

SAN DIEGO UNIFIED PORT DISTRICT

GUIDELINES
FOR COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

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SAN DIEGO UNIFIED PORT DISTRICT
GUIDELINES FOR COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

I. INTRODUCTION

This document shall be known as the Port District CEQA Guidelines. These Guidelines are written as a working document to be used in conjunction with the State CEQA Guidelines. The Port District CEQA Guidelines have been approved by the San Diego Unified Port District in Resolution No. 97-191. A flowchart of the CEQA process showing the various steps in fulfilling compliance with provisions of CEQA for a given project, is attached as Exhibit "A". These Guidelines outline procedures to be followed in each step and whether the actions to be taken are Port Staff actions or actions of the Board of Port Commissioners. This document is not intended to cover every aspect contained in the State CEQA Guidelines, but covers the most common activities and forms to be completed.

A. BACKGROUND OF CEQA

The California Environmental Quality Act (referred to as "CEQA" and found at Section 21000 et. seq. of the Public Resources Code of the State of California (PRC)), together with the State CEQA Guidelines (SG) promulgated by the California Office of Planning and Research, are intended to enhance the long-term protection of the environment and to encourage public participation in the process. The PRC and SG present objectives, criteria, and procedures for the evaluation of projects and the preparation of Environmental Impact Reports and Negative Declarations.

B. BASIC PURPOSES OF CEQA

The basic purposes of CEQA are to: (1) inform governmental decision-makers and the public about the environmental effects of proposed activities; (2) involve the public in the decision-making process; (3) identify ways that damage to the environment can be avoided or significantly reduced; and, (4) prevent environmental damage by requiring changes in projects through the use of alternatives or mitigation measures.

C. PURPOSE OF PORT DISTRICT GUIDELINES

The Port District CEQA Guidelines set forth comprehensive procedures for complying with CEQA. Their purpose is to protect both local and regional environmental resources in a manner that reflects local values. They convey criteria for determining if CEQA applies to particular projects, and methods for conducting environmental review of projects that are not exempt. The intent is to translate a myriad of State laws and judicial interpretations into a concise guide for use by the Board of Port Commissioners, residents and resident organizations, project proponents, and Port Staff.

The Port District CEQA Guidelines implement CEQA and the State Guidelines, which are incorporated herein by this reference. Amendments to CEQA and the State Guidelines shall automatically be included as part of the Port District CEQA Guidelines. If the Port District CEQA Guidelines conflict with CEQA or the State Guidelines, CEQA and the State Guidelines will prevail (PRC § 21082).

D. FEES FOR COST REIMBURSEMENT

The Port District shall charge and collect a reasonable fee from the person proposing a project, in an amount sufficient to reimburse the Port District for the costs incurred by the Port District in environmentally reviewing a project in accordance with CEQA, the State Guidelines and the Port District CEQA Guidelines (SG § 15045). The fee shall reflect, without limitation, the costs associated with preparing an Initial Study, preparing a Negative Declaration, preparing an EIR, noticing public hearings, monitoring compliance with mitigation measures and following the procedures necessary to comply with the requirements of law. The Port District fee shall be established from time to time by resolution of the Port District.

Prior to the Port District incurring any EIR-related expense, the project proponent shall provide the Port District with an amount of money equivalent to the estimated cost of preparing the EIR. This money shall be kept on deposit by the Port District and used as needed to pay the associated EIR costs. Any surplus on deposit after completion of the EIR process will be returned to the project proponent. If actual costs exceed the deposit, additional deposits shall be made within five days notice thereof.

The Port District CEQA related documents shall be processed, noticed and/or filed only after the required Port District, City, County and/or State fees have been paid.

No permit or other entitlement shall be issued for any project for which any part of the costs of the EIR or Negative Declaration preparation have not been paid.

II. APPLICABILITY OF CEQA (SG § 15002)

A. GOVERNMENT ACTION

CEQA applies to "discretionary" government action. This may involve activities directly undertaken by the Port District, activities financed in whole or part by the Port District, or private activities that require approval by the Port District.

B. TIME OF COMPLIANCE

The Port District will comply with CEQA procedures as set forth in these guidelines whenever the Port District proposes to carry out or approve an activity. CEQA review, preparation, and certification of appropriate documentation occurs prior to granting an approval of private projects or authorization of public projects. EIRs and Negative Declarations should be prepared as early as possible in the planning process to enable environmental considerations to influence project program and design, yet late enough to provide meaningful information for environmental assessment.

C. DISCRETIONARY AND MINISTERIAL ACTIONS

CEQA applies in situations where the Port District uses its judgment in deciding how, and if, a project is approved. Such projects are called "discretionary." A discretionary decision requires the exercise of judgment in deciding whether to approve or disapprove a particular activity.

Where the law requires a governmental agency to act on a project in a set way without allowing the agency to use its own judgment, the project is "ministerial," and CEQA does not apply.

III. PRELIMINARY CEQA REVIEW

A. PREAPPLICATION SCOPING SESSION

Before a proponent presents a project application to the Port District, the proponent shall participate with Port Staff in a scoping session in which the proponent and the Port Staff meet to discuss the proposed project. A series of meetings may be required to complete a scoping session.

For the scoping session, the applicant shall provide at the request of Port Staff, a detailed written description of the project, a completed "Environmental Assessment" form, and pay the required CEQA review fee.

B. AGENCY DETERMINATION WHETHER PORT DISTRICT IS THE "LEAD AGENCY"

Only one public agency is responsible for preparing an environmental review of a project for CEQA. This agency is designated as the Lead Agency by CEQA (SG § 15051). These Guidelines will provide guidance assuming that the Port District is the Lead Agency. Occasionally, the Port District's responsibilities may be those of a "Responsible Agency", as included in detail within the State Guidelines.

The State CEQA Guidelines define a "Responsible Agency" as a public agency other than the lead agency which has discretionary approval power over the project (SG § 15052). A Responsible Agency acts upon its own discretionary approvals for the project after reviewing and commenting upon the CEQA documents prepared by the Lead Agency (SG § 15096). If the Port District determines that it is not the Lead Agency for the proposed project and is instead a Responsible Agency, no further action under CEQA is required by the Port District at that time. However, the Port District will still be included in the CEQA process as specified by the State Guidelines. All environmental documentation must be received by the Port District prior to Port District action on the project. The Port District will then comment on proposed projects when a Notice of Preparation is received by the Port District; and explain why the Port District believes either an EIR or Negative Declaration needs to be prepared.

When a dispute exists as to whether or not the Port District is the Lead Agency, the Port District will try resolving the dispute by consulting with the disputing agency or agencies. If an agreement is not reached, the Port District will submit a written request to the State Office of Planning and Research (OPR) for resolution (SG § 15053).

C. AGENCY DETERMINES WHETHER THERE ARE OTHER RESPONSIBLE/TRUSTEE AGENCIES

A "Trustee Agency" is defined in the State Guidelines as 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. A Trustee Agency may also be a Responsible Agency, if it has discretionary approval power over the project.

¹ Port District comment will include specific detail about the scope and content of the environmental information related to the Port District's statutory responsibilities.

Appendix B of the State Guidelines contains a table listing the statutory authority of the State departments. Trustee Agencies include, but are not limited to, California Department of Fish and Game, State Lands Commission, and the State Department of Parks and Recreation. The Regional Water Quality Control Board for the San Diego Region and the San Diego County Air Pollution Control District may also be Trustee Agencies.

D. AGENCY DETERMINES WHETHER APPLICATION REPRESENTS A "PROJECT"

CEQA only applies to a "project" as defined by CEQA (SG § 15378 and PRC § 21065). The Port District will determine whether the proposal constitutes a project as defined by CEQA.

"Project" means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, 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, enactment or amendment of any zoning ordinances, improvements to existing public structures, and the adoption and amendment of local General Plans.
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.

"Project" does not include:

1. Anything specifically exempted by state law;
2. Proposals for legislation to be enacted by the State Legislature;
3. Continuing administrative or maintenance activities, such as purchase of supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making (except as they are applied to specific instances covered above);
4. The submittal of proposals to a vote of the people of the State or of a particular community.

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.

ACTION: If the Port District determines that the application does not constitute a "project," no further action is required.

E. AGENCY DETERMINES WHETHER PROPOSED PROJECT IS EXEMPT

A proposal which constitutes a "project" under CEQA may be exempt from further processing under CEQA (SG § 15061). There are four general types of exemptions: (1) Certified State Regulatory Programs; (2) Statutory; (3) Categorical; and (4)"General Rule."

1. Exemption for Certified State Regulatory Programs
(Article 17, SG §§ 15250-15253)

The State Secretary for Resources has acted to certify certain State agency regulatory programs as exempt from the requirements for preparation of Initial Studies, Negative Declarations and Environmental Impact Reports if certain criteria are met. Currently exempt programs having any potential to involve the Port District are:

- a. The regulatory program of the Fish and Game Commission pursuant to the Fish and Game Code.
- b. The regulatory program of the California Coastal Commission and the regional coastal commissions dealing with the consideration and granting of coastal development permits.
- c. The portion of the regulatory program of the Air Resources Board which involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans to be used in the regulatory program for the protection and enhancement of ambient air quality in California.
- d. The program of the California Coastal Commission involving the preparation, approval, and certification of local coastal programs.
- e. The Water Quality Control (Basin)/208 Planning Program of the State Water Resources Control Board and the Regional Water Quality Control Boards.
- f. The pesticide regulatory program administered by the Department of Food and Agriculture and the county agricultural commissioners as set forth in Guideline Section 15251(i).
- g. The regulations of weather resources management projects though the issuance of operating permits by the State Department of Water Resources, pursuant to the California Weather Resources Management Act of 1978 (Water Code § 400 et seq.).
- h. The regulatory program of the State Water Resources Control Board to establish instream beneficial use protection programs.
- i. That portion of the regulatory program of the South Coast Air Quality Management District which involves the adoption, amendment, and repeal of the regulations pursuant to the provisions of the Health and Safety Code.

The local or state agency for the above certified programs must prepare an environmental analysis document (a substitute EIR document) addressing the significant environmental impacts of the project and alternatives and mitigation measures. The Port District could become involved as a Responsible Agency and would participate in the preparation of the environmental analysis document by providing

review and comment. Following the lead agency grant of discretionary project approval, the Port District could then approve the project as a Responsible Agency, using the environmental analysis document (SG §§ 15252-15253).

2. Statutory Exemptions
(Article 18, SG §§ 15260 - 15277)

This Article describes exemptions from CEQA granted by the Legislature. Some exemptions are complete; some apply to part of the CEQA requirements; and others apply to the timing of compliance. The exemptions which may be applicable to the Port District include:

- a. Feasibility and Planning Studies (SG § 15262): A project involving only feasibility or planning studies for possible future actions which the Port District has not approved, adopted, or funded, requires consideration of environmental factors, but not preparation of an EIR or Negative Declaration. This Section does not apply to the adoption of a plan that will have a legally binding effect on later activities.
- b. Discharge Requirements (SG § 15263): The State Water Resources Control Board and the Regional Boards are exempt from the requirement to prepare an EIR or Negative Declaration prior to the adoption of waste discharge requirements, except requirements for new sources as defined in the Federal Water Pollution Control Act or other acts which amend or supplement the Federal Water Pollution Control Act.
- c. Adoption of Coastal Plans and Programs (SG § 15265): CEQA does not apply to activities and approvals pursuant to the California Coastal Act by any local government necessary for the preparation and adoption of a local coastal program, or any state university or college as necessary for the preparation and adoption of a long range land use development plan.
- d. General Plan Time Extension (SG § 15266): CEQA shall not apply to the granting of an extension of time by the Office of Planning and Research to a city or county for the preparation and adoption of one or more elements of a city or county general plan.
- e. Ministerial Projects (SG § 15268): The determination of what is "ministerial" can be made by the Port District based upon its analysis of the relevant local laws and ordinances, and such determination can be made on a case-by-case basis.
- f. Emergency Projects (SG § 15269): Projects to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state emergency has been declared; emergency repairs necessary to maintain service; and specific actions necessary to prevent or mitigate an emergency, are exempt from CEQA requirements.
- g. Projects which are Disapproved (SG § 15270): CEQA does not apply to those projects rejected or disapproved by the Port District.

- h. Rates and Charges (SG § 15273): CEQA does not apply to rates or other charges established by the Port District for the purpose of meeting operational expenses, purchasing or leasing supplies, equipment, or materials; meeting financial reserve needs; obtaining funds for capital projects necessary to maintain service; or obtaining funds necessary to maintain intra-city transfers as are authorized by city charter. The public agency shall incorporate written findings in the record of any proceeding in which an exemption under this section is claimed, setting forth with specificity the basis for the claim of exemption.
- i. Specified Mass Transit Projects (SG § 15275): CEQA does not apply to the institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities; or facility extensions not exceeding four miles in length which are required for transfer of passengers from or to exclusive public mass transit guideway.
- j. State and Regional Transportation Improvement Programs (SG § 15276): CEQA does not apply to the development or adoption of a regional transportation improvement program or the state transportation improvement program. Individual projects developed pursuant to these programs shall remain subject to CEQA.

3. Categorical Exemptions
(Article 19, SG §§ 15300 - 15329)

These exemptions are for classes of projects which have been determined not to have a significant effect on the environment and are, therefore, categorically exempt from the requirements for preparation of environmental documentation. However, it should be noted that certain projects may be excepted from the status of categorical exemption, based on location (particularly if located in areas designated as sensitive environments; or subject to cumulative impact due to successive projects; or subject to significant effects due to unusual circumstances).

Pursuant to State Guidelines Section 15300.4, categorical exemptions frequently used by the Port District may include:

- a. Existing Facilities (SG § 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:
 - (1) Repair, maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar structures; marine terminal facilities; airport facilities; and commercial industrial, or recreational facilities.
 - (2) Periodic maintenance dredging which involves negligible or no expansion of the existing water use areas or facilities.

- (3) Interior and exterior remodeling or alterations, involving negligible or no expansion of use beyond that previously existing, including, but not limited to, marine terminal facilities, and marine-oriented commercial, industrial, and public and commercial recreational facilities, including buildings, piers, wharves, marine ways; railroads; airport facilities, runways, taxiways, aprons, and ancillary structures to those facilities; or mechanical systems and equipment.
- (4) New and renewed short-term tenancy agreements which do not result in change in the existing use. This exemption does not apply to any new development associated with the activities of the tenant. This exception is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.
- (5) Minor exterior or interior alterations to incorporate architectural changes.
- (6) Demolition and removal of individual structures listed in the subsection except where the structures are of historical, archaeological, or architectural significance. These include, but are not limited to, commercial, industrial, airport, or marine terminal structures or facilities if designed for an occupancy load of 30 persons or less, and not in conjunction with the demolition of improvements on an entire site. Examples are warehouses, sheds, miscellaneous work buildings, piers, floats, piles, marine ways, electrical, mechanical, or utility systems, railroad improvements, dilapidated vessels, navigation aids, or similar related structures.
- (7) Existing facilities used to provide electric power, natural gas, sewerage, or other public utility service.
- (8) Existing highways, streets, sidewalks, bicycle and pedestrian trails, and similar facilities, except where the activity will involve removal of a scenic resource including a stand of trees, a rock outcropping, or an historic building.
- (9) Restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety or permit requirements, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.
- (10)

Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices.

- (11) Existing on and off-premise signs.
 - (12) Maintenance of existing landscaping, native growth, and water supply reservoirs.
 - (13) Maintenance of wildlife habitat areas, stream flows, springs, waterholes and stream channels to protect wildlife resources.
- b. Replacement or Reconstruction (SG § 15302) (Class 2): Includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced. This exemption includes, but is not limited to:
- (1) Replacement or reconstruction of mooring facilities, piles, floats, piers, wharves, marine ways, bulkhead, revetment, buoys, or similar structures where the new structure will be on essentially the same site as the structure replaced and will have substantially the same size, purpose and capacity as the structure replaced.
 - (2) Replacement or reconstruction of marine terminal facilities, and marine-oriented commercial, industrial, and public and commercial recreational facilities, including buildings, piers, piles, wharves, marine ways; railroads; airport facilities, runways, taxiways, aprons, and ancillary structures to those facilities; electrical and mechanical systems and equipment; where the new structure will be on essentially the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
- c. New Construction of Conversion of Small Structures (SG § 15303) (Class 3): Includes construction of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another with minor modifications to the exterior of the structure. Examples of this exemption include:
- (1) Commercial, industrial, recreational and marine-oriented mooring facilities or structures if designed for an occupant load of 30 persons or less, if not constructed in conjunction with the building of two or more such structures. In urbanized areas, the exemption also applies to commercial buildings on sites zoned for such use, if designed for an occupant load of 30 persons or less if not constructed in conjunction with the building of four or more such structures, and if not involving the use of significant amounts of hazardous substances.

- (2) Accessory (appurtenant) structures and mechanical equipment including, but not limited to, garages, sheds, railway spur tracks, pilings, temporary trailers, industrial equipment enclosures, fences, parking, on-site roadways, walkways and health and safety devices.
 - (3) Water, sewer, electrical, gas, telephone, and other utility structures or facilities.
- d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including, but not limited to:
- (1) Filling of earth on previously disturbed land with material compatible with the natural features of the site.
 - (2) Minor placement of revetment or other shore protection structures on eroded shoreline to protect the public safety, public or private structures or facilities, or to provide or reestablish bank alignment.
 - (3) Minor dredging projects resulting in negligible or no change in the existing type of benthic habitat, limited to dredging depths remaining within the existing boundaries of either intertidal, shallow, or deep subtidal benthic regimes.
 - (4) Grading of land with a slope of less than 10%, except in waterways, wetlands, officially-designated scenic areas or officially mapped areas of severe geologic hazard.
 - (5) New gardening or landscaping.
 - (6) Minor temporary use of land having negligible or no permanent effects on the environment.
 - (7) Minor trenching and backfilling where the surface is restored.
- e. Minor Alterations in Land Use Limitations (SG § 15305) (Class 5): Includes 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, including but not limited to, minor lot line adjustments, side yard and set back variances, issuance of minor encroachment permits, or reversion to acreage in accordance with the Subdivision Map Act.
- f. Information Collection (SG § 15306) (Class 6): Includes basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for information gathering purposes, or as part of a study leading to an action which has not yet been approved, adopted or funded.
- g. Actions by Regulatory Agencies for Protection of Natural Resources (SG § 15307) (Class 7): Includes actions taken by regulatory agencies to assure the

maintenance, restoration or enhancement of a natural resource where the regulatory process involves procedures for the protection of the environment. Construction activities are not included in this exemption.

- h. Actions by Regulatory Agency for Protection of the Environment (SG § 15308) (Class 8): Includes actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.
- i. Accessory Structures (SG § 15311) (Class 11): Includes construction, or placement of minor structures accessory to (appurtenant to) existing facilities, including:
 - (1) Construction or placement of minor mooring facilities, floats, buoys or similar structures accessory to (appurtenant to) existing commercial, industrial or institutional facilities.
 - (2) Construction or placement of minor structures or equipment accessory to (appurtenant to) existing airport or marine terminal facilities.
 - (3) On-premise signs.
 - (4) Small parking lots.
 - (5) Placement of temporary use items such as portable rest rooms.
- j. Transfer of Ownership of Land in Order to Create Parks (SG § 15316) (Class 16): Includes the acquisition or sale of land which is in a natural condition or contains historic or archaeological sites, in order to establish a park.
- k. Open Space Contracts or Easements (SG § 15317) (Class 17): Includes the making and renewing of open space contracts or the acceptance of easements or fee interests in order to maintain the open space character of the area.
- l. Enforcement Actions by Regulatory Agencies (SG § 15321) (Class 21): Includes actions to enforce or revoke a lease, permit, license, certificate or other entitlement for the use issued.
- m. Transfers of Ownership of Interest in Land to Preserve Open Space (SG § 15325) (Class 25): Includes the transfers of ownership of interests in land in order to preserve open space.
- n. Leasing New Facilities (SG § 15327) (Class 27): Includes leasing of a newly-constructed or previously unoccupied privately-owned facility, where it was determined that the building was exempt from CEQA. To be exempt, the proposed use of the facility:

- (1) Shall be in conformance with existing state plans and policies and with general, community and specific plans for which an EIR or negative declaration has been prepared.
- (2) Shall be substantially the same as that originally proposed at the time the building permit was issued.
- (3) Shall not result in a traffic increase of greater than 10% of front access road capacity.
- (4) Shall include the provision of adequate parking facilities.

4. General Rule Exemptions

The State Guidelines note that CEQA applies only to projects which have the potential for causing a significant effect on the environment (SG § 15061 (b)(3)). A significant effect is defined as, "a substantial, or potentially substantial, adverse change in the physical conditions within the area affected by the project" (SG § 15382). A detailed explanation of what is incorporated in "significant effect" is found in Exhibit "D". The public agency evaluates a project to determine if there is a possibility that the project may have 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. This rule exempts many small or routine projects.

Typically, the Port District will evaluate whether or not a project will have a significant effect by completing an Environmental Checklist (see, Exhibit "C"). If the Port District determines that there will be no significant effect on the environment, no further action is required.

ACTION: If the Port District determines that the project is exempt, a Notice of Exemption (see SG § 15062, SG Appendix E) must be prepared and no further action is required.

NOTE: The Port District may find, by inclusion in its Resolution approving a project, that a project is exempt; however, this is a function which can be delegated to Port Staff and is not required to go before the Board of Port Commissioners.

To obtain a shorter statute of limitations on a challenge to a Notice of Exemption (35 days instead of 180 days), the Notice of Exemption must be filed with the County Clerk or OPR, as appropriate, together with a certified document issued by the Port District stating that the project has been found to be exempt.

G. TIME LIMIT ON PORT DISTRICT'S PRELIMINARY CEQA REVIEW.

The Port District's preliminary CEQA review must be completed within 30 days of the date on which the project application is received (SG §§ 15060, 15101) or as otherwise provided where there are inconsistent State statutory requirements (SG § 15111).

IV. PREPARATION OF INITIAL STUDY

In accordance with State CEQA Guidelines Section 15063, following preliminary review of a project, the Port District shall conduct an Initial Study to determine if a project may have a significant effect on the environment (see, Exhibit "C"). The Environmental Checklist is completed as part of the Initial Study.

Once the Port District determines an Initial Study will be required for the project, the Port District shall consult informally with all Responsible and Trustee Agencies to obtain the recommendation of those agencies as to whether an EIR or Negative Declaration shall be prepared. If it can be clearly determined that an EIR will be required, an Initial Study may not be required, but may still be desirable.

A. PURPOSE

The purposes of an Initial Study are to (SG § 15063(c)):

1. Provide information to decide whether to prepare an EIR or Negative Declaration.
2. Allow modification of a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration.
3. Assist in the preparation of an EIR, if one is required, by:
 - a. Focusing the EIR on the significant effects;
 - b. Identifying the effects determined not to be significant;
 - c. Explaining the reasons for determining that potentially significant effects would not be significant;
 - d. Identify whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.
4. Facilitate environmental assessment early in the design of a project;
5. 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;
6. Eliminate unnecessary EIR's;
7. Determine whether a previously-prepared EIR could be used with the project.

B. CONTENTS

The contents of an Initial Study shall include, in brief form (SG § 15063(d)):

1. A description of the project, including the location of the project;
2. An identification of the environmental setting;
3. An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on the checklist or other form are briefly explained to indicate by narrative response or reference to another information source that there is some evidence to support the entries. References to other documents should include, where appropriate, citation to the page or pages where the information is found;
4. A discussion of ways to mitigate the significant effects identified, if any;
5. An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls;
6. The name of the person or persons who prepared or participated in the Initial Study.

Based on the outcome of the Initial Study, the Port District shall prepare either an EIR or a Negative Declaration. The decision as to whether a project may have one or more significant effects shall be based on information in the record of the Lead Agency.

If the Port District finds there is substantial evidence in the record that the project may have a significant effect on the environment, the Port District shall prepare an EIR (see, Exhibit "D", List of Significant Impacts). If the Port District finds there is no substantial evidence that the project may have a significant effect on the environment, the Port District shall prepare a Negative Declaration. If, in completing the Mandatory Findings of Significance section of the Environmental Checklist, the Port District finds that a project may have a significant effect on the environment, an EIR shall be prepared.²

NOTE: This is a function which can be delegated to Port Staff and is not required to go before the Board of Port Commissioners. However, Board of Port Commissioner action is optional, and it may officially receive, file and approve Initial Studies and find that an EIR should be prepared for a particular project prior to issuance of a Notice of Preparation.

C. DETERMINATION OF WHETHER TO PROCEED BY NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT

The Port District will determine: (a) whether the project description is complete/adequate; (b) whether the project may have potential significant impacts, and (c) whether to proceed by Negative Declaration or require the preparation of a draft Environmental Impact Report (Draft EIR). The

² Under certain circumstances, an alternate process for evaluation of a project's environmental impacts may be available. To the extent that CEQA or other authority may allow an alternative process, the Port District may proceed in accordance with such alternative process.

determinations will reference the information in the draft Initial Study. The determinations shall be in writing and shall become part of the final Initial Study. As directed by the Board of Port Commissioners, the Port Staff will initiate the process to prepare either a Negative Declaration or a draft EIR.

If a fair argument can be made, based on substantial evidence in the record, that a project may have a significant effect on the environment, the Port District shall direct that a draft EIR be prepared, even though a fair argument could also be made, based on substantial evidence in the record, that the project may not have a significant effect on the environment (SG § 15064).

The State Guidelines describe in detail the determination of significant effects and list conditions under which a project would normally have a significant effect on the environment (SG §§ 15064, 15065 and SG Appendix G). The determination of "significance" must be based upon substantial evidence in the record (PRC § 21082.2).

If the Port District determines that the preparation of a draft EIR is required, the Port District will then determine the type and scope of EIR needed:

1. The State CEQA Guidelines list different types of EIRs and discuss the applicability of each type (SG §§ 15160 -15170).
2. The State CEQA Guidelines list conditions under which a previously certified EIR may be used (SG § 15153) and conditions under which a new EIR must be prepared (SG § 15162).

D. TIME LIMIT

The Port District has 30 days after an application is deemed complete to determine whether it intends to require the preparation of a Negative Declaration; to require the preparation of a draft EIR; or to use a previously prepared EIR or Negative Declaration. The 30-day period may be extended by 15 days upon the consent of both the Port District and the project proponent (SG § 15102).

V. PREPARATION OF NEGATIVE DECLARATION (Article 6, SG §§ 15070-15075)

A. WHEN TO PREPARE NEGATIVE DECLARATION

A Negative Declaration shall be prepared for a project (SG § 15070) either:

1. When the Initial Study shows there is no substantial evidence that the project may have a significant effect on the environment; or
2. When the Initial Study shows there may be a significant effect, but revisions to the project made or agreed to before the Negative Declaration is released would avoid or mitigate the effects to a point of no significant effects, and there is no substantial evidence that the project, as revised, may have a significant effect.

B. CONTENTS

The contents of a Negative Declaration shall include (SG § 15071):

1. A brief description of the project, including the commonly used name for the project;
2. The location of the project, preferably shown on a map, and the name of the project proponent;
3. A proposed finding that the project will not have a significant effect on the environment;
4. An attached copy of the Initial Study documenting reasons to support the findings; and
5. Mitigation measures, if any, included in the project to avoid potentially significant effects.

C. NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION

Public notice shall be provided within a reasonable period of time (no less than 20 days) prior to adoption of a Negative Declaration by the Port District (SG § 15072). If the Negative Declaration is sent to the State Clearinghouse, a public review period of not less than 30 days shall be set. Notice shall be given to all persons and organizations previously requesting such notice and shall also be given by at least one of the following procedures:

1. Publication at least once by the Port District in a newspaper of general circulation in the area affected by the proposed project.
2. Posting of notice by the Port District on and off site in the area where the project is to be located.

3. Direct mailing to owners and occupants of property contiguous to the project. Owners of such property shall be identified as shown on the latest equalized tax assessment roll.

The Port District shall provide a public review period (SG § 15073). The noticed public review period shall be long enough (at least 20 days) for the public to respond to the proposed finding before the proposed Negative Declaration is approved.

A copy of the notice with the proposed Negative Declaration shall be sent to every Responsible Agency (defined in SG § 15381) and Trustee Agency (defined in SG § 15386) concerned with the project, and every other public agency with jurisdiction by law over resources affected by the project. If one or more state agencies will be a Responsible or Trustee Agency, or has jurisdiction over resources affected by the project, then ten copies of the Negative Declaration shall be sent to the State Clearinghouse, and a public review period of not less than 30 days shall be set. In some situations, the State Clearinghouse may shorten the review period if requested by the Port District for good reason.

A categorical list of persons and agencies to whom notices relating to the adoption of Negative Declarations and EIR's should be sent is attached as Exhibit "E."

Following the review period, the Port District shall consider and provide responses to the comments received. **NOTE:** While CEQA does require consideration of comments, it does not require responses. However, the next Step is to consider and approve the Negative Declaration, which is a function of the Board of Port Commissioners, and Port Staff may advise the Board of Port Commissioners concerning the Port Staff's response to comments received.

Preparation of a mitigation reporting or monitoring program, in compliance with Public Resources Code Section 21081.6, is required for a Mitigated Negative Declaration.

The Port District must specify the location and custodian of the documents or other material which constitute the record of proceedings upon which the Port District's decision is based.

D. CONSIDERATION AND ADOPTION OF NEGATIVE DECLARATION BY DECISION-MAKING BODY

Prior to approving a project, the Port District shall consider the proposed Negative Declaration and any comments received during the public review period. The Board of Port Commissioners shall adopt the Negative Declaration if it finds, on the basis of the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment (SG § 15074).

If the Port District adopts a Negative Declaration which includes project changes or conditions to mitigate potentially significant effects, the Port District shall also adopt a mitigation reporting or monitoring program to ensure that the changes or conditions are complied with during implementation of the project. If mitigation measures are added to the Negative Declaration after the completion of the review period, the draft Negative Declaration shall be recirculated before it is considered for adoption (PRC § 21080, SG § 15070).

After determining to carry out or approve a project for which a Negative Declaration has been approved, the Port District shall file a Notice of Determination (SG § 15075, SG Appendix D). The Notice of Determination shall include:

1. An identification of the project, including the common name for the project and its location.
2. A brief description of the project.
3. The date on which the project was approved.
4. The determination by the Port District that the project will not have a significant effect on the environment.
5. A statement that a Negative Declaration has been prepared pursuant to the provisions of CEQA.
6. The address where a copy of the Negative Declaration may be examined.

The Notice of Determination shall be filed with the County Clerk. If the project requires a discretionary approval from any state agency, the Notice of Determination shall also be filed with the Office of Planning and Research (OPR) in Sacramento.

The filing of the Notice of Determination and the posting on a list of such notices (done by the County Clerk and OPR) starts a 30-day statute of limitations on court challenges to the approval under CEQA.

Once the Port District has considered and approved the Negative Declaration, the project can be approved and a Notice of Determination filed. This completes the Negative Declaration process.

E. TIME LIMITS

The Negative Declaration for a private project must be completed and ready for approval within 105 days from the date the application was deemed complete (SG § 15107). The Negative Declaration may be approved at a later time (after 105 days), when the decision-making body considers approving the permit or other entitlement for the project.

VI. PREPARATION OF ENVIRONMENTAL IMPACT REPORT

A. PURPOSE

When the Initial Study has produced substantial evidence from which a fair argument can be made that any aspect of the proposed project, either individually or cumulatively, may cause a significant negative effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, an Environmental Impact Report (EIR) is required (PRC § 21151, SG § 15063).

An EIR is a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects (SG § 15362). The EIR will:

1. Identify and analyze the significant effects of a project on the environment;
2. Identify alternatives to the project as proposed; and
3. Indicate the manner in which significant effects can be reduced, mitigated or avoided to preclude possible environmental damage (PRC § 21002.1).

B. NOTICE OF PREPARATION OF EIR TO RESPONSIBLE AGENCIES (Article 7, SG §§ 15080 - 15095)

Immediately after deciding to prepare an EIR, the Port District shall send a Notice of Preparation of Draft EIR (see, Guidelines, Appendix J) to each Responsible or Trustee Agency, as well as every federal agency involved with approval of project funding, stating that an EIR will be prepared (SG § 15082). A copy of the Initial Study (Exhibit "C") may be sent with the Notice of Preparation (the Port District should typically send the Initial Study).

The Notice of Preparation shall provide sufficient information to describe the project and potential environmental effects to allow the recipients to make a meaningful response, including at a minimum:

1. Description of the project, including the common name for the project.
2. Location of the project indicated either on an attached map (preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name, or by a street address in an urbanized area).
3. Probable environmental effects of the project (the Initial Study with accompanying Environmental Checklist accomplishes this).

The Notice of Preparation shall be sent either by certified mail or another method of transmittal, which provides a record that the Notice was received. The recipients should respond within 30 days (see, Response Form, Exhibit "F", to be included with the Initial Study) unless a shorter response time is set by the State Clearinghouse.

The Port District may begin work on the draft EIR immediately, although it may need to be revised or expanded to conform to responses received on the Notice of Preparation. The draft EIR shall not be circulated for public review before the Notice of Preparation period expires.

In order to expedite the determination of significant issues, the Port District, a Responsible Agency, a Trustee Agency, or a project applicant may request one or more meetings between representatives of the agencies involved to assist the Port District in determining the scope and content of the environmental information which may be required. Such meetings shall be convened no later than 30 days after the meetings were requested. On request, the OPR will assist in convening such a meeting if it involves state agencies.

When any state agency will be a Responsible or Trustee Agency, the Port District shall send a Notice of Preparation to each Responsible Agency or Trustee Agency, with ten copies to the State Clearinghouse. The State Clearinghouse will ensure that those agencies reply within the required time.

When the Notice of Preparation is submitted to the State Clearinghouse, an identification number will be issued by the Clearinghouse which shall be the identification number for all subsequent environmental documents on the project. The identification number should be referenced on all subsequent correspondence regarding the project, and specifically on the title page of the draft and final EIR and Notice of Determination.

The Port District, prior to completing the draft EIR, may consult directly with any person or organization that will be concerned with the environmental effects of the project. This will be necessary when preparing a joint EIR/EIS. This process has been helpful in identifying the range of actions, alternatives, mitigation measures and significant effects needing in-depth analysis and in eliminating issues found not to be important (SG § 15083).

C. PREPARATION OF THE DRAFT EIR (SG § 15084)

The draft EIR shall be prepared directly or by or under contract to the Port District. The Port District may use an EIR prepared by another after subjecting it to its own review and analysis to ensure that it reflects the independent judgment of the Port District. Any person may submit information or comments in any format to assist in the preparation of the draft EIR. The Port District must consider all information and comments received. The draft EIR shall contain the information outlined below, but the format may vary. Each essential element of information must be covered, and when these elements are not separated into distinct sections, the document shall state where each element is discussed (SG § 15120).

The EIR is an informational document and information contained in an EIR shall be considered by the Port District. The information in an EIR may constitute substantial evidence in the record to support the agency's action on the project if its decision is later challenged in court (SG § 15121).

An EIR shall contain the following:

1. Table of Contents or index (SG § 15122) - Table of Contents or Index to assist readers in finding the analysis of different subjects and issues.
- 2.

Summary (SG § 15123) - A summary of the proposed actions and consequences which shall be brief (generally not more than 15 pages) and written in simple language. The summary shall identify each significant effect with the proposed mitigation measures and alternatives that would reduce or avoid that effect; areas of controversy known to the Port District including issues raised by agencies and the public; and issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

3. Project Description (SG § 15124) - The project description shall contain the following, but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact:
 - a. Precise location and boundaries of the project, shown on a detailed map, preferably topographical. The location of the project shall also appear on a regional map.
 - b. A statement of the objectives sought by the proposed project.
 - c. A general description of the project's technical, economic and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.
 - d. A statement briefly describing the intended uses of the EIR, including a list of the agencies that are expected to use the EIR in their decision-making and a list of project approvals for which the EIR will be used. If more than one decision will be made on a project, all decisions should be listed, preferably in the order in which they will occur.
4. Environmental Setting (SG § 15125) - An EIR must include a description of the environment in the vicinity of the project as it exists before the commencement of the project, from both a local and regional perspective, and shall include the following:
 - a. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project.
 - b. A discussion of inconsistencies between the proposed project and applicable master plans, general plans and regional plans, including the applicable Air Quality Management Plan, and, once adopted, the State Implementation Plan, area-wide waste treatment and water quality control plans, regional housing allocation plans, regional land use plans, regional transportation plans, and local city and county general plans.
 - c. Where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions as well as the potential future conditions discussed in the plan.

5.

Environmental Impact (SG § 15126) - All phases of a project must be considered when evaluating its impact on the environment, including planning, acquisition, development and operation. The following subjects shall be discussed: (**NOTE:** A more detailed description of what is required in the Environmental Impact section of an EIR is contained in SG § 15126):

- a. The significant environmental effects of the proposed project, both direct and indirect, giving due consideration to both the short-term and long-term effects.
- b. Any significant environmental effects which cannot be avoided if the proposal is implemented, including those which 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.
- c. Mitigation measures proposed to minimize the significant effects shall be described. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR. If there is more than one mitigation measure available to off-set an impact, each should be discussed, and the basis for selecting a particular measure should be identified.
- d. 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 would avoid or substantially lessen any of the significant effects of the project shall be described, including the comparative merits of the alternatives. The specific details of what must be covered in this area are included in SG § 15126(d)(1) - (5).
- e. The cumulative and long term effects of the proposed project which adversely affect the state of the environment must be described. Special attention should be given to impacts which narrow the range of beneficial uses of the environment or pose long term risks to health or safety. (See SG § 15127 for limitations.)
- f. Any significant irreversible environmental changes which would be involved in the proposed action should it be implemented, including uses of non-renewable resources and irreversible damage which could result from environmental accidents associated with the project, should be discussed.
- g. The growth-inducing impact of the proposed action shall be discussed in relation to fostering economic or population growth, or the construction of additional housing in the surrounding environment. This would also include removing obstacles to population growth. Additionally, discuss the effect of the project on existing community service facilities.

6.

Effects not Found to be Significant (SG § 15128) - An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were, therefore, not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an Initial Study.

7. Organizations and Persons Consulted (SG § 15129) - The EIR shall identify all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm or agency preparing the draft EIR, by contract or other authorization. In addition, if the EIR is prepared by a consultant, the document shall contain a statement identifying the consultant and the cost of preparation of the document.
8. Cumulative Impacts (SG § 15130) - Significant cumulative impacts shall be discussed and shall reflect the severity of the impacts and their likelihood of occurrence. In some cases, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis. The following elements are necessary to an adequate discussion of cumulative impacts:
 - a. A list of past, present and reasonably anticipated future projects producing related or cumulative impacts, including those projects outside the control of the agency, or a summary of projections contained in an adopted general plan or related planning document which is designed to evaluate regional or area-wide conditions. (Any such planning documents shall be referenced and made available to the public at a location specified by the Port District.)
 - b. A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available.
 - c. A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable options for mitigating or avoiding any significant cumulative effects.
9. Economic and Social Effects (SG § 15131) - Economic or social effects of a project shall not be treated as significant effects on the environment. Economic or social effects of a project may be used to determine the significance of physical changes caused by the project, but the EIR shall explain the reason for determining that the effect is significant. Economic, social and particularly housing factors shall be considered by public agencies, together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR.

NOTE: To this point in the EIR process, there is still no step which cannot be delegated to the Port Staff. Although it may be the choice of the Port District to take portions of the process before the Board of Port Commissioners, there is no requirement to do so.

D. NOTICE OF COMPLETION AND PUBLIC NOTICE OF AVAILABILITY OF DRAFT EIR (SG § 15085)

Immediately following completion of a draft EIR, a Notice of Completion (see, SG Appendix C) must be filed with the Office of Planning and Research (OPR) (PRC § 21092; SG §§ 15085, 15087).

The Notice of Completion shall include (SG § 15085):

1. A brief description of the project;
2. The proposed location of the project;
3. An address where copies of the draft EIR are available; and
4. The period during which comments will be received on the draft EIR.

Where the EIR will be reviewed through the state review process, the cover form required by the State Clearinghouse will serve as the Notice of Completion.

The Port District shall provide public notice of the availability of a draft EIR at the same time it sends a Notice of Completion to OPR. Notice shall be given to all organizations and individuals who have previously requested such notice and shall also be given by at least one of the following procedures:

1. Publication at least once in a newspaper of general circulation in the area affected by the proposed project.
2. Posting of the notice on and off the site in the area where the project is to be located.
3. Direct mailing to owners and occupants of property contiguous to the project. Owners of such property shall be identified as shown on the latest equalized tax assessment roll.
4. When a state agency is a responsible/trustee agency or the project will have statewide, regional or area wide impact outside the City, the Staff [or consultant] will submit the Notice of Completion and ten copies of the Draft EIR to the State Clearinghouse.

E. PUBLIC REVIEW PROCESS

The Port District shall consult with and request comments on the draft EIR from Responsible Agencies, affected Trustee Agencies, other state, federal and local agencies which exercise authority over resources which may be affected by the project. The Port District may consult with any person who has special expertise with respect to any environmental impact involved (SG § 15086).

Generally, review periods for draft EIR's should not be less than 30 nor longer than 90 days. If a state agency is a Responsible Agency, the review period shall be at least 45 days, unless a shorter period is approved by the State Clearinghouse (SG § 15087).

To make copies of EIR's available to the public, the Port District should furnish copies of draft EIR's to library systems serving the affected area. Copies should also be available at the Port District's office. The Port District should compile listings of other agencies and persons which have jurisdiction by law or special expertise with respect to various projects and project locations. A guideline list has been included as Exhibit "E". Copies of a Notice of Completion, and in most cases the draft EIR, should be forwarded to those agencies/persons.

Public hearings may be conducted on the environmental documents, either in separate proceedings or in conjunction with other proceedings of the public agency. Public hearings are encouraged, but not required, as an element of the CEQA process.

NOTE: The Port District may elect to hold a public hearing on a draft EIR in conjunction with a scheduled or adjourned Port Commissioners meeting.

F. PREPARATION OF FINAL EIR, INCLUDING RESPONSES TO COMMENTS ON DRAFT EIR

The Port District shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Port District shall respond to comments received during the noticed or extended comment period and may respond to late comments (SG § 15088). At least 10 days prior to certifying an EIR, the Port District shall provide a written proposed response to a public agency on comments submitted by that agency in conformance with CEQA requirements (SG § 15089).

The written response shall describe the disposition of significant environmental issues raised, e.g., revisions to the proposed project to mitigate anticipated impacts. In particular, the major environmental issues raised when the Port District's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving reasons why specific comments and suggestions were not accepted. There must be a good faith, reasoned analysis in response; conclusionary statements unsupported by factual information will not suffice.

The response to comments may be in the form of a revision to the draft EIR or a separate section in the final EIR. Where the responses make important changes in the information contained in the text of the draft EIR, the Port District should either revise the text in the body of the EIR, or include marginal notes showing that the information is revised in response to comments.

The Port District shall prepare a final EIR before approving the project (SG § 15089). The Port District may provide an opportunity for review of the final EIR by the public or commenting agencies before approving the project. The review of a final EIR should focus on the response to comments on the draft EIR.

A final EIR shall consist of (SG § 15132):

1. The draft EIR, or a revision of the draft.
2. Comments and recommendations received on the draft EIR, either verbatim or in summary.
3. A listing of persons, organizations and public agencies commenting on the draft EIR.
4. The response of the Port District to significant environmental points raised in the review and consultation process.
5. Any other information added by the lead agency.

The Port District must specify the location and custodian of the documents or other material which constitute the record of proceedings upon which the Port District's decision is based.

G. CONSIDERATION AND CERTIFICATION OF FINAL EIR (SG § 15090)

The final EIR shall be submitted to the decision-making body (SG § 15089). The decision-making body shall determine whether to certify the Final EIR (SG § 15090). This step cannot be delegated to Port Staff, it must be acted upon by the Board of Port Commissioners. The Board of Port Commissioners must certify that:

1. The final EIR has been completed in compliance with CEQA; and
2. The final EIR was presented to the Port District, and the Port District reviewed and considered the information contained in the final EIR prior to approving the project.

Absent unusual circumstances, when the CEQA process has resulted in mitigation measures being incorporated into the approval of the project, the Port District must adopt a mitigation reporting or monitoring program in accordance with Public Resources Code Section 21081.6.

If the decision-making body determines not to certify the Final EIR, a new draft EIR shall be processed.

NOTE: The certification of a final EIR must be done by the Board of Port Commissioners and is typically done by resolution, in conjunction with making findings; and if necessary, adopting a statement of overriding considerations. The adoption of the mitigation reporting or monitoring program must be done by the Board of Port Commissioners.

Once the Final EIR is certified, the decision-making body may determine whether to approve the project.

H. TIME LIMITS

The Port District shall complete and certify the Final EIR within one year after the date on which the application for a private project is accepted as complete. The one-year time limit may be extended once for a period not more than 90 days upon the consent of the Port District and the project proponent (SG § 15108).

I. FINDINGS ON FEASIBILITY OF REDUCING OR AVOIDING SIGNIFICANT ENVIRONMENTAL EFFECTS

When an EIR has been completed which identifies one or more significant effects, the Port District shall not approve or carry out that project without first making written findings for each significant effect, accompanied by a brief rationale for each finding (SG § 15091). The possible findings are:

1. Changes or alterations have been required, or incorporated into, the project which avoid or substantially lessen the significant effect identified.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by the other agency or can and should be adopted by the other agency. (NOTE: This finding shall not be made if the Port District has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.)
3. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

The findings required above shall be supported by substantial evidence in the record.

J. STATEMENT OF OVERRIDING CONSIDERATIONS (SG § 15093)

In determining whether to approve a project, CEQA requires the Port District to balance the benefits of a proposed project against its unavoidable environmental risks. If the benefits outweigh the unavoidable adverse environmental effects, the adverse impacts may be considered acceptable. If the Port District's decision allows the occurrence of significant effects which are identified in the final EIR, but are not at least substantially mitigated, the Port District shall state in writing, through a statement of overriding considerations, the specific reasons to support its action based on the final EIR and/or other information in the record. This statement may also be necessary if the Port District makes a finding under I(2) or I(3) above (SG §15093).

If the Port District makes such a statement of overriding considerations, the statement should be included in the record of the project approved and should be mentioned in the Notice of Determination.

ACTION: The Board of Port Commissioners must approve or disapprove a project(s) after certifying the final EIR, making findings and adopting a statement of overriding considerations, as necessary. These actions cannot be delegated to Port Staff. Once the project(s) is approved, a Notice of Determination must be filed.

K. NOTICE OF DETERMINATION

Following approval of a project for which a Negative Declaration or EIR has been prepared, a Notice of Determination (see, Guidelines, Appendix D) shall be filed with the County Clerk, and in the event the project requires discretionary approval from a state agency, also with the Office of Planning and Research (SG § 15094). The filing of the Notice of Determination and the posting on a list of such notices, starts a 30-day statute of limitations on court challenges to approvals under CEQA.

The Notice of Determination shall include the following:

1. An identification of the project, including its common name and its location.
2. A brief description of the project.
3. The date when the agency approved the project.
4. The determination of the agency that the project, in its approved form, will or will not have a significant effect on the environment.
5. A statement that a Negative Declaration/EIR was prepared, and in the case of an EIR, certified in accordance with CEQA.
6. Whether mitigation measures were made a condition of approval of the project (EIR only).
7. Whether findings were made pursuant to SG § 15091 (EIR only).
8. Whether a statement of overriding considerations was adopted for the project (EIR only).
9. The address where a copy of the Negative Declaration or final EIR and its record of project approval proceedings may be examined.

ACTION: Once the final EIR or Negative Declaration has been completed and the Notice of Determination filed, the remaining item is distribution of the document. A copy of the final EIR shall be filed with the appropriate planning agency of the cities affected, with other interested parties, and each Responsible Agency. Copies shall be retained in the Port District office for a reasonable period of time, and copies shall accompany any project report. Within 5 days of project approval, the Port District must file the Notice of Determination with the County Clerk (PRC §21152). If the project requires a discretionary approval from any state agency, the Notice of Determination shall also be filed with the state Office of Planning and Research. The appeal statute of limitation ends thirty days after this filing.

The State CEQA Guidelines contains a Notice of Determination form. The Notice of Determination will include any Statement of Overriding Considerations (SG Appendix D).

A project opponent must present to the Port District, orally or in writing, any objection to the project during the public comment period provided by these Guidelines or prior to close of public hearings on the project before the issuance of the project Notice of Determination, for the opponent to have standing to initiate any action or proceeding to attack, review, set aside, void, or annul the actions of the Port District on the grounds of noncompliance with CEQA (PRC § 21177). In addition, a project opponent with standing to initiate such action must comply with the statutes of limitation time limits specified in CEQA (PRC § 21167).

The Port District shall prepare and certify the record of proceedings not later than sixty days (or as extended by court) after a petitioner files an action challenging a Port District action on the grounds of noncompliance with CEQA (PRC § 21167.6).

EXHIBIT "A"

CEQA PROCESS FLOW CHART

WORKING PROJECT TITLE: _____
APPLICANT'S REFERENCE
NUMBER (if applicable): _____

EXHIBIT "B"

ENVIRONMENTAL ASSESSMENT
(To be completed by Applicant)

Applicant

Preparer of EA

(Name)

(Name)

(Title)

(Title)

(Organization)

(Organization)

(Address)

(Address)

(State, Zip Code)

(State, Zip Code)

()
(Telephone)

()
(Telephone)

I. PROJECT DESCRIPTION

A. Describe the type of development proposed, including all phases of project construction and operation, in a self-explanatory and comprehensive fashion. Discuss the need for the project and include site size, square footage, building footprint, number of floors, on-site parking, employment, phased development, and associated projects. If the project involves a variance, indicate the reason and any related information.

- B. Describe project appearance, any proposed signs, and how the design of the project would be coordinated with the surroundings.

- C. Describe how the public would be affected by the project.

- D. Describe how the project could attract more people to the area or enable additional people to use the area, and what additional service businesses would be required.

II. ENVIRONMENTAL SETTING

- A. Describe the existing project site and surrounding area including: the type and intensity of land/water use; structures, including height; landscaping and naturally occurring land plants and animals, and marine life; land and water traffic patterns, including peak traffic and congestion; and any cultural, historical, or scenic aspects.

III. ENVIRONMENTAL ANALYSIS

A. Compare the existing project area, improvements, and activities with what would exist after implementation of the proposed project. Data concerning the present condition should be entered before the slash (/); those after the project is completed should be given after the slash (/).

(1) Existing/proposed land area: _____ / _____ sq. ft.

water area: _____ / _____ sq. ft.

(2) Existing/proposed land area for:

structures: _____ / _____ sq. ft.

landscape: _____ / _____ sq. ft.

pavement: _____ / _____ sq. ft.

undeveloped: _____ / _____ sq. ft.

(3) Number of existing/proposed floors of construction: _____ / _____

(4) Principle height of existing/proposed structures: _____ / _____ ft.

(5) For land development, indicate extent of grading:

excavation: _____ cu. yards., _____ sq. ft.

fill: _____ cu. yards., _____ sq. ft.

Describe method, source of fill, and location of spoil disposal:

(6) For water development, indicate extent of dredging and fill:

dredging: _____ cu. yards., _____ sq. ft.

fill: _____ cu. yards., _____ sq. ft.

Describe method and location of spoil disposal:

(7) Describe existing/proposed method of solid waste disposal and amounts involved.

(8) Describe existing/proposed drainage system improvements and what materials other than domestic wastes, are/would be discharged into the sewer system:

(9) Describe the existing/proposed fire protection needs of the site and proposed project, and the nature and location of existing/proposed facilities:

(10) Describe existing/proposed public access to San Diego Bay through the project site, including any controlled access:

(11) Existing/proposed slips, piers: _____ / _____

docks or marine ways: _____ / _____

(12) Existing/projected employees per day: _____ / _____

(13) Existing/ projected customers or visitors per day: _____ / _____

(14) Explain the projections for (12) and (13): _____

(15) Existing/projected daily motor vehicle round trips associated with the site and the proposed project: _____ / _____.

(16) Existing/projected mileage for daily motor vehicle round trips associated with the site and the proposed project: _____ / _____.

(17) Existing/projected total round trip daily motor vehicle miles traveled associated with site and the proposed project: _____ / _____.

(18) Explain the projections for (15), (16) and (17): _____

(19) Existing/proposed parking spaces: On Site: _____ / _____

Other if used by project: _____ / _____

Specify location(s): _____

(20) Explain the parking space requirements and compare with applicable standards: _____

(21) Existing/ projected water consumption: _____ / _____ gal./day

(22) Existing/projected electrical power consumption: _____ / _____ kwhr./month

(23) Existing/projected gas/oil consumption: _____ / _____ therms/day or gal./day

B. Indicate whether or not the following may result from or may apply to the proposed project or its effects.

YES NO

(1) Substantial change in the existing land/water use of the site. _____ _____

(2) Incompatibility with approved Port Master Plan. _____ _____

(3) Part of a larger project or series of projects. _____ _____

(4) Involve the demolition or removal of existing improvements, including landscaping. _____ _____

(5) Substantial change in the existing features of San Diego Bay, tidelands, or beaches. _____ _____

(6) Significant increase in demands on parking or transportation facilities. _____ _____

(7) Substantial increase in demand for municipal services (police, fire, etc.) _____ _____

- (8) Significant increase in amounts of solid waste or litter. _____
- (9) Involvement with potentially hazardous materials, such as toxic substances, flammables, or explosives. _____
- (10) Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.) or in water consumption. _____
- (11) Interference with scenic views or vistas from existing residential areas or from adjacent uplands. _____
- (12) Decreased access to public facilities or recreational resources. _____
- (13) Substantial change in the employment base of the community. _____
- (14) Substantial increase in dust, ash, smoke, fumes, or odors in project vicinity. _____
- (15) Significant change in San Diego Bay water quality or alteration of existing drainage patterns into San Diego Bay. _____
- (16) Increase the possibility of erosion of tidelands or siltation of San Diego Bay. _____
- (17) Substantial increase in existing noise or vibration levels in the vicinity. _____
- (18) Require any variance from existing environmental standards (air, water, noise, etc.). _____
- (19) Involve soil stability or geological hazards. _____
- (20) Substantial decrease in the habitat of any land plants or animals, or marine life. _____

IV. ENVIRONMENTAL EFFECTS

Describe environmental effects which could result from the project:

A. Physiographic changes to San Diego Bay, tidelands, or beaches:

B. Increased demands on urban support systems, including: parking, streets, sewers, utilities, and transportation:

C. Increased energy consumption due to operation of the project:

D. Changes in appearance of the project site and views from/to the site which could be affected by the project:

E. Changes in air quality from both stationary and mobile sources, including any dust, odors, fumes, chemical vapors, water sprays, etc.:

F. Changes in the bay water quality, including those which could result from the removal and/or construction of structures in the water:

G. Changes in the sound environment which could occur on or off-site, both from construction and operational noise generated by the project:

H. Describe any change to plant or animal life, including landscaping:

V. MITIGATING MEASURES

A. Describe all proposed mitigating measures, or those already incorporated in the project to mitigate potentially significant environmental effects, if any:

B. Specify how and when the mitigating measures will be carried out:

C. Explain the extent and effectiveness of mitigation expected and how this was determined:

D. Describe other mitigation measures considered and indicate why they were discarded:

VI. BACKGROUND INFORMATION

A. Pre-Application Project Processing

(1) Indicate if the conceptual plans have been presented to the Board of Port Commissioners or Port Staff. If so, describe in what form, and give date and result:

(2) Indicate if project plans have been submitted to Port Staff. If so, describe in what form, to whom submitted, give date and result:

(3) List all environmental consultations and processing contacts with other agencies, firms or individuals in connection with this project. Give agency, name, phone, date, subject and result of consultation:

(4) Last project plans or working drawings approved by the Port at this site:

Title: _____

Date: _____

Port Engineering File Number: _____

B. Permit Background

- (1) List all other public agencies which have approval or permit authority related to this project and indicate type required, e.g., City building permits, Coastal permit, WQCB, APCD, Army Corps, EPA, FAA, Coast Guard, etc.:

- (2) Pending permits or variances at this site:

Indicate any permits or variances applied for. Agency, type, file number, date, phone number, and name of person who is processing the permit application or variance request must be included:

VII. CERTIFICATION

- A. Certification: This Environmental Assessment was prepared by me for/as the applicant and I hereby certify that the statements furnished in the above and in the attached exhibits disclose relevant information to determine environmentally significant effects, as required for the San Diego Unified Port District Initial Study. It has been prepared to the best of my ability, and the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

_____	_____
(Signature of Preparer)	(Date)
_____	_____
(Print Name)	(Title)
_____	_____
(Organization)	() (Telephone)

(Address)	

(City, State, Zip Code)	

B. Applicant Certification: I hereby certify that the project-related facts, statement, and information furnished above and in the attached exhibits, and in any other form to the preparer of this Environmental Assessment or to the San Diego Unified Port District are true and correct to the best of my knowledge and belief. I am duly authorized to and do hereby accept and commit the applicant to the implementation of all mitigation measures listed in this Environmental Assessment and of the project as herein described. I understand that non-compliance with any of the mitigation measures, or changes in the project as herein described shall be grounds to invalidate any or all project approvals or permits regardless of the stage of project development or operation. I will notify the San Diego Unified Port District immediately in writing of any changes in the proposed project, and I acknowledge that project changes may require additional environmental evaluation. I shall hold the San Diego Unified Port District harmless of any cost or damages resulting from consequences of non-compliance or unapproved project changes.

_____	_____
(Signature of Preparer)	(Date)
_____	_____
(Print Name)	(Title)
_____	_____
(Organization)	() (Telephone)

(Address)	

(City, State, Zip Code)	

EXHIBIT "C"

**INITIAL STUDY
(To Be Completed by Lead Agency)**

**PORT OF SAN DIEGO
and Lindbergh Field Air Terminal
P.O. Box 488
San Diego, California 92112
(619) 291-3900**

I. BACKGROUND

A. Name of Proponent: _____

B. Address and Telephone Number of Proponent: _____

C. Contact Person and Phone Number: _____

D. Lead Agency Name and Address: _____

E. Title of Project: _____

F. Location of Project: _____

G. Description of Project: _____

H. San Diego Unified Port District Master Plan or Other Plan Designation and Zoning (including a discussion of project consistency with the plans and zoning): _____

I. Surrounding Land Uses and Setting: _____

H. Other Agencies Whose Approval is Required: _____

I. Discussion of Ways to Mitigate Significant Effects Identified, if any: _____

J. The Name of the Person(s) who Prepared or Participated in the Initial Study: _____

K. Environmental Assessment Analysis: Specific questions were raised on the following EA entries:

<u>Item #</u>	<u>Question</u>	<u>Explanation</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

L. Attachments:

- Site Plan _____
- Draft Coastal Application _____
- Draft Army Corps Application _____
- Other _____
- _____
- _____

M. Additional Information: _____

II. GUIDELINES

A. Does the proposed activity qualify as a project as defined in Guidelines Section 15378?³
Yes _____ No _____

B. Does the project qualify as:⁴

1. Ministerial?

Yes _____ No _____

2. Emergency?

Yes _____ No _____

3. A feasibility or planning study?

Yes _____ No _____

4. Categorically exempt pursuant to the State Guidelines?

Yes _____ No _____

5. Involves another agency which constitutes the lead agency?

Yes _____ No _____

If yes, identify lead agency: _____

(If "Yes" has been checked for any of the above, an Environmental Impact Assessment/
Environmental Impact Report or Negative Declaration need not be prepared.)

³ Determine if project qualifies by referring to Procedure Manual. If yes, continue; if no, you are finished with form.

⁴ Generally, would be categorically exempt if not requiring an EIR or Negative Declaration.

III. 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.

Land Use and Planning
Population and Housing
Geological Problems
Water
Air Quality
Transportation/Circulation
Biological Resources
Energy and Mineral Resources

Hazards
Noise
Public Services
Utilities and Service Systems
Aesthetics
Cultural Resources
Recreation
Mandatory Findings of Significance

IV. EVALUATION OF ENVIRONMENTAL IMPACTS

- A. 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 parenthesis 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. A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards.
- B. 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.
- C. “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.
- D. “Potentially Significant Unless 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 measure, and briefly explain how they reduce the effect to a less than significant level.
- E. 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). Earlier analyses are discussed in Section XVII at the end of the checklist.
- F. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts. References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

V. ENVIRONMENTAL IMPACTS⁵

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated ⁶	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

A. **Land Use and Planning.**
Would the proposal:

- 1) Result in substantial alteration of the existing or planned land use of an area?

- 2) Conflict with the SDUPD Master Plan?

- 3) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?

- 4) Be incompatible with existing land use in the vicinity?

- 5) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?

⁶ Potentially Significant Unless Mitigated Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The Port District must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from ..earlier analyses," may be cross-referenced).

⁵ The project needs to be thoroughly evaluated in light of each question. All entries, except no impact entries that are adequately supported by information sources cited in the parentheses following each question must be briefly explained on a separate sheet (i.e., "A. Earth", and the question number) either through a narrative or reference to another information source such as an attached map, photographs, or an earlier EIR or negative declaration. A reference to another document should include, where appropriate, a citation to the page or pages where the information is found.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

- 6) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?

B. Earth

- 1) Result in substantial changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream, or the bed of the ocean or San Diego Bay, or San Diego Bay Channel?

C. Population and Housing.

Would the proposal:

- 1) Significantly alter the location, distribution, density, or growth rate of the human population of an area?

- 2) Cumulatively exceed official regional or local population projections?

- 3) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?

- 4) Result in significant effects to existing housing, or create a demand for additional housing?

- 5) Displace existing housing, especially affordable housing?

D. Geologic Problems.

Potentially
Significant
Impact

Potentially
Significant
Unless
Mitigation
Incorporated

Less Than
Significant
Impact

No
Impact

Would the proposal result in or expose people to potential impacts involving:

- 1) Fault rupture?

- 2) Seismic ground shaking?

- 3) Seismic ground failure, including liquefaction?

- 4) Seiche, Tsunami, or volcanic hazard?

- 5) Landslides or mudflows?

- 6) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?

- 7) Subsidence of the land?

- 8) Expansive soils?

- 9) Unique geologic or physical features?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

E. Water.

Would the proposal result in:

- 1) Significant changes in currents, or the course or direction of water movements?

- 2) Changes in absorption rates drainage patterns, or the rate and amount of surface runoff?

- 3) Exposure of people or property to water related hazards such as flooding?

- 4) Discharge into surface waters, including San Diego Bay, or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)?

- 5) Changes in the amount of surface water in any water body, including the San Diego Bay waters?

- 6) Changes in currents, or the course or direction of water movements?

- 7) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations, or through substantial loss of groundwater recharge capability?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

8) Altered direction or rate of flow of groundwater?

9) Significant alterations to the course or flow of floodwaters?

10) Impacts to groundwater quality?

11) Substantial reduction in the amount of groundwater otherwise available for public water supplies?

F. Air Quality.

Would the proposal:

1) Result in substantial additional air emissions or deterioration of ambient air quality, beyond Regional Air Quality Maintenance Plan projections?

2) Result in possible interference with emergency response plan?

3) Violate any air quality standard or contribute to an existing or projected air quality violation?

4) Expose sensitive receptors to pollutants?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

5) Alter air movement, moisture, or temperature, or cause any change in climate?

6) Create objectionable odors?

G. Transportation/Circulation.
 Would the proposal result in:

1) Increased vehicle trips or traffic congestion?

2) Significant alterations to present patterns of circulation or movement of people and/or goods?

3) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

4) Inadequate emergency access or access to nearby uses?

5) Significant effects on existing parking facilities, or substantial demand for new parking?

6) Hazards or barriers for pedestrians, bicyclists, or motor vehicles?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

7) Substantial impacts upon existing transportation systems?

8) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

9) Substantial impacts to rail, waterborne or air traffic?

H. Biological Resources.
 Would the proposal result in:

1) Significant change in diversity of species of plants or animals (including trees, shrubs, grass, and aquatic plants, or mammals, birds, reptiles, amphibians, fish, or invertebrates)?

2) Impact to endangered, threatened, or rare species of plants or animals or their habitats (including but not limited to plants, fish, insects, animals, and birds)?

3) Introduction of new species of plants or animals into an area?

4) Impact to locally designated species (e.g., heritage trees)?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

5) Impact to locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?

6) Impact to wetland habitat (e.g., marsh, riparian, and vernal pool)?

7) Impact to wildlife dispersal or migration corridors?

I. Energy and Mineral Resources.

Would the proposal:

1) Conflict with adopted energy conservation plans?

2) Use substantial additional amounts of fuel or energy?

3) Use non-renewable resources in a wasteful and inefficient manner?

4) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

J. Hazards.

Would the proposal involve:

- 1) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals, or radiation)?

- 2) Possible interference with an emergency response plan or emergency evacuation plan?

- 3) The creation of any health hazard or potential health hazard?

- 4) Exposure of people to existing sources of potential health hazards?

- 5) Increased fire hazard in areas with flammable brush, grass, or trees?

K. Noise.

Would the proposal result in:

- 1) Increases in existing noise levels?

- 2) Exposure of people to severe noise levels?

Potentially Significant Impact Potentially Significant Unless Mitigation Incorporated Less Than Significant Impact No Impact

L. Public Services.

Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:

- 1) Fire protection?

- 2) Police protection?

- 3) Schools?

- 4) Maintenance of public facilities, including roads?

- 5) Other governmental services?

M. Utilities and Service Systems.

Would the proposal result in a need for new systems or supplies, or substantial alternations to the following utilities:

- 1) Power or natural gas?

- 2) Communications systems?

- 3) Local or regional water treatment or distribution facilities?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

4) Sewer or septic tanks?

5) Storm water drainage?

6) Solid waste disposal?

7) Local or regional water supplies?

N. Aesthetics.
 Would the proposal:

1) Affect a scenic vista, view, or scenic highway open to the public?

2) Have a demonstrable negative aesthetic effect?

3) Create light or glare?

O. Cultural Resources.
 Would the proposal:

1) Disturb paleontological resources?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

2) Disturb archaeological resources, including the alteration or destruction of prehistoric or historic archaeological site?

3) Result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?

4) Have the potential to cause a physical change which would affect unique ethnic cultural values?

5) Restrict existing religious or sacred uses within the potential impact area?

P. Recreation.

Would the proposal:

1) Increase the demand for neighborhood or regional parks or other recreational facilities?

2) Affect existing recreational opportunities?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

Q. Mandatory Findings of Significance.

1) 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 important examples of the major periods of California history or prehistory?

2) 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.)

3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

4) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

V. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Guideline Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

- a) Earlier analyses used. Identify earlier analyses and state where they are available for review.
- b) Impacts adequately addressed. Identify which effects from the checklist were within the scope of and adequately analyzed in an earlier document, 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 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.

VI. DETERMINATION⁷

The ENVIRONMENTAL MANAGEMENT DEPARTMENT of the San Diego Unified Port District on _____ reviewed and considered the proposal entitled _____ (UPD # _____). On the basis of the Initial Study, the Environmental Management Department found:

The ENVIRONMENTAL REVIEW COMMITTEE of the San Diego Unified Port District reviewed and considered the proposal entitled _____ (UPD # _____). On the basis of the Initial Study, the Environmental Review Committee found:

The proposed project COULD NOT have a significant adverse effect on the environment, and a CATEGORICAL EXEMPTION will be prepared under Class _____, which reads in part: _____

_____.

The proposed project COULD NOT have a significant adverse effect on the environment, and a NEGATIVE DECLARATION will be prepared.

Although the proposed COULD have a significant effect on the environment, there will NOT be a significant effect in this case because the mitigation measures proposed in the Initial Study have been added to the project. A NEGATIVE DECLARATION with mitigation conditions will be prepared.

The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT will be prepared.

The proposed project MAY have a significant effect(s) 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, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Preparer of Initial Study

Date

RALPH T. HICKS, Chairman
Environmental Review Committee

Date

⁷ Determination is based on responses to questions in this form. The determination guides the next step in the process, whether it be preparation of a Negative Declaration or an EIR

EXHIBIT "D"

LIST OF SIGNIFICANT EFFECTS

A project will normally have a significant effect on the environment if it will:

- (1) Conflict with adopted environmental plans and goals of the community where it is located.
- (2) Have a substantial, demonstrable negative aesthetic effect.
- (3) Substantially affect a rare or endangered species of animal or plant, or the habitat of the species.
- (4) Interfere substantially with the movement of any resident or migratory fish or wildlife species.
- (5) Breach published national, state or local standards relating to solid waste or litter control.
- (6) Substantially degrade water quality.
- (7) Contaminate a public water supply.
- (8) Substantially degrade or deplete ground water resources.
- (9) Interfere substantially with ground water recharge.
- (10) Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group- or a paleontological site, except as part of a scientific study.
- (11) Induce substantial growth or concentration of population.
- (12) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.
- (13) Displace a large number of people.
- (14) Encourage activities which result in the use of large amounts of fuel, water or energy.
- (15) Use fuel, water or energy in a wasteful manner.
- (16) Increase substantially the ambient noise levels for adjoining areas.
- (17) Cause substantial flooding, erosion or siltation.
- (18) Expose people or structures to major geologic hazards.
- (19) Extend a sewer trunk line with capacity to serve new development.
- (20) Substantially diminish habitat for fish, wildlife or plants.
- (21) Disrupt or divide the physical arrangement of an established community.
- (22) Create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected.
- (23) Conflict with established recreational, educational, religious or scientific uses of the area.

- (24) Violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations.
- (25) Convert prime agricultural land to non-agricultural use or impair the agricultural productivity of prime agricultural land.
- (26) Interfere with emergency response plans or emergency evacuation plans.

EXHIBIT "E"

LIST OF PERSONS AND AGENCIES TO BE CONTACTED

I. CITIES

- A. All Cities which may be affected by the project.

II. SANITARY AND WATER AGENCIES

- A. All Sanitary and Water Districts which may be affected by the project.

111. OTHER AGENCIES

- A. County of San Diego
- B. California Integrated Waste Management Board
- C. Solid Waste Management Board
- D. Regional Water Quality Control Board
- E. State Water Resources Control Board
- F. SANDAG
- G. San Diego Gas & Electric Company
- H. California Department of Parks and Recreation
- I. California Department of Transportation
- J. State Department of Health Services
- K. U.S. Fish and Wildlife
- L. Air Resources Board
- M. Office of Planning and Research (Clearinghouse) 10 copies
- N. California Department of Fish and Game
- O. San Diego Air Pollution Control District
- P. San Diego County Archaeological Society
- Q. Audubon Society
- R. Native Plant Society
- S. Army Corps of Engineers
- T. Herpetological Society
- U. County of San Diego, Local Enforcement Agency
- V. Office of the County Supervisor in whose District the project is located (if in an unincorporated area.)

IV. NEIGHBORS

- A. Neighbors in the vicinity of the project should be notified of any activities requiring environmental documentation. A list should be compiled of these people, as well as others within an estimated radius of the project or site.
- B. Notification should be given to those along the proposed route of the project.

V. LIBRARIES

- A. Send a copy to the main library for each city which may be affected by the project.

EXHIBIT "F"

NOTICE OF PREPARATION RESPONSE FORM

This form is provided to assist in responding to the Notice of Preparation. If more space is required, or if you prefer a different format, please feel free to deviate from this form as necessary.

Date of Response _____

Agency _____

Mailing Address _____

City _____ State _____ Zip _____

Telephone(s) (_____) _____

Contact Person _____

LEVEL OF INTEREST IN THE PROPOSED FACILITIES

_____ No interest (delete from distribution list)

_____ Major interest (retain name on distribution list)

_____ Major interest (state key areas of your concern): _____

PERMIT/REVIEW REQUIREMENTS

Do you or your agency have statutory permit authority or advisory review authority over actions within the PROJECT AREA. If so, please list.

<u>Area of Concern</u>	<u>Port District</u>	<u>Applicability Within Project Area</u>

ENVIRONMENTAL ISSUE CATEGORIES

Please indicate your interests and items that should be addressed in the proposed Environmental Impact Report.

	<u>Category</u>	<u>Comments</u>
Geology/Soils		
Hydrology/Water Quality		
Vegetation/Wildlife		
Archaeology/History		
Existing and Proposed Land Uses		
Relevant Land Use Planning		
Demography and Growth Dynamics		
Transportation/Circulation		
Climate/Air Quality		
Noise		
Utilities		
Energy Conservation		

