEQA environmental review process is implemented by a California public agency

SNC Proposition 84 Grants Program and CEQA Compliance

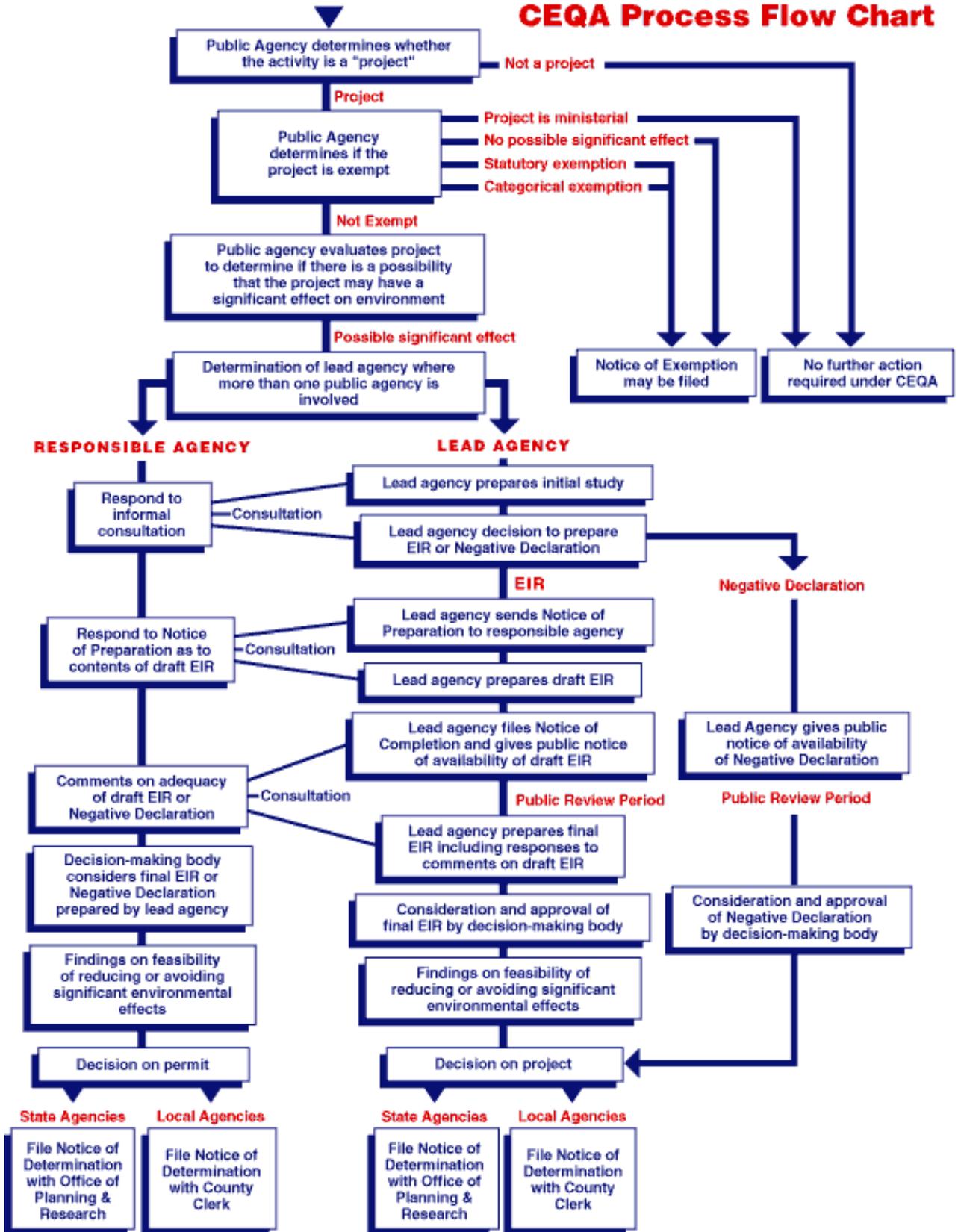
- All projects funded by the SNC must meet the requirements of CEQA.
- The CEQA process must be completed by a California public agency (local or state agency) and includes:
 - determining if the proposed grant activity is [Categorically Exempt](#), statutorily exempt, not a project or is subject to CEQA;
 - completing the environmental review;
 - approving or denying the project; and
 - filing the Notice of Determination.

SNC role in CEQA and Proposition 84 Grant Awards

- The SNC Board acts as a [Responsible Agency](#) per CEQA and approves the Proposition 84 grant awards for CEQA projects that have already been approved by a Lead Agency (California public agency)
- In specific circumstances, the SNC Board may act as a [Lead Agency](#). Contact SNC staff for additional information.

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CEQA Process Flow Chart



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Plan for the CEQA process to take several months to 2 years:

If a California public agency decides that an activity is not a project per CEQA or is a ministerial action, the CEQA process is not initiated

If a California public agency applicant determines that a project will not result in any potentially significant impacts, is categorically or statutorily exempt, a Notice of Exemption must be filed, this process may take several weeks

The CEQA review process for a project that has no significant impacts or reduced significant impacts through mitigation (**Negative Declaration** or **Mitigated Negative Declaration**, respectively) can take **several months**.

A CEQA project that may result in significant impacts requires an **Environmental Impact Report** and can take **up to two years** to complete the environmental review

SNC grant application submittal and CEQA:

- One of the following documents must be submitted with the application if an activity is considered a project per CEQA:
 - If the activity is not a project per CEQA, please indicate clearly in application
 - Notice of Exemption;
 - Negative Declaration (ND),
 - Mitigated Negative Declaration (MND),
 - Environmental Impact Report (EIR);
 - The NEPA document (Environmental Assessment or Environmental Impact Statement) that is equivalent in analysis to CEQA; **OR**
 - A joint CEQA/NEPA document

CEQA review & 501(c)3

Non-profit grant applicants:

- Any activity that meets the definition of a “project” per CEQA must be reviewed and approved by a state or local agency prior to grant submittal
- A partnership with a local and/or state agency can assist in completing the CEQA review process prior to grant submittal
- The SNC generally operates as a Responsible Agency; however, the SNC may act as a Lead Agency in specific circumstances. It is the responsibility of the applicant to ensure the CEQA environmental review process and documents are ready for SNC Board approval prior to application submittal, contact the SNC with questions about CEQA

Federal Applicants, or Work on Federal Lands & CEQA

- Article 14: 15221. NEPA Document Ready Before CEQA Document:

(a) When a project will require compliance with both CEQA and NEPA, the SNC will act as the Responsible Agency and use the EIS or Finding of No Significant Impact rather than require the federal agency to prepare an EIR or Negative Declaration ***if*** the following two conditions occur:

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- (1) An EIS or Finding of Environmental Assessment will be prepared before an EIR or Negative Declaration would otherwise be completed for the project; and
- (2) The EIS or Environmental Assessment complies with the provisions of these Guidelines.
- » **Note:** Authority cited: Section 21083, Public Resources Code; Reference: Sections 21083.5 and 21083.7, Public Resources Code; Section 102(2)(C) of NEPA, 43 U.S.C.A. 4322(2)(C).

(b) Because NEPA does not require separate discussion of mitigation measures or growth inducing impacts, these points of analysis will need to be added, supplemented, or identified before the EIS can be used as an EIR for the SNC Board to approve the project for funding.

Tribal, state and local agency applicants and CEQA

- Tribal, state and local agency applicants act as the Lead Agency and conduct CEQA review prior to application submittal
- SNC acts as the Responsible Agency and files a Notice of Determination if the Board approves the project for funding

Other Permits that may be required prior to project implementation

- Department of Fish and Game, [Streambed or Lake Alteration Agreement](#): Notification is required by any person, business, state or local government agency, or public utility that proposes an activity that will:
 - Divert, obstruct, or change the natural flow or the bed, channel or bank of any river, stream, or lake
 - Use material from a streambed; or
 - Result in the disposal or deposition of debris, waste, or other material where it can pass into any river, stream, or lake

****Fish and Game Streambed or Lake Alteration Agreements are CEQA projects and DFG may act as the Lead Agency**

- Army Corps of Engineers, [Section 404](#) Clean Water Act: Any person, firm, or agency (including Federal, state, and local government agencies) planning to work in navigable waters of the United States, or discharge (dump, place, deposit) dredged or fill material in waters of the United States, including wetlands, must first obtain a permit from the Corps of Engineers. Permits, licenses, variances, or similar authorization may also be required by other Federal, state and local statutes.
- Regional Water Quality Control Board, Section 401 Clean Water Act: This program regulates discharges of fill and dredged material under [Clean Water Act 401](#) and the [Porter-Cologne Water Quality Control Act](#).
- US Fish and Wildlife Service, Incidental Take Permit: The [Endangered Species Act](#), with some exceptions, [prohibits activities](#) affecting threatened and endangered species unless authorized by a permit from the U.S. Fish and Wildlife Service (Service) or the [National Oceanic and Atmospheric Administrations—Fisheries](#).

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- California Department of Fish and Game, [California Incidental Take Permits](#), California Endangered Species Act allows for take incidental to otherwise lawful development projects. CESA emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate mitigation planning to offset project caused losses of listed species populations and their essential habitats.

CONTACT SNC STAFF WITH ANY QUESTIONS REGARDING CEQA & YOUR APPLICATION