TITLE 23. WATERS
DIVISION 3. STATE WATER RESOURCES CONTROL BOARD AND REGIONAL WATER QUALITY CONTROL BOARDS
CHAPTER 27. REGULATIONS FOR IMPLEMENTATION OF THE ENVIRONMENTAL QUALITY ACT OF 1970
ARTICLE 1. GENERAL

§ 3720. Purpose.

(a) The purpose of ~~these regulations~~this Chapter is to specify the objectives, criteria and procedures to be followed by the state board and the regional boards in implementing the California Environmental Quality Act. (~~Division 13, Public Resources Code, commencing with Section 21000.)~~CEQA). (Pub. Resources Code, div. 13, (commencing with § 21000).)

(b) This Chapter does not apply if the board determines that the activity is not subject to CEQA.

(c) (1) The State CEQA Guidelines (~~Title 14, California Administrative Code, Division 6, Chapter 3~~Cal. Code Regs., tit. 14, div. 6, ch. 3 (commencing with § 15000)), including all subsequent amendments thereto, are hereby incorporated by reference as if fully set forth in this ~~subchapter.~~Chapter. Except as provided in paragraph (2), to the extent that there are any direct conflicts between this Chapter and the State CEQA Guidelines, the State CEQA Guidelines prevail. (2) Article 6 of this Chapter contains the exclusive procedural requirements for the implementation of the boards' regulatory programs that have been certified by the Secretary for Natural Resources as meeting the requirements of section 21080.5 of the Public Resources Code.

(d) Nothing in this Chapter limits the boards' authority to protect water resources under other provisions of law.

~~Note:~~ Authority cited: ~~Section 21082,~~ Public Resources Code~~; 14 Cal. Admin. Code 15005.~~, § 21082.
Reference: ~~Sections 21000-21175,~~ Public Resources Code~~.~~, §§ 21000-21177.

§ 3721. Definitions.

(a) ~~"Board" means any Regional Water Quality Control Board, the State Water Resources Control Board, or the staff of such boards when acting pursuant to a delegation of authority.~~ "Board," "state board," and "regional board" have the same meaning as set forth in section 640 of Title 23.

~~(b) "Environmental documents" means draft and final Environmental Impact Reports (EIRs), initial studies, Notices of Preparation, draft and final Negative Declarations, Notices of Completion, and Notices of Determination.~~

(~~c~~b) "Notice of Decision" means a brief notice to be filed by the board with the Secretary for Natural Resources after it has ~~issued, adopted or prescribed a lease, permit, license, certificate or other entitlement for use, or~~ adopted or approved a standard, rule, regulation, ~~or~~ plan, or related project in accordance with an exempt regulatory program. A ~~copy~~sample of this notice appears in Appendix B.

(~~d~~c) "Notice of Filing" means a brief notice of availability to be ~~filed by the board with the Secretary for Resources~~posted on the board's website, and provided to any person who requests it in writing, upon completion of the written documentation prepared for a proposed activity in accordance with an exempt regulatory program. A ~~copy~~sample of this notice appears in Appendix C.

~~(e) "Regional board" means a California Regional Water Quality Control Board and the staff of such board when acting pursuant to a delegation of authority from the regional board.~~

~~(f) "State board" means the State Water Resources Control Board and staff of such board when acting pursuant to a delegation of authority.~~

~~Note: Authority cited: Sections 175, 13200, 13201 and 13223, Water Code; Sections 21080.5 and 21082, Public Resources Code; and 14 Cal. Adm. Code 15026.5 and 15055. Reference: Sections 21080.5, 21100 and Division 13, Public Resources Code.~~
Authority cited: Public Resources Code, § 21082.
Reference: Public Resources Code, § 21080.5; Wat. Code, § 13050.

§ 3722. Compliance with ~~Time Limitations~~Permit Streamlining Act.

The board shall complete review and take action with regard to development projects ~~within~~subject to the Permit Streamlining Act (Chapter 4.5 (commencing with section 65920) of Division 1 of Title 7 of the Government Code) within the time limits set forth in ~~Section 65950 of the Government Code if the board is lead agency or within the time limits set forth in Section 65952 of the Government Code if the board is a responsible agency, except where federal statutes or regulations require different time limits, where a combined EIR-EIS is being prepared, where an application to appropriate water has been protested, or where the project applicant and the board have agreed to extend the time limits for a period not to exceed 90 days. In the event the board fails to approve or disapprove a development project within the time limits set forth in Sections 65950 or 65952 of the Government Code, as applicable, the project shall be deemed approved pursuant to Section 65956 of the Government Code.~~Article 5 (commencing with section 65950) of the Permit Streamlining Act in accordance with these regulations, except as provided by Water Code section 13264.

~~Note: Authority cited: Sections 21082 and 21100.2, Public Resources Code; Sections 65950-65957, Government Code; 14 Cal. Admin. Code 15054, 15054.2, 15085.5. Reference: Section 21100.2, Public Resources Code.~~
Authority cited: Public Resources Code, §§ 21082, 21100.2.
Reference: Government Code, §§ 65950-65957; Water~~,~~ Code, § 13264.

§ 3723. Master Environmental Assessment.

For purposes of section ~~15069.6~~15169 of the State ~~EIR~~CEQA Guidelines, the following documents have been prepared and designated by the state board as a master environmental assessment for the particular hydrographic area under consideration:

(a) All water quality control plans, and amendments and supplements to such plans, adopted by the regional boards and approved by the state board pursuant to Article 3, Chapter 4 of Division 7 of the Water Code.

(b) All water quality control plans adopted by the state board pursuant to Water Code section 13170.

~~Note:~~ Authority cited: ~~Section 21082,~~ Public Resources Code~~.~~, § 21082.
Reference: ~~Division 13,~~ Public Resources Code~~.~~, § 21003.

ARTICLE 2. EXEMPTIONS

§ 3730. Ministerial Project Exemption.

Ministerial projects are exempt from the requirements of CEQA and do not require the preparation of environmental documents. Generally, in the absence of special circumstances, the following activities have been determined to be ministerial projects:

(a) Issuance of certifications pursuant to section 169 of the Internal Revenue Code of 1954, as amended.

(b) Issuance of licenses to appropriate water pursuant to Water Code Sections 1600-1611.

(c) Issuance of permits to appropriate water pursuant to a decision or order of the state board.

(d) Issuance of certificates pursuant to Health and Safety Code section ~~39615.~~44533.

(e) Issuance of ~~certificates for~~registrations for small domestic and livestock stockpond ~~water rights~~uses pursuant to Article ~~2.5~~2.7 (commencing with section 1228) of Chapter 1 of Part 2 of Division 2 of the Water Code.

~~(f) Issuance of a certification to the California Pollution Control Financing Authority Act pursuant to Division 27 of the Health and Safety Code.~~

~~(g) Issuance of a license or exemption of any oil spill cleanup agent pursuant to Water Code Section 13169.~~

~~Note:~~ Authority cited: ~~Sections 21080(b)(1) and 21082,~~ Public Resources Code~~; 14 Cal. Admin. Code 15032.~~ , § 21082.
Reference: ~~Section 21080(b),~~ Public Resources Code~~; 14 Cal. Admin. Code 15073.~~, § 21080, subd. (b).

§ 3733. Waste Discharge Requirements ~~Under~~Adopted Pursuant to Water Code Division 7, Chapter 5.5.

~~Environmental documents are not~~In accordance with Water Code section 13389, the boards shall not be required ~~for~~to comply with CEQA prior to the adoption of waste discharge requirements ~~under Chapter 5.5, Division 7 of the Water Code,~~that serve as a National Pollutant Discharge Elimination System (NPDES) permit pursuant to Water Code section 13377, except requirements for new sources as defined in ~~the Federal Water Pollution Control Act. This exemption is in accordance with Water Code Section 13389 which does not apply to the policy provisions of Chapter 1 of CEQA.~~Title 40, Code of Federal Regulations, sections 122.2 and 122.29.

~~Note:~~ Authority cited: ~~Section 21082,~~ Public Resources Code~~; Section 13389, Water Code; 14 Cal. Admin. Code 15037(b)(1). Reference: Division 13, Public Resources Code.~~, § 21082. Reference: Water Code, § 13389; *County of Los Angeles v. California State Water Resources Control Bd*. (2006) 143 Cal.App.4th 985.

ARTICLE 3. APPLICATIONS FOR WASTE DISCHARGE, WATER ~~RECLAMATION~~RECYCLING REQUIREMENTS, OR OTHER ENTITLEMENTS FOR USE

§ 3740. Submission of Information.

Whenever any person applies to the board for waste discharge requirements, water ~~reclamation~~recycling requirements, or other entitlement for use, the board may require that person to submit data and information necessary to enable the board to determine whether the project proposed may have a significant effect on the environment.

~~Note:~~ Authority cited: ~~Sections 21082 and 21082.1,~~ Public Resources Code, § 21082. Reference: Public Resources Code, § 21082.1.

§ 3741. Additional Information Requirements.

(a) In addition to the information requested under section 3740, the person applying for waste discharge requirements, water ~~reclamation~~recycling requirements, or other entitlement for use, shall complete the Environmental Information Form contained in Appendix H of the State CEQA Guidelines if the conditions specified in subsections (1), (2), (3) and (4) of this subsection are met:

(1) The project is subject to the requirements of CEQA;

(2) The project does not qualify for an exemption under Article 2 of this ~~subchapter; and~~Chapter or Article 18 or 19 of the State CEQA Guidelines;

(3) The project is to be carried out by a person other than a public agency; and

(4) No other agency is lead agency for the project.

(b) In addition to the information requested under section 3740, the person applying for waste discharge requirements, water ~~reclamation~~recycling requirements, or other entitlement for use shall ~~assure~~ensure that the board receives copies of the environmental documents or Notice of Exemption if the following conditions are met:

(1) The project is subject to CEQA;

(2) The project is to be carried out by a person other than the board; and

(3) A public agency other than the board is lead agency.

~~Note:~~ Authority cited: ~~Section 21082,~~ Public Resources Code~~.~~, § 21082.
Reference: ~~Division 13,~~ Public Resources Code~~.~~, §§ 21000-21177.

§ 3742. Denial or Limitation of Waste Discharge Requirements~~.~~, Water Recycling Requirements, or Other Entitlement for Use.

(a) The board, when acting as a responsible agency, may prohibit, postpone, or condition the discharge of waste and may deny, postpone, or condition water recycling requirements or other entitlement for use for any project subject to CEQA to protect against environmental damage to water resources, to minimize adverse environmental impacts on water resources, or to ensure long-term protection of water resources, or if the information required pursuant to sections 3740 and 3741 has not been timely submitted to the board. The board's authority under this subdivision is limited to the protection of water resources within its purview.

(b) The board ~~may prohibit~~, when acting as lead agency, may prohibit, postpone, or condition the discharge of waste and may ~~condition water reclamation requirements in order~~deny, postpone, or condition water recycling requirements or other entitlements for use for any project to protect against environmental damage, ~~minimize adverse environmental impacts, or~~to prevent nuisance, to minimize adverse environmental impacts, or to ensure long-term protection of the environment~~.~~, or if the information required pursuant to sections 3740 and 3741 has not been timely submitted to the board.

~~Note:~~ Authority cited: ~~Sections 21002.1, 21081, and 21082,~~ Public Resources Code~~.~~, § 21082.
Reference: ~~Section 21002,~~ Public Resources Code~~.~~, §§ 21002, 21002.1.

ARTICLE 4. APPLICATIONS FOR FUNDING

§ 3750. Submission of Information.

(a) Whenever any ~~municipality~~public agency applies to the state board for discretionary ~~grant~~financial assistance from ~~both~~ the state board~~ and the Federal Environmental Protection Agency~~ for a project to be undertaken by such ~~municipality~~public agency, the application shall be supported by~~:(1) An Environmental Assessment as required by the National Environmental Policy Act. (2) An~~ an Initial Study and an adopted Negative Declaration, or a Final Environmental Impact Report,~~ or Negative Declaration~~ as required by CEQA, or the public agency shall provide documentation to support the basis for a statutory or categorical exemption from CEQA.

(b) Whenever any person that is not a public agency~~ applies to the state board for any other discretionary financial assistance for a project to be undertaken by such public agency, the application shall be supported by either an Initial Study and a Negative Declaration or an EIR. (c) Whenever any person, other than a public agency,~~ applies to the state board for any form of discretionary financial assistance for a project to be undertaken by such person, the application shall be submitted with sufficient information and data to determine whether the project may have a significant effect on the environment. If the supplied information and data indicate that the project will have a significant effect on the environment, then such person shall submit with the application sufficient information and data to determine feasible changes in the project ~~which~~that mitigate or avoid the substantial adverse changes in the environment. This information may be supplied in the form of a draft EIR or an Initial Study and Negative Declaration. However, regardless of the format used, the state board shall not use the information or documents as its own without an independent evaluation and analysis of such information or documents.

~~Note:~~ Authority cited: ~~Sections 21082 and 21160,~~ Public Resources Code~~; 14 Cal. Admin. Code 15061, 15082.~~, § 21082.
Reference: ~~Section 21104,~~ Public Resources Code~~.~~, §§ 21000-21177.

§ 3751. Limitation of Funding

(a) The state board, acting as a responsible agency, may deny, postpone or condition discretionary financial assistance for any project subject to CEQA ~~which~~that is to be undertaken by any person where the state board determines that such action is necessary to protect against environmental damage to water resources, to prevent nuisance, to minimize adverse environmental impact on water resources, or to ensure long-term protection of water resources, or if the information required pursuant to section 3750 has not been timely submitted to the state board. The state board's authority under this subdivision is limited to the protection of water resources within its purview.

(b) The state board, acting as lead agency, may deny, postpone, or condition discretionary financial assistance for any project ~~which~~that is undertaken by any person where the state board determines that such action is necessary to protect against environmental damage, to prevent nuisance, to minimize adverse environmental impacts, or to ensure long-term protection of the environment, or if the information required pursuant to section 3750 has not been timely submitted to the state board.

~~(c) When a project is subject to CEQA and NEPA, special conditions placed on the project to ensure compliance with NEPA will be binding conditions of state discretionary financial assistance.~~

~~Note:~~ Authority cited: ~~Sections 21002.1, 21081, and 21082,~~ Public Resources Code~~.~~, § 21082.
Reference: ~~Division 13,~~ Public Resources Code~~.~~, §§ 21002, 21002.1.

ARTICLE 5. PROCESSING OF ENVIRONMENTAL DOCUMENTS

~~§ 3760. Time Limits in Action by Responsible Agency.~~

~~Any action or approval for a project must be taken by the board within the following time periods, whichever period is later:~~

~~(a) Within 180 days after the lead agency approves the project, or~~

~~(b) Within 180 days after the board finds the application for the project to be complete.~~

~~Note: Authority cited: Section 21082, Public Resources Code; 14 Cal. Admin. Code 15085.5. Reference: Division 13, Public Resources Code.~~

~~§ 3761. Determination As to Completeness of Application.~~

~~(a) Within 30 days after receiving an application for a development project as defined in Section 65928 of the Government Code, and the board is determined to be a responsible agency, the board shall notify the applicant, in writing, whether the application is complete.~~

~~(b) If the board finds the application is incomplete, it shall notify the applicant in writing and specify the parts of the application which are incomplete and indicate how the application can be made complete.~~

~~Note: Authority cited: Section 21082, Public Resources Code; Sections 62928 and 65943, Government Code. Reference: Division 13, Public Resources Code.~~

§ 3762. Availability of Environmental Documents.

Environmental documents ~~which~~that have been prepared by the board, or ~~which~~that will be considered by the board prior to approval of a project, shall be available for public inspection upon request during normal working hours at the appropriate board office. ~~Copies shall be made available to the general public pursuant to provisions of the California Public Records Act for actual reproduction costs.~~

~~Note:~~ Authority cited: ~~Section 21082,~~ Public Resources Code~~; Chapter 6.5, Division 7, Title 1, Government Code, commencing with Section 6250.~~ , § 21082.
Reference: ~~Section 21105,~~ Public Resources Code~~.~~, § 21105; Gov. Code, §§ 6250-6276.48.

§ 3763. Public Participation and Hearings.

The board shall take appropriate action to encourage public participation and comment in the preparation and review of environmental documents. Such action may include a public hearing, a workshop or a board meeting when such is deemed necessary by the board for proper evaluation of the ~~activity~~ project involved.

~~Note:~~ Authority cited: ~~Section 21082,~~ Public Resources Code~~; 14 Cal. Admin. Code 15164, 15165.~~ , § 21082.
Reference: ~~Division 13,~~ Public Resources Code~~.~~, §§ 21000-21177.

~~§ 3764. Charges for Preparation of Environmental Documents.~~

~~(a) The state board and the regional boards may charge and collect a reasonable fee from any person proposing a project subject to CEQA for any costs incurred by the boards in preparing an EIR or causing an EIR to be prepared.environmental documents for the project.~~

~~(b) The board will estimate the cost of preparing an EIR complying with CEQA for the project, including the cost of preparing a negative declaration or an EIR, and will send a statement of the estimated cost to the person proposing such project. The estimated cost shall be paid to the board in total prior to preparation of the EIR environmental document, or in four installments in advance of specific stages of the EIR environmental document's preparation. After the EIR environmental document has been completed, the board shall determine the actual cost of preparation. If the amount of the fee paid is in excess of the actual cost, such excess shall be refunded to the proper person. If the amount of the fee paid is inadequate, the remaining amount shall be due and payable to the board upon request.~~

~~Note: Authority cited: Section 21082, Public(Pub. Resources Code; 14 Cal. Admin. Code 15053. , § 21082.)~~
~~Reference: Section 21089, Public(Pub. Resources Code., § 21089.)~~

ARTICLE 6. EXEMPT REGULATORY PROGRAMS

§ 3775. Applicability.

~~(a)~~ This article applies only to those regulatory programs or portions thereof ~~which~~that are administered by the ~~state~~ board and ~~each regional board and which~~that have been certified as an exempt regulatory program by the Secretary for Natural Resources in accordance with subdivision (c) of Public Resources Code section 21080.5.~~(b) For the regulatory program so certified by the Secretary for Resources, compliance with the provisions of this article shall be in lieu of the provisions of other articles in this subchapter.~~ Such programs include the Water Quality Control (Basin)/208 Planning Program of the state board and regional boards, and includes all water quality control plans, state policies for water quality control, and all components of California's water quality management plan as defined in Code of Federal Regulations, title 40, sections 130.2(k) and 130.6. This article contains the exclusive procedural requirements for those certified regulatory programs.

~~Note:~~ Authority cited: ~~Section 21082,~~ Public Resources Code, § 21082.
Reference: ~~Section 21080.5,~~ Public Resources Code, § 21080.5.

§ 3775.5. Early Public Consultation.

(a) Prior to circulating the draft Substitute Environmental Documentation described in section 3777, the board shall seek early public consultation. Early public consultation may include one or more scoping meetings.

(b) The purpose of a scoping meeting is to seek input from public agencies and members of the public on the range of project actions, alternatives, reasonably foreseeable methods of compliance, significant impacts to be analyzed, cumulative impacts if any, and mitigation measures that will reduce impacts to a less than significant level; and to eliminate from detailed study issues found not to be important. Scoping may also assist in resolving concerns of affected federal, state, and local agencies, the proponent of the action, and other interested persons.

(c) Scoping meetings should be held in the watershed or general vicinity of where the project is to take place, if practicable. The board shall give notice of the time and location of the scoping meeting at least 10 days in advance of the meeting. Notice of a scoping meeting shall be posted on the board's website and should be provided to all of the following:

(1) Any county or city where the project is located;

(2) Any public agency that has jurisdiction by law with respect to the project; and

(3) Any organization or individual who has filed a written request for the notice.

Authority Cited: Public Resources Code, § 21082.
Reference: Public Resources Code, §§ 21080.5, 21082.1.

§ 3776. ~~**Documentation Required for Issuance of a Permit, License, Certificate, or Other Entitlement for Use.**~~ **Roles of State Board and Regional Boards.**

(a) ~~The applicant for an entitlement for use which is issued, adopted, or prescribed pursuant to a certified regulatory program shall include, with the existing application form, the completed Environmental Information Form contained in Appendix H to the State CEQA Guidelines. Upon completion of the application form and the Environmental Information Form, the application shall be considered complete.~~ The state board shall be the lead agency with respect to its adoption or revision of any state policy for water quality control or other plans, policies, or regulations that it adopts or revises.

(b) ~~Upon receipt of a complete application, the board shall complete the Environmental Checklist contained in Appendix A to this subchapter and prepare a written report containing the following:~~

~~(1) A brief description of the proposed activity;~~
~~(2) Reasonable alternatives to the proposed activity; and~~
~~(3) Mitigation measures to minimize any significant adverse environmental impacts of the proposed activity.~~

The regional board shall be the lead agency with respect to adoption or amendment of any of its regional water quality control plans or guidelines, as described in Water Code sections 13240 through 13244 and 13245.5. Substitute environmental documentation adopted or approved by the regional board is final upon such adoption or approval, subject to subdivision (d), below. The Notice of Decision shall be filed upon approval of the regional water quality control plan or guidelines by the state board, and if applicable, the Office of Administrative Law.

(c) ~~Upon completion of the written report, the board shall provide a Notice of Filing of the report to the public and to any person who requests, in writing, such notification. The board shall not take action on the proposed activity until 45 days after the Notice of Filing contained in Appendix C to this subchapter has been provided.~~
Pursuant to its approval authority under Water Code sections 13245 through 13246, the state board shall review the substitute environmental documentation of the regional board, and consider the regional board's findings under section 3777 subdivisions (d), (e), and (f) . The state board may make its own findings, or may incorporate by reference the regional board's findings.

(d) Notwithstanding subdivision (c), above, the state board shall become the lead agency if, following resubmission of a regional water quality control plan or revision thereof that it has previously returned to the regional board for reconsideration, the state board revises and approves such plan pursuant to Water Code section 13245. In such event, the state board need not duplicate the CEQA processes performed by the regional board, and need not recirculate the substitute environmental documentation prepared by the regional board unless recirculation would be required pursuant to California Code of Regulations, title 14, section 15088.5.

~~Note:~~ Authority cited: ~~Section 21082,~~Public Resources Code~~.~~, § 21082.
Reference: ~~Division 13,~~ Public Resources Code~~.~~, §§ 21000-21177; Water Code, §§ 13140-13147, 13240-13247.

§ 3777. Substitute Environmental Documentation ~~Required~~: Requirements for Adoption or Approval of ~~Standards, Rules, Regulations, or~~ Plans or Policies.

(a) ~~Any standard, rule, regulation, or plan~~ Any water quality control plan, state policy for water quality control, and any other components of California's water quality management plan as defined in Code of Federal Regulations, title 40 sections 130.2(k) and 130.6, proposed for board approval or adoption must include or be accompanied by ~~a completed Environmental Checklist contained in Appendix A to this subchapter or such other completed checklist as may be prescribed by the board, and a~~Substitute Environmental Documentation (SED) and supported by substantial evidence in the administrative record. The Draft SED may be comprised of a single document or a compilation of documents. The Draft SED must be circulated prior to board action approving or adopting a project, as specified in sections 3778 and 3779. The Draft SED shall consist of:

(1) A ~~brief description of the proposed activity~~ written report prepared for the board, containing an environmental analysis of the project;

(2) ~~Reasonable alternatives to the proposed activity~~A completed Environmental Checklist, a sample of which is contained in Appendix A to this Chapter. The sample Environmental Checklist may be modified as appropriate to meet the particular circumstances of a project. The issues identified in the Environmental Checklist must be evaluated in the checklist or elsewhere in the SED; and

(3) ~~Mitigation measures to minimize any significant adverse environmental impacts of the proposed activity~~ Other documentation~~s~~ as the board may include.

(b) ~~Upon completion of the written report, the board shall provide a Notice of Filing of the report to the public and to any person who requests, in writing, such notification.~~ The Draft SED shall include, at a minimum, the following information:

(1) A brief description of the proposed project;

(2) An identification of any significant or potentially significant adverse environmental impacts of the proposed project;

(3) An analysis of reasonable alternatives to the project and mitigation measures to avoid or reduce any significant or potentially significant adverse environmental impacts; and

(4) An environmental analysis of the reasonably foreseeable methods of compliance. The environmental analysis shall include, at a minimum, all of the following;

(A) An identification of the reasonably foreseeable methods of compliance with the project;

(B) An analysis of any reasonably foreseeable significant adverse environmental impacts associated with those methods of compliance;

(C) An analysis of reasonably foreseeable alternative methods of compliance that would have less significant adverse environmental impacts; and

(D) An analysis of reasonably foreseeable mitigation measures that would minimize any unavoidable significant adverse environmental impacts of the reasonably foreseeable methods of compliance.

~~The board shall not take action on the proposed activity until 45 days after the Notice of Filing contained in Appendix C to this subchapter has been provided.~~

(c) In the preparation of the environmental analysis contained in subdivision (b)(4), the board may utilize numerical ranges or averages where specific data are not available; however, the board shall not be required to engage in speculation or conjecture. The environmental analysis shall take into account a reasonable range of environmental, economic, and technical factors, population and geographic areas, and specific sites, but the board shall not be required to conduct a site-specific project level analysis of the methods of compliance, which CEQA may otherwise require of those agencies who are responsible for complying with the plan or policy when they determine the manner in which they will comply.

(d) As to each impact identified in subdivisions (b)(2) and (b)(4)(B), the SED shall contain findings as described in State CEQA Guidelines section 15091, and if applicable, a statement described in section 15093.

(e) If the board determines that no fair argument exists that the project could result in any reasonably foreseeable significant adverse environmental impacts, the SED shall include a finding to that effect in lieu of the analysis described in subdivision (b)(3).

(f) If the board determines that no fair argument exists that the reasonably foreseeable methods of compliance with the project could result in any reasonably foreseeable significant adverse environmental impacts, the SED shall include a finding to that effect in lieu of the analysis described in subdivisions (b)(4)(C) and (b)(4)(D).

~~Note:~~ Authority cited: ~~Section 21082,~~ Public Resources Code~~.~~, § 21082.
Reference: ~~Division 13,~~ Public Resources Code~~.~~, §§ 21080.5, 21159.

§ 3778. Consultation.

Upon completion of the ~~written report~~Draft SED, the board shall consult with other public agencies having jurisdiction by law with respect to the proposed ~~activity~~project, or which exercise authority over resources that may be affected by the proposed project, and ~~should~~may consult with persons having special expertise with regard to the potential environmental effects involved in the proposed ~~activity~~project. The board may consult with such persons by transmitting a copy of the written report or by other appropriate means.

~~Note:~~ Authority cited: ~~Section 21082,~~Public Resources Code~~.~~, § 21082.
Reference: ~~Division 13,~~Public Resources Code~~.~~, § 21080.5.

§ 3779. ~~Response to~~Notice of Filing of Draft SED; Public Comments.

(a) ~~The board shall prepare written responses to the comments containing significant environmental points raised during the evaluation process, if such comments are received at least fiteen days before the date the board intends to take action on the proposed activity. Copies of such written responses shall be available at the board meeting for any person to review.~~ Upon completion of the Draft SED, the board shall post on its website a Notice of Filing in a format similar to the one contained in Appendix C and shall provide a copy to any person who requests it in writing. The Notice of Filing shall indicate the applicable written comment period and date of the public hearing on the adequacy of the Draft SED. The written comment period and the public hearing on the adequacy of the Draft SED may, but need not, be held contemporaneously with the comment period and the public hearing for the project.

(b) ~~If the board receives written comments on the proposed activity less than fifteen days before the date the board intends to take action on the proposed activity, the board should, to the extent feasible, prepare written responses to the significant environmental points raised in such comment. For those late comments for which the board is not able to prepare written responses before the board meeting, and for those oral comments on the proposal which are made at the board meeting, the board shall orally respond to the significant environmental points raised and the substance of such responses shall be recorded in the minutes of the board meeting. Following the conclusion of the comments and the responses thereto, the board may take action on the proposed activity. The comments received, and the responses thereto, shall be included in the record of the board action on the proposed activity.~~ Written Comments: The board shall prescribe a written comment period on the adequacy of the Draft SED. The written comment period shall be for a period of not less than 45 days, which may be shortened to 30 days in exceptional circumstances as determined by the board, or if the board makes the determinations specified in subdivisions (e) and (f) of section 3777. The board may allow a longer written comment period. The board may refuse to accept written comments received after the noticed deadline. The board is not required to consider any written comment that is received after the deadline.

(c) Oral Comments: The board shall conduct a public hearing for the receipt of oral comments either during or after the written comment period. If the public hearing is conducted during the written comment period, it shall be at least 30 days after posting of the notice described in subdivision (a). The board is not required to consider any oral comment that is received after the public hearing.

(d) The board shall prepare written responses to the significant environmental issues raised in the comments received during the written comment period, including written comments and oral comments received at the public hearing, if the public hearing is held prior to the close of the written comment period. The board shall respond in writing or orally to significant environmental issues raised at the public hearing. The board is not required to respond to late comments. Copies of written responses shall be available for any person to review prior to the board's approval of the SED. Copies of written responses to public agency comments received during the written comment period shall be provided to those agencies at least 10 days prior to

the board's approval of the SED. The comments received, and the responses thereto, shall be included in the record of the board action.

(e) At the close of the public hearing, the board may either take action or defer action to a subsequent meeting of the board. If the board defers action, the board must allow additional public comment on the Draft SED only if recirculation would be required for an environmental impact report pursuant to California Code of Regulations, title 14, section 15088.5, in which case the board may limit any additional public comment to the significant new information contained in the recirculated Draft SED. If the board defers action and recirculation would not be required, the board may consider the responses to comments, approve the SED, and adopt the project at a subsequent board meeting without accepting any additional public comment.

(f) The state board, when considering approval of a regional board's adoption of an amendment to its water quality control plan or guideline, shall prescribe a comment period of not less than 30 days. The state board may refuse to accept any comments received after the noticed deadline. All comments submitted to the state board must be specifically related to the final amendment adopted by the regional board. If the regional board previously responded to the comment, the commenter must explain why it believes that the regional board's response was inadequate. The commenter must include either a statement that each of the comments was timely raised before the regional board, or an explanation of why the commenter was unable to raise the specific comment before the regional board. The state board may refuse to accept any comments that do not include such a statement. The state board is not required to consider any comment that is not in compliance with this section.

~~Note: Authority cited: Section 21082, Public Resources Code. Reference: Division 13, Public Resources Code.~~
Authority cited: Public Resources Code, § 21082.
Reference: Public Resources Code, § 21080.5.

§ 3779.5. Final Substitute Environmental Documentation (SED).

(a) Prior to adopting or approving a project, the board shall consider the materials generated pursuant to sections 3777 through 3779. The board may approve the SED prior to, or at the same time, as it adopts the project. Upon adoption of the resolution adopting the project, the SED shall become final.

(b) The Final SED includes:

(1) The materials described in section 3777:

(2) Comments and Responses to Comments, pursuant to section 3779;

(3) The board resolution adopting the project; and

(4) Other documentation as the board may prescribe.

(c) For each significant impact identified in subdivisions (b)(2) and (b)(5) of section 3777, the board shall adopt findings as described in State CEQA Guidelines section 15091 for significant environmental effects identified in an environmental impact report, and if the project as adopted will result in the occurrence of significant effects that are not avoided or substantially lessened, the board shall adopt a statement described in State CEQA Guidelines section 15093 for similar significant effects identified in an environmental impact report.

Authority cited: Public~~,~~ Resources Code, § 21082.
Reference: Public Resources Code, § 21080.5.

§ 3780. Approval.

(a) The board shall not adopt or approve a ~~proposed activity~~project that would cause significant adverse impacts if there are feasible alternatives or feasible mitigation measures available ~~which~~that would substantially lessen any significant adverse impact ~~which~~that the ~~proposed activity~~ project may have on the environment.

(b) If the board makes a finding as described in State CEQA Guidelines section 15091, subdivision (a)(1), it shall also adopt a program for monitoring or reporting as described in State CEQA Guidelines section 15097 for mitigated negative declarations and environmental impact reports.

~~Note:~~ Authority cited: ~~Section 21082,~~ Public Resources Code~~.~~ , § 21082.
Reference: ~~Section 21081,~~ Public Resources Code~~.~~, § 21080.5.

§ 3781. Notice of Decision.

(a) ~~After~~Upon final adoption ~~or approval of a proposed activity, the~~of a project subject to this Article, and upon approval by the Office of Administrative Law, if required, the state board shall file a Notice of Decision ~~contained~~in a format similar to the one in Appendix B to this ~~subchapter~~Chapter with the Secretary for Natural Resources~~ where it will be posted for public inspection for a period of not less than 30 days~~.

(b) When a regional board adopts or amends a water quality control plan or guideline and it is approved by the state board, and, if required, the Office of Administrative Law, the state board shall file, on behalf of the regional board, the Notice of Decision with the Secretary for Natural Resources.

~~Note: Authority cited: Section 21082, Public Resources Code. Reference: Division 13, Public Resources Code.~~
Authority cited: Public Resources Code, § 21082.
Reference: Public Resources Code, § 21080.5.

~~§ 3782. Exempt Regulatory Programs.~~

~~The following programs of the state board and regional boards have been certified by the Secretary for Resources as meeting the requirements of Public Resources Code Section 21080.5: The Water Quality Control (Basin)/208 Planning Program.~~

~~Note: Authority cited: Section 21082, Pubic Resources Code. Reference: Section 21080.5, Public Resources Code.~~

Appendix A

Environmental Checklist Form
(To Be Completed By Lead Agency)

Appendix to the State Water Board's CEQA regulations
Cal. Code. Regs., tit. 23, div. 3, ch. 27 §§ 3720-3781

~~I. BACKGROUND~~

THE PROJECT

1. ~~Name of Proponent~~ Project title:

_____

2. ~~Addres and Phone Number of Proponent~~ Lead agency name and address:

_____

_____

_____

3. ~~Date of Checklist Submitted~~ Contact person and phone number:

_____

4. ~~Agency Requiring Checklist~~ Project location:

_____

5. ~~Name of Proposal, if applicable.~~ 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 sheets if necessary. The description may be a summary with a reference to other documents that contain the detailed project description.)

EVALUATION OF THE ENVIRONMENTAL IMPACTS IN THE CHECKLIST

1. The board must complete an environmental checklist prior to the adoption of plans or policies for the Basin/208 Planning program as certified by the Secretary for Natural Resources. The checklist becomes a part of the Substitute Environmental Documentation (SED).

2. For each environmental category in the checklist, the board must determine whether the project will cause any adverse impact. If there are potential impacts that are not included in the sample checklist, those impacts should be added to the checklist.

3. If the board determines that a particular adverse impact may occur as a result of the project, then the checklist boxes must indicate whether the impact is "Potentially Significant," "Less than Significant with Mitigation Incorporated," or "Less than Significant."

    a. "Potentially Significant Impact" applies if there is substantial evidence that an impact may be significant. If there are one or more "Potentially Significant Impact" entries on the checklist, the SED must include an examination of feasible alternatives and mitigation measures for each such impact, similar to the requirements for preparing an environmental impact report.

    b. "Less than Significant with Mitigation Incorporated" applies if the board or another agency incorporates mitigation measures into the SED that will reduce an impact that is "Potentially Significant" to a "Less than Significant Impact." If the board does not require the specific mitigation measures itself, then the board must be certain that the other agency will in fact incorporate those measures.

    c. "Less than Significant" applies if the impact will not be significant, and mitigation is therefore not required.

    d. If there will be no impact, check the box under "No Impact."

4. The board must provide a brief explanation for each "Potentially Significant," "Less than Significant with Mitigation Incorporated," "Less than Significant," or "No Impact" determination in the checklist. The explanation may be included in the written report described in section 3777(a)(1) or in the checklist itself. The explanation of each issue should identify: (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the specific mitigation measure(s) identified, if any, to reduce the impact to less than significant. The board may determine the significance of the impact by considering factual evidence, agency standards, or thresholds. If the "No Impact" box is checked, the board should briefly provide the basis for that answer. If there are types of impacts that are not listed in the checklist, those impacts should be added to the checklist.

5. The board must include mandatory findings of significance if required by CEQA Guidelines section 15065.

6. The board should provide references used to identify potential impacts, including a list of information sources and individuals contacted.

******The checklist below represents substantial formatting changes.***
The formatting changes are not reflected in redline/strikeout.
Only the proposed textual modifications are reflected below.***

ISSUES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- 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) Substantially degrade the existing visual character or quality of the site and its surroundings?	❒	❒	❒	❒
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 Boards. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or	❒	❒	❒	❒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	❒	❒	❒	❒
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management 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) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	❒	❒	❒	❒
c) 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	❒	❒	❒	❒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(including releasing emissions which exceed quantitative thresholds for ozone precursors)?				
d) Expose sensitive receptors to substantial pollutant concentrations?	❒	❒	❒	❒
e) Create objectionable odors 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 US Fish and Wildlife Service?	❒	❒	❒	❒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (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?	❒	❒	❒	❒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 as defined in § 15064.5?	❒	❒	❒	❒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	❒	❒	❒	❒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	❒	❒	❒	❒
d) Disturb any human remains, including those interred outside of formal cemeteries?	❒	❒	❒	❒
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to 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?	❒	❒	❒	❒
iii) Seismic-related ground failure, including liquefaction?	❒	❒	❒	❒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 (1994), creating substantial 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?	❒	❒	❒	❒
VII. 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 emissions of greenhouse gases?	❒	❒	❒	❒
VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or	❒	❒	❒	❒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	❒	❒	❒	❒
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 for people residing or working in the project area?	❒	❒	❒	❒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	❒	❒	❒	❒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	❒	❒	❒	❒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	❒	❒	❒	❒
~~VIII~~IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?	❒	❒	❒	❒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	❒	❒	❒	❒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	❒	❒	❒	❒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	❒	❒	❒	❒
e) 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?	❒	❒	❒	❒
f) Otherwise substantially degrade water quality?	❒	❒	❒	❒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	❒	❒	❒	❒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	❒	❒	❒	❒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	❒	❒	❒	❒
j) Inundation by seiche, tsunami, or mudflow?				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
	❒	❒	❒	❒
~~I~~X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	❒	❒	❒	❒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	❒	❒	❒	❒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	❒	❒	❒	❒
XI. 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?	❒	❒	❒	❒
XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	❒	❒	❒	❒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	❒	❒	❒	❒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	❒	❒	❒	❒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	❒	❒	❒	❒
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 expose people residing or working in the project area to excessive noise levels?	❒	❒	❒	❒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	❒	❒	❒	❒
XIII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	❒	❒	❒	❒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	❒	❒	❒	❒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	❒	❒	❒	❒
XIV~~II~~. PUBLIC SERVICES				
a) Would the project result in substantial adverse				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	❒	❒	❒	❒
X~~I~~V. 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 might have an adverse physical effect on the environment?	❒	❒	❒	❒
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				
a) ~~Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at~~				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
~~intersections)~~ Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	❒	❒	❒	❒
b) ~~Exceed, either individually or cumulatively, a~~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) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	❒	❒	❒	❒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	❒	❒	❒	❒
e) Result in inadequate emergency access?	❒	❒	❒	❒
~~f) Result in inadequate parking capacity?~~	~~❒~~	~~❒~~	~~❒~~	~~❒~~
~~g~~f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities~~supporting alternative transportation (e.g., bus turnouts, bicycle racks)~~?	❒	❒	❒	❒

XVII. UTILITIES AND SERVICE SYSTEMS --

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	❒	❒	❒	❒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	❒	❒	❒	❒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	❒	❒	❒	❒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	❒	❒	❒	❒
e) 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?	❒	❒	❒	❒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	❒	❒	❒	❒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	❒	❒	❒	❒

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to 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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate	❒	❒	❒	❒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 projects, 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?	❒	❒	❒	❒

Explanations of Impact Assessment (may also follow checklist sections)

PRELIMINARY STAFF DETERMINATION

❒ The proposed project COULD NOT have a significant effect on the environment, and, therefore, no alternatives or mitigation measures are proposed.

❒ The proposed project MAY have a significant or potentially significant effect on the environment, and therefore alternatives and mitigation measures have been evaluated.

Note: Authority cited: Section~~s 21083 and 21087~~21082, Public Resources Code. Reference: Sections 21080(c), 21080.5, 21083.05, 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal.App.3d 1337 (1990).

Appendix C
Notice of Filing

TO: Any Interested Person

FROM:_____
:_____
:_____

SUBJECT: Notice of Filing submitted under ~~Section 21080.5 of the Public Resources Code~~ California Code of Regulations, Title 23, Section 3779.

~~Project Proponent~~ Name of Board: _____

Project Title: _____

Contact Person: _____ Telephone No.: _____

Project Location: _____

Project Description: _____

_____

_____

_____

This is to advise that the ~~project proponent~~ [name of board] ~~has filed a report of waste discharge for waste discharge requirements in connection with the above project. Action on this report of waste discharge will be taken~~ is proposing to adopt or amend the [name of plan or policy] in accordance with a regulatory program exempt under Section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and with other applicable laws and regulations.

The [name of board] will accept written comments as set forth in the notice published. Written comments must be submitted to the [name of board] by [date] at [time], and shall be submitted to [name and address]. A public hearing for the receipt of oral comments is scheduled for [date] at [time].

Date:_____

_____
Signature of Person Transmitting Notice

_____
Title

~~Note: Authority cited: Section 21082, Public Resources Code. Reference: Division 13, Public Resources Code.~~ Authority cited: Public Resources Code, § 21082.
Reference: Public Resources Code, § 21080.5.