

**SIERRA NEVADA CONSERVANCY
PROPOSITION 84 GRANT APPLICATIONS
NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Introduction

The Sierra Nevada Conservancy (SNC), a Conservancy within the Natural Resources Agency of the State of California, initiates, encourages, and supports efforts that improve the environmental, economic, and social well-being of the Sierra Nevada Region, its communities, and the citizens of California. SNC jurisdiction encompasses all or portions of 22 counties in the mountains and foothills of the Sierra Nevada; certain neighboring areas, including the Mono Basin, Owens Valley, and the Modoc Plateau; and a part of the southern Cascade region, including the Pit River Watershed.

The SNC Strategic Plan states that it will:

- ▶ Support efforts that advance environmental preservation and the economic and social well-being of Sierra residents in a complementary manner;
- ▶ Work in collaboration and cooperation with local governments and interested parties in carrying out the SNC mission;
- ▶ Make every effort to ensure that, over time, SNC funding and other efforts are spread equitably across each of the various Subregions and among the program areas, with adequate allowance for the variability of costs associated with individual regions and types of projects; and
- ▶ Inform and educate all Californians as to the substantial benefits they enjoy from the Region and the importance of the environmental and economic well-being of the Region.

The statute creating the SNC (Public Resources Code 33300 et seq.) provides for seven specific program objectives:

- ▶ Provide increased opportunities for tourism and recreation;
- ▶ Protect, conserve, and restore the Region's physical, cultural, archaeological, historical, and living resources;
- ▶ Aid in the preservation of working landscapes;
- ▶ Reduce the risk of natural disasters, such as wildfires;
- ▶ Protect and improve water and air quality;
- ▶ Assist the regional economy through the operation of the Conservancy's program; and
- ▶ Undertake efforts to enhance public use and enjoyment of lands owned by the public.

2010 Grant Applications

One of the tools used by SNC to accomplish the seven program objectives is the issuance of grants. As part of SNC review of FY 2010 Grant applications received by September 13, 2010, SNC considered whether or not the action to be funded by the grant is considered a "project" subject to the California

Environmental Quality Act (CEQA); whether or not the action would be exempt from CEQA; and if the action is not exempt from CEQA, what the appropriate CEQA documentation would be.

The grant applications listed in Table 1 below were determined to involve activities that are not considered a “project” subject to CEQA.

Table 1 Sierra Nevada Conservancy Proposition 84 Strategic Opportunity Grant Applications Not Subject to CEQA					
Application Number	Project Name	Applicant	County	Activity	Determination
SNC 327	Camp Sacramento Erosion Control and Habitat Improvement Project	El Dorado County Resource Conservation District	El Dorado	Pre-Project Due Diligence: Biological/wildlife/ other survey(s)	Preparation of studies, engineering design, and environmental review is not a project subject to CEQA. (The environmental documents will assess the potential effects of project implementation.)
SNC 358	Long Meadow Restoration Project	USDA Forest Service-Sequoia National Forest	Tulare	Pre-Project Due Diligence: CEQA/NEPA Compliance	Project planning and environmental review are not projects subject to CEQA. (The environmental documents will assess the potential effects of project implementation.)
SNC 362	Barry Property Pre-Planning	Lassen Land and Trails Trust	Lassen	Pre-Project Due Diligence: CEQA/NEPA Compliance	Project planning, appraisal, and environmental review and permitting are not projects subject to CEQA. (The environmental documents will assess the potential effects of project implementation.)
SNC 365	Markleeville Creek Restoration Project	Alpine Watershed Group	Alpine	Pre-Project Due Diligence: CEQA/NEPA Compliance	Project planning, appraisal, and environmental review and permitting are not projects subject to CEQA. (The environmental documents will assess the potential effects of project implementation.)
SNC 379	Upper Tuolumne and Stanislaus Watersheds Meadows Restoration	Tuolumne River Preservation Trust	Tuolumne	Pre-Project Due Diligence: CEQA/NEPA Compliance	Project planning, permitting, and environmental review are not projects subject to CEQA. (The environmental documents will assess the potential effects of project implementation.)
SNC 394	Deer Creek-Mill Creek Acquisition: Pre-Project Planning	Western Rivers Conservancy	Tehama	Pre-Project Due Diligence: Appraisal	Site appraisal, environmental site assessment and due diligence, and purchase negotiations are not projects subject to CEQA.
SNC 412	Pre-Acquisition Work on Four Strategic Land Conservation Projects	Sequoia River lands Trust	Kern, Tulare	Pre-Project Due Diligence: Appraisal, Biological/wildlife/other survey(s), Environmental	Site appraisal, environmental site assessment and due diligence, and purchase negotiations are not projects subject to CEQA.

**Table 1
Sierra Nevada Conservancy Proposition 84 Strategic Opportunity Grant Applications
Not Subject to CEQA**

Application Number	Project Name	Applicant	County	Activity	Determination
				site assessment (Phase I/II), Preliminary title report	
SNC 420	Hope Valley Meadow Restoration	American Rivers	Alpine	Pre-Project Due Diligence: Design/permit	Site assessment and restoration design are not projects subject to CEQA. (Project implementation would be subject to CEQA, and the required review will be carried out by the lead agency.)
SNC 425	Mono County Land Donation and Exchange	Eastern Sierra Land Trust	Mono	Pre-Project Due Diligence: Appraisal	Property appraisal services, environmental assessments, and other pre-purchase due diligence activities are not projects subject to CEQA.
SNC 427	Ackerson Meadows: Keystone Habitat for Great Gray Owls	American Rivers	Tuolumne	Pre-Project Due Diligence: Appraisal	Property appraisal services, environmental assessments, and other pre-purchase due diligence activities are not projects subject to CEQA.
SNC 446	Little Chico Creek Appraisal Project	Northern California Regional Land Trust	Butte	Pre-Project Due Diligence: Appraisal	Property appraisal is not a project subject to CEQA.
SNC 448	Lone Pine Water Reclamation Feasibility Study	Mojave Desert-Mountain Resource Conservation and Development Council	Inyo	Pre-Project Due Diligence: Environmental site assessment (Phase I/II)	Project planning, permitting, and environmental review are not projects subject to CEQA. (The environmental documents will assess the potential effects of project implementation.)

Grant Application Activities Listed in Table 1 are not “Projects” Subject to CEQA

CEQA Guidelines Section 15378(a) defines “project” as “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, and that is any of the following:

- (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.
- (2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

(3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.”

The activities proposed in the grant applications listed in Table 1 involve preparing and completing plans for a specific project design; environmental review/acquiring permits; performing appraisals and other pre-acquisition tasks; performing necessary studies, surveys, and assessments related to a specific project; or preparing plans or supplementing existing plans that will result in a specific project or set of projects. Although SNC will provide public assistance in the form of a grant for the activities listed in Table 1, the proposed activities have no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment. Therefore, the activities proposed in the grant applications listed in Table 1 are not “projects” subject to CEQA.

CEQA Does Not Apply to Table 1 Grant Application Activities

Per CEQA Guidelines Section 15061(b)(3), a project is exempt from CEQA if “the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” As described above, the activities proposed in the grant applications listed in Table 1 have no potential for causing a significant effect on the environment and are not subject to CEQA.

Potential Future Actions

By funding the grants listed in Table 1, SNC does not authorize, or commit to authorizing, any action that has potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. As defined in CEQA Guidelines Section 15378(a), described above, any other action that would potentially result in a direct or reasonably foreseeable indirect physical change in the environment and that would either (1) be directly undertaken by a public agency; (2) be undertaken by a person and supported in whole or in part through a public agency; or (3) that would involve the issuance of an entitlement from a public agency shall be considered a “project” and shall be subject to CEQA. In such cases, the public agency that has the principal responsibility for carrying out or approving the project (the “lead agency” per CEQA Guidelines Section 15367) shall determine the appropriate CEQA documentation and shall ensure that such documentation is prepared.