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PROCEDURAL GUIDE FOR THE GRANT PROGRAM

UNDER THE STATE BEACH, PARK,
RECREATIONAL AND HISTORICAL
FACILITIES BOND ACT OF 1974

DECEMBER 1974

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STATE OF CALIFORNIA
THE RESOURCES AGENCY



ONE OF THE FINANCIAL ASSISTANCE PROGRAMS ADMINISTERED THROUGH
THE CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION

PROCEDURAL GUIDE FOR THE GRANT PROGRAM UNDER THE
STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES
BOND ACT OF 1974

December 1974

Ronald Reagan
Governor
State of California

Norman B. Livermore, Jr.
Secretary for
Resources

William Penn Mott, Jr.
Director
Department of Parks and Recreation



State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
P.O. Box 2390 Sacramento 95811

Department of Conservation
Department of Fish and Game
Department of Navigation and
Ocean Development
Department of Parks and Recreation
Department of Water Resources



Air Resources Board
Colorado River Board
San Francisco Bay Conservation and
Development Commission
Solid Waste Management Board
State Lands Commission
State Reclamation Board
State Water Resources Control Board
Regional Water Quality Control Boards

THE RESOURCES AGENCY OF CALIFORNIA
SACRAMENTO, CALIFORNIA

Local Public Officials of California:

I am most pleased to submit to the Municipalities, Districts and Counties of California the Procedural Guide for applying for grant funds under provisions of the State Beach, Park, Recreational and Historical Facilities Bond Act of 1974.

This Act, authorized by vote of the people of California in June 1974, included \$90 million for grants to counties and to other agencies of local government for the acquisition and development of needed outdoor recreation and historical areas.

The Act vests in the Secretary for Resources the responsibility for processing and reviewing all applications for such state grants and for forwarding approved grant applications to the Governor for inclusion in the budget bill. The Legislature will act on the grant applications as part of its normal budget adoption procedure. Funds will be disbursed by the State for the projects specified in the adopted budget, in accordance with the fiscal procedures prescribed by the laws governing the expenditure of state funds. I have designated the Director of the Department of Parks and Recreation as the administrator of this grant program. Staff of the State Department of Parks and Recreation will provide needed information and consultation to local agencies applying for recreation grants.

This guide provides, in one document, general information about the program, the steps necessary to prepare an application, and the required procedures for administering a local grant.

Through this program I am looking forward to the rewarding task of assisting California's local jurisdictions in providing vitally needed recreation facilities for our present and future generations of this State.

Sincerely yours,

N. B. Livermore, Jr.

Secretary for Resources

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**SECTION I
GENERAL INFORMATION – 1974 STATE GRANT PROGRAM**

Authority

The Z'berg-Collier Park Bond Act (Appendix A) provides funds to state and local agencies of the State of California to acquire and establish beaches, parks, recreational facilities, and historic resources. Subdivision (a), Section 5096.85, Chapter 1.67, Division 5 of the Public Resources Codes provides \$90 million for grants to counties, cities, or cities and counties for the acquisition, development, or acquisition and development of real property for park, recreation area, beach, and historic purposes, including state administrative costs.

Administrative Agency

The Secretary of the Resources Agency has directed the State Department of Parks and Recreation to assume responsibility for the State Grant Program. All inquiries, correspondence, and grant applications should be submitted to:

State Department of Parks and Recreation
Grants and Statewide Studies Division
P. O. Box 2390
Sacramento, CA 95811
Telephone: (916) 445-4441

Eligible Units of Government and Allocation of Funds

Any city, county, or special district whose authority permits acquisition, development, operation, and maintenance of public park or recreation areas and that meets all requirements of the State Grant Program is eligible to apply for a state grant.

Pursuant to the Bond Act, "The applying jurisdiction's park stewardship history will be reviewed for protecting existing parks and recreation and open space resources, and operating and maintaining areas to acceptable standards." Jurisdictions that have been known to convert open space, park lands, or recreation areas to other than these uses will be requested to justify such conversions. If the conversions cannot be justified, the state would have grounds to deny the approval of a state grant. If it is determined that an applying jurisdiction has had a very poor record of operating and maintaining its existing park and recreation areas, this, too, would be grounds for denying the approval of a state grant.

Official County Allocation

The official allocation to each county is based on estimated population of the counties on July 1, 1980, as projected by the State Department of Finance, with no county receiving less than \$200,000 (Appendix B).

The Priority Plan for Expenditure

Each county shall develop and submit to the state a priority plan for expenditure of the county's allocation. The priority plan for expenditure must consist of a list of jurisdictions within the county to whom portions of the county allocation is made and must include the dollar amounts allocated to each jurisdiction. A list giving the exact name of eligible projects (such as Crabtree Park Lighting, NOT Park Lighting) should be shown under each jurisdiction.

In order to be eligible, a jurisdiction's project should appear on the county's approved priority plan for expenditure. The individual projects need not have assigned dollar amounts shown on the priority plan for expenditure. Individual projects not listed on the priority plan for expenditure must be approved by a resolution of the county board of supervisors before an application is submitted to the state. These projects will be accepted by the state at any time from 1974 to the final cutoff date for project inclusion in the 1980-81 fiscal year state budget. A copy of the supervisors' resolution is sent to the state along with the application. All applications for inclusion in the state budget must include the dollar amount of the project.

The state will accept a county's priority plan for expenditure, provided the county board of supervisors has certified by resolution that all eligible applicants have been consulted. (A sample resolution is available from the state upon request.) If it is determined by local authorities that one or more special districts are eligible recipients of grant funds, then all such special districts must have been consulted, and the county board of supervisors must so certify to the state.

The deadline for submission to the state of each county's priority plan for expenditure is June 30, 1975. Thereafter, the county's original allocation will be reduced in accordance with Section 5096.86 of the act (Appendix A).

Project Requirements

Upon completion all projects must provide for or support public outdoor recreation. The only exceptions are the acquisition, restoration, or reconstruction of certain historic sites or buildings. To qualify as a historic site or building, the project must appear on, or be in the process of being nominated for, one of the following three registration programs: (1) the California Historical Landmarks Program; (2) the Points of Historical Interest Program; or (3) the *National Register of Historic Places*. Structures that are designed primarily for indoor recreational activity are not eligible unless they are of recognized historic significance. This would eliminate such indoor facilities as recreation centers, gymnasiums, and indoor swimming pools.

Beautification projects, such as landscaping of road medians or planting of street trees, are not eligible.

The state sets no minimum or maximum project size.

Planning Criteria for Individual Projects

The application for the state grant shall be accompanied by an adopted plan showing park and recreation lands and facilities, existing and proposed, sufficient to enable the state to determine the needs of the general public for recreation lands and facilities in the applicant's jurisdiction and the quality and quantity thereof.

The individual project for which funds are being requested shall appear on the applicant's plan. The applicant shall state that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project. If the project lands or facilities are located outside the political boundaries of the applicant, such project lands or facilities shall appear on the adopted plan of the jurisdiction in which the project is located. (Section 5096.86 of the Act).

The applicant's master plan is acceptable if (1) it is part of an approved city or county general plan (either the recreation element or the open space element); (2) a park and recreation district approves a separate master park and recreation plan for its district (not necessarily a part of a city or county general plan); (3) a park and recreation district approves the area plan of the county general plan; or (4) a special district, other than a park and recreation district, adopts its own plan or the city or county plan.

Each project must be in accord with the *California Outdoor Recreation Resources Plan*. This plan furnishes the basic framework to guide all recreation suppliers in meeting the recreation needs in California and sets forth the state's recreation policy. The plan may be found in state depository libraries, or it may be ordered through most local libraries.

Each project must conform to the *State Environmental Goals and Policy Report*. This is a state policy report issued by the Office of Planning and Research. This report will be used by the state to determine the conformance of each local project to the goals and objectives reflected in the report (Appendix D).

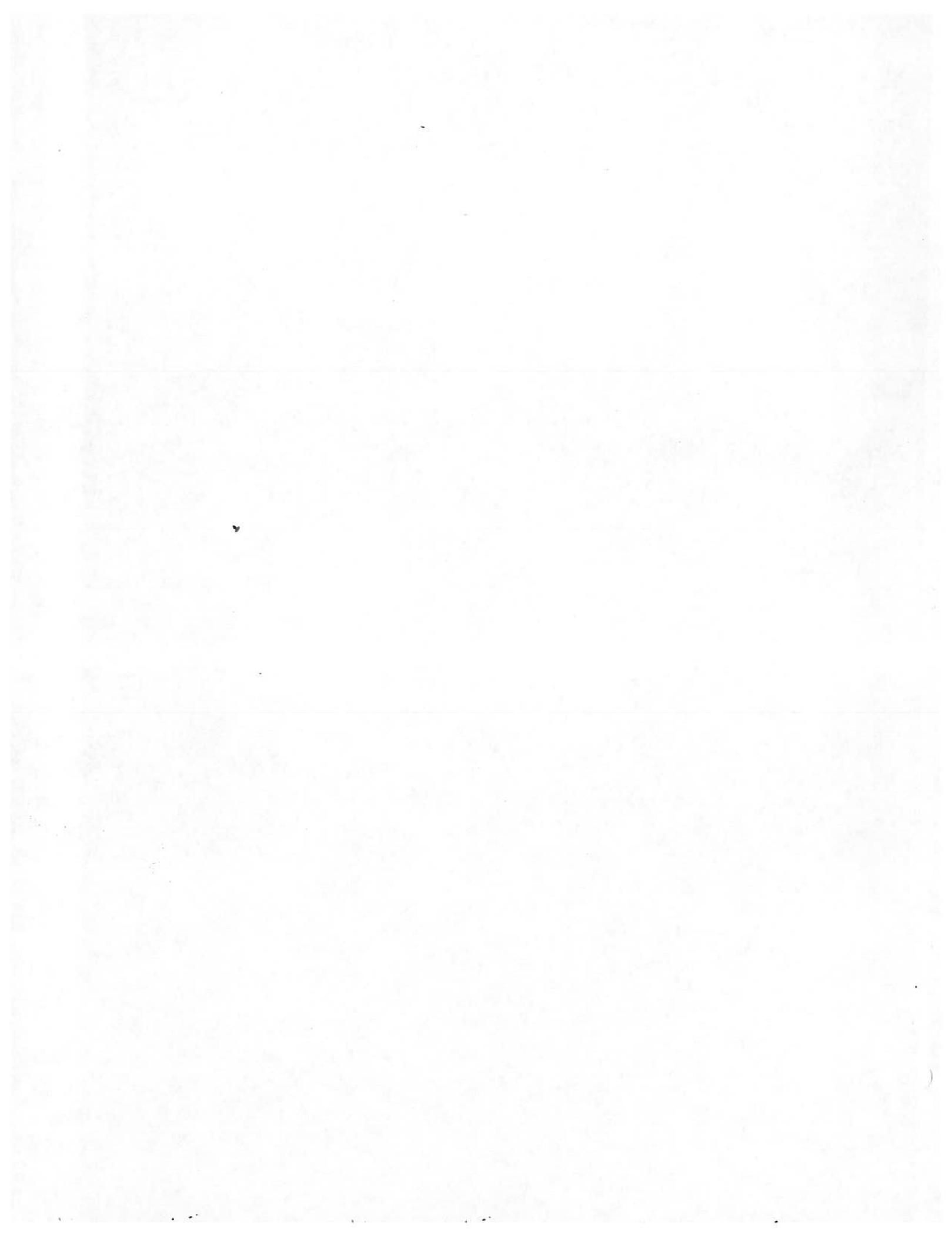
Time Limitations

When a project is approved by the Legislature, funds are budgeted for a single fiscal year, and, when encumbered by an agreement, two additional years are granted in which to complete the project. Projects that can be initiated and completed rapidly and made available for public use soon after legislative approval should be given highest priority by each local agency when its selections are made of projects that will receive grant funds.

Sequence of Events

The following steps are taken in the administration of a state grant:

1. County submits priority plan for expenditure to state.
2. State checks certification of priority plan for expenditure.
3. County/city/districts submit applications for individual projects by September 15 of each year.
4. State reviews project documentation.
5. State checks project documentation against the *California Outdoor Recreation Resources Plan* and the *Environmental Goals and Policy Report*.
6. State may request field inspection of project.
7. State Department of Parks and Recreation submits project name and amount requested through the Resources Agency to Department of Finance for inclusion in budget bill.
8. The project must be approved by the Legislature and the Governor.
9. Funds for projects are available after July 1 of each year, beginning in 1975, when:
 - a. Agreement is signed.
 - b. Acquisition documents are approved.
 - c. Development plans and specifications are approved.
10. State may advance upon request up to 90 percent of the grant for development, following approval of construction plans and specifications.
11. Applicant requests final payment after project completion.
12. State audits applicant's records.
13. Applicant is paid.



SECTION II APPLICATION PROCEDURES

The speed with which your application is processed will depend to a very great extent on the accuracy and completeness of the information presented in the application. Previous grant experience shows that the majority of delays in application processing, and occasionally some rejections, are a result of incomplete or inaccurate information in the application. All necessary forms, as well as the required supplementary information, are described below. Careful attention to specifics and early submission will guarantee full and speedy processing.

When to Apply

The deadline for applications for the 1975-76 fiscal year and subsequent years is September 15.

What to Submit

1. Four ink-signed copies of Application for State Grant.
2. One copy of a resolution from the governing body with authority over the applicant agency authorizing application for state grant moneys. These copies must be ink signed by the clerk of the resolving authority. (See sample resolution form.)
3. One copy of an adopted plan showing existing and proposed park and recreation lands and facilities, including this project, and evidence of the plan's adoption.
4. One copy of a statement of compatibility with appropriate land use plans of those jurisdictions affected by the project. This is normally included in the resolution or transmittal letter.
5. One copy of a letter containing comments of the San Francisco Bay Conservation and Development Commission (BCDC) and a statement of compliance, if the proposed project is located on or near the shoreline of San Francisco Bay.
6. One copy of a permit issued by the appropriate Regional Coastal Zone Protection Commission if the proposed project falls within the Coastal Zone Protection Permit Area (California Coastal Zone Conservation Act, 1972).
7. One copy of comments from both the state and, where applicable, areawide clearinghouses or evidence that required clearinghouse procedures have been followed and that no specific comments were made (Appendix C).
8. One copy of the environmental impact report or notice of exemption required for the project in conformance with the requirements of the California Environmental Quality Act (Appendix C).
9. One copy of state and county or city mapping indicating the geographic location of the project on a scale such that relevant features of the project vicinity are visible. Include a route of legal public access or describe a method of providing such access.
10. One copy of a statement describing who will operate and maintain the project. List current or proposed agreements for maintenance and operation.
11. One copy of a subdivision plot or boundary map showing the exterior boundaries of each parcel to be acquired.
12. One copy of an acquisition schedule. (See schedule below.)

**Acquisition Schedule
(Sample)**

Code*	Parcel number	Acreage	Est. date of acq.	Est. value of land to be acquired	Est. value of imp. to be acquired	Relocation	Total estimated cost
1	1	25.20	2/75	102,000	----	----	\$102,000
2	2	2.97	1/74	19,000	4,500	7,000	30,500
1	3	6.00	2/75	31,000	----	----	31,000
1	4	37.13	2/75	76,500	----	----	76,500
Administration of relocation program							1,000
Total acreage		71.30				Total	\$241,000

*Code: 1: Negotiated purchase; 2: Condemnation

13. A site plan drawn to scale showing exterior boundaries of the area to be developed with state grant moneys with major facilities shown.
14. One copy of an itemized estimate of construction costs. (See Appendix F.)
15. One copy of all leases, agreements, and the like that affect project lands or operation and maintenance of the project. The state must approve nonrecreation uses.
16. Indication of the amount, type, and source of funds to be provided by the applicant in the grant project (i.e., local moneys, in kind, or services).

Application Form Instructions

Project No.: Leave blank. Numbers will be assigned by state and designated by county in the order in which projects are received. For instance, the first project from Alameda County would be 01-0001; the second project from Yuba County would be 58-0002.

State Clearinghouse No.: Enter "SCH" number on the clearinghouse postcard or Form 189 that is returned to the applicant following submission of project to state clearinghouse.

1. Enter project title, which should include the words "acquisition" or "development" after title. Examples: Wild River Park Acquisition; Falling Water Park Development. Keep title as short as possible.
2. Enter total amount of grant money that will be requested. The aggregate of grant requests must not exceed the amount allocated to the agency in the priority plan for expenditure.
3. If the grant money is being applied to a larger project, give estimated cost of complete project.

4. Enter name and address of grant recipient. Example:

City of Gold
Department of Parks and Recreation
1849 American River Dr.
Gold, CA 94810

5. Enter name of county making application. If the project is located in another county, so indicate in parenthesis — for instance, Los Angeles (Mono). Enter name of nearest city or town to project. Briefly describe access so that a person unfamiliar with the project could locate it.

- 6.,7. Enter numbers of senate and assembly districts in which *project* is located.
8. Type name of person authorized in governing body's resolution to sign agreements, payment requests, and amendments. (Normally city manager or park director. See last paragraph of sample resolution). Give area code as well as phone number.
9. The state requests that the applicant assign one person at the staff level as the state's contact to handle everyday administrative problems.
10. Describe scope of the project. You will be bound by this description on the agreement when the grant is approved by the Legislature. Intended uses must be defined in the project description, including uses during the period after acquisition and before full development.

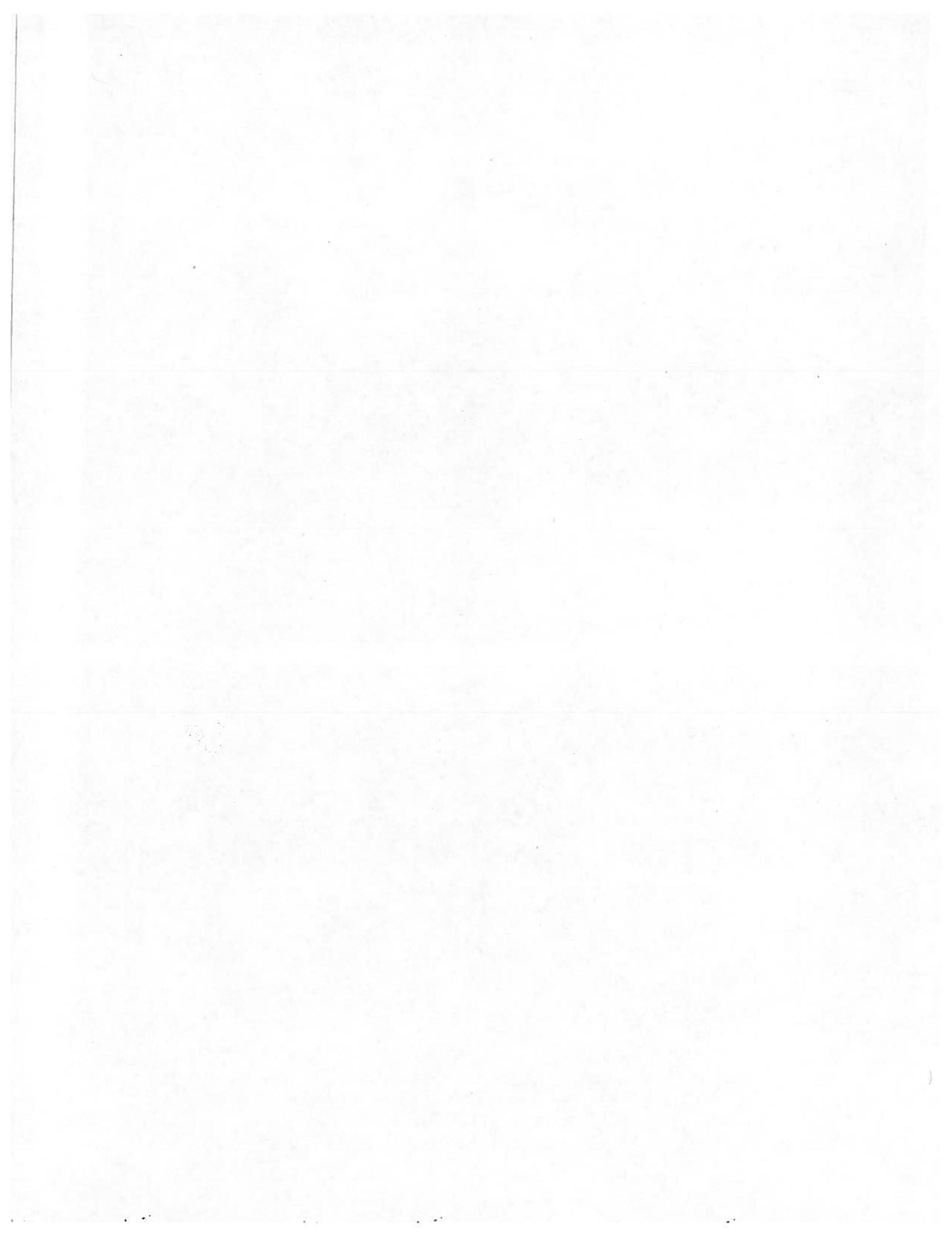
Use the following format (sample):

Acquisition projects: This project proposes the purchase of three parcels of vacant land comprising 20 acres for a regional park to be located five miles north of Williamsville. When developed, the park will provide opportunities for camping, picnicking, and equestrian activities and a large playfield suitable for a variety of family and group activities. There is no relocation involved. The estimated date of development is September, 1976. The area will probably be used for grazing before full development, with the gross income to be used for future development.

Development projects: This project involves the first phase of a three-phase, long-range program to bring the 15-acre Sandy Beach Park into maximum use in accord with a master plan. The project includes site preparation, demolition of an outmoded bathhouse, and development of roads and parking area, security lighting, picnic facilities, walkways and bikeways, interpretive facilities, a specially designed model boat lagoon, outdoor shower pads, irrigation and domestic water systems, and utilities. The project is located adjacent to State Route 392, ten miles east of the City of Coconut Estates, Lincoln County.

If the project is to be completed in stages, describe the work to be accomplished during each stage. Identify the stage for which the grant is requested.

- 11a. For development projects, check land tenure of project lands held by applicant. Submit one copy of leases, permits, and the like.
- 11b. For acquisition projects, check type of acquisition anticipated. (See Section 5096.85, last paragraph of act.)
12. This must be the signature of person shown in Item 8.



IMPORTANT

1. Read the guide thoroughly.
2. Submit applications by September 15 of each year — each project must be a separate application.
3. Before you can spend any of the grant you must—
 - a. Have your project approved by the Legislature.
 - b. Sign an agreement with the State.
 - c. Have your appraisal and title documents approved by the State.
 - d. Have your construction plans approved by the State.
4. The only indoor facilities that are eligible are those that support outdoor recreation, except for historical sites and historical buildings.
5. An audit will be performed before final payment.

Application Checklist

- A. Four ink-signed copies of Application for State Grant.
- B. Two copies of a resolution from your governing body with authority over the applicant agency, authorizing application for state grant funds. These copies must be ink-signed by the clerk of the resolving authority.
- C. One copy of an adopted plan showing existing and proposed park and recreation lands and facilities including this project.
- D. One copy of a statement of compatibility with appropriate land use plans of those jurisdictions affected by the project.
- E. One copy of a letter containing comments of the San Francisco Bay Conservation and Development Commission (BCDC) if applicable.
- F. One copy of a permit issued by the appropriate Regional Coastal Zone Protection Commission if applicable.
- G. One copy of comments from both the State and areawide clearinghouses.
- H. One copy of an environmental impact report or notice of exemption.
- I. One copy of a county or city map with project location shown.
- J. One copy of a statement describing who will operate and maintain the project (may be contained in resolution).
- K. One copy of a subdivision plot or boundary map showing the exterior boundaries of each parcel to be acquired.
- L. One copy of an acquisition schedule.
- M. A site plan drawn to scale showing exterior boundaries of the area to be developed with State Grant moneys.
- N. One copy of an itemized estimate of construction costs.
- O. One copy of all leases, agreements, etc., that affect project lands or operation and maintenance of the project.
- P. Indication of the amount, type, and source of funds to be provided by the applicant in the grant project (i.e., local monies, in kind, or services).

Assurances

The applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements as they relate to the application, acceptance and use of state funds for this project. Also, the applicant gives assurance and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant, and to finance, acquire, and construct the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.
3. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the State may require.
4. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable State and local agencies for the maintenance and operation of such facilities.
5. It will give the State's authorized representative access to and the right to examine all records, books, papers, or documents related to the grant.
6. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the State that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.
7. It will not dispose of or encumber its title or other interests in the site and facilities without permission from the State Legislature.
8. It will comply where applicable with provisions of the California Coastal Zone Conservation Act, the California Environmental Quality Act and the California Relocation Assistance Act.
9. It is aware, and will be in accord with the California Outdoor Recreation Resources Plan and the State Environmental Goals and Policy Report.

SAMPLE RESOLUTION

Resolution No. _____

RESOLUTION OF THE CITY (COUNTY, DISTRICT, ETC.) COUNCIL
CITY OF _____

APPROVING THE APPLICATION FOR 1974 STATE GRANT MONEYS
_____ PROJECT

WHEREAS, the people of the State of California have enacted the State Beach, Park, Recreational and Historical Facilities Bond Act of 1974, which provides funds to the State of California and its political subdivisions for acquiring lands and for developing facilities for public outdoor recreation and historical purposes; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the state, setting up necessary procedures governing application by local agencies under the program; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications prior to submission of said applications to the state; and

WHEREAS, said applications contain assurances that the applicant must comply with; and

WHEREAS, said procedures further require the applicant to possess an adopted plan showing parks and recreation lands and facilities, existing and proposed; and

WHEREAS, the City's _____ plan was first adopted by the city council on _____; and

WHEREAS, the proposed _____ project appears on the city's plan, is consistent with the *California Outdoor Recreation Resources Plan*, and is in conformity with the *State Environmental Goals and Policy Report*; and

WHEREAS, the project must be compatible with the land use plans of those jurisdictions immediately surrounding the project;

NOW, THEREFORE, BE IT RESOLVED that the city council hereby:

1. Approves the filing of an application for 1974 state grant assistance; and
2. Certifies that said agency understands the assurances in the application; and
3. Certifies that said agency has or will have sufficient funds to operate and maintain the project; and
4. Certifies that said agency meets the planning requirements and that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project; and
5. Appoints the _____ as agent of the city to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, amendments, payment requests, and so on which may be necessary for the completion of the aforementioned project.

State Project Inspections

The state may conduct pre-award surveys before qualifying a project application or project alteration to determine the adequacy of financial and administrative management practices and procedures as they may relate to the execution of the proposed project. Periodic surveys may also be undertaken during the project period to ensure the continued effectiveness of the financial and administrative management and to provide assistance when necessary or requested. The scope of such surveys shall include the review of the internal systems of financial and administrative controls, planning, and techniques and procedures.

SECTION III PROJECT ADMINISTRATION

Contractual Requirements

During the first fiscal year following approval of the project by the State Legislature, the state grant moneys must be encumbered. This is accomplished through the execution of an agreement between the applicant and the State Department of Parks and Recreation. Funds for projects not so encumbered revert to the originating fund as do project funds not actually spent within three years after legislative approval of a project. A resolution from the supervising authority approving execution of the agreement must be submitted with the executed agreement if this has not already been accomplished in the resolution authorizing application for the grant. The agreement will include clauses relating to the following (Appendix E):

1. Assumption by the applicant of all responsibility for operation and maintenance
2. Agreement to provide and submit progress and expenditure reports
3. Agreement as to the availability of books, records, and reports for inspection by the state
4. Agreement for project inspection by the state
5. A "hold harmless" statement indemnifying the state of damage costs, liability, and so on
6. A nondiscrimination clause

Allowable Costs

Any project-related expenditure not specifically exempted (see "Unallowable Costs" in this section) may be claimed. Such expenditures may include, but are not limited to the following:

1. *Personal services.* Personal services of those employees directly engaged in the execution of a project are allowable costs for that portion of time spent on a project. Time spent on a project must be supported by time and attendance records. The time and attendance records must describe the work performed, be identified with the project, and be signed by the employee and his supervisor.

The cost of a supervisor may be included when he spends all or a measurable percentage of his time on a project, and his services are not included as indirect costs.

Cost of personal services shall be computed according to the applicant's prevailing wage or salary scales for the type of work being done for that portion of time spent on the project. Salaries and wages for persons working on state grant projects shall not be higher than those for persons in similar positions working on similar jobs. Payments for overtime are not allowed unless employees are actually paid or given compensatory time off.

2. *Fringe benefits.* When treated as direct costs, fringe benefits, such as vacations, holidays, sick leave, insurance, retirement plans, social security contributions, and the like, that are regularly provided to employees by the applicant are legitimate personal service costs and are eligible for state grant moneys. Fringe benefit costs charged to a project must be computed in proportion to the time spent on a project. Vacations and leave must not be taken or charged in excess of the amount earned while working on state grant projects.

3. *Consultant services.* In those cases in which the assistance of a specially qualified consultant is required for a project, the cost may be borne by state grant moneys. Consultants must be paid by the customary method and rate of the participant, whether by per diem, salary, fee for service, or other method. Consultants may, if it is the policy of the applicant, be reimbursed for travel and other expenses.

No consultant fee may be paid to any applicant's employees unless such a payment is specifically agreed to by the state.

4. *Equipment.* Any equipment cost necessary to the conducting of an accepted project is an allowable cost. The equipment use reports or other source documents must describe the work performed, be identified with the project, and be signed by the operator and supervisor (in case of use reports).

Equipment covered under this item may include fixed or movable equipment, such as generators, pumps, ski lifts, office equipment, and the like, that remains a part of the recreation area, as well as construction equipment used in the development of the area. Construction equipment owned by the applicant may be charged to the project on a use basis. The equipment rental rates used by the State Department of Public Works may be used as an acceptable standard. In all cases, only the actual project-related use is chargeable to the project for matching purposes. If equipment is purchased rather than rented, the project shall be credited with the residual value (market value) of the equipment at project completion.

Charges for equipment must be made in accordance with the applicant's normal accounting practices and in compliance with the "Accounting Requirements" section of this guide. Charges must be substantiated by purchase order and invoice as prescribed by the applicant's fiscal and purchasing procedures.

5. *Supplies and materials.* Supplies and materials may be purchased for a specific project or may be drawn from a central stock providing they are charged at a rate no higher than that paid by the applicant. When supplies and materials are purchased with the intention of constructing a piece of equipment, a structure, or elements of a structure, they may be charged either as supplies and materials or capitalized, according to the applicant's normal policy.
6. *Travel.* The cost of travel that is necessary to the execution of a project is eligible so long as the travel is carried out within the policies and procedures of the applicant and so long as a travel record is maintained.
7. *Information costs.* State grant moneys may be used for costs incurred in legitimate information activities related to a project, as distinguished from publicity or advertising. Such activities include information and direction signs at the entrances of recreation areas and at other necessary sites throughout the area.
8. *Construction.* Allowable construction costs cover all necessary construction activities, from site preparation (including demolition, excavation, grading, and the like) to the completion of a structure. Construction may be accomplished either through a contract with a private firm or by use of the applicant's own personnel and equipment (force account). Either method is suitable provided the applicant complies with the requirements for the performance of development projects, as stated in this guide.
9. *Acquisition.* The allowable costs of real property include such incidental costs as site appraisals, surveys, and preliminary title reports, escrow fees, title insurance fees, and court costs on condemnation (excluding attorney's fees).

10. *Relocation costs.* Relocation costs resulting from the purchase of real property, from the purchase of an interest in real property, or from development are eligible costs. Relocation must be listed as a separate item either in the acquisition schedule or in the development cost estimates attached to the state grant application. Relocation costs must be incurred within the project period to be eligible for reimbursement.
11. *Other expenditures.* In addition to the major categories of expenditures, grant moneys are available for miscellaneous items considered necessary and directly related to the project.
 - a. Communication costs, such as telephone service, telegrams, postage, and the like, that are identified with and closely related to the execution of the project are appropriate charges.
 - b. State grant moneys may be used for payment of premiums on hazard and liability insurance to cover personnel and property directly connected with the project.
 - c. When one department or agency performs work for another organization in the same state or public agency, the costs are eligible for state grant moneys.
 - d. Maintenance and repair costs necessary for the upkeep of equipment during project use are allowable, so long as they are not covered by user fees or similar free arrangements.
 - e. Lease or rental charges on equipment or space for the conduct of a project are allowable when the applicant determines that such an arrangement is the most efficient and economical one.
 - f. Overtime in excess of normal work periods may be charged when the applicant has an established overtime policy, and the basic work period was devoted to the same project.
 - g. Transportation costs for moving equipment or personnel to the site of a project are allowable if not otherwise covered.
12. *Indirect costs.* Such costs are allowable to the extent that they are customarily charged to projects by the applicant and are allocated in accordance with generally accepted accounting practices. The same basis that the applicant uses for charging other projects may be used for charging state grant-assisted projects. If there are no similar recreation projects, the practice used for other projects of the applicant may be used. However, only those costs that are directly applicable to direct productive labor rates, such as the employer's share of retirement, social security, workmen's compensation insurance, and life insurance, will be allowed.

Unallowable Costs

The following shall not be included in the base for determining financial assistance:

1. Ceremonial expenses
2. Expenses for publicity
3. Bonus payments of any kind
4. Charges for contingency reserves or other similar reserves

5. Charges in excess of the lowest bid, when competitive bidding is required by the state or the applicant, unless the state agrees in advance to the higher cost
6. Charges for deficits or overdrafts
7. Taxes for which the applicant would not have been liable
8. Interest expenses
9. Charges incurred contrary to the policies and practices of the applicant involved
10. Damage judgments arising out of acquisition, construction, or equipping of a facility, whether determined by judicial decision, arbitration, negotiation, or otherwise
11. Operation and maintenance costs of outdoor recreation areas and facilities
12. Services, materials, or equipment obtained under any other state program
13. Cost of discounts not taken
14. Travel claimed when no work time was claimed for the same period
15. Contract cost overruns, not approved, which exceed the allowable amount per the contract specifications
16. Fees paid to attorneys or legal counsel

Accounting Requirements

Recipients of a state grant are responsible for maintaining fiscal controls and fund accounting procedures that will show the following:

1. The separate accounting and disposition of the proceeds of state grant moneys advanced
2. The total costs of the project
3. The amount and the nature of that portion of the project cost supplied by sources other than a state grant
4. Any other records and controls that will facilitate the audit

The fiscal controls and accounting procedures used to record project costs and state grant receipts should be based on generally accepted accounting standards and principles and should meet the following minimum requirements:

1. Establishment of separate accounts for each grant project
2. Identification of each project account by the number assigned to the project by the state
3. Listing of expenditures by category and in sufficient detail to provide the necessary information for billing and reporting. Expenditure categories include:

Acquisition

- a. Real property
- b. Relocation
- c. Other

Development

- a. Consultant services
 - b. Contracts
 - c. Labor
 - d. Materials and supplies
 - e. Equipment rentals
 - f. Other
4. Identification of all receipts in sufficient detail to show the source of such receipts
 5. Itemization of all supporting records of project expenditures in sufficient detail to show the exact nature of each expenditure
 6. Cross referencing of each expenditure with the supporting purchase order, contract, or voucher or bill. (These supporting documents must contain the signature of the official authorized to approve such expenditures.)
 7. Maintenance of adequate records, approved by the appropriate official, to show that all salaries and wages charged against projects were authorized
 8. Maintenance of payroll vouchers for salaries and wages (If payroll voucher forms are not used, a statement must be prepared at the end of each pay period showing the names of employees and the gross amount of salary earned by each. This statement must be verified by the official responsible for the project and approved by appropriate authority.)
 9. Identification of the invoices or vouchers charged by project number, account number, date, and expense classification
 10. Maintenance of a cancelled check file and identification of each check with project-related expenses (When cash disbursements are made, they must be supported by receipts. Cash disbursements shall not exceed \$10, exclusive of sales tax, per purchase or service.)
 11. Establishment of adequate internal systems of financial control following generally accepted accounting and auditing principles, including adequate serial numbering of vouchers where prudent, distribution of duties among employees in such a way as to decrease opportunities for fraudulent activities, procedural safeguards, property inventory controls, and other reasonable checks and balances

Nonrecreational Interim Land Management Procedure

Property acquired with state grant moneys shall only be used for public outdoor recreation. Any property so acquired shall not be converted to other than public outdoor recreation uses without specific approval of the Legislature. In some instances, it will be advantageous for the applicant to acquire land while it is still available and undeveloped even though outdoor recreation development may not be planned for some years, and little or no public outdoor recreation use is envisioned during the interim period. This type of project is eligible for funding provided the applicant at the time of application clearly indicates why the acquisition is necessary, approximately when recreational development will take place, and what types of nonrecreational use will be allowed during the interim period.

Income and Interest

Gross income that is earned by the applicant from nonrecreational uses of an acquisition project (e.g., rental from agricultural leases), after taking title, must be used by the applicant for recreational development and/or additional acquisition for that project.

Gross income that accrues to a grant-assisted development project during and/or as a part of the construction from sources other than the intended recreational use shall also be used to further development of that particular project.

Any income-producing activity, especially the removal of timber or structures, the alteration of the land, or rental from leases, must be consistent with the intended recreational use and must be described in the application before legislative approval. If the income is to be used for future development, it should be placed in a separate interest-bearing account with the interest earnings also to be used for the development.

Any income accruing from intended recreational use of the project area may be disposed of at the applicant's discretion consistent with the jurisdiction's normal procedure.

If grant funds are advanced, the applicant is required to place such funds in a separate interest-bearing account and to set up and identify such an account before the advance. If grant funds advanced are not expended, any unused portion of the grant or interest earned must be returned to the state.

If the gross income and earned interest are not used for additional acquisition and/or development for outdoor recreational purposes, such income and interest shall be returned to the state, and/or the amount of the state grant shall be reduced by the amount of such income and interest.

Gross income includes the fair market value of real and/or personal property, or personal services received in exchange for nonrecreational activity conducted on the land acquired and/or to be developed under this bond act.

Funding from Other Sources

The applicant should not "make money" when state grant moneys are used to finance projects that are also being funded by another governmental agency or by a private source.

State grant moneys may not be used to cover the surcharge amount payable by the applicant for a project in which there is federal participation. The surcharge is a fee payable to the state for the administration of the federal program, and if state funds are used to satisfy this fee, it makes the surcharge meaningless.

Requirements for Development Projects

Before disbursement of any or all of the approved grant and before bids are advertised, the applicant must first submit to the Department of Parks and Recreation the following documents for review and approval:

1. For development projects constructed under contract, submit one set of construction drawings, contract specifications, and itemized engineer's estimate of construction costs for each contract or phase of construction. Working drawings used for bid purposes are acceptable.
2. For development projects constructed by force account, submit one set of approved plans drawn to scale. Force account projects should also be accompanied by a construction schedule and a breakdown of costs. (See Appendix F.)

Following review of these documents, the applicant will be notified in writing whether they are adequate for state grant purposes.

The applicant shall secure completion of the work in accordance with the approved construction plans and specifications and shall secure compliance with all applicable state and local laws, regulations, and ordinances.

The applicant shall permit periodic site visits by state to ensure work progress in accordance with the approved project, including a final inspection upon project completion.

All significant deviations from the program agreement shall be submitted to the state in writing for prior approval. (See Section IV, "Changes and Time Extensions to an Approved Project.")

Advances

After legislative approval of the grant agreement, up to 10 percent of the total grant amount can be requested for specific project planning. Upon approval of plans and specifications, up to 90 percent of the total amount can be requested. Ten percent is withheld until the project has been audited by the state.

Advances will be made only on the condition that the moneys advanced are placed in a separate account.

Requirements for Acquisition Projects

Property acquired under the state grant program created by the State Beach, Park, Recreational and Historical Facilities Bond Act of 1974 must comply with provisions of Chapter 16, Sec. 7260 of Div. 7, Title 1 of Government Code. (See Appendix G.) This statute provides for uniform relocation and acquisition procedures necessary in the acquisition of properties by any public entity.

Grant funds will be administered through the Secretary of the Resources Agency and his lawfully delegated representative, the Department of Parks and Recreation. The administration of grant funds includes a responsibility to ensure that funds are expended in a manner consistent with federal, state, and local laws and ordinances and that the title to property acquired with the grant funds is sufficient to ensure the integrity of the project proposed. It is therefore necessary that a uniform procedure be established whereby various documents may be reviewed by the Department of Parks and Recreation before certification that the project has been completed and was accomplished in accordance with the statute.

The following outline of procedures is designated to create a framework that will permit the orderly and expeditious processing of material and documents requiring review and approval so that projects will be completed with the least possible delay. The procedures outlined should be adhered to by the applicant in all cases. However, if unusual circumstances should arise that make it unreasonable or imprudent to adhere to the outlined procedure, requests outlining alternate procedures should be forwarded to the Department of Parks and Recreation for review before proceeding with the project.

Legislation affecting acquisition by public agencies is continually being introduced or amended, and you are urged to consult closely with the agency within your jurisdiction with acquisition responsibility before negotiation for the acquisition project begins.

The following documents must be submitted to the state for review before an acquisition project is initiated:

1. An appraisal of the land by a qualified appraiser (one copy)
2. A preliminary title report by a title company (one copy)
3. A map and legal description of the property (one copy)
4. Relocation plan and advisory services program; if none involved, a statement to that effect (one copy)

The applicant will be notified in writing of state approval of the acquisition documents.

Appraisals (General)

Real property shall be appraised, and the appraisal shall be reviewed and approved by the Department of Parks and Recreation before the initiation of negotiations for its purchase or option to purchase. The owner or his designated representative shall be given the opportunity to accompany the appraiser during his inspection of the property. A letter or written statement must be included in the appraisal indicating the property owner has been notified of his rights under this provision.

A statement of whether the property owner is eligible for relocation assistance should be inserted into the appraisal by the applicant.

The appraisal requirements and specifications for appraisal reports are found in this section under "Specifications for Appraisal Reports."

Preliminary Title Report

Include a listing of the exceptions in the preliminary title report that will be eliminated by the applicant and the proposed method of elimination. When the preliminary report refers to a recorded document in an encumbrance that is not to be eliminated, one copy of the referenced document must be submitted.

Legal Description of Property

A legal description of the property and a suitable parcel map showing all calls, bearings, distances, and exceptions sufficient to interpret the description must be submitted. The map must delineate all easements of record and other rights of way described in the preliminary title reports.

Relocation Plan and Advisory Services Program

If displacement will occur and the home owner, tenant, farm operation, or business is eligible for relocation costs, the applicant must provide a relocation plan and advisory services program. A copy of the plan and the name of the local individual responsible for an advisory services program shall be supplied to the state when the acquisition documents are submitted for review.

The relocation plan is a statement that describes how your agency intends to comply with the California Relocation Assistance Act. Include such items as a description of your advisory services program and detail the steps that will be taken to provide the benefits due the property owner or tenant under the above legislation. (See Appendix G guidelines.) The plan must also include the following information, as a minimum:

1. The estimated number of individuals, families, businesses, farms, and nonprofit organizations to be relocated
2. The probable availability of decent, safe, and sanitary replacement housing within the financial means of the individuals and families being displaced
3. The estimated total cost of payments to displaced persons for all benefits under the act for replacement housing
4. The estimated cost of administering required relocation services to displaced persons

Each relocation plan should be:

1. Developed sufficiently to provide a means for determining whether the project or area is feasible from the standpoint of ensuring that suitable replacement housing will be available to displaced persons

2. Coordinated with federal and state agencies and private concerns that have relocation programs within the project area to ensure that the real estate market from which replacement housing will be obtained is capable of supplying the demands of all users of housing
3. Updated periodically to reflect current real estate conditions. (When funds have been appropriated for commencement of real property acquisition, the relocation plan will be continuously updated and will serve as a basis for accomplishing required relocation activities.)

If the property owner and/or tenant is eligible for relocation assistance, the applicant must keep the landowner and tenant informed of his rights and benefits. To assist the applicant in fulfilling this requirement, the "Relocation Assistance Information for the Landowner, Tenant, Farmers, and Businesses" (Appendix G) should be made available to the landowner or tenant when the statement of just compensation is signed.

Specifications for Appraisal Reports

The applicant and his contract or staff appraiser must realize that all appraisals submitted will be reviewed by the State Department of Parks and Recreation.

Assumptions and generalizations by the appraiser relating to the existence of utilities, access, and an estimated highest and best use that differs from the present use and present zoning are unsatisfactory in reports to be submitted for eventual review. These items must be confirmed or justified by patterns of growth and demand, trends as indicated in the area, and city and neighborhood analysis. The format of the appraisal report must comply with the appraisal requirements set forth in the following pages. After state review, the applicant will be notified what action, if any, must be taken to make the appraisal report and/or the title acceptable to the state.

Appraisers employed by the applicant must certify that their reports comply with appraisal standards as herein set forth. It is strongly recommended that payment of any and all appraisal fees be subject to state approval of appraisal reports. Appraisers should be issued a copy of these instructions and be informed of the requirements for appraisals prior to contracting with the applicants.

It is the responsibility of the appraiser to give the property owner or his agent the opportunity to accompany the appraiser in his inspection of the property.

In the preparation of this report, the appraiser shall follow professional appraisal practices, giving consideration to three approaches to value, namely: the cost-less-depreciation approach, the income approach, and the comparative (or market) approach, unless otherwise specified. Should certain approaches or requirements covered in these specifications not be applicable to the assignment, the contractual obligation can be fulfilled by identifying that approach or requirement together with a brief explanation of its omission (e.g., an appraisal involving land valuation only).

Format of Appraisal Report

The report shall be bound, in book fashion, in the left margin, in a durable cover with an identification of the property on the face thereof. The paper used shall be of a good grade bond, size 8 x 10-1/2 or 8-1/2 x 11 inches. All pages shall be numbered consecutively, including all exhibits, and each important heading shall be shown in the table of contents with reference to page number. To provide uniformity for files, the text shall be set forth insofar as possible as outlined below. The report shall be labeled on the outside cover, essentially in the following manner:

APPRAISAL REPORT

Name of property
Name of project
General location
Date of valuation

Name of appraiser

Location of appraiser

Contents of Appraisal Report

The text of the appraisal report shall be divided into four parts as outlined below.

Part I – Introduction

1. *Title page.* This shall include (a) the name and street address of the property; (b) the name of the individual making the report; and (c) the effective date of the appraisal.
2. *Table of contents.*
3. *Letter of transmittal.*
4. *Photographs.* Pictures shall show at least the front elevation of the major improvements, plus any unusual features. There should also be views of the abutting properties on either side and of the property directly opposite. When a large number of buildings is involved, including duplicates, one picture may be used for each type. Views of the best comparable buildings should be included whenever possible. Except for the overall view, photographs may be bound as pages facing the discussion or description related to the photographs. All graphic material shall include captions.
5. *Statement of limiting conditions and assumptions.*
6. *References.* If preferred, references may be shown with applicable approach.

Part II – Factual Data

7. *Purpose of the appraisal.* This shall include the reason for the appraisal and a definition of all values required and property rights appraised.
8. *Legal description.* This description shall be so complete as to properly identify the property appraised. If lengthy, it should be referenced and included in Part IV of the appraisal.
9. *Area, city, and neighborhood data.* This data (mostly social and economic) should be kept to a minimum and should include only such information as directly affects the appraised property, together with the appraiser's conclusions as to significant trends.
10. *Property data.*
 - a. *Site.* Describe the soil, topography, mineral deposits, easements, and so on. A statement must be made concerning the existence or nonexistence of mineral deposits of commercial value. In case of a partial taking, discuss access both before and after to remaining tract. Also discuss the detrimental and hazardous factors inherent in the location of the property.
 - b. *Improvements.* This description may be in narrative or schedule form and shall include dimensions, cubic and/or square foot measurements, and, if appropriate, a statement of the method of measurement used in determining rentable areas, such as full floor, multitenancy, and so on.
 - c. *Equipment.* This shall be described in narrative or schedule form and shall include all items of equipment, including a statement of the type and purpose of the equipment and its salvage value. The current physical condition and relative use and obsolescence shall be stated for each item or group appraised and, if applicable, the repair or replacement requirements needed to bring the property to usable condition shall also be stated.

Any related personal property or equipment, such as tenant trade fixtures, that are not attached or considered part of the realty, shall be separately inventoried. If applicable, these detachable or individually owned items shall be separately valued.

- d. *History.* State briefly the purpose for which the improvements were designed, dates of original construction, and major renovation and/or additions. For privately owned property, include a ten-year record on each parcel of all sales and, if possible, offers to buy or sell and recent lease(s). If there has been sale in the past ten years, include a report on the last sale.
- e. *Assessed value and annual tax load.* Include the current assessment and dollar amount of real estate taxes. If the property is not taxed, the appraiser shall estimate the assessment in case it is placed upon the tax roll, state the rate, and give the dollar amount of the tax estimate.
- f. *Zoning.* Describe the zoning for subject and comparable properties. (If government-owned, state what the zoning probably will be under private ownership.) If rezoning is imminent, discuss further under Item 11.

Part III – Analyses and Conclusions

11. *Analysis of highest and best use.* The report shall state the highest and best use that can be made of the property (land and improvements and, if applicable, machinery and equipment) for which there is a current market. The valuation shall be based on this use.
12. *Land value.* The appraiser's opinion of the value of the land shall be supported by confirmed sales of comparable or nearly comparable lands with like optimum uses. Differences shall be weighed and explained to show how they indicate the value of the land being appraised.
13. *Value estimate by comparative (market) approach.* All comparable sales used shall be confirmed by the buyer, seller, broker, or other person who has knowledge of the price, terms, and conditions of sale. Each comparable sale shall be weighed and explained in relation to the subject property to indicate the reasoning behind the appraiser's final value estimate from this approach.
14. *Value estimate by cost approach, if applicable.* This section shall be in the form of computative data arranged in sequence beginning with reproduction or replacement cost and shall state the source (book and page if a national service) of all figures used. The dollar amounts of physical deterioration and functional and economic obsolescence, or the omission of same shall be explained in narrative form. This procedure may be omitted on improvements, both real and personal, for which only a salvage or scrap value is estimated.
15. *Value estimate by income approach, if applicable.* This shall include adequate factual data to support each figure and factor used and shall be arranged in detailed form to show at least (a) estimated gross economic rent or income; (b) allowance for vacancy and credit losses; and (c) an itemized estimate of total expenses, including reserves for replacements.

Capitalization of net income shall be at the rate prevailing for this type of property and location. The capitalization technique, method, and rate used shall be explained in narrative form supported by a statement of sources of rates and factors.

16. *Interpretation and correlation of estimates.* The appraiser shall interpret the foregoing estimates and shall state his reasons why one or more of the conclusions reached in items 13, 14, and 15 is indicative of the market value of the property.
17. *Certification.* This shall include a statement that the contractor has no undisclosed interest in the property, that he has personally inspected the premises, date, and amount of value estimate; and so on. The appraiser must certify that the property owner or his designated representative was invited to accompany the appraiser during his inspection of the property.

Part IV – Exhibits and Addenda

18. *Location map* (Of the city or area in which the project is located).
19. *Comparative map data.* Show geographic location of the appraised property and the comparative parcels analyzed.
20. *Detail of the comparative data.*
21. *Plot plan.*
22. *Floor plans* (When needed to explain the value estimate).
23. *Other pertinent exhibits.*
24. *Qualifications* (Of all appraisers and/or technicians contributing to the report).

**SECTION IV
CHANGES AND TIME EXTENSIONS TO AN APPROVED PROJECT**

Total Withdrawal from Program

In the event a jurisdiction which has been allocated funds under the approved priority plan for expenditure fails to submit an application(s) for their allocated amount prior to the final cutoff date for projects to be included in the 1980/81 Fiscal Year Budget, or otherwise withdraws from the program or elects not to use its allocation, then its allocation or balance not used will be lost to that jurisdiction and will be reappropriated in accordance with Section 5096.87 of the Public Resources Code.

Modification of an Approved Project

A request for any modifications or alterations in the project as set forth in the approved project agreement must be submitted in writing to the state for approval before final payment requests will be honored. Examples would be a change in acreage or boundary lines in an acquisition project or construction of a restroom instead of the 20 picnic sites stated in the project agreement for a development project.

Withdrawal of an Approved Project

If an approved project is withdrawn from funding, the application for any substitute project that does not appear on the approved priority plan for expenditure shall be approved by the county board of supervisors (Section 5096.86).

Follow these procedures for withdrawing an approved project and substituting another:

1. Submit an explanation of reasons for withdrawal.
2. Submit two ink-signed resolutions from the governing body withdrawing the approved project and substituting another, giving the name of the new project in the resolution, and one copy of the board of supervisors' resolution approving the new project.
3. Submit the proper number of copies of a completely new application for the substitute project.

Please note that (1) the new project must be submitted to areawide and state clearinghouses; and (2) the state grant monies allocated to the applicant on the county's priority plan for expenditure cannot be exceeded.

Time Extension

A time-extension amendment to the approved project agreement is necessary if the project has not been completed within three years following legislative approval. (See sample amendment in this section.) Four copies of the amendment, signed in ink by the applicant's authorized representative, must be transmitted to the state two months before expiration of the agreement.

SECTION V PROJECT COMPLETION

Completion of a Development Project

After project development is complete, the following is submitted to the state with four ink-signed copies of the final payment request:

1. A statement by the authorized representative that final payment has been made (one copy)
2. Notice of completion and acceptance of work for each contract (one copy of each)
3. Summary of costs (one copy – see pages 31 and 32 for example)

Completion of an Acquisition Project

After project acquisition, the following is submitted to the state with four ink-signed copies of the payment request:

1. *Final policy of title insurance* (one copy). All taxes now due and payable must be paid, and, upon acquisition, future taxes and assessments must be cancelled by appropriate action. General and special tax liens should not appear in the policy of title insurance. Evidence of cancellation of taxes must be submitted to the State Department of Parks and Recreation.
2. *Deeds* (one copy). The title instruments passing title to the applicant for real property acquired under this Act shall contain the following clause: "The use of this property shall be restricted to outdoor recreation or historical purpose under the State Beach, Park, Recreational and Historical Facilities Bond Act of 1974."
3. *Statement of just compensation*. (one copy from each owner and/or tenant). This statement is made by the applicant at the initiation of negotiations with the landowner. It reflects the fair market value (appraised value) of the property. The statement also establishes if relocation is involved and, if signed by the owner and/or tenant, certifies that each is aware of all benefits due them under this law. A suggested format for the statement is shown in Appendix G.
4. *Certification by acquiring agency*. (one copy). Privately held easements, conditions of ownership, and restrictive covenants on the lands to be acquired must not appear in the policy of title insurance. If there are restrictions, such as a public utility easement, that the applicant feels will not conflict with the proposed recreation use or facilities, then the governing board of the local acquiring agency, (county board of supervisors, city council, or the like) by resolution, or the applicant's authorized representative, by certification, shall assure the California State Department of Parks and Recreation that these existing easements encumbering the lands acquired will not conflict with recreational facilities or uses.

Payment for Acquisition

If the property acquisition is accomplished by negotiated purchase, the state will pay to the applicant upon close of escrow the actual cost of the approved purchase price together with approved costs of acquisition, but the amount paid will in no event exceed the total amount of the grant. Upon presentation of proper payment request and completion of documents by the

applicant, or at the applicant's request, the state will advance the grant amount to the applicant to be placed immediately into the escrow established by the applicant for such purchase. The actual purchase price plus approved costs of acquisition shall not exceed the total grant amount. Such funds shall be advanced within 30 days of the time the state has received written notification by the applicant that the applicant has entered into an agreement to purchase real property with the seller of the property, provided all required documents have been reviewed and approved by the state.

If the property acquisition is to be accomplished through condemnation proceedings, the state shall, upon proper payment request by the applicant, pay to the applicant the amount of the total award as provided for in a final order of condemnation, together with approved costs of acquisition, said total award and costs together not to exceed the total grant amount. Or, at the applicant's request the state shall agree to transfer to the applicant the amount necessary for the acquisition of said property, plus approved costs of acquisition, not to exceed the total grant amount forthwith, upon written notification by the applicant that the court trial or jury trial in the condemnation action has actually commenced or that the applicant and condemnee have entered into a stipulated judgment, provided all required acquisition documents have been reviewed and approved by the state. In the event the applicant abandons such condemnation action, the applicant agrees that all funds transferred to the applicant by the state shall immediately be retransferred to the state.

Audits

The state shall have the right to audit or examine all books, papers, accounts, documents, or other records and/or operations of the applicant as they relate to the acquisition and/or development project for which state funds were applied for and granted under this bond act.

The purpose for the audit or examination is to ascertain compliance with the state bond act requirements and terms of the agreement and/or to verify that project expenditures were properly incurred and qualify for reimbursement or payment.

The applicant must maintain an accounting system that accurately reflects fiscal transactions with the necessary controls and safeguards. This system should provide good audit trails, particularly to the source or original documents, such as receipts, bills, invoices, time cards, and the like. The system must also provide or have the capability of providing accounting data so that the total cost of each project can readily be determined separately.

Payment or reimbursement for the applicant's project cost will be made after audit. Audit should be requested by the applicant with the final billing only after all the project transactions have been completed and the necessary payments have been made. (If development work is performed under a contract, a properly executed notice of completion and acceptance will also be required before audit.)

To expedite the audit, the applicant must have the project records, including the source documents and cancelled warrants, readily available. The applicant should also provide an employee with knowledge of the project and the accounting procedure or system to assist the state auditor. The applicant shall provide a copy of any documents, papers, records, and the like, requested by the state auditor.

All project records shall be retained by the applicant for a period not less than three years after final payment by the state or three years after final disposition of the audit findings. Microfilm copies of the original records will generally be acceptable.

Instructions for Completing Payment Request

Heading

The project title, number, and project performance period can be found in the project agreement. Requests should be numbered in order. In addition, the final request should be identified; i.e., first and final, second and final, and so on. Leave the budget item and DPR contract number blank.

State Grant Moneys

1. The amount specified in the project agreement
2. Any amounts already received, from this grant only
3. Total of 3a and 3b
 - a. Amount already expended on this project that has not been previously reimbursed
 - b. Amount requested for future project expenditures (development only)
4. Self-explanatory

Total Project Expenditures to Date

For final payment, list all qualified expenditures and request reimbursement up to the grant amount.

1. Acquisition
 - a. Land and improvements (if any)
 - b. All costs involved in dislocating property owners and tenants
 - c. Incidental costs, such as appraiser's fee, title insurance fee, and the like (Itemize.)
2. Development
 - a. Costs of planning, either in-house or outside firm
 - b. Payments to date to contractors
 - c through e. Force account expenditures to date
 - f. Costs not in other categories (Itemize.)
3. This should include all costs, including those in excess of the approved grant.

The request should be signed by the applicant's authorized representative. However, the state controller's warrant can be made payable to a person other than the authorized representative, such as the treasurer of the local entity, if desired.

State Beach, Park, Recreational and Historical Facilities Bond Act of 1974
(Public Resources Code Sections 5096.71 et seq.)

Payment Request

Project Title _____

Applicant _____ Project performance period _____

Project number _____ Payment request number _____

Budget item _____ DPR contract number _____

State Grant Moneys

- | | | |
|--|----------|----------|
| 1. Total grant | | \$ _____ |
| 2. Total grant funds received to date | | \$ _____ |
| 3. Total request for payment | | |
| a. Reimbursement | \$ _____ | |
| b. Advance | \$ _____ | |
| 4. Available balance (1) less (2) less (3) = | | \$ _____ |

Total Project Expenditures to Date

- | | | |
|--------------------------------|--|----------|
| 1. Acquisition | | \$ _____ |
| a. Real property | | \$ _____ |
| b. Relocation | | \$ _____ |
| c. Other | | \$ _____ |
| 2. Development | | \$ _____ |
| a. Consultant services | | \$ _____ |
| b. Contracts | | \$ _____ |
| c. Labor | | \$ _____ |
| d. Materials and supplies | | \$ _____ |
| e. Equipment rentals | | \$ _____ |
| f. Other | | \$ _____ |
| 3. Total project costs to date | | \$ _____ |

Make warrant payable to:

_____ (Name) _____ (Title)

Address: _____

Certification

I certify that the above information is correct and that all funds received have or will be expended in accordance with the approved agreement for state grant moneys.

Applicant's Authorized Representative

(Signed) _____ (Date) _____

Approved for Payment:

(Signed) _____ (Date) _____

Chief, Grants and Statewide Studies Division
State Department of Parks and Recreation

**Summary of Costs
(Sample)**

**SHAD HOLLOW PARK DEVELOPMENT
Project No. 1-002
Consultant Services**

Description	Name of firm	Dates paid	Amount
Supervision of construction and preparation of plans and specifications	----	----	\$6,000.00
Testing, etc.	----	----	3,000.00
Total			\$9,000.00

Supplies

Description of material or supplies	Identification number	Date paid	Vendor	Warrant no.	Amount
30 picnic tables	P.O. 10932	---	---	69-0008	\$1,655.04
30 barbecue pits	P.O. 10751	---	---	69-0015	1,520.00
Seed	P.O. 10810	---	---	69-0029	775.00
Fertilizer	P.O. 11115	---	---	69-0051	150.00
Lumber	P.O. 12168	---	---	69-0066	50.00
Trees and shrubs	P.O. 14182	---	---	69-0082	200.00
Concrete for pits	P.O. 17108	---	---	69-0083	1,400.00
Paint	P.O. 15679	---	---	69-0105	80.00
Well – install	Agreement	---	---	69-0111	<u>1,075.00</u>
Total					<u>\$6,905.04</u>

Description of work	Construction Contract		Total contract	Allocated to project
	Contract no.	Dates		
B&W Contractor Development of access road, parking area, walking trails, launching ramp, and boat dock	1415	1-1-76–9-30-76	\$ 58,000.00	\$58,000.00
Danick & Sons Construction Construction of two restrooms and sewage system, and water supply system	1510	10-1-76–11-30-76	80,000.00*	25,000.00
Total			\$138,000.00	\$83,000.00

* Show total contract amount and show in "Total allocated to project" column that amount approved for assistance. If, for example, only certain bid items of a contract were approved for assistance in the agreement, list these bid items in the "Description of work" column and show costs in the "Total allocated to project" column.

NOTE: the work for which costs are allocated to project must be consistent with that work approved in the "Description of project" of the agreement.

Personnel

Employee name & no.	Job description	No. of hours	Date worked	Basic monthly wage rate	Amount, including fringe benefits	Work performed
----- 100	Equip. operator	80	-----	\$275.97	\$ 313.60	Landscaping
----- 102	Equip. operator	40	-----	131.30	149.20	Landscaping & picnic area
----- 104	Equip. operator	8	-----	27.60	31.36	Picnic area
----- 201	Laborer	120	-----	309.40	351.60	Landscaping
----- 204	Laborer	10	-----	26.02	30.70	Landscaping
----- 206	Laborer	20	-----	54.03	61.40	Landscaping
----- 207	Laborer	60	-----	162.10	184.20	Picnic area
----- 300	Foreman	130	-----	514.80	585.00	Landscaping & picnic area
----- 400	Carpenter	80	-----	269.63	306.40	Picnic area
Total					\$2,013.46	

Equipment

Type of equipment	License no.	No.	Dates	Amount	Work performed
Bulldozer	E186041	30 hrs.	---	\$ 216.90	Landscaping
Scraper	E195008	60 hrs.	---	594.60	Landscaping
Tractor	E150010	30 hrs.	---	255.00	Landscaping & picnic area
Pickup	E171610	150 mi.	---	15.00	Picnic area
Total				\$1,081.50	

APPENDIXES

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APPENDIX A

**State Beach, Park, Recreational, and Historical
Facilities Bond Act of 1974**

Assembly Bill No. 392
(with AB 1009 Amendment Incorporated)

CHAPTER 912

An act to add Chapter 1.67 (commencing with Section 5096.71) to Division 5 of the Public Resources Code, relating to financing of a program of acquiring and developing state and municipal beach, park, recreational, and historical facilities by providing the funds necessary therefor through the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of such funds, and providing for the submission of the measure to a vote of the people at a special election to be consolidated with the 1974 direct primary election, and making an appropriation therefor.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

LEGISLATIVE COUNSEL'S DIGEST

AB 392, Z'berg. Park and recreation bonds.

Enacts the "State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974," which, if adopted, would authorize the issuance, pursuant to State General Obligation Bond Law, of bonds in the amount of \$250,000,000 to provide funds to acquire and establish beaches, parks, recreational facilities, and historical resources, as specified. Provides for submission of the bond act to the voters at a special election to be consolidated with the 1974 Direct Primary Election.

Appropriates \$50,000 to Department of Parks and Recreation from the Bagley Conservation Fund for specified planning purposes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.67 (commencing with Section 5096.71) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.67. STATE BEACH, PARK,
RECREATIONAL, AND HISTORICAL
FACILITIES BOND ACT OF 1974

5096.71. This chapter may be cited as the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 or as the Z'berg-Collier Park Bond Act.

5096.72. The Legislature of the State of California hereby finds and declares that:

(a) It is the responsibility of this state to provide and to encourage the provision of outdoor recreation opportunities for the citizens of California;

(b) When there is proper planning and development, open-space lands contribute not only to a healthy physical and moral environment, but also contribute to the economic betterment of the state, and, therefore, it is in the public interest for the state to acquire areas for recreation, conservation, and preservation and to aid local governments of the state in acquiring and developing such areas as will contribute to the realization of the policy declared in this chapter.

5096.73. The Legislature further finds and declares that:

(a) The present public outdoor recreation areas and facilities in the state are inadequate to accommodate the demands made on them at the present time and will become critically inadequate as time progresses.

(b) Land values are increasing at a steady rate and any delay by the state in securing additional lands for park and recreation purposes will result not only in the loss of suitable lands for recreation purposes, but also will reduce the economic ability of the state to acquire such lands.

(c) At a special election consolidated with the 1974 direct primary election, the people of the state of California will vote upon a proposition authorizing a state bond issue in the amount of two hundred fifty million dollars (\$250,000,000) to provide the moneys for the acquisition and development of lands needed for recreation purposes.

(d) It is desirable for the people of this state to have prior notice of the proposed disposition and allocation of the proceeds of this bond issue.

5096.74. Bonds in the total amount of two hundred fifty million dollars (\$250,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed hereinafter, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. Said bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

5096.75. There shall be collected each year and in the same manner and at the same time as other state revenue is collected such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

5096.76. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 5096.77, which sum is appropriated without regard to fiscal years.

5096.77. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 which fund is hereby created. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out the provisions of this chapter.

5096.78. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974. The money in the fund may be expended only for the purposes specified in this chapter and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

5096.79. All proposed appropriations for the program contemplated by this chapter shall be included in a section in the Budget Bill for each fiscal year for consideration by the Legislature, and shall bear the caption "State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 Program." The section shall contain separate items for each project for which an appropriation is made.

Such appropriations shall be subject to all limitations contained in the Budget Bill and to all fiscal procedures prescribed by law with respect to the expenditure of state funds. The section shall contain proposed appropriations only for the program contemplated by this chapter, and no funds derived from the bonds authorized by this chapter may be expended pursuant to an appropriation not contained in that section of the Budget Act.

5096.80. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code) and all of the provisions of that law are applicable to the bonds and to this chapter, and are hereby incorporated in this chapter as though set forth in full herein.

5096.81. The State Park and Recreation Finance Committee is hereby created. The committee consists of the Governor, the State Controller, the Director of Finance, the State Treasurer, and the Secretary of the Resources Agency. For the purposes of this chapter the State Park and Recreation Finance Committee shall be "the committee" as that term is used in the State General Obligation Bond Law. The Secretary of the Resources Agency is hereby designated as the board for the purposes of this chapter and for the purposes of the State General Obligation Bond Law.

5096.83. All money deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 which is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.84. As used in this chapter and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "State grant" or "state grant moneys" means moneys received by the state from the sale of bonds authorized by this chapter which are available for grants to counties for acquisition and development of real property for park and recreation purposes.

5096.85. Except as otherwise provided herein, all money deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 shall be available for appropriation as set forth in Section 5096.79 for the purposes set forth below in amounts not to exceed the following except as may be provided hereafter:

- (a) For grants to counties, cities, or cities and counties for the acquisition, development or acquisition and development, of real property for park, recreation area, beach, and historical purposes including state administrative costs \$90,000,000
- (b) For development of real property for the state park system, including costs for planning and interpretation \$45,000,000
- (c) For development of historical resources for the state park system, including costs for planning and interpretation \$15,000,000
- (d) For the acquisition, development, or acquisition and development, of real property for wildlife management in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code) and in accordance with a master plan drafted as an element of the State Environmental Goals and Policy Report, including costs for planning and interpretation \$10,000,000
- (e) For the acquisition of real property for the state park system, and the costs of planning and interpretation, of which not less than fifteen million dollars (\$15,000,000) shall be expended for acquisition of privately owned lands inside the boundaries of existing units and for additions to existing units \$90,000,000

It is the intent of the Legislature that funds expended pursuant to subdivisions (a) and (e) of this section may be used for the acquisition of open-space lands, development rights, and scenic easements in connection with the state park system or, in the case of counties, cities, or cities and counties, in connection with park and beach purposes. For the purpose of acquiring such open-space lands or scenic easements the state and counties, cities, or cities and counties may exercise the power of eminent domain.

5096.86. The ninety million dollars (\$90,000,000) authorized by Section 5096.85 for grants shall be allocated to the counties, such allocation to be based upon the estimated population of the counties on July 1, 1980, as projected by the Department of Finance.

Each county's apportionment will be in the same ratio as the county's population is to the state's total population; provided, however, that each county shall be entitled to receive an allocation of not less than two hundred thousand dollars (\$200,000); and provided, further, that any grant made to a city, district, or regional

public agency shall be subtracted from the total otherwise allocable under the provisions of this chapter to the county or counties in which the city, district, or regional public agency is located. Advance grants may be made for development projects. However, 10 percent of the grant funds shall be withheld until the project is audited by the state.

Each county shall consult with all cities and districts within the county which are authorized to provide park and recreation services and shall develop and submit to the state a priority plan for expenditure of the county's allocation, including expenditures for city and district projects, by June 30, 1975. The priority plan for expenditure of the total county allocation shall be approved by at least 50 percent of the cities and districts representing 50 percent of the population of the cities and districts within the county, and by the county board of supervisors. Failure to submit an approved priority plan by June 30, 1975, shall result in a 10-percent annual reduction in the total county allocation until the priority plan is submitted. Any funds not allocated to a county shall remain in the bond fund and shall be expended under the same conditions as set forth in Section 5096.87 in 1980. By June 30, 1977, if agreement on the priority plan for expenditure has not been submitted to the state, the board of supervisors shall petition the Secretary of the Resources Agency to distribute to high-priority projects the remaining 80 percent of the county's total allocation.

Applications for individual projects appearing on the priority plan for expenditure may be submitted directly to the state by the individual jurisdictions. In the event that any particular jurisdiction's project is withdrawn from funding because of circumstances beyond its control, the application for any substitute project by such jurisdiction not originally appearing on the approved priority plan for expenditure shall be approved by the county board of supervisors.

5096.87. On July 1, 1980, the Secretary of the Resources Agency shall cause to be totaled the unencumbered balances remaining in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974. A program shall be submitted in the budget for the 1981-1982 fiscal year to appropriate this balance. Unencumbered funds under subdivision (a) of Section 5096.85 shall be reappropriated for grants to local jurisdictions only. The remainder of the program shall consist of projects deemed to be of highest priority from among the purposes expressed in subdivisions (b) to (e), inclusive, of Section 5096.85 and shall not be subject to the maximum amounts allocated to those purposes in Section 5096.85.

5096.88. Projects involving state funds only, pursuant to subdivisions (b), (c), and (e) of Section 5096.85, shall originate by legislative resolution, resolutions, or resolutions of the State Park and Recreation Commission directing studies of the projects included therein or upon initiative of the Secretary of the Resources Agency directing a study of the projects included therein.

The costs of these project studies shall be borne by the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

Allocations for the purposes of subdivision (d) of Section 5096.85 that are authorized by the Legislature and approved by the Governor shall be made from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 and shall be expended in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code) and in accordance with a master plan drafted as an element of the State Environmental Goals and Policy Report prepared pursuant to Section 65041 of the Government Code. Local and state projects pursuant to subdivisions (a), (b), (c), and (e) of Section 5096.85 shall be in accord with the California Outdoor Recreation Resources Plan.

5096.89. An application for a state grant pursuant to subdivision (a) of Section 5096.85 shall be submitted to the Secretary of the Resources Agency. The application for the state grant shall be accompanied by an adopted plan showing park and recreation lands and facilities, existing and proposed, sufficient to enable the state to determine the needs of the general public for recreation lands and facilities in the applicant's jurisdiction and the quality and quantity thereof. The project for which funds are being requested shall appear on the applicant's plan. The applicant shall state that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project. Where the project land or facilities are located outside the political boundaries of the applicant, such project lands or facilities shall appear on the adopted plan of the jurisdiction in which the project is located. Prior to the approval of any project, the applying jurisdiction's park stewardship history will be reviewed for protecting existing park and recreation and open-space resources and operating and maintaining areas to acceptable standards. The Secretary of the Resources Agency, in cooperation with the Office of Planning and Research, shall review the material submitted by the county or counties for completeness and conformity with the State Environmental Goals and Policy Report. All applications shall contain an environmental impact statement in compliance with the Environmental Quality Act of 1970 (commencing with Section 21000 of the Public Resources Code).

Upon completion of the review by the Secretary of the Resources Agency, approved projects shall be forwarded to the Governor for inclusion in the Budget Bill.

5096.90. Projects proposed pursuant to subdivisions (b), (c), (d), and (e) of Section 5096.85 shall be submitted to the office of the Secretary of the Resources Agency for review. The Director of Parks and Recreation shall provide the Secretary of the Resources Agency with a statement concerning each project originated pursuant to subdivisions (b), (c), and (e) of Section 5096.85, which statement shall include the priority of the project in regard to the following needs:

- (a) Deficiencies in preserving history.
- (b) Deficiencies in preserving scenery and landscapes.
- (c) Deficiencies in providing recreation.

5096.91 The Secretary of the Resources Agency, after completing his review, shall forward those projects recommended by the appropriate board or commission together with his comments thereon to the Governor for inclusion in the Budget Bill.

In submitting the list of projects recommended for inclusion in the annual budget, the secretary shall organize the projects on a priority basis within each of the purposes as set forth in subdivisions (b), (c), (d), and (e) of Section 5096.85. This priority ranking shall take into account and be based upon the needs specified in Section 5096.90.

In addition, the statement setting forth the priorities shall include the relationship of each separate project on the priority list to a proposed time schedule for the acquisition and development expenditures associated with the accomplishment of the projects contained in such list. All projects proposed in the Governor's Budget of each fiscal year shall be contained in the Budget Bill as provided in Section 5096.79.

5096.92. Projects authorized for the purposes set forth in subdivisions (b), (c), and (e) of Section 5096.85 shall be subject to augmentation as provided in Section 16352 of the Government Code. The unexpended balance in any appropriation heretofore or hereafter made payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation may be transferred on order of the Director of Finance to and in augmentation of the appropriation made in Section 16352 of the Government Code.

5096.93. The Director of Parks and Recreation may make agreements with respect to any land acquired pursuant to subdivision (e) of Section 5096.85 of this chapter for continued tenancy of the seller of the property for a period of time and under such conditions as mutually agreed upon by the state and the seller so long as the seller promises to pay such taxes on his interest in property as shall become due, owing or unpaid on the interest created by such agreement and so long as the seller conducts his operations on the land according to specifications issued by the Director of Parks and Recreation to protect the property for the public use for which it was acquired. A copy of such agreement shall be filed with the county clerk in the county in which the property lies. Such arrangement shall be compatible with the operation of the area by the state, as determined by the Director of Parks and Recreation.

5096.94. Notwithstanding any other provisions of law, for the purposes of this chapter acquisition may include gifts, purchases, leases, easements, eminent domain, the transfer of property for other property of like value, purchases of development rights, and other interests unless the Legislature shall hereafter otherwise provide. Acquisition for the state park system by purchase or by eminent domain shall be under the property Acquisition Law (commencing with Section 15850 of the Government Code), notwithstanding any other provisions of law.

5096.95. All grants, gifts, devises or bequests to the state, conditional or unconditional, for park, conservation, recreation or other purposes for which land may be

acquired and developed pursuant to this chapter, may be accepted and received on behalf of the state by the appropriate department head with the approval of the Director of Finance. Such grants shall be available, when appropriated by the Legislature, for expenditure for the purposes provided for in Section 5096.85 of this chapter.

5096.96. There shall be an agreement or contract between the Department of Parks and Recreation and the applicant in the case of a state grant project which shall contain therein the provisions that the property so acquired shall be used by the grantee only for the purpose for which the state grant funds were requested and that no other use of the area shall be permitted except by specific act of the Legislature.

5096.97. Lands acquired by the state shall consist predominantly of open or natural lands, including lands under water capable of being utilized for multiple recreation purposes, and lands necessary for historic preservation. No funds derived from the bonds authorized by this section shall be expended for the construction of any reservoir designated as a part of the "State Water Facilities," as defined in subdivision (d) of Section 12934 of the Water Code, but such funds may be expended for the acquisition and development of beaches, parks, recreational facilities and historical monuments at or in the vicinity of any such reservoir.

SEC. 2. Section 1 of this act shall become operative July 1, 1974, if the people at the special election provided for by Section 3 of this act adopt the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974, as set forth in Section 1 of this act. Sections 2 to 9, inclusive, of this act provide for the calling of an election and contain provisions relating to and necessary for the submission of the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the fourth day of June, 1974. The special election shall be consolidated with the direct primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act. A ballot pamphlet shall be prepared, compiled, and distributed relating to the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974, set forth in Section 1 of this act. The Secretary of State shall distribute the ballot pamphlets to the county clerks not later than 45 days before the election, and the county clerks shall commence to mail those pamphlets to the voters not less than 15 days before the election. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act, which shall appear as Proposition 1 at such election. All provisions of this act shall control the submission of Section 1 of this act to, and the holding of, the special

election called by this act.

SEC. 5. Upon the effective date of this section, arguments for and against the measure hereby ordered submitted to the electors shall be prepared in time, form and manner as provided in Article 1.8 (commencing with Section 3527) of Chapter 1 of Division 4 of the Elections Code.

SEC. 6. The special election provided for in this act shall be proclaimed, held, and conducted, the ballots shall be prepared, marked, collected, counted, and canvassed, and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing direct primary elections insofar as provisions thereof are applicable to the election provided for in this act; provided, however, that the Governor need not issue his election proclamation until 30 days before the election.

SEC. 7. Notwithstanding any other provision of law, all ballots of said election shall have printed thereon and in a square thereof, the words: "For the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974," and the same square under said words the following in eight-point type: "This act provides for a bond issue of two hundred fifty million dollars (\$250,000,000) to be used to meet the recreational requirements of the people of the State of California by acquiring and developing lands for recreational purposes." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of two hundred fifty million dollars (\$250,000,000) to be used to meet the recreational requirements of the people of the State of California by acquiring and developing lands for recreational purposes." Opposite the words "For the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974," and "Against the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against

said act, and those voting for said act shall do so by placing a cross opposite the words, "For the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974," and those voting against the said act shall do so by placing a cross opposite the words "Against the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974." Provided that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this action, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 8. The votes cast for or against the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 9. Upon the effective date of this section, the Secretary of State shall request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code, and the Legislative Analyst to prepare an analysis in accordance with Section 3566.3 of the Elections Code. Each such analysis shall be filed with the Secretary of State within the time specified in the Elections Code.

SEC. 10. There is hereby appropriated to the Department of Parks and Recreation the sum of fifty thousand dollars (\$50,000) from the Bagley Conservation Fund for advance planning on projects to be financed under subdivisions (b), (c), and (e) of Section 5096.85 of the Public Resources Code.

APPENDIX B
County Allocations

**OFFICIAL ALLOCATION TO
COUNTIES OF "STATE GRANT MONEYS"
AUTHORIZED BY STATE BEACH, PARK,
RECREATIONAL AND HISTORICAL
FACILITIES BOND ACT OF 1974**

COUNTY	PROJECTED POPULATION* July 1, 1980	ALLOCATION**
Alameda	1,143,800	\$ 4,226,231
Alpine	700	200,000
Amador	18,100	200,000
Butte	129,400	478,121
Calaveras	18,800	200,000
Colusa	12,500	200,000
Contra Costa	652,800	2,412,033
Del Norte	16,400	200,000
El Dorado	64,200	237,213
Fresno	477,200	1,763,208
Glenn	19,100	200,000
Humboldt	108,300	400,158
Imperial	86,300	318,870
Inyo	19,900	200,000
Kern	365,200	1,349,379
Kings	69,500	256,796
Lake	28,200	200,000
Lassen	20,300	200,000
Los Angeles	6,963,200	25,728,355
Madera	49,600	200,000
Marin	233,200	861,652
Mariposa	9,300	200,000
Mendocino	65,100	240,538
Merced	126,300	466,666
Modoc	8,100	200,000
Mono	10,500	200,000
Monterey	299,000	1,104,776
Napa	101,600	375,402
Nevada	37,200	200,000
Orange	1,970,500	7,280,808
Placer	109,500	404,592
Plumas	15,400	200,000
Riverside	596,900	2,205,488
Sacramento	753,600	2,784,480
San Benito	21,000	200,000
San Bernardino	765,100	2,826,971
San Diego	1,801,300	6,655,630
San Francisco	661,100	2,442,701
San Joaquin	330,200	1,220,057
San Luis Obispo	147,500	544,998
San Mateo	593,100	2,191,448
Santa Barbara	305,800	1,129,902
Santa Clara	1,342,800	4,961,517
Santa Cruz	177,200	654,737
Shasta	98,200	362,840
Sierra	2,700	200,000
Siskiyou	38,200	200,000
Solano	198,400	733,069
Sonoma	300,500	1,110,319
Stanislaus	235,400	869,780
Sutter	49,900	200,000
Tehama	34,500	200,000
Trinity	10,500	200,000
Tulare	224,300	828,767
Tuolumne	32,200	200,000
Ventura	523,300	1,933,543
Yolo	118,800	438,955
Yuba	47,300	200,000
Contingencies and Administration (4%)		3,600,000
Totals	22,659,000	\$90,000,000

*Includes Civilian and Military

**Department of Parks and Recreation calculation using Department of Finance population estimates. The above allocations of funds were determined from the July 1, 1980 population estimates contained in "Provisional Projections of California Counties to 2000," January 10, 1974.

APPENDIX C

**State and Areawide Clearinghouse
Procedures**

**Title 14: Guidelines for Implementation of the
California Environmental Quality Act of 1970**

JOINT PROCEDURES AND INSTRUCTIONS
ADOPTED BY THE
WESTERN FEDERAL REGIONAL COUNCIL AND
STATE AND AREAWIDE CLEARINGHOUSES
IN REGION IX

CALIFORNIA
APPLICANT SECTIONS

The preparation of these procedures was financed in part through an Urban Planning Grant from the Department of Housing and Urban Development, under the provisions of Section 701 of the Housing Act of 1954, as amended.

JOINT PROCEDURES AND INSTRUCTIONS

Preapplication Review and Grant Award Notification Procedures
Instructions for Completion of the Cover Sheet for Federal
Grant Application/Award Notification

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Appendix B - Program Coverage

INTRODUCTION

In order to establish a more efficient, effective and reliable utilization of the federal grant review process, the Western Federal Regional Council, the State and Agreawide Clearinghouses of Arizona, California and Nevada have jointly agreed to a common set of review procedures for implementation in Region IX. While maintaining their own forms and procedures, Hawaii supports the procedures as strengthening federal management of the grant process. These procedures are designed to improve monitoring and control of the federal grant process as well as to eliminate the inconsistencies and duplications evident in the multiple review requirement systems currently followed. The procedures outlined in the following pages establish uniform procedures for processing grant applications made under OMB Circulars A-95, A-102, Treasury Circular 1082 (formerly OMB Circular A-98), Planned Variations Chief Executive Review and Comment (CERC), the National Environmental Policy Act of 1969 (NEPA), and the HEW Regional Director's Review and Signoff (RDRS).

The major action to bring the many review and reporting requirements under common procedures is the adoption of the "Cover Sheet for Federal Grant Application/Award Notification" called the form 189. The form 189 will be used with all programs subject to these procedures. It clearly and concisely links together the actions by the applicant, clearinghouses and the federal funding agency.

The development of these joint procedures began after the concept was proposed to the Western Federal Regional Council secretariat staff in May, 1973. A wide cross section of federal, state, regional and local agency staff have contributed to the procedures to insure all interests were represented.

The adoption of the joint procedures and form 189 by the Western FRC and the States of Arizona, California and Nevada provide the mechanism for smooth transition to a computerized Regional Grant Information System (REGIS) which is a subsystem of the Office of Management and Budget Regional Management Information System (RMIS). These procedures establish on a manual basis what will be automated during Fiscal Year 1975 under the expansion of REGIS which was authorized by the undersecretaries of the major federal agencies on June 20, 1974.

The States of Region IX have had extensive experience with automated grant tracking systems and are convinced of the value of the information from such systems. It is out of that conviction and the strong leadership of the Western Federal Regional Council that the scheduled implementation of REGIS is supported.

The overall procedures and instructions containing six sections were adopted by the Western Federal Regional Council on June 4, 1974. Section 1, containing review procedures, and section 2, containing instructions for completing form 189, are addressed to you as applicant for funding under a program subject to review listed in Appendix B.

APPLICANT PREAPPLICATION PROCEDURES

STEP ONE: FILING A FORM 189

At the time your agency or organization decides to apply for federal funds to support a project listed in Appendix B of these procedures, the project chief or other appropriate person will execute a cover sheet for Grant Application/Award Notification. In California, this Notification is accomplished by means of the Form CA-189.

The form 189 is a summary document which contains basic information about the proposed project -- information such as the name of the applicant agency, the federal agency and program under which application for funds is being made, the proposed location, approximate cost, and brief description of the project or activity to be funded. A key identifier is the program number from the Catalog of Federal Domestic Assistance (compiled by the Office of Management and Budget and available from the U. S. Government Printing Office, Washington, D.C., 20402, for \$7.00 prepaid). The funding agency should supply you with the Catalog number and the official program title. The funding information need not be precise at the early stage in the application procedure. It is more important that the form 189 be submitted expeditiously so the review can be completed and problems identified or recommendations submitted by reviewing agencies can be resolved between you and the commenting agency.

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The individual listed as the contact person on the form 189 must, in fact, be the one most capable of answering questions relative to the project should the reviewing agency desire clarification of items on the form. Much time is consumed by reviewing agency personnel trying to trace down the source of reliable information about a project. Therefore, it is requested that the individual listed as contact person not be a higher level administrator whose name appears primarily for administrative purposes, but rather the person with access to the significant information on the form 189. When your proposed project requires the relocation of persons, the Uniform Relocation Act requires certain information be supplied to the funding agency. In the narrative portion of the form 189, attention should be given to the fact that relocation will occur as a result of your project. Specific instructions for completing the form 189 follow in section 2.

Upon completion of the form 189, the original is sent to the State Clearinghouse and copies to the Areawide Clearinghouse(s) in which the project is located or impacts. (State and Areawide Clearinghouses for each state in Region IX are listed in Appendix A). This should be accomplished as soon as possible, but at least 60 to 90 days prior to expected submittal of the application to the funding agency. This will allow sufficient time for the total preapplication procedures since, in addition to a 30-day initial review, you must allow sufficient time for evaluating comments made at the State and local level and

resolving possible conflicts prior to submitting the formal application. Since funding agencies are required to obtain certification of state and local agency review prior to processing the grant application, the earlier form 189 is submitted to reviewing agencies, the more rapidly will the application for funds be processed.

If the program for which you seek funds requires preapplication screening by the funding agency under OMB Circular A-102, the documents, found in A-102 Attachment M. should be forwarded to the funding agency for a 45-day review at the same time the form 189 is forwarded to the clearinghouses. Clearinghouse comments will be returned to you as well as the funding agency to aid them in the screening of the preapplications.

If the funding agency instructs you to proceed with the development of your application, follow the procedures spelled out in this booklet. If the funding agency informs you that your project has not been cleared through the preapplication screening because of funding criteria, funding limitations, ineligibility or some other reason, please send the original form 189 to the State Clearinghouse noting on line 55 that the project was rejected.

STEP TWO: REVIEW OF THE FORM 189

Local Review

The Areawide Clearinghouses are responsible for the review at the local level. Upon receipt of the form 189, the clearinghouse will notify counties, cities (including chief executives in local general purpose governments designated by the Western Federal Regional Council as CERC jurisdictions), and other appropriate regional and local agencies affected by the project and offer them the opportunity to comment. The Areawide Clearinghouse may itself conduct a staff review if the project has regional impact, if the staff has planning expertise in the area of project concern or if special programs are being carried on by the Areawide Clearinghouse such as studies on regional plans for transportation, open space or airport development which will be impacted by the project.

Within 30 days, the Areawide Clearinghouse will either comment on or declare interest in the project and so notify you. When interest is declared, the Areawide Clearinghouse will often call meetings for the purpose of allowing you and those interested to discuss the issues. If the issues are resolved, the formal clearinghouse comments to you will clear the project of further local review. If the issues are not resolved, the comments forwarded will identify to you and subsequently the funding agency the position taken by the clearinghouse.

Since the procedures vary among the Areawide Clearinghouses, you should contact the Clearinghouse in your jurisdiction for the specific procedures used during the local review phase.

State Review

The review of the project at the State level is accomplished by the State Clearinghouse. The State Clearinghouse will utilize the technical expertise of many state agencies for the review of the projects received, and is responsible for the dissemination of the projects and the coordination of the comments which are generated. Like the Areawide Clearinghouses, the State Clearinghouse may conduct its own review of projects as appropriate.

At the time the review is initiated, the State Clearinghouse will also assign a State Application Identifier (State Clearinghouse Number) to the project. This number becomes a key identifier for use in tracking the project through the grant process and is used by the funding agency when notification of the grant award is forwarded to the State Central Information Reception Agency and appropriate clearinghouses under the requirements of Treasury Circular 1082 (formerly OMB Circular A-98).

The purpose of the review at the State and local level is to insure that the proposed project is fully coordinated with state and local general purpose governments, that it is consistent with state, regional and local plans and policies of those agencies, and to provide the opportunity for input by appropriate

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agencies which are affected by the project. The Clearinghouses have no veto over any project and, while their comments are advisory to you and the funding agency, their importance in communicating local and state concerns is not to be underestimated in our federal system of government.

Environmental Review

It should also be understood that most federal agencies require applicants for federal funds to prepare some kind of environmental impact assessment along with the application. When this requirement exists, copies of such documents as are prepared for the funding agency should be provided the State and Areawide Clearinghouses for review and comment. Since environmental review documents usually lengthen the review period, they should be submitted as early as possible. Insufficient copies of such documents tends to lengthen the review process considerably, since the documents must be kept at some central location where several agencies may consult them one at a time. The applicant should consult with appropriate clearinghouses to determine the desired number of copies of documents for review. Since state environmental laws require additional action within California, those procedures are described beginning on page 1-12.

These procedures encourage early submittal of the form 189 for preapplication review. Do not delay the submittal of the form 189 if the environmental assessment is not completed. Forward the environmental assessment as soon as it is available, but early enough to allow for a full review, since most reviewing

agencies will withhold final comments until the environmental documents have been reviewed.

Under the National Environmental Policy Act of 1969 (NEPA), the federal agency must make a determination, based in part on your environmental assessment and the comments made on it, whether the project could have a significant impact on the environment. A positive determination may require the federal agency to prepare a draft environmental impact statement for distribution to federal, state and local agencies for review. If that occurs, the federal agency will receive the comments on the draft EIS and respond to them in the final EIS.

STEP THREE: CLEARINGHOUSE COMMENTS RETURNED TO APPLICANT

At the conclusion of the prescribed review period, the clearinghouses will complete Part 2 of the form 189 and forward it to you with comments attached. Copies of the comments will be sent to the funding agency to alert them of the clearinghouse position. Where there are local general purpose governments designated by the Western Federal Regional Council as CERC jurisdictions, the clearinghouse will be responsible for assuring that the CERC certification or waiver form is forwarded to the applicant.

The comments are advisory in nature. However, these joint procedures require that you respond to such comments and recommendations as are made. A copy of the comments will be part of the formal application which is sent to the funding agency, along

with a discussion of the manner in which the comments of reviewing agencies were complied with or were otherwise resolved to the satisfaction of all parties concerned.

The Clearinghouses retain the option of requesting a copy of the final application itself and establishing an additional review period of 30 days. Where such an option is invoked, the clearinghouse will not return the form 189 with Part 2 completed, but will notify you in writing that the 30-day review of the application itself will be required. Only after that review is completed, and the form 189 is returned with Part 2 completed, may the application be submitted to the funding agency.

It should be stressed that these procedures related to a preapplication review. You must provide adequate time for the comment process to be completed and for revisions to the application based on the comments before the application is submitted to the funding agency.

If your agency is a single purpose planning agency and you are applying for planning funds, A-95, Part IV, requires that you execute a memorandum of agreement with the Areawide Clearinghouse, to be included in your application for funding. Do not wait, however, until you are applying for funds to begin development of the memorandum of agreement. Early agreement with the Areawide Clearinghouse will undoubtedly speed up applications for planning funds.

If issues prevent the execution of a memorandum of agreement, make that fact known to the funding agency when you submit your application. The funding agency will, in consultation with the Federal Regional Council and the State Clearinghouse, resolve the issues.

STEP FOUR: SUBMITTAL OF THE APPLICATION

When the preapplication review is complete and the applicant has received the original form 189 from the State Clearinghouse and copies of the form 189 from each Areawide Clearinghouse to which the project was sent, each with Part 2 completed, you will complete Part 3 of the original form 189. The original of the form 189 becomes the cover sheet for the application. The complete application packet that is sent to the funding agency, will include, in addition to the application itself: 1) the original form 189 with parts 1, 2 and 3 completed, 2) a statement from both State and Areawide Clearinghouses that they reviewed the project and had no comments or 3) any and all comments received from clearinghouses with a statement on how you responded to each, 4) any environmental documents required, 5) CERC certifications or waiver form, if appropriate, and 6) any memoranda of agreement required by Part IV of A-95.

STEP FIVE: ACCEPTANCE OF THE APPLICATION BY THE FUNDING AGENCY

It is a requirement of these procedures that no funding agency will accept an application subject to review under a federal or state regulation unless there is certification that the review

has been accomplished by all appropriate agencies. The federal agency will check to insure Part 2 of the original form 189 has been completed by the State Clearinghouse. Evidence of the assignment of a State Application Identifier (State Clearinghouse Number) is not, in and of itself, verification of compliance of the review process. The funding agency must determine if the application package contains each appropriate item, as listed above. If the package is incomplete in any respect, it will be returned to you with instructions to comply with the review requirements.

Occasionally, situations exist which are beyond the control of the parties involved, such as special action by Congress requiring the allocation of impact funds in a very short time period, or when funds become available at the end of the fiscal year and must, by law, be allocated in a certain period of time. In such cases, flexible procedures may be invoked by State and Area-wide Clearinghouses to authorize funding agencies to proceed with application processing concurrently with the review period, with the understanding that any comments arising from the review process which cannot be dealt with until after the cutoff date will be resolved "on the ground" by you and any commentators.

One of the first actions of the funding agency upon acceptance of the application is to complete Part 4 of the form 189. An important element is box 53a, which lists the expected action date on the application.

When the REGIS program is implemented, the Part 4 data will be added to the computer record. The funding agency or clearinghouses with access to REGIS can provide to you the anticipated funding date.

STEP SIX: DECISION BY THE FUNDING AGENCY

Funding agencies have varying time constraints within which they must work in the processing of an application. Therefore, it is impossible to predict the length of time an application may remain in the hands of the funding agency. The funding agency application package which contains these procedures, should indicate the grant cycle and processing time for the program to which you are applying.

It is generally acknowledged that the funding agency will attempt to fully evaluate the comments which are generated during the review process. Where a funding agency chooses to approve a grant in spite of negative comments by reviewing agencies which remain unresolved, the revised A-95, Part 1, Section 6(d), requires the funding agency to provide a written explanation of its decision to the appropriate State and Areawide Clearinghouses. Similar procedures are required under the Chief Executive Review and Comment (CERC) process. When a reviewing chief executive in a local general purpose government designated by the Western FRC objects to a project or raises substantive issues relative to a proposal, the funding agency must notify him in writing of the reasons for its decision to fund the project in spite of his comments.

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STEP SEVEN: GRANT AWARD ACTION

Within seven days of the approval of your grant, the funding agency will inform the State and Areawide Clearinghouses by means of a form 189 of the exact action taken (i.e., funded, not funded, etc.).

The Office of the Governor, Office of Planning and Research, functions as the State Clearinghouse in California. There are two occasions when the review of projects which receive federal assistance may require special clearance in California. Those situations related to 1) the California Environmental Quality Act of 1970 (CEQA) as amended, and 2) State Administrative Manual section 0911 et. seq.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

CEQA requires every governmental agency to evaluate the environmental impact of projects it sponsors or approves under specific procedures spelled out in implementation procedures promulgated by the California Secretary for Resources, dated November 17, 1973. Unless the project is categorically exempt, the governmental agency must prepare either a draft environmental impact report (EIR) or a negative declaration. CEQA requires the review of the

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draft EIR at the state and local level any time there exists a state agency which has jurisdiction by law in regard to the environmental effects of the project. It may be necessary, therefore, even if the federal instructions do not require the preparation and review of an environmental impact document under the National Environmental Policy Act (NEPA) for the environmental impact report to be forwarded to the Clearinghouse for review. When a state review is required, it is accomplished through the Office of Planning and Research. It is essential to remember that, when EIRs, negative declarations and any other attachments are submitted to the State for review, 20 copies of any such documents must be sent to the State Clearinghouse. Where a state agency sponsors the project or is the approval authority, a state and local review is required for the draft EIR or the negative declaration.

The draft EIR prepared and reviewed under CEQA will normally provide all information needed by the Federal agency should they determine a draft environmental impact statement (EIS) is required under NEPA.

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STATE ADMINISTRATIVE MANUAL

By action of the California Legislature, all state agencies applying for federal funds and all local and independent agencies applying for federal funds administered by a state agency must send a notification to the Office of Planning and Research, and any appropriate areawide clearinghouse for a 30-day review.

The form 189 is utilized in California as the submittal document. Detailed instructions are contained in State Administrative Manual section 0911 et. seq.

APPLICANT INSTRUCTIONS FOR
COMPLETION OF FORM 189

The form 189 has been adopted by the State and Areawide Clearinghouses in Arizona, California and Nevada as a substitute for the Notice of Intent. For applicants in Hawaii, current procedures and forms should be used.

One of the primary purposes for using the form 189 is to ensure that your application will move quickly through the grant decision process.

For example, the System will:

Keep track of your application after its receipt by a Clearinghouse.

Record the date when you sent your application to a Federal agency.

Monitor your application from entry and through consequent key decision points in the Federal agencies.

Quickly notify you and all interested parties that your grant has either been awarded or rejected.

Allow responsible managers at all levels of government to monitor the processing of your application and expedite it when bottlenecks occur.

Since the data that you supply on this "Cover Sheet for Federal Grant Application/Award Notification" will be entered into a computer file, it is MOST IMPORTANT that it is accurate and instantly readable. Please use a typewriter if possible; otherwise, print carefully with a ballpoint pen -- in either case use all CAPITAL LETTERS.

Fill out PART 1 of the Cover Sheet and then send the original to the State Clearinghouse and copies to appropriate Areawide Clearinghouses.

PART 2 must be completed by each Clearinghouse having jurisdiction (Areawide and/or State) before the Cover Sheet can be attached or enclosed with your application and forwarded by you to a Federal Government agency.

PART 3 must be completed by you on the original of the cover sheet and attached to your application and sent to the appropriate Federal agency.

Do not type to the left of dotted line.

COVER SHEET for FEDERAL GRANT APPLICATION/AWARD NOTIFICATION and other Project Reviews – STATE OF CALIFORNIA

1 APPLICATION DATE
yr mo day
19 _____

ITEMS 1-31 TO BE COMPLETED BY APPLICANT

2 FEDERAL EMPLOYER ID NO.

3. APPLICANT – Organizational Unit

4. ADDRESS – Street or P. O. Box

5. CITY

6. COUNTY

7. STATE

8. ZIP CODE

9. PROG TITLE/NO. (Catalog of Fed Domestic Assistance)

10. TYPE OF ACTION
a New c Modification
b Continuation

TYPE OF CHANGE (Complete if 10b or 10c was checked)
11. a Increased Dollars b Decreased Dollars
12. a Increased Duration b Decreased Duration
13. a Other Scope Change b Cancellation

14. EXISTING FED GRANT ID

16. REQUESTED FUND START 19____ yr mo

16. FUNDS DURATION _____ (Months) yr mo

17. EST. PROJECT START 19____ yr mo

18. EST. PROJECT DURATION _____ (Months) yr mo

19. APPLICANT TYPE Enter Letter
A. State F. School District
B. Interstate G. Community Action Agency
C. Sub State Dist H. Sponsored Organization
D. County I. Indian
E. City J. Other (Specify in Remarks)

FUNDS REQUESTED (For Changes Show Only Amt. of Inc.(+) or Dec.(-))
20. FEDERAL () \$ _____ .00
21. STATE () \$ _____ .00
22. LOCAL () \$ _____ .00
23. OTHER () \$ _____ .00
24. TOTAL (20, 21, 22, 23) () \$ _____ .00

26. BRIEF TITLE OF APPLICANT'S PROJECT
26. DESCRIPTION OF APPLICANT'S PROJECT (Purpose)

27. AREA OF PROJECT IMPACT (Indicate City, County, State, etc.)
STATE-WIDE Yes No COUNTY-WIDE Yes No MULTI-COUNTY Yes No

28. CONGRESSIONAL DISTRICT
Of Applicant Districts Impacted By Project

29. Environmental Assessment Required By State/Federal Agency? Yes No

30. CLEARINGHOUSE(S) TO WHICH SUBMITTED
a State b Area Wide c None

31. a NAME/TITLE OF CONTACT PERSON

b ADDRESS – Street or P. O. Box

c TELEPHONE NO.

31. d IS ENVIRONMENTAL DOCUMENT REVIEW REQUIRED YES NO
If Yes Environmental Impact Statement (Report) Attached (20 copies)
 Draft EIR Final EIR
 Negative Declaration Attached (20 copies)
 None attached - Document Will Be Forwarded On Approximately _____ Mon _____ Day _____ Year
If No Federal Program Does Not Require An Environmental Document
 Project Exempt Under State Categorical Exemption, Class _____

e Will the project require relocation? YES NO
f Does your agency have a civil rights affirmative action policy and plan? YES NO
g Is project covered by A-95, Pt IV? YES NO
If yes, is MOA executed? YES NO

h If project is physical in nature or requires an environmental document, list the U. S. Geologic Survey Quadrangle map in which the project is located.

ITEMS 32-38 TO BE COMPLETED BY CLEARINGHOUSE

32. CLEARINGHOUSE ID MULTIPLE CLEARINGHOUSE

33. a ACTION BASED ON REVIEW OF
a Notification b Application
33. b ACTION TAKEN
a With Comment b Without Comment c Waived d Unfavorable

34. STATE APPLICATION IDENTIFIER (SAI) C A
State Number

35. CLEARINGHOUSE IMPACT CODE STATE WIDE Yes No
County/ City County/ City County/ City County/ City County/ City
Ping Area Ping Area Ping Area Ping Area Ping Area

36. STATE PLAN REQUIRED Yes No

37. RECEIVING DATE AT CLEARINGHOUSE 19____ yr mo day
38. FINAL CH ACTION DATE 19____ yr mo day

38. a SIGNATURE OF CH OFFICIAL

ITEMS 39-42 TO BE COMPLETED BY APPLICANT BEFORE SENDING FORM TO FEDERAL AGENCY

39. CERTIFICATION – The applicant certifies that to the best of his knowledge and belief the above data are true and correct and filing of this form has been duly authorized by the governing body of the applicant. Check box if clearinghouse response is attached.

40. a NAME (Print or Type)

b TITLE

c SIGNATURE of Authorized Representative

d TELEPHONE NUMBER

41. DATE MAILED TO FEDERAL/STATE AGENCY 19____ yr mo day

42. NAME OF FEDERAL / STATE AGENCY TO WHICH THIS APPLICATION SUBMITTED

PART 1

PART 2

PART 3

INSTRUCTIONS FOR COMPLETING FORM CA-189

These instructions are designed to assist in completing the APPLICANT portions of the Form CA-189. These portions are PART 1 and PART 3 and are SHADED IN GREEN.

PART 1

<u>BOX NO</u>	<u>TITLE</u>	<u>INSTRUCTION</u>	<u>EXAMPLE</u>
1	APPLICATION DATE	Date application is sent to the Clearinghouse.	yr mo day 73 01 02
2	FEDERAL EMPLOYER I.D.	This number is assigned to business entities by IRS. It has 9 digits. If you do not have an I.D. or need assistance in locating it, contact the funding agency.	456-62-8684
3	APPLICANT	Use capital letters. <u>MAXIMUM 40 CHARACTERS</u> (including spaces). If necessary, abbreviate.	STATE HEALTH DEPT US FOREST SERVICE
4	ADDRESS	Use capital letters <u>MAXIMUM 24 CHARACTERS</u> (including spaces).	3916 WOODSTOCK AVI
5	CITY	Use capital letters. <u>MAXIMUM 16 CHARACTERS</u> (including spaces).	SACRAMENTO
6	COUNTY	Use capital letters. <u>MAXIMUM 16 CHARACTERS</u> (including spaces).	SACRAMENTO
7	STATE	Use capital letters. <u>MAXIMUM 2 CHARACTERS</u> Arizona AZ California CA Hawaii HI Nevada NV Guam GU American Samoa AM Trust Territories. TT	CA
8	ZIP CODE	Enter your zip code	95814

<u>BOX NO</u>	<u>TITLE</u>	<u>INSTRUCTION</u>	<u>EXAMPLE</u>
9	PROGRAM TITLE/ NUMBER	Obtain this information from the funding agency or the <u>Catalog of Federal Domestic Assistance</u> . Do not include decimal point. Place abbreviated program title in parentheses following catalog number.	13403 (Bilingual Educ.)
10	TYPE OF ACTION	Enter X in the appropriate box.	
11			
12—	TYPE OF CHANGE	Complete only if you have checked box 10b or 10c.	
13			
14	EXISTING FED. GRANT I.D.	If you have checked Item 10b or 10c or have had previous correspondence with a Federal Agency concerning your present grant enter this number.	OSD-CA-09-3901
15	REQUESTED FUND START	Enter appropriate date.	
16	FUNDS START	Enter appropriate date.	
17	EST. PROJECT START	Enter appropriate date.	
18.	EST. PROJECT DURATION	Enter appropriate date.	
19	APPLICANT TYPE	Enter the appropriate letter in the box provided. <u>Federal agencies use letter J.</u>	
20			
21			
22	FUNDS REQUESTED	Enter appropriate amounts. If no funding involved, enter 0.	
23			
24			
25	BRIEF TITLE OF APPLICANT PROJECT	Use capital letters. <u>MAXIMUM 60 CHARACTERS</u> (including spaces).	CONSTRUCTION OF NEW HOUSING

<u>BOX NO</u>	<u>TITLE</u>	<u>INSTRUCTION</u>	<u>EXAMPLE</u>
26	DESCRIPTION OF APPLICANT'S PROJECT (PURPOSE)	Use capital letters. <u>MAXIMUM 300 CHARACTERS</u> (including spaces). 60 characters per line, 5 lines. Make description complete, intelligible to non-specialist. Include if appropriate source and amount of state/local/private matching funds, and names of others with whom coordination has been established.	
27	AREA OF IMPACT	Use capital letters. Always include county or counties of impact. Include city if appropriate. If not within bounds of a named city or town, give rough location in Box 26 above. Indicate whether impact is statewide, county-wide or multi-county. If multi-county, list county of greatest impact first.	
28	CONGRESSIONAL DISTRICT	<u>MAXIMUM 2 NUMERALS.</u>	
29	ENVIRONMENTAL ASSESSMENT?	Enter an X in appropriate box. If X is in YES - attach a copy.	
30	CLEARINGHOUSE/S TO WHICH SUBMITTED	Enter an X in the appropriate box.	
31a	NAME/TITLE OF CONTACT PERSON	Enter this information for the person who has the most complete information regarding the proposal who can be contacted if necessary. Do not give the name of the administrator (for example, mayor) with general responsibility for the project. The contact person will receive an acknowledgment of receipt, the State Clearinghouse identification number, and, upon completion of the review, any comments generated from the project review.	

<u>BOX NO</u>	<u>TITLE</u>	<u>INSTRUCTION</u>	<u>EXAMPLE</u>
31b 31c	ADDRESS TELEPHONE	Enter this information for the person who has the most complete information regarding the proposal who can be contacted if necessary. Do <u>not</u> give the name of the administrator (for example, mayor) with general responsibility for the project.	
31d - 31h	ITEMS FOR CALIFORNIA REVIEW	<p>31d. <u>Is Environmental Review Required?</u> If <u>yes</u>, California requires a minimum of 20 copies of attachments such as EIRs, Negative Declarations, maps, etc. for review purposes. If none attached, be sure to fill in an approximate date such documents will be forwarded for review. If <u>no</u>, indicate reason. If project is exempt under State Categorical exemption, list which one (see "Guidelines for the Implementation of the California Environmental Quality Act of 1970.")</p> <p>31e. <u>Will the Project require Relocation?</u> <u>Will the people be required to move from their residences as a result of this project?</u></p> <p>31f. <u>Does your Agency have a Civil Rights Affirmative Action Policy and Plan?</u> <u>Self-explanatory.</u></p> <p>31g. <u>Does A-95, Part IV apply?</u> <u>This section requires the execution of a Memorandum of Agreement between an Areawide Clearinghouse and any federally-funded, single-purpose planning entity which shares its territorial sphere of interest.</u></p> <p><u>If so, has MOA been executed?</u> A copy of the Memorandum of Agreement must be attached to the application, but should not be submitted for review to the State Clearinghouse.</p>	

<u>BOX NO</u>	<u>TITLE</u>	<u>INSTRUCTION</u>	<u>EXAMPLE</u>
31d - 31h (Continued)	ITEMS FOR CALIFORNIA REVIEW (Continued)	31h. <u>If Project is physical in nature or requires an environmental document, list the U.S. geological survey quadrangle map in which the project is located.</u> Self-explanatory.	

NOTE: Other Reviews Required in California

The Form CA-189 may be used for all other reviews required by the State. Such reviews as those required by the Subdivision Map Act (See Section 11550.1 of the Government Code), Lease of State Lands, CEQA reviews which do not involve federal funds, etc., may be initiated by submitting a Form CA-189 with applicable sections of Part 1 completed, along with 20 copies of subdivision maps or other appropriate documentation, to the State Clearinghouse. Areawide clearinghouses each have their own requirements, and the sponsor should check with them prior to project notification.

The Clearinghouse will complete the review, fill out the applicable portions of Part 2, line out the rest of the form, sign it and return the form to the sponsor along with the comments generated by the review.

PART 3

The original of Form CA-189 will be returned to you by the State Clearinghouse as well as each that you sent to the Areawide Clearinghouses. EACH FORM MUST BE INCLUDED IN THE APPLICATION PACKET. COMPLETE PART 3 on the ORIGINAL and forward it attached to the application to the funding Agency.

<u>BOX NO</u>	<u>TITLE</u>	<u>INSTRUCTION</u>	<u>EXAMPLE</u>
39	CERTIFICATION	If a letter from the State Clearinghouse confirming completion of the required review is attached, enter X in box.	
40a	NAME	Complete this information for the person with responsibility for the proposal. THIS IS THE PERSON WHO SIGNS GRANT APPLICATIONS FOR YOUR AGENCY.	
40b	TITLE		
40c	SIGNATURE		
40d	TELEPHONE NO.		
41	DATE MAILED TO FEDERAL AGENCY	Enter appropriate date.	
42	NAME OF FEDERAL AGENCY TO WHICH THIS APPLICATION IS SUBMITTED	Enter the abbreviation as listed on attached sheet.	

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ABBREVIATION FOR APPLICANT NAMES

Academy	- ACAD	Demonstration	- DEMO	Handicapped	- HDCPD
Administration	- ADMIN	Defense	- DEF	Health	- HLTH
Advisory	- ADV	Delinquent	- DELINQ	Higher	- HGHR
Affairs	- AFF	Department	- DEPT	Historical	- HIST
Agency	- AGCY	Development	- DEV	Homebuying	- HMBYNG
Agriculture	- AGRI	Director	- DIR	Hospital	- HOSP
Assistance	- ASSIS	Disaster	- DIS		
Association	- ASSOC	District	- DIST	Improvement	- IMPROV
Authority	- AUTH	Division	- DIV	Indian	- IND
				Industry	- INDUS
Board	- BD	East	- E	Institute	- INST
Bureau	- BUR	Economic	- ECON	Instruction	- INSTR
Business	- BUS	Education	- EDUC	Insurance	- INS
		Elementary	- ELEM	International	- INTL
Center	- CTR	Emergency	- EMER	Investigation	- INVES
Central	- CTL	Employment	- EMPL		
Children	- CHIL	Enforcement	- ENFCMT	Justice	- JUS
Civil	- CIV	Environmental	- ENVIR		
Clearinghouse	- CLGHSE	Executive	- EXEC	Library	- LBR
College	- COL	Experimental	- EXPER		
Commerce	- COM				
Commercial	- COML				
Commission	- COMM				
Committee	- COMM				
Community	- CMTY			Management	- MGMT
Compensation	- COMP			Manager	- MGR
Comprehensive	- COMP			Manpower	- MNPW
Consolidated	- CONSOL	Facilities	- FAC	Marketing	- MKTG
Consumer	- CONS	Farmers	- FRMR	Mayor	- MYR
Conservation	- CONS	Federal	- FEJ	Medical	- MED
		Federation	- FEJ	Memorial	- MEM
Control	- CTRL	Floodplain	- FLJPLN	Mental	- MTL
Council	- CNCL	Forest	- FOR	Metropolitan	- METRO
Cooperative	- COOP	Foundation	- FNDN	Municipal	- MUNI
Corrections	- COR				
County	- CNTY	General	- GEN	National	- NAT
Court	- CT	Government	- GOVT	Natural	- NAT
Criminal	- CRIM	Governor	- GOV	Navigation	- NAV
Cultural	- CULT			North	- N

ABBREVIATION FOR APPLICANT NAMES (Continued)

Office	- OFF	Safety	- SAF
Operations	- OPER	School	- SCH
Opportunity	- OPPOR	Science	- SCI
Organization	- ORGN	Secondary	- SEC
		Security	- SEC
		Service (s)	- SVC (S)
		Social	- SOC
		South	- S
		Specialized	- SPEC
		State	- ST
Personnel	- PERS	Technology	- TECH
Planning	- PLNG	Township	- TWP
Pollution	- POLL	Traffic	- TRAF
President	- PRES	Training	- TRNG
Prevention	- PREV	Transportation	- TRANSP
Program	- PROG	Treasurer	- TREAS
Project	- PROJ		
Property	- PROP	United States	- US
Protection	- PROT	University	- UNIV
Public	- PUB		
Recreation	- REC	Valley	- VAL
Regional	- REG	Variation	- VAR
Rehabilitation	- REHAB	Veteran	- VET
Relations	- REL	Village	- VIL-VLG
Research	- RES	Vocational	- VOC
Reservation	- RES		
Resource	- RES	Water	- WTR
Retardation	- RETARD	Watershed	- WTRSHD
Riverbasin	- RBSN	Welfare	- WELF
		West	- W
		Wildlife	- WLDF

ABBREVIATIONS FOR STREET DESIGNATORS AND FOR WORDS THAT APPEAR FREQUENTLY IN PLACE NAMES

<u>Word</u>	<u>Abbreviation</u>	<u>Word</u>	<u>Abbreviation</u>	<u>Word</u>	<u>Abbreviation</u>
Academy.....	ACAD	High.....	HI	South.....	S
Agency.....	ACNCY	Highlands.....	HGLDS	Space Flight Center.....	SFC
Airport.....	ARPT	Highway.....	HWY	Spring.....	SPG
Alley.....	ALY	Hill.....	HL	Springs.....	SPGS
Annex.....	ANX	Hills.....	HLS	Square.....	SQ
Arcade.....	ARC	Hollow.....	HOLW	State.....	ST
Arsenal.....	ARSL	Hospital.....	HOSP	Station.....	STA
Avenue.....	AVE	Met.....	H	Street.....	ST
Bayou.....	BYU	House.....	HSE	Stream.....	STPM
Beach.....	BCH	Inlet.....	INLT	Sulphur.....	SLPHR
Bend.....	BND	Institute.....	INST	Summit.....	SMT
Big.....	BG	Island.....	IS	Switch.....	SWCH
Black.....	BLK	Islands.....	IS	Tannery.....	TNRY
Boulevard.....	BLVD	Isle.....	IS	Tavern.....	TVRN
Bluff.....	BLF	Junction.....	JCT	Terminal.....	TERM
Bottom.....	BTM	Key.....	KY	Terrace.....	TER
Branch.....	BR	Knights.....	KNLS	Tga.....	TG
Bridge.....	BNG	Landing.....	LNNG	Tower.....	TWR
Brook.....	BRK	Lane.....	LK	Town.....	TWN
Burp.....	BG	Lakes.....	LKS	Trail.....	TRL
Bypass.....	BYP	Lane.....	LN	Trailer.....	TRLR
Camp.....	CP	Light.....	LGT	Tunnel.....	TUNL
Canyon.....	CYN	Little.....	LTL	Turnpike.....	TPKE
Cape.....	CPE	Loaf.....	LF	Upper.....	UPR
Caueway.....	CWSY	Locks.....	LCKS	Union.....	UN
Center.....	CTR	Lodge.....	LGD	University.....	UNIV
Central.....	CTL	Lower.....	LWR	Valley.....	VLY
Church.....	CHR	Manor.....	MHR	Viaduct.....	VIA
Churches.....	CHRS	Meadows.....	MOWS	Venue.....	VW
Circle.....	CIR	Meeting.....	MTG	Village.....	VLG
City.....	CY	Memorial.....	MEM	Ville.....	VL
Clear.....	CLR	Middle.....	MOL	Vista.....	VIS
Clms.....	CLFS	Mile.....	MLE	Water.....	WTR
Club.....	CLB	Mill.....	ML	Wells.....	WLS
College.....	CLG	Mills.....	MLS	West.....	W
Corner.....	CR	Mines.....	MNS	White.....	WHT
Corners.....	CCRS	Mission.....	MSN	Woks.....	WKS
Court.....	CT	Mound.....	MND	Yards.....	YOS
Courts.....	CTS	Mount.....	MT		
Cove.....	CV	Mountain.....	MTN		
Creek.....	CRK	National.....	NAT		
Crescent.....	CRES	Neck.....	NCK		
Crossing.....	XING	Neck.....	NK		
Dale.....	DL	North.....	N		
Dam.....	DM	Orchard.....	ORCH		
Docks.....	DPO	Parks.....	PLMS		
Divide.....	DIV	Park.....	PK		
Drive.....	DR	Parkway.....	PKY		
East.....	E	Pillar.....	PLR		
Estates.....	EST	Pines.....	PNES		
Expressway.....	EXPY	Place.....	PL		
Extended.....	EXT	Plan.....	PLN		
Extension.....	EXT	Plains.....	PLNS		
Fall.....	FL	Plaza.....	PLZ		
Falls.....	FLS	Port.....	PRT		
Farms.....	FRMS	Port.....	PT		
Ferry.....	FRY	Prairie.....	PR		
Field.....	FLD	Ranch.....	RNCH		
Fields.....	FLOS	Ranches.....	RNCHS		
Flats.....	FLT	Rapids.....	RPS		
Ford.....	FRO	Resort.....	RESRT		
Forest.....	FRST	Ret.....	RET		
Forge.....	FRG	Pidge.....	PDG		
Fork.....	FRK	River.....	RIV		
Forks.....	FRKS	Road.....	RD		
Fort.....	FT	Poca.....	PK		
Fountain.....	FTN	Rural.....	R		
Freeway.....	FWY	Saint.....	ST		
Parade.....	FUPN	Sainte.....	ST		
Gardens.....	GONS	San.....	SN		
Gateway.....	GTWY	Santa.....	SN		
Gen.....	GLN	Santo.....	SN		
Grand.....	GRND	Seneca.....	SNH		
Great.....	GR	Seneca.....	SNHTY		
Green.....	GRN	Shel.....	SHL		
Ground.....	GRD	Shels.....	SHLS		
Grove.....	GRV	Sho.....	SHD		
Harbor.....	HBR	Shoe.....	SHR		
Haven.....	HVN	Shores.....	SHRS		
Heights.....	HTS	Shing.....	SHG		

COMMON AGENCY ABBREVIATIONS

EPA	ENVIRONMENTAL PROTECTION AGENCY
ASDH	Arizona State Department of Health
CSWRCB	California State Water Resources Control Board
HSDH	Hawaii State Department of Health
NDHR	Nevada Department of Human Resources
GEPA	Guam Environmental Protection Agency
FCRR	FOUR CORNERS REGIONAL COMMISSION
HEW	HEALTH, EDUCATION, AND WELFARE, DEPARTMENT OF
HUD	HOUSING AND URBAN DEVELOPMENT, DEPARTMENT OF
LEAA	LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
ASJPA	Arizona State Justice Planning Agency
COCJP	California Office of Criminal Justice Planning
HSLEJPA	Hawaii State Law Enforcement and Juvenile Delinquency Planning Agency
NCCDC	Nevada Commission on Crime, Delinquency and Corrections
GTCC	Guam Territorial Crime Commission
ASTCJPC	American Samoa Territorial Criminal Justice Planning Agency
DOL	LABOR, DEPARTMENT OF
OEO	OFFICE OF ECONOMIC OPPORTUNITY
DOT	TRANSPORTATION, DEPARTMENT OF

CALIFORNIA

Agua Caliente Springs.....AGUA CLNT SPG
Belvedere-Tiburon.....BLVDR RIBURON
California Hot Springs.....CALIF NOT SPG
California Valley.....CALIF VALLEY
Cardiff By The Sea.....CARDIF BY SEA
DeWitt State Hospital.....DEWIT ST HOSP
El Toro Marine Corps Air Station...EL TOROMAS
Fig Garden Village.....FIG GDN VLG
Italian Swiss Colony.....ITAL SWS COLN
Kings Canyon National Park.....KS CYN NAT PK
Marine Corps Base.....MARNE BASE
Marine Corps Supply Center.....MARNE SUP CTR
Monterey Bay Academy.....MONT BAY ACAD
Montgomery Creek.....MONTGOMRY CRK
Pacific Palisades.....PCFIC PALSADS
Palos Verdes Estates.....PALOS VRD EST
Paslos Verdes Peninsula.....PLS VRD PNSLA
Portuguese Bend.....PORTUGESE BND
Pancho California.....RANCHO CALIF
Richardson Grove.....RICHARDSN GRV
Richardson Springs.....RICHARDSN SPG
Rocket Test Site.....ROCKT TST STE
Rolling Hill Estates.....ROLLNG HL EST
Rough And Ready.....ROUGH & READY
San Juan Bautista.....SN JUN BATSTA
San Juan Capistrano.....SN JUN SPSTRN
San Luis Rey Downs.....SN LU RE DWNS
Sequoia National Park.....SQUOIA NAT PK
South San Francisco.....S SN FRANCSCO
Strawberry Valley.....STRAWBRY VLY
Town and County Village.....TWN & CTRY VL
U S Naval Hospital.....U S NAV HOSP
Yosemite National Park.....YSMITE NAT PK

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

CALIFORNIA

STATE CLEARINGHOUSE

Office of the Governor
Office of Planning and Research
1400 Tenth Street
Sacramento, California 95814

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse

Jurisdiction

- | | |
|---|---|
| 1. San Diego County Comprehensive
Planning Organization
Security Pacific Plaza
1200 Third Avenue, Suite 524
San Diego, California 92101 | San Diego County |
| 2. Southern California Association
of Governments
1111 West Sixth Street, Suite 400
Los Angeles, California 90017 | Imperial County
Los Angeles County
Orange County
Riverside County
San Bernardino County
Ventura County |
| 3. Santa Barbara County-Cities Area
Planning Council
123 East Anapamu Street
Santa Barbara, California 93101 | Santa Barbara County |
| 4. Kern County Council of
Governments
1098 - 26th Street
Bakersfield, California 93301 | Kern County |
| 5. Council of Fresno County
Governments
1221 Fulton Mall, Suite 607
Fresno, California 93721 | Fresno County |

Clearinghouse

6. Association of Monterey Bay
Area Governments
798 Cass Street
Monterey, California 93940
7. Stanislaus Area Association
of Governments
720 - 13th Street
Modesto, California 95354
8. San Joaquin County Council
of Governments
1850 East Hazelton Avenue
Stockton, California 95205
9. Association of Bay Area
Governments
Hotel Claremont
Berkeley, California 94704
10. Sacramento Regional Area
Planning Commission
1225 - 8th Street, Suite 400
Sacramento, California 95814

Jurisdiction

Monterey County
Santa Cruz County
San Benito County

Stanislaus County

San Joaquin County

Alameda County
Contra Costa County
Marin County
Napa County
San Francisco County
San Mateo County
Santa Clara County
Solano County
Sonoma County

El Dorado County (part)
Crest of the Sierra
Placer County (part)
Sacramento County
Sutter, Yolo, Yuba Counties

AREAWIDE CLEARINGHOUSE
(Other)

Tahoe Regional Planning Agency
P. O. Box 8896
1052 Tata Lane
South Lake Tahoe, California 95705

Lake Tahoe Water Shed Basin
(Calif.)
Placer County (part)
El Dorado County (part)
Lake Tahoe Water Shed Basin
(Nevada)
Carson City (part)
Washoe County (part)

7/1/74

State of California
California Administrative Code

Title 14. Natural Resources

Division 6. Resources Agency



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CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970**

(Originally printed 2-10-73)
Revised 12-14-73

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Article 1. General

15000. Authority. The regulations contained herein are prescribed by the Secretary for Resources pursuant to authority granted in Public Resources Code Section 21083 to be followed by all state agencies, boards, and commissions, all counties, cities and counties, cities including charter cities, regional agencies, public districts, redevelopment agencies, and all other political subdivisions of the State in the implementation of the Environmental Quality Act of 1970 dealing with environmental quality, the evaluation of projects, and the preparation and evaluation of environmental impact reports. These Guidelines have been developed by the Office of Planning and Research for adoption by the Secretary for Resources in accordance with Section 21083. Additional information may be obtained by writing:

Secretary for Resources
Room 1311, 1416 Ninth Street
Sacramento, CA 95814

NOTE: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21000 through 21174, Public Resources Code.

History: 1. New Chapter 3, Articles 1 through 10 (§§ 15000 through 15166, not consecutive) filed 2-7-73; designated effective upon filing as provided in Section 21083, Public Resources Code (Register 73, No. 6).

Article 2. Purpose

15005. Purpose. The purpose of these Guidelines is to provide public agencies with principles, objectives, criteria, and definitions of state-wide application to be used in the implementation of the California Environmental Quality Act of 1970, Public Resources Code Sections 21000-21174 as amended by Chapter 1154 of the Statutes of 1972 (AB 889). Public agencies shall adopt objectives, criteria, and procedures for the orderly evaluation of projects and the preparation of environmental documents. Such procedures, objectives, and criteria shall be consistent with CEQA and these guidelines.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

Article 3. Policy

15010. Legislative Declaration. The Legislature has declared that:
(a) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.

(b) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage.

15011. State Policy. The Legislature has declared that it is the policy of the state to:

(a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.

(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

(c) Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.

(d) Ensure that the long-term protection of the environment shall be the guiding criterion in public decisions.

(e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

(f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.

(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

15012. Informational Document. An Environmental Impact Report is an informational document which, when fully prepared in accordance with the CEQA and these Guidelines, will inform public decision-makers and the general public of the environmental effects of projects they propose to carry out or approve. The EIR process is intended to enable public agencies to evaluate a project to determine whether it may have a significant effect on the environment, to examine and institute methods of reducing adverse impacts, and to consider alternatives to the project as proposed. These things must be done prior to approval or disapproval of the project. An EIR may not be used as an instrument to rationalize approval of a project, nor do indications of adverse impact, as enunciated in an EIR, require that a project be disapproved. While CEQA requires that major consideration be given to preventing environmental damage, it is recognized that public agencies have obligations to balance other public objectives, including economic and social factors in determining whether and how a project should be approved. Economic information may be included in an EIR or may be presented in whatever form the agency desires.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15013. Early Preparation. An EIR is a useful planning tool to enable environmental constraints and opportunities to be considered before project plans are finalized. EIRs should be prepared as early in the planning process as possible to enable environmental considerations to influence project program or design.

15014. Application. (a) These Guidelines have only general application to the diversity of projects undertaken or approved by public agencies. They provide basic principles, objectives, criteria and definitions which individual public agencies shall adapt for internal use, interpreting these Guidelines in terms of specific projects. To implement these principles, objectives, criteria, and definitions, public agencies shall specify procedures to be followed which must be consistent with CEQA and these Guidelines.

(b) Until February 15, 1974, any objectives, criteria, and procedures adopted by public agencies in compliance with CEQA and these Guidelines may continue to govern the evaluation of projects and the preparation of environmental impact reports without being brought into conformity with the amendments to these Guidelines adopted by the Secretary for Resources in December, 1973. Public agencies may bring their objectives, criteria, and procedures into conformity with the amended guidelines before February 15, 1974.

- History:* 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).
2. Amendment of subsection (b) filed 1-18-74 as an emergency; effective upon filing (Register 74, No. 3).
3. Amendment of subsection (b) filed 1-25-74 as an emergency; effective immediately upon filing. Certificate of Compliance included (Register 74, No. 4).

15015. Terminology. The following words are used to indicate whether a particular subject in the Guidelines is mandatory, advisory, or permissive:

(a) "Must" or "shall" identifies a mandatory element which all public agencies are required to follow.

(b) "Should" identifies guidance provided by the Secretary for Resources based on policy considerations contained in CEQA, in the legislative history of the statute, or in federal court decisions which California courts can be expected to follow. Public agencies are advised to follow this guidance in the absence of compelling, countervailing considerations.

(c) "May" identifies a permissive element which is left fully to the discretion of the public agencies involved.

NOTE: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21000 through 21174, Public Resources Code.

- History:* 1. New section filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No.50).

Article 4. Definitions

15020. General. Whenever the following words are used in these Guidelines, unless otherwise defined, they shall have the meaning ascribed to them in this article. These definitions are intended to clarify but not to replace or negate the definitions used in CEQA.

15020.5. Applicant. Applicant means a person who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement to use or financial assistance from one or more public agencies when that person applies for the governmental approval or assistance.

NOTE: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21000 through 21174, Public Resources Code.

History: 1. New section filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15021. Approval. Approval means the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances. Legislative action in regard to a project often constitutes approval.

In connection with private activities, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project.

15022. CEQA—California Environmental Quality Act. California Environmental Quality Act (CEQA) means California Public Resources Code Sections 21000 through 21174.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15023. Categorical Exemption. Categorical Exemption means an exception from the requirements of CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15024. Discretionary Project. Discretionary project means an activity defined as a project which requires the exercise of judgment, deliberation, or decision on the part of the public agency or body in the process of approving or disapproving a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

15025. Emergency. Emergency means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15026. Environment. Environment means the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, objects of historic or aesthetic significance.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15026.5. Environmental Documents. Environmental documents means Draft and Final EIRs, Initial Studies, Negative Declarations, Notices of Completion, and Notices of Determination.

NOTE: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21000 through 21174, Public Resources Code.

History: 1. New section filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included. (Register 73, No. 50).

15027. EIR—Environmental Impact Report. Environmental Impact Report (EIR) means a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 21100 of the California Environmental Quality Act.

(a) Draft EIR means an EIR containing the information specified in Sections 15141, 15142, and 15143 of these Guidelines.

(b) Final EIR means an EIR containing the information specified in Sections 15141, 15142, 15143, and 15144 of these Guidelines, a section for comments received in the consultation process, and the response of the lead agency to the comments received. The final EIR is discussed in detail in Section 15146.

History: 1. Amendment of subsection (b) filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15028. EIS—Environmental Impact Statement. Environmental Impact Statement (EIS) means an environmental impact report prepared pursuant to the National Environmental Policy Act (NEPA). The Federal Government uses the term EIS in the place of the term EIR which is used in CEQA.

15029. Feasible. Feasible means capable of being accomplished in a successful manner by reasonably available, economic, and workable means.

15029.5 Initial Study. Initial study means a preliminary analysis prepared by the lead agency pursuant to Section 15080 to determine whether an EIR or a Negative Declaration must be prepared

NOTE: Authority cited: Sections 21083 and 21174, Public Resources Code. Reference: Sections 21000 through 21174, Public Resources Code.

History: 1. New section filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15030. Lead Agency. Lead Agency means the public agency which has the principal responsibility for preparing environmental documents and for carrying out or approving a project which may have a significant effect on the environment.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15031. Local Agency. Local agency means any public agency other than a state agency, board or commission. Local agency includes but is not limited to cities, counties, charter cities and counties, districts, school districts, special district, redevelopment agencies and any board, commission, or organizational subdivision of a local agency when so designated by order or resolution of the governing legislative body of the local agency.

History: 1. Amendment filed 12-14-73 as an emergency, effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15032. Ministerial Projects. Ministerial projects as a general rule, include those activities defined as projects which are undertaken or approved by a governmental decision which a public officer or public agency makes upon a given state of facts in a prescribed manner in obedience to the mandate of legal authority. With these projects, the officer or agency must act upon the given facts without regard to his own judgment or opinion concerning the propriety or wisdom of the act although the statute, ordinance, or regulation may require, in some degree, a construction of its language by the officer.

15033. Negative Declaration. Negative declaration means a statement by the lead agency briefly presenting the reasons that the project, although not otherwise exempt, would not have a significant effect on the environment and therefore does not require an EIR.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15034. Notice of Completion. Notice of Completion means a brief report filed with the Secretary for Resources as soon as a lead agency has completed a draft EIR and is prepared to send out copies for review. The contents of this notice are explained in Section 15085(c).

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15035. Notice of Determination. Notice of Determination means a brief notice to be filed by a public agency when it approves or determines to carry out a project which is subject to the requirements of CEQA. The contents of this report are explained in Section 15085(g).

15035.5. Notice of Exemption. Notice of exemption means a brief notice which may be filed by a public agency when it has approved or determined to carry out a project, and it has determined that it is ministerial, categorically exempt or an emergency project. Such a notice may also be filed by an applicant where such a determination has been made by a public agency which must approve the project. The contents of this notice are explained in Sec. 15074(a) and (b).

NOTE: Authority cited: Sections 21083 and 21088, Public Resources Code. Reference: Sections 21108, 21152, 21167, Public Resources Code and Chap. 56 of Stats. 1974.

History: 1. New section filed 3-26-74 as an emergency; effective upon filing (Register 74, No. 13).

2. Certificate of Compliance filed 6-26-74 (Register 74, No. 26).

15036. Person. Person includes any person, firm, association, organization, partnership, business, trust, corporation, company, district, county, city and county, city, town, the State, and any of the agencies' political subdivisions of such entities.

15037. Project. (a) Project means the whole of an action, resulting in physical impact on the environment, directly or ultimately, that is any of the following:

- (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.

(2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

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

(b) 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 purchases for 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), feasibility or planning studies.

(4) The submittal of proposals to a vote of the people of the State or of a particular community.

(c) The term "project" refers to the underlying activity and not to the governmental approval process.

History: 1. Amendment of subsection (a) (1) and new subsection (c) filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15038. Public Agency. Public agency includes any state agency, board or commission and any local or regional agency, as defined in these Guidelines. It does not include the courts of the State. This term does not include agencies of the federal government.

15039. Responsible Agency. Responsible agency means a public agency which proposes to undertake or approve a project, but is not the lead agency for the project. It includes all public agencies other than the lead agency which have approval power over the project.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15040. Significant Effect. Significant effect means a substantial adverse impact on the environment.

Article 5. General Responsibilities.

15050. Public Agencies. All public agencies are responsible for complying with the CEQA, according to these Guidelines. They must develop their own procedures consistent with these Guidelines. Where a public agency is a lead agency and prepares an EIR itself or contracts for the preparation, that public agency is responsible entirely for the adequacy and objectivity of the EIR.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15051. Office of Planning and Research (OPR). OPR is responsible for the preparation and development of principles, objectives, criteria and definitions to implement the CEQA, prior to adoption by the Secretary for Resources. OPR also, as part of guideline development, shall consider proposals for Categorical Exemption and makes appropriate recommendations to the Secretary for Resources. OPR shall be responsible for resolving disputes over Lead Agency designation.

15052. The Secretary of the Resources Agency. The guidelines shall be officially adopted by the Secretary of the Resources Agency, including a finding that each class of projects given a Categorical Exemption will not have a significant effect on the environment. He also has the responsibility for consolidating all state comments on federally sponsored projects. The Secretary of the Resources Agency may issue supplements to these Guidelines, containing amendments and/or additions.

15053. Fees. (a) All lead agencies preparing EIRs or Negative Declarations for projects to be carried out by any person other than the lead agency itself may charge and collect a reasonable fee from such person or entity, in order to recover the estimated costs incurred in preparing the EIR or Negative Declaration.

(b) Public agencies may charge and collect a fee from members of the public for the actual cost of reproducing a copy of an environmental document requested by the member of the public.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15054. Timely Compliance. Public agencies should carry out their responsibilities for preparing and reviewing EIRs within a reasonable period of time. The requirement for the preparation of an EIR should not cause undue delays in the processing of applications for permits or other entitlements to use.

Article 6. Application of the Act to Projects

15060. General Rule. The requirements set forth in these Guidelines apply to projects which may have a significant effect on the environment and which involve discretionary governmental action. Where it can be seen with certainty that the activity in question will not have a significant effect on the environment, the activity is not covered by the requirements set forth in CEQA, and these Guidelines concerning the evaluation of projects and the preparation and review of environmental impact reports do not apply.

15061. Projects Controlled by State or Local Agencies. (a) When a public agency plans to carry out or approve a project which may have a significant effect on the environment, the lead agency shall prepare environmental documents through its own efforts or by contract unless the project is otherwise exempted by these Guidelines.

(b) Where a project which may have a significant effect on the environment is to be carried out by a nongovernmental person subject to approval, financial support, or some other involvement by a public agency, the lead agency will prepare environmental documents by its own efforts or by contract. However, the agency may require the person to supply data and information, both to determine whether the project may have a significant effect on the environment, and to assist in the preparation of an EIR by the agency. This information may be submitted in the form of a draft EIR, if the agency desires. If information is provided in the form of a draft EIR, the lead agency may not use the draft EIR as its own without independent evaluation and analysis. The draft EIR which is sent out for public review must reflect the independent judgement of the lead agency. The lead agency should require an applicant to specify to the best of his knowledge which other public agencies will have approval authority over the project.

(c) Where the project is to be undertaken by a local agency, as defined in these Guidelines, but requires state approval or financial assistance, the state agency shall require the local agency to prepare the EIR or Negative Declaration, to be submitted with the request for approval of the proposed project. This must also be done where federal funds are involved, but only if a state agency has discretionary authority over the use of those funds. If the local project has been mandated on the local agency by a state agency, the EIR prepared by the local agency may be limited to consideration of those factors and alternatives which do not conflict with the order.

(d) The EIR may be prepared as a separate document, or as part of a project report. If prepared as a part of the project report, it must still contain in one separate and distinguishable section the elements required of an EIR, including the seven elements specified in Section 15143 of these Guidelines.

(e) All public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, which shall be deemed approved at the time of adoption of the redevelopment plan by the legislative body. The EIR in connection with the redevelopment plan shall be submitted in accordance with Section 33352 of the Health and Safety Code.

(f) All of the above is subject to the lead agency principle which provides that not more than one EIR shall be prepared in connection with the same underlying activity and that the EIR shall be prepared by the lead agency.

History: 1. Amendment of subsections (a), (b) and (f) filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15062. Private Projects.

History: 1. Repealer filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15063. Federal Projects. (a) In regard to any proposed federal project in this state which may have a significant effect on the environment and on which the state officials responsible for such comments, the state officials setting forth the matters specified in Section 15143 of these Guidelines.

(b) In cases where these Guidelines require the preparation of an EIR by a lead agency and an EIS has been or will be prepared for the same project pursuant to the requirements of the National Environmental Policy Act of 1969 and implementing regulations thereto, all or any part of such statement may be submitted in lieu of all or any part of an EIR required by these Guidelines, provided that the EIS or the part thereof so used, shall comply with the requirements of these Guidelines. In most cases where the federal EIS is used, discussion of mitigation measures and growth inducing impact will have to be added because these elements are required by CEQA but not by the National Environmental Policy Act.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15064. Lead Agency Principle. Where a project is to be carried out or approved by more than one public agency only one public agency shall be responsible for preparation of environmental documents and it will be the lead agency. Such environmental documents will be prepared by the lead agency in consultation with all other responsible agencies. The lead agency's environmental documents shall be the environmental documentation for all responsible agencies. Such responsible agencies shall consider the lead agency's EIR or negative declaration prior to acting upon or approving the projects, and they shall certify that their decision-making bodies have reviewed and considered the information contained in them.

History: 1. (Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15065. Lead Agency Criteria. Where two or more public agencies are involved with a project, which agency shall be the Lead Agency shall be determined by the following principles:

(a) If the project is to be carried out by a public agency, the lead agency shall be the public agency which proposes to carry out the project.

(b) If the project is to be carried out by a nongovernmental person, the lead agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole. The lead agency will generally be the agency with general governmental powers rather than an agency with a single or limited purpose which is involved by reason of the need to provide a public service or public utility to the project; in such cases, the single or limited purpose agency will, upon request, provide data concerning all aspects of its activities required to furnish service to the project to the agency drafting the EIR, and no separate EIR will be required in regard to such activities.

(c) Where more than one public agency equally meet the criteria set forth in paragraph (b) above, the agency which is to act first on the project in question shall be the lead agency (following the principle that the environmental impact should be assessed as early as possible in governmental planning).

(d) Where the provisions of subsections (a), (b), and (c) leave two or more public agencies with an equal claim to be the lead agency, the public agencies may by agreement designate which agency will be the lead agency.

History: 1. Amendment of subsection (a) and repealer and new subsection (d) filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15065.5. Designation of Lead Agency by Office of Planning and Research. (a) In the event that the designation of a lead agency is in dispute, the following criteria shall apply:

(1) Public agencies should consult with each other in an effort to resolve the dispute prior to submitting it to OPR.

(2) If an agreement cannot be reached, any public agency involved may submit the dispute to the OPR for resolution.

(b) Regulations adopted by OPR for resolving lead agency disputes may include the following:

(1) Submission of written statements to OPR and other disputing public agencies;

(2) Certification by OPR that a lead agency dispute exists;

(3) Publication of notice that a dispute has been submitted to OPR;

(4) Determination of the dispute on the basis of written statements or by a hearing.

(c) Designation of a lead agency by OPR shall be based on consideration of the criteria in Section 15065 as well as the capacity of the agency to adequately fulfill the requirements of CEQA.

NOTE: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21000 through 21174, Public Resources Code.

History: 1. New section filed 12-14-73 as an emergency; effective upon filing (Register 73, No. 50).

15066. Consultation with Responsible Agencies. When more than one public agency will be involved in undertaking or approving a project, the lead agency shall consult with all responsible agencies (i.e., all the other public agencies involved in carrying out or approving the project) before completing a draft EIR or Negative Declaration. This early consultation is designed to insure that the EIR or Negative Declaration will reflect the concerns of all responsible agencies which will issue approvals for the project. After completing the draft EIR or Negative Declaration, the lead agency shall also consult with other public agencies having jurisdiction by law and should consult with persons having special expertise as described in Sections 15083 and 15085.

History: 1. Repealer and new section filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15067. Subsequent EIR. Where an EIR has been prepared, no additional EIR need be prepared unless:

(a) Substantial changes are proposed in the project which will require major revisions of the EIR, due to the involvement of new environmental impacts not considered in a previous EIR on the project;

(b) There are substantial changes with respect to the circumstances under which the project is to be undertaken, such as a change in the proposed location of the project, which will require major revisions in the EIR due to the involvement of new environmental impacts not covered in a previous EIR.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15068. Use of a Single EIR. The lead agency may employ a single EIR to describe more than one project, if such projects are essentially the same in terms of environmental impact. Further, the lead agency may use an earlier EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. Lead agencies may elect to write EIRs in advance for entire programs or regulations, in order to be prepared for project applications to come. Whenever an agency chooses to utilize any of these alternatives, however, it must find that the environmental effects of the projects are similar enough to warrant the same treatment in an EIR and that the EIR will adequately cover the impacts of any single project. If these tests are not met, an agency should amend the EIR it prepares for a program to apply it to an individual project with unusual characteristics.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15069. Multiple and Phased Projects. Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the lead agency must prepare a single EIR for the ultimate project. Where an individual project is a necessary precedent for action on a larger project, or commits the lead agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but should in either case comment upon the combined effect.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15070. Ongoing Project. (a) A project as defined in Section 15037(a)(1) of these Guidelines, approved prior to November 23, 1970, shall require an Environmental Impact Report or a Negative Declaration if the project may have a significant effect on the environment, and either of the following conditions exists:

(1) A substantial portion of public funds allocated for the project have not been spent and it is still feasible to modify the project to mitigate potentially adverse environmental effects, or to choose feasible alternatives to the project, including the alternative of "no project" or halting the project; provided that this Section (1) shall not apply to projects which come under the jurisdiction of the National Environmental Policy Act (NEPA) and which, through regulations promulgated under NEPA, were held to be too far advanced at the time of NEPA's effective date to require an EIS in compliance with those regulations.

(2) A public agency proposes to modify the project in such a way that the project might have a new significant effect on the environment.

(b) A project as defined in Section 15037(a)(3) or in Section 15037(a)(2) as it relates to contracts, where the permit or other entitlement was issued, or the contract approved, prior to April 5, 1973, shall not require an EIR or Negative Declaration, subject to the following provisions:

(1) CEQA expressly does not prohibit a public agency from considering environmental factors in connection with the approval or disapproval of a project, or from imposing reasonable fees on the appropriate private person or entity for preparing an environmental report. Local agencies may require environmental reports for projects covered by this paragraph pursuant to local ordinances during this interim period.

(2) Where the issuance or approval occurred prior to December 5, 1972, and prior to said date the project was legally challenged for noncompliance with CEQA, the project shall be bound by special rules set forth in Section 21170 of CEQA.

(3) Where a project involving the issuance of a lease, permit, license, certificate or other entitlement to use has been granted a discretionary governmental approval for part of the project before April 5, 1973, and another or additional discretionary governmental approvals after April 5, 1973, the project shall require an EIR or Negative Declaration only if the approval or approvals after April 5, 1973, involve a greater degree of responsibility or control over the project as a whole than did the approval or approvals prior to that date.

(c) Any EIR which has been completed or on which substantial work has been performed on or before February 15, 1974, in compliance with procedures of a public agency consistent with CEQA and these Guidelines as adopted on February 3, 1973, shall be deemed to be in compliance with these Guidelines. No further EIR shall be required except as provided in subsections (a) and (b).

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15071. Emergency Projects. The following emergency projects are exempt from the requirements of CEQA, and no EIR is required.

(a) Projects undertaken, carried out, or approved by a public agency 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 of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1, Title 2 of the Government Code.

(b) Emergency repairs to public service facilities necessary to maintain service.

(c) Projects undertaken as immediate action necessary to prevent or mitigate an emergency.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15072. Feasibility and Planning Studies. A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an environmental impact report but does require consideration of environmental factors as required by Section 21102 of CEQA.

15073. Ministerial Projects. Ministerial projects are exempt from the requirements of CEQA, and no EIR is required. The determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and it is anticipated that each public agency will make such determination either as a part of its implementing regulations or on a case-by-case basis. It is further anticipated that the following actions will, in most cases, be ministerial in nature.

(a) Issuance of building permits.

(b) Issuance of business licenses.

(c) Approval of final subdivision maps.

(d) Approval of individual utility service connections and disconnections.

In the absence of any discretionary provision contained in local ordinance, it shall be presumed that these four actions are ministerial. Each public agency may, in its implementing regulations or ordinances, provide an identification or itemization of its projects and actions which are deemed ministerial under the applicable laws and ordinances.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15074. Notice of Exemption. (a) When a public agency determines that a project is exempt from the requirements of CEQA because it is an emergency project, a ministerial project or categorically exempt, and the public agency approves or determines to carry out the project, it may file a notice of exemption. Such a notice shall include (1) a brief description of the project, (2) a finding that the project is exempt, including a citation to the State Guidelines section under which it is found to be exempt, and (3) a brief statement of reasons to support the findings.

(b) Whenever a public agency approves an applicant's project, it or the applicant may file a notice of exemption. The notice of exemption filed by an applicant shall contain the information required in subdivision (a) above, together with a certified document issued by the public agency stating that it has found the project to be exempt. This may be a certified copy of an existing document or record of the public agency.

(c) If the public agency is a state agency, the notice of exemption will be filed with the Secretary for Resources. A form for this notice is provided in Appendix E. Copies of all such notices shall be posted on a weekly basis at the Resources Building Information Desk, 1416 9th Street, Sacramento. Each such list will remain posted for 30 days.

(d) If the public agency is a local agency, the notice of exemption will be filed with the County Clerk of the county or counties in which the project will be located. Copies of all such notices will be available for public inspection and a list of such notices shall be posted on a weekly basis in the office of the county clerk. Each such list shall remain posted for a period of 30 days.

NOTE: Authority cited: Sections 21083 and 21088, Public Resources Code. Reference: Sections 21108, 21152, 21167, Public Resources Code and Chap. 56 of Stats. 1974.

History: 1. New section filed 3-26-74 as an emergency; effective upon filing (Register 74, No. 13).

2. Certificate of Compliance filed 6-26-74 (Register 74, No. 26).

Article 7. Evaluating Projects

15080. Initial Study. If the project is not part of a class of projects that qualifies for a Categorical Exemption and there is a possibility that the project may have a significant effect on the environment, the lead agency should conduct an initial study to determine if the project may have a significant effect on the environment. If any of the effects of a project may have a substantial adverse impact on the environment, regardless of whether the overall effect of the project is adverse or beneficial, then an environmental impact report must be prepared where discretionary governmental action is involved.

If the project is to be carried out by a nongovernmental person, the lead agency may require such person to submit data and information which will enable the agency to make this determination.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15081. Determining Significant Effect. (a) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An iron clad definition of significant effect is not possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area. There may be a difference of opinion on whether a particular effect should be considered adverse or beneficial, but where there is, or anticipated to be, a substantial body of opinion that considers or will consider the effect to be adverse, the lead agency should prepare an EIR to explore the environmental effects involved.

(b) In evaluating the significance of the environmental effect of a project, the lead agency shall consider both primary or direct and secondary or indirect consequences. Primary consequences are immediately related to the project (the construction of a new treatment plant may facilitate population growth in a particular area), while secondary consequences are related more to primary consequences than to the project itself (an impact upon the resource base, including land, air, water and energy use of the area in question may result from the population growth).

(c) Some examples of consequences which may have a significant effect on the environment in connection with most projects where they occur, include a change that:

- (1) Is in conflict with environmental plans and goals that have been adopted by the community where the project is to be located;
- (2) Has a substantial and demonstrable negative aesthetic effect;
- (3) Substantially affects a rare or endangered species of animal or plant, or habitat of such a species;
- (4) Causes substantial interference with the movement of any resident or migratory fish or wildlife species;
- (5) Breaches any published national, state, or local standards relating to solid waste or litter control;

- (6) Results in a substantial detrimental effect on air or water quality, or on ambient noise levels for adjoining areas;
- (7) Involves the possibility of contaminating a public water supply system or adversely affecting ground water;
- (8) Could cause substantial flooding, erosion or siltation;
- (9) Could expose people or structures to major geologic hazards.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15082. Mandatory Findings of Significance. In every case where any of the following conditions are found to exist as a result of a project, the project shall be found to have impacts with a significant effect on the environment:

- (a) Impacts which have the potential to degrade the quality of the environment or curtail the range of the environment.
- (b) Impacts which 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.
- (c) Impacts for a project which are individually limited, but cumulatively considerable. A project may affect two or more separate resources where the impact on each resource is relatively small. If the effect of the total of those impacts on the environment is significant, an EIR must be prepared. This mandatory finding of significance does not apply to two or more separate projects where the impact of each is insignificant.
- (d) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15083. Negative Declaration. (a) A Negative Declaration shall be prepared for a project which could potentially have a significant effect on the environment, but which the lead agency finds on the basis of an Initial Study will not have a significant effect on the environment.

(b) A Negative Declaration must include a brief description of the project as proposed, a finding that the project will not have a significant effect on the environment, a brief statement of reasons to support the findings, and a statement indicating who prepared the initial study and where a copy of it may be obtained. The Negative Declaration should normally not exceed one page in length.

(c) The Negative Declaration shall be made available to the public with sufficient time before the project is approved to provide an opportunity for members of the public to respond to the finding.

(d) After making a decision to carry out or approve the project, the lead agency shall file a Notice of Determination with a copy of the Negative Declaration attached. The Notice of Determination shall include the decision of the agency to approve or disapprove the project, the determination of the agency whether the project will have a significant effect on the environment, and a statement that no EIR has been prepared pursuant to the provisions of CEQA.

(1) If the lead agency is a state agency, the Notice of Determination shall be filed with the Secretary for Resources.

(2) If the lead agency is a local agency, the Notice of Determination shall be filed with the county clerk of the county or counties in which the project will be located.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15084. Decision to Prepare an EIR. If the lead agency finds, after an initial study, that the project may have a significant effect on the environment, the lead agency must prepare or cause to be prepared an Environmental Impact Report.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15085. EIR Process. The following steps shall be followed after the lead agency decides to prepare an EIR.

(a) If the project is to be carried out by a nongovernmental person, the lead agency may require such person to submit data and information necessary to enable the lead agency to prepare the EIR. This information may be transmitted in the form of a draft EIR. The draft EIR which is sent out for public review must reflect the independent judgment of the lead agency. Use of a draft EIR submitted by an applicant is discussed in Section 15061(b).

(b) The content of an EIR is described in Article 9 of these Guidelines. Each element of an EIR must be covered, and these elements should be separated into distinct selections. Before completing a draft EIR consisting of the information specified in Section 15141, 15142, and 15143 of these Guidelines, the lead agency should consult directly with any person or organization it believes will be concerned with the environmental effects of the project. Many public agencies have found that early consultation solves many potential problems that would arise in more serious form later in the review process. After completing a draft EIR, the lead agency must consult with, and obtain the comments of, any public agency which has jurisdiction by law with respect to the project and may consult with any person who has special expertise with respect to any environmental impact involved. Opportunity for comments from the general public should be provided.

(c) As soon as the draft EIR is completed, but before copies are sent out for review, an official notice stating that the draft EIR has been completed must be filed with the Secretary for the Resources Agency. The notice shall include a brief description of the project, its proposed location, and an address where copies of the EIR are available. This notice shall be referred to as a Notice of Completion. A form for this notice is provided in the Appendices. The Notice of Completion will provide the basis for information published by the Secretary for Resources in an EIR Monitor. Where the EIR will be reviewed through the state review process handled by the State Clearinghouse, a Notice of Intent will be completed and filed with the State Clearinghouse. The Notice of Intent will serve as the Notice of Completion, and no Notice of Completion need be sent to the Resources Agency. A form for the Notice of Intent is shown in Appendix D.

(d) The lead agency shall evaluate comments received from persons who reviewed the draft EIR.

(e) The lead agency shall prepare a final EIR. The contents of a final EIR are specified in Section 15146 of these Guidelines.

(f) The final EIR shall be presented to the decision-making body of the lead agency. The lead agency shall certify that the final EIR has been completed in compliance with CEQA and the state guidelines and that the decision-making body or administrative official having final approval authority over the project has reviewed and considered the information contained in the EIR.

(g) After making a decision on the project, the lead agency shall file a notice of action taken on the project. This notice shall be referred to as a Notice of Determination. Such notice shall include (1) the decision of the agency to approve or disapprove the project, (2) the determination of the agency whether the project will or will not have a significant effect on the environment, and (3) a statement that an EIR has been prepared pursuant to the provisions of CEQA.

(1) If the lead agency is a state agency, the Notice of Determination shall be filed with the Secretary for Resources.

(2) If the lead agency is a local agency, the Notice of Determination shall be filed with the county clerk of the county or counties in which the project would be located.

(h) If the lead agency is a state agency, a copy of the final EIR shall be filed with the appropriate planning agency of any city, county, or city and county which will be affected by the project.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15086. EIR Combined with Existing Planning and Review Process. To the extent possible, the EIR process should be combined with the existing planning, review, and project approval process being used by each responsible agency. The lead agency shall include the EIR as a part of the regular project report where such a report is used in the existing review and budgetary process.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15087. Additional Notices. In their implementing procedures, public agencies may provide for the filing of notices in addition to the notices required by these Guidelines. Additional notices may include the determination that a project is categorically exempt, that a project is covered by the emergency exemption or the ministerial exemption, or that an activity is not covered by the act at all. Such notice should include reference to the documentation on which the determination is based.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15088. Statement of Overriding Considerations. If a public agency decides to approve a project for which serious adverse environmental consequences have been identified in an EIR, the agency may wish to make a statement identifying the other interests that warrant approval in its point of view. If such a statement is made, it should be included in the record of the project approval and may be attached to the Notice of Determination.

NOTE. Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21000 through 21174, Public Resources Code.

History: 1. New section filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No 50)

Article 8. Categorical Exemptions

15100. Categorical Exemptions. Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of the Environmental Quality Act of 1970.

In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment and they are declared to be categorically exempt from the requirement for the preparation of an EIR.

15101. Class 1: Existing Facilities. Class 1 consists of the 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:

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;

(b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;

(c) Existing highways and streets (within already established rights-of-way) sidewalks, gutters, bicycle and pedestrian trails, and similar facilities;

(d) Restoration, or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide or flood;

(e) Additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition or 2500 square feet, whichever is less;

(f) 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;

- (g) New copy on existing on and off-premise signs;
- (h) Maintenance of existing landscaping, native growth and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code);
- (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and water-holes, and stream channels (clearing of debris) to protect fish and wildlife resources;
- (j) Fish stocking by the California Department of Fish and Game;
- (k) Division of existing multiple family rental units into condominiums;
- (l) Demolition and removal of buildings and related structures except where they are of historical, archaeological or architectural significance as officially designated by Federal, State or local governmental action.

History: 1. Amendment of subsections (b), (e), (f) and (l) filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15102. Class 2: Replacement or Reconstruction. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50%;
- (b) Replacement of a commercial structure with a new structure of substantially the same size and purpose.

15103. Class 3: New Construction of Small Structures. Class 3 consists of construction and location of single, new, small facilities or structures and installation of small new equipment and facilities including but not limited to:

- (a) Single family residences not in conjunction with the building of two or more such units;
- (b) Motels, apartments, and duplexes designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;
- (c) Stores, offices, and restaurants if designed for an occupant load of 20 persons or less, if not in conjunction with the building of two or more such structures;
- (d) Water main, sewage, electrical, gas and other utility extensions of reasonable length to serve such construction;
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15104. Class 4: Minor Alterations to Land. Class 4 consists of minor public or private alterations in the condition of land, water and/or vegetation which do not involve removal of mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to:

(a) Grading on land with a slope of less than 10 percent, except where it is to be located in a waterway, in any wetland, in an officially designated (by Federal, State or local governmental action) scenic area, or in officially mapped areas of severe geologic hazard.

(b) New gardening or landscaping.

(c) Filling of earth into previously excavated land with material compatible with the natural features of the site.

(d) Minor alterations in land, water and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;

(e) Minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.

(f) Minor trenching and backfilling where the surface is restored.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15105. Class 5: Alterations in Land Use Limitations. Class 5 consists of minor alterations in land use limitations, except zoning, including but not limited to:

(a) Minor lot line adjustments, side yard and set back variances not resulting in the creation of any new parcel nor in any change in land use or density;

(b) Issuance of minor encroachment permits.

15106. Class 6: Information Collection. Class 6 consists of 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 strictly information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted or funded.

15107. Class 7: Actions by Regulatory Agencies for Protection of Natural Resources. Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15108. Class 8: Actions by Regulatory Agencies for Protection of the Environment. Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities are not included in this exemption.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15109. Class 9: Inspections. Class 9 consists of activities limited entirely to inspection, to check for performance of an operation, or quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation or adulteration of products.

15110. Class 10: Loans. Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 10 includes but is not limited to the following examples:

(a) Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943.

(b) Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15111. Class 11: Accessory Structures. Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

(a) On-premise signs;

(b) Small parking lots.

15112. Class 12: Surplus Government Property Sales. Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in the Governor's Environmental Goals and Policy Report of June 1, 1973.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15113. Relation to Ministerial Projects. Section 21080 of the Public Resources Code as added by Chapter 1154, Statutes of 1972, exempts all ministerial projects and activities of public agencies from application of the CEQA. The matter of what is or is not a ministerial project is up to the determination of each public agency, based on an examination of the applicable laws and ordinances. Thus, while the Categorical Exemptions listed in this subsection contain classes or examples of projects which in many cases will be ministerial, the inclusion of them is in no way intended to imply any finding here that, in any particular jurisdiction, they are ministerial or discretionary. The exemptions, naturally, only apply where the project in question is found to be discretionary.

15114. Exception by Location. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, EXCEPT where the project may impact on an environmental resource of hazardous or critical concern as may be hereafter designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies. Moreover, all exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant—for example, annual additions to an existing building under Class 1.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15115. Revisions to List of Categorical Exemptions. Any public agency may, at any time, request that a new class of Categorical Exemptions be added, or an existing one amended or deleted. This request must be made in writing to the Office of Planning and Research and shall contain detailed information to support the request.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15116. Application by Public Agencies. Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes. Public agencies may omit from their implementing procedures classes and examples that do not apply to their activities, but they may not require EIRs for projects described in the classes and examples in this article except under the provisions of Section 15114.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

Article 9. Contents of Environmental Impact Reports

15140. General. Environmental impact reports shall contain the information outlined in this article.

15141. Description of Project. The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

(a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. 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 and supporting public service facilities.

History: 1. Amendment of subsection (c) filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15142. Description of Environmental Setting. An EIR must include a description of the environment in the vicinity of the project, as it exists before commencement of the project, from both a local and regional perspective. Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region. Specific reference to related projects, both public and private, both existent and planned, in the region should also be included, for purposes of examining the possible cumulative impact of such projects.

15143. Environmental Impact. All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development and operation. The following subjects shall be discussed, preferably in separate sections or paragraphs.

(a) **The Environmental Impact of the Proposed Action:** Describe the direct and indirect impacts of the project on the environment, giving due consideration to both the short-term and long-term effects.

It should include specifics of the area, the resources involved, physical changes, alterations to ecological systems and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development) and other aspects of the resource base such as water, scenic quality and public services.

(b) **Any Adverse Environmental Effects Which Cannot Be Avoided if the Proposal is Implemented:** Describe any adverse impacts, including those which can be reduced to an insignificant level but not eliminated. 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. Do not neglect impacts on any aesthetically valuable surroundings, or on human health.

(c) **Mitigation Measures Proposed to Minimize the Impact:** Describe any mitigation measures written into the project plan to reduce significant environmentally adverse impacts to insignificant levels, and the basis for considering these levels acceptable. Where a particular mitigation measure has been chosen from among several alternatives should be discussed and reasons should be given for the choice made.

(d) **Alternatives to the Proposed Action:** Describe any known alternatives to the project or to the location of the project, which could feasibly attain the basic objectives of the project, and why they were rejected in favor of the ultimate choice. The specific alternative of "no project" must also always be evaluated, along with the impact. Attention should be paid to alternatives capable of substantially reducing or eliminating any environmentally adverse impacts, even if these alternatives substantially impede the attainment of the project objectives, and are most costly.

(e) **The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity:** Describe the cumulative and long-term effects of the proposed project which adversely affect the state of the environment. 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. In addition, the reasons why the proposed project is believed by the sponsor to be justified now, rather than reserving an option for further alternatives, should be explained.

(f) **Any Irreversible Environmental Changes Which Would Be Involved in the Proposed Action Should It Be Implemented:** Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a nonaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.

(g) **The Growth-Inducing Impact of the Proposed Action:** Discuss the ways in which the proposed project could foster economic or population growth, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may further tax existing community service facilities so consideration must be given to this impact. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

15144. Organizations and Persons Consulted. The identity of all federal, state or local agencies, other organizations and private individuals consulted in preparing the EIR, and the identity of the persons, firm or agency preparing the EIR, by contract or other authorization must be given.

15145. Water Quality Aspects. With respect to water quality aspects of the proposed project which have been previously certified by the appropriate state or interstate organization as being in substantial compliance with applicable water quality standards, reference to the certification should be made.

15146. Contents of Final Environmental Impact Report. (a) The Final EIR shall consist of the Draft EIR containing the elements described in Sections 15141, 15142, and 15143 of these Guidelines, a section listing the organizations and persons consulted and containing the comments received through the consultation process described in Article 10, either verbatim or in summary, and the response of the lead agency to the significant environmental points raised in the review and consultation process.

(b) The response of the lead agency to comments received may take the form of a revision of the Draft EIR or may be an attachment to the Draft EIR. The response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular the major issues raised when the lead agency'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, and factors of overriding importance warranting an override of the suggestions.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing (Register 73, No. 50)

15147. Degree of Specificity. The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

(a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

(b) An EIR on projects such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

(c) The requirements for an EIR on a local general plan or element thereof will be satisfied by the general plan or element document, i.e., no separate EIR will be required, if: (1) the general plan addresses all the points required to be in an EIR by Article 9 of these Guidelines and (2) the document contains a special section or a cover sheet identifying where the general plan document addresses each of the points required.

NOTE: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21000 through 21174, Public Resources Code.

History: 1. New section filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

Article 10. Evaluation of Environmental Impact Reports

15160. Adequate Time for Review and Comment. The lead agency should provide adequate time for other public agencies and members of the public to review and comment on an EIR that it has prepared.

(a) Public agencies may establish time periods for review in their implementing procedures and shall notify reviewing agencies of the time periods.

(b) In setting time periods for review, public agencies shall give consideration to their obligation to obtain comments from public agencies having jurisdiction by law with respect to the project and to the policy favoring public participation.

(c) In order to provide sufficient time for public review, review periods for draft EIRs should not be less than 30 days nor longer than 90 days except in unusual situations. While state and local agencies are not bound by federal guidelines for implementing the National Environmental Policy Act, the time limits in the federal guidelines provide an example that may be followed in some situations. The federal guidelines require at least 90 days for review of a draft EIR and another 30 days for the review of a final EIR. Review periods of this length may be desirable for some large projects, but shorter periods may be provided where the shorter period will still allow adequate review.

(d) A review period for an EIR does not require a halt in other planning activities related to a project. Planning should continue in conjunction with environmental evaluation.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15161. Review of Environmental Impact Reports. (a) Public agencies must develop procedures to ensure that lead agencies obtain and receive adequate comments on their EIRs from public agencies which have jurisdiction by law with respect to the project. Such procedures should include provisions for consultation with persons who have special expertise in environmental matters. It is suggested that public agencies utilize existing state, and regional or local clearinghouses to distribute EIRs and other environmental documents to appropriate agencies.

(b) Cities and counties should compile listings of other agencies, particularly local agencies, which have legal jurisdiction and/or special expertise with respect to various projects and project locations. Appendix B to these Guidelines identifies state agencies which have legal jurisdiction over, or special expertise in, various impacts. This could be the basis for a part of such listings. Such listings should be a guide in determining which agencies should be consulted with regard to a particular project.

(c) Reviewers should focus on the sufficiency of the EIR in discussing possible impacts upon the environment, ways in which adverse effects might be minimized, and alternatives to the project, in light of the intent of the act to provide decision-makers with useful information about such factors.

(d) Upon completion of reviewing an EIR, it is suggested that reviewing agencies supply the project sponsor with the name of a contact person who is available for later consultation should this prove necessary.

(e) EIRs and Negative Declarations to be reviewed by state agencies shall be submitted to the State Clearinghouse, 1400 Tenth Street, Sacramento, California 95814. When EIRs are submitted to the State Clearinghouse, the review periods set by the lead agency shall be at least as long as the period provided in the state review system operated by the State Clearinghouse.

History: 1. Amendment of subsections (a) and (b) and new subsection (e) filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15162. Failure to Comment. If any public agency or person who is consulted with regard to an EIR fails to comment within a reasonable time as specified by the Responsible Agency, it shall be assumed, absent a request for a specific extension of time, that such agency or person has no comment to make.

15163. Requests for Environmental Documents. The Responsible Agency, after preparing an EIR or other environmental document described in these Guidelines, is responsible for making such documents available to the public for inspection. Members of the general public requesting copies of the EIR may be charged for the actual cost of reproducing that copy.

15164. Public Participation. While the Environmental Quality Act of 1970 does not require formal public hearings at any stage of the environmental review procedure, it is a widely accepted desirable goal of this process to encourage public participation. All public agencies adopting implementing procedures in response to these Guidelines should make provisions in their procedures for wide public involvement, formal and informal, consistent with their existing activities and procedures, in order to properly receive and evaluate public reactions, adverse and favorable, based on environmental issues.

15165. Public Hearings. (a) A public hearing on the environmental impact of a project should usually be held when the lead agency determines it would facilitate the purposes and goals of the CEQA and these Guidelines to do so. The hearing may be held in conjunction with and as a part of normal planning activities. To as great a degree as possible, these hearings should include comments from reviewing agencies made pursuant to these Guidelines.

(b) A Draft EIR should be used as a basis for discussion at a public hearing. The hearing may be held at a place where public hearings are regularly conducted by the lead agency or at another location expected to be convenient to the public.

(c) Notice shall be given of all public hearings in a timely manner. This notice may be given in the same form and time as notice for other regularly conducted public hearings of the public agency.

(d) A public agency may include, in its implementing procedures, procedures for the conducting of public hearings pursuant to this section, which procedures may be consistent with already existing hearing and notice requirements of the public agency for regularly conducted legislative, planning and other proceedings.

(e) There is no requirement for a public agency to conduct a public hearing in connection with its review of an EIR prepared by another public agency.

History: 1. Amendment of subsections (a) and (b) filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15166. Retention and Availability of Comments. Comments received through the consultation process shall be kept on file for a reasonable period and available for public inspection at an address given in the Final EIR. Comments which may be received independently of the review of the Draft EIR shall also be considered and kept on file.

Article 11. EIR Monitor

15180. EIR Monitor. The Secretary for Resources will provide for publication of a bulletin entitled "California EIR Monitor" on a subscription basis to provide public notice of amendments to the Guidelines, the completion of draft EIRs and other matters as deemed appropriate. Inquiries and subscription requests should be sent to the following address:

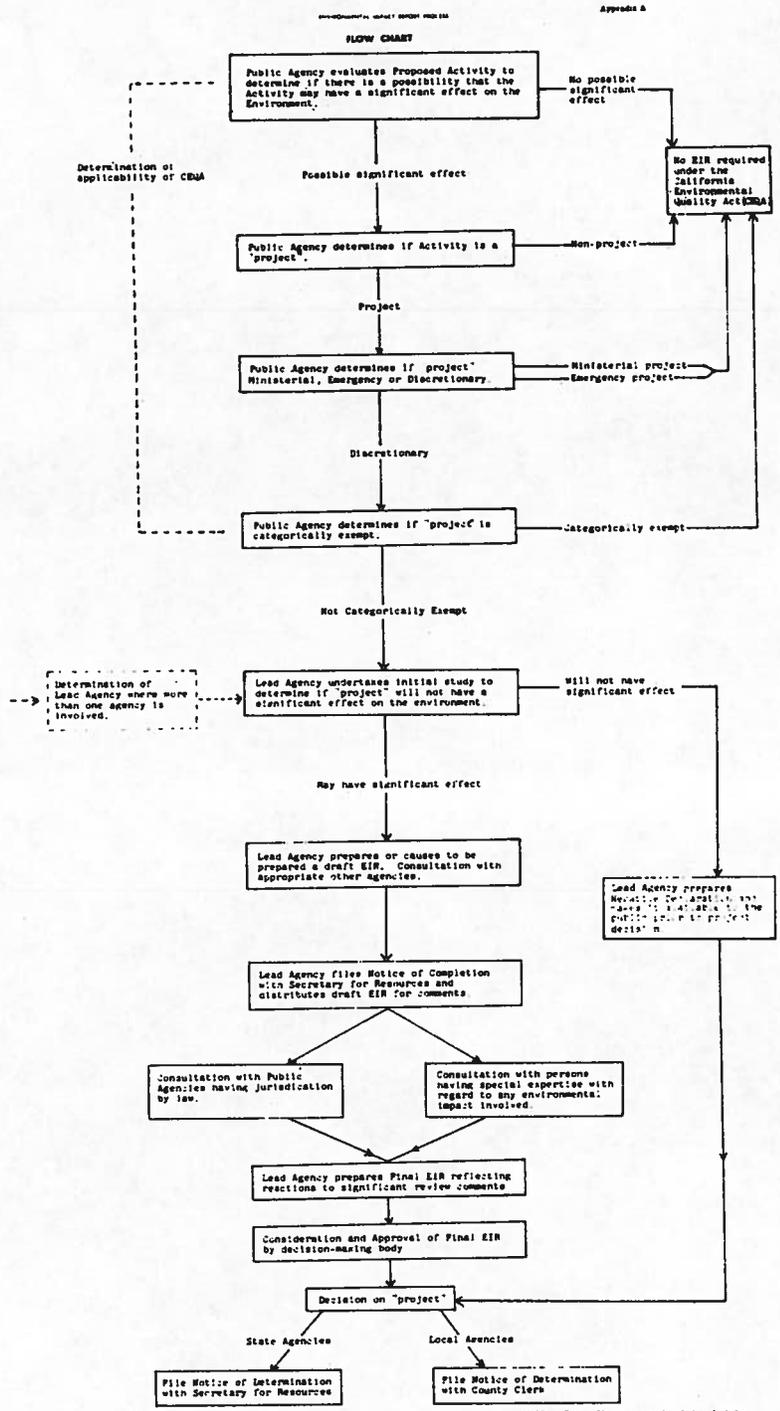
Secretary for Resources
Attention: California EIR Monitor
1416 Ninth Street, Room 1311
Sacramento, California 95814

NOTE: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21000 through 21174, Public Resources Code.

History: 1. New Article 11 (Section 15180) filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

APPENDICES

Appendix A	Flow Chart
Appendix B	Statutory Authority of State Departments
Appendix C	Notice of Completion Form
Appendix D	Notice of Intent
Appendix E	Notice of Exemption



History: 1. Amendment of Appendix A filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

Appendix B
STATUTORY AUTHORITY OF STATE DEPARTMENTS
IN AREAS OF ENVIRONMENTAL CONCERN

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37			
	Air quality and air pollution control	Chemical contamination and food products	Coastal areas, wetlands, estuaries, waterfowl refuges, and beaches	(Congestion in urban areas, housing and building displacement	Disease control	Electric energy generation and supply	Environmental effects with special impact in low-income neighborhoods	Food habits and waterbodies	Food additives and food sanitation	Herbicides	Historic and archeological sites	Human ecology	Microbiological contamination	Mineral land reclamation	Natural gas energy development generation and supply	Navigable airways	Navigable waterways	Noise control and abatement	Parks, forests, trees and outdoor recreation areas	Pesticides	Radiation and radiological health	Regional comprehensive planning	Rodent control	Sanitation and waste systems	Shellfish sanitation	Soil and plant life, sedimentation, erosion and hydrologic conditions	Toxic materials	Transportation and handling of hazardous materials	Water quality and water pollution control	Fish and wildlife	Activities with special impact on regional jurisdictions	Water project formulation	Geothermal energy	Oil and petroleum development, generation and supply	Statewide land use patterns	Open Space policy	Statewide overview—cumulative impact of separate projects			
AGRICULTURE AND SERVICES AGENCY																																								
Food and Agriculture																																								
BUSINESS AND TRANSPORTATION AGENCY																																								
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Office of Transp. Planning & Research																																								
Public Works																																								
Real Estate																																								
Savings and Loan																																								

* See Appendix B footnotes.

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Air quality and air pollution control	X	X	/77	/8	X	X	/9																																
Chemical contamination and food products																																							
Coastal areas, wetlands, estuaries, waterfowl refuges, and beaches																																							
Concentration in urban areas, housing and building displacement																																							
Disaster control																																							
Electric energy generation and supply																																							
Environmental effects with special impact in low-income neighborhoods and waterways																																							
Food plants																																							
Food additives and food sanitation																																							
Herbicides																																							
Historic and archeological sites																																							
Human ecology																																							
Microbiological contamination																																							
Mineral land reclamation																																							
Natural gas energy development																																							
Navigable waterways																																							
Noise control and abatement																																							
Parks, forests, trees and outdoor recreation areas																																							
Pesticides																																							
Radiation and radiological health																																							
Regional comprehensive planning																																							
Soil and plant life, sedimentation, erosion and hydrologic conditions																																							
Soil and plant life, sedimentation, erosion and hydrologic conditions																																							
Shellfish sanitation																																							
Sanitation and waste systems																																							
Soil and plant life, sedimentation, erosion and hydrologic conditions																																							
Toxic materials																																							
Transportation and handling of hazardous materials																																							
Water quality and water pollution control																																							
Fish and wildlife																																							
Activities with special impact on regional jurisdictions																																							
Water project formulation																																							
Geothermal energy																																							
(Oil and petroleum development, generation and supply)																																							
Statewide land use patterns																																							
Statewide land use patterns																																							
Open Space policy																																							
Statewide overview—cumulative impact of separate projects																																							

Note: The following entities will also receive reports for review but their areas of environmental concern are not yet established: San Francisco Bay Conservation and Development Commission, California Tahoe Regional Planning Agency and Wildlife Conservation Board.

History: 1. Amendment of Appendix B filed 12-15-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

APPENDIX B FOOTNOTES

No.

1. **Agriculture**—(1) Air quality and air pollution control
Effects on plants and animals
2. **Agriculture**—(12) Human Ecology
Protection of food and fibre
3. **Agriculture**—(24) Sanitation and waste systems
Agriculture, dairy and feed lot systems
4. **Agriculture**—(28) Transportation and handling of hazardous materials
As pertains to transportation, handling, storage and decontamination of pesticides.
5. **Agriculture**—(30) Fish and wildlife
Pesticide effects, predatory animal control, bird control
6. **CHP**—(1) Air quality and air pollution control
Enforcement of motor vehicle regulations
7. **Public Health**—(3) Coastal areas, wetlands, etc.
Beach sanitation, water pollution, solid waste and mosquito control
8. **Public Health**—(4) Congestion in urban areas, housing and building displacement
Pertains to health component
9. **Public Health**—(7) Environmental effects with special impact in low-income neighborhoods
Most of these are strongly related to health
10. **Public Health**—(16) Navigable airways
Pertains to noise
11. **Public Health**—(22) Regional comprehensive planning
Pertains to personal and environmental health components
12. **Public Health**—(30) Wildlife
As it may pertain to human health hazards
13. **Public Health**—(31) Activities with special impact on regional jurisdictions
Pertains to comprehensive health planning
14. **Colorado River Board**—(2), (3), (5), (6), (8), (10), (13), (17), (19), (21), (22), (24), (26), (27), (29), (30), (31), (32) and (33).
As pertains to the Colorado, New and Alamo Rivers
15. **Fish and Game**—(15) Natural gas energy development, generation and supply
As field development and distribution systems may affect fish and wildlife
16. **Fish and Game**—(16) Navigable airways
As may affect migrating and resident wildlife
17. **Fish and Game**—(18) Noise control and abatement
As excessive noise may affect wildlife
18. **Fish and Game**—(24) Sanitation and waste systems
As water quality may affect fish and wildlife
19. **Parks and Recreation**—(7) Environmental effects with special impact in low-income neighborhoods
In impacted areas only
20. **Reclamation Board**—(8), (17), (31) and (32)
In areas of Board's jurisdiction only
21. **State Water Resources Control Board**—(4), (30), (33) and (34)
As may pertain to water quality
22. **Conservation**—(5), (10), (20) and (23)
With respect to forest land

- 23. **Conservation—(6) and (32)**
As related to fire protection or State (fire protection) responsibility land
- 24. **Air Resources Board—(4), (22), (32), (33) and (36)**
As may pertain to residential, commercial, industrial or transportation growth

Appendix C

State of California
The Resources Agency

SECRETARY FOR RESOURCES

1416 Ninth Street, Room 1311
Sacramento, California 95814

NOTICE OF COMPLETION

Project Title

Project Location—Specific

Project Location—City Project Location—County

Description of Nature, Purpose, and Beneficiaries of Project

Lead Agency Division

Address Where Copy of EIR is Available

Review Period

Contact Person Area Code Phone Extension

History: 1. Amendment of Appendix C filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

Appendix D

NOTICE OF INTENT

THIS FORM SERVES AS THE NOTICE OF COMPLETION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IF A REVIEW IS REQUIRED AT THE STATE LEVEL ON THE ENVIRONMENTAL IMPACT REPORT OR NEGATIVE DECLARATION

STATE CLEARINGHOUSE
OFFICE OF THE GOVERNOR
OFFICE OF PLANNING AND RESEARCH
1400 10TH STREET
SACRAMENTO, CALIFORNIA 95814
(916) 648-0913

(NOTIFY 8074)
 METROPOLITAN CLEARINGHOUSE

STATE OF CALIFORNIA FORM 870-1 (11-73)		STATE CLEARINGHOUSE NUMBER (SCH. NO.) (11-81)		TRANSACTION (19)	
SEE INSTRUCTIONS ON REVERSE SIDE					
01 SPONSOR (OR AGENCY RESPONSIBLE FOR REPORT) (112-45)		DIVISION (146-74)		DATE THIS FORM SUBMITTED (175-82) MO. DAY YEAR	
02 PROJECT TITLE (112-71)		CITY (146-60)		AGENCY ACTION DATE (SEE 145(1)(7)(b)(c)) MO. DAY YEAR	
03 ADDRESS (112-43)		COUNTY (161-75)		ZIP CODE (176-87)	
04 CONTACT PERSON (112-36)		TITLE (137-45)		AREA CODE (168-68) PHONE (169-75) EXT. (176-80)	
05 (112-71) PROJECT DESCRIPTION OF NATURE, PURPOSE, BENEFICIARIES		ON THESE 6 LINES CAPSULIZE THE PROJECT DESCRIPTION. YOU ARE ENCOURAGED TO ATTACH ADDITIONAL INFORMATION ON THE PROJECT FOR THE BENEFIT OF THE REVIEWER. IF YOU DO, THE STATE CLEARINGHOUSE WILL NEED 25 COPIES OF ANY ATTACHMENTS. PLEASE CHECK WITH THE METROPOLITAN CLEARINGHOUSE FOR THEIR SUBMISSION REQUIREMENTS.			
06 (112-71)					
07 (112-71)					
08 (112-71)					
09 (112-71)					
10 (112-71)					
11 PROJECT LOCATION CITY (112-43)		PROJECT LOCATION COUNTY (146-75)			
12 FEDERAL FUNDS		MATCHING FUNDS		OTHER NON-FEDERAL FUNDS	
GRANT (112-26)		STATE (130-38)		LOCAL (132-57)	
SOURCE OF OTHER FEDERAL FUNDS (112-34) FED. CATALOG NO.		SOURCE OF STATE MATCH (135-57)		SOURCE OF OTHER NON-FED. FUNDS (138-40)	
13 FUNDING AGENCY PROGRAM TITLE (112-40)		FEDERAL CATALOG NUMBER			
14 FUNDING AGENCY NAME (112-45)		SUB-AGENCY (146-79)			
15 CONGRESSIONAL DISTRICT		SENATE DISTRICT		ASSEMBLY DISTRICT	
16 TYPE OF ACTION:		PROJECT SUBJECT TO REVIEW UNDER:		IF PROJECT IS PHYSICAL IN NATURE OR REQUIRES AN ENVIRONMENTAL DOCUMENT, LIST THE U.S. GEOLOGICAL SURVEY QUADRANGLE MAP IN WHICH THE PROJECT IS LOCATED.	
<input type="checkbox"/> 12 NEW		<input type="checkbox"/> 58 U.S. OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-95		1. _____	
<input type="checkbox"/> 13 MODIFICATION IN CURRENT GRANT - CUR. SCH. NO. _____		<input type="checkbox"/> 59 MODEL CITIES PLANNED VARIATION		2. _____	
<input type="checkbox"/> 22 CONTINUATION GRANT SCH. NO. FROM PRE. YR. _____		<input type="checkbox"/> 60 NATIONAL ENVIRONMENTAL POLICY ACT		3. _____	
<input type="checkbox"/> 31 RESUBMITTAL IF A PRE APPLICATION - PRE. SCH. NO. _____		<input type="checkbox"/> 61 CALIFORNIA ENVIRONMENTAL QUALITY ACT		4. _____	
REQUESTED FUND START (160-85) MON - DAY - YEAR		<input type="checkbox"/> 62 SUBDIVISION REVIEW (SECTION 11350.1 OF BUSINESS & PROFESSIONS CODE)		5. _____	
FUNDS DURATION (160-85) MON - DAY - YEAR		<input type="checkbox"/> 63 STATE ADMINISTRATIVE MANUAL (SEC 0911)		DOES YOUR AGENCY HAVE A CIVIL RIGHTS AFFIRMATIVE ACTION POLICY AND PLAN?	
EST. PROJECT START (169-34) MON - DAY - YEAR		<input type="checkbox"/> 64 HEALTH RELATED (SEC 437.5 OF HEALTH AND SAFETY CODE)		YES <input type="checkbox"/> 67 NO <input type="checkbox"/> 68	
EST. PROJECT DURATION (155-57) MON - DAY - YEAR		<input type="checkbox"/> 65 LEASE OF STATE LANDS		WILL THE PROJECT REQUIRE RELOCATION?	
		<input type="checkbox"/> 66 OTHER:		YES <input type="checkbox"/> 69 NO <input type="checkbox"/> 72	
18 IS ENVIRONMENTAL DOCUMENT REVIEW REQUIRED? YES <input type="checkbox"/> 12 NO <input type="checkbox"/> 13		IF YES -		IF NO -	
<input type="checkbox"/> 14 ENVIRONMENTAL IMPACT STATEMENT (REPORT) ATTACHED		<input type="checkbox"/> 15 DRAFT EIR		<input type="checkbox"/> 25 FEDERAL PROGRAM DOES NOT REQUIRE AN ENVIRONMENTAL DOCUMENT	
<input type="checkbox"/> 17 NEGATIVE DECLARATION ATTACHED		<input type="checkbox"/> 18 FINAL EIR		<input type="checkbox"/> 26 PROJECT EXEMPT UNDER STATE CATEGORICAL EXEMPTION CLASS _____	
<input type="checkbox"/> 16 NONE ATTACHED - DOCUMENT WILL BE FORWARDED ON APPROXIMATELY MON - DAY - YEAR (119-24)		19 LIST LOCAL, COUNTY, REGIONAL, STATE OR FEDERAL AGENCIES WITH WHICH COORDINATION HAS BEEN ESTABLISHED:			
SPONSOR'S PROJECT I.D. NUMBER (OPTIONAL) (112-21)		SIGNATURE OF AUTHORIZED REPRESENTATIVE _____			

NOTE: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21000 through 21174, Public Resources Code.

History: 1. New Appendix D filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

Appendix E

Notice of Exemption

TO: State of California
The Resources Agency
Secretary for Resources
1416 Ninth Street, Room 1311
Sacramento, CA 95814

FROM:

 Project Title:

 Project Location—Specific:

 Project Location—City

 Project Location—County

 Description of Nature, Purpose, and Beneficiaries of Project:

 Name of Public Agency Approving Project:

 Name of Person or Agency Carrying Out Project:

 Exempt Status: (Check one)

- Ministerial (Sec. 15073)
 Declared Emergency (Sec. 15071(a))
 Emergency Project (Sec. 15071(b) and (c))
 Categorical Exemption. State type and section number:

 Reasons why project is exempt:

Contact Person	Area Code	Telephone	Extension
----------------	-----------	-----------	-----------

 If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?
Yes___ No___

Date Filed:

 Signature

 Title

NOTE: Authority cited: Sections 21083 and 21088, Public Resources Code. Reference: Sections 21108, 21152, 21167, Public Resources Code and Chap. 56, Stats. 1974.

History: 1. New Appendix E filed 3-26-74 as an emergency; effective upon filing (Register 74, No. 13).

2. Certificate of Compliance filed 6-26-74 (Register 74, No. 26).

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APPENDIX D

**Summary Report: Environmental Goals
and Policy**

STATE OF CALIFORNIA
ENVIRONMENTAL GOALS AND POLICY

RONALD REAGAN
GOVERNOR

JOHN S. TOOKER, DIRECTOR
OFFICE OF PLANNING AND RESEARCH
GOVERNOR'S OFFICE

JUNE 1, 1973

The preparation of this document was financed in part through a Comprehensive Planning Grant from the Department of Housing and Urban Development.

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INTRODUCTION

Our expanding population, aggravated by the increasing intensity of human activity, has caused increasing pressures on California's natural environment. Over the decades there has been a tendency to court growth without calculating the costs or preparing for its effects.

Recognizing that the growth and distribution of our population is intrinsically related to impacts on the natural environment, the 1970 Legislature directed the Governor to prepare an Environmental Goals and Policy Report. Moreover, immediate and high priority was to be given to the development of a comprehensive land use policy. While this Report does not represent such a land use policy, it does lay the groundwork essential for it.

The environmental awareness which emerged during the past few years stemmed primarily from a concern over the degradation of our "natural environment". A dictionary definition of the word environment suggests that it has many different shades of meaning, and is virtually all-encompassing. For purposes of this Report, though, the word environment only refers to the natural or physical factors, including archaeological and historical sites as well as air, water, native flora and fauna, open space and scenic vistas. Other factors such as social and economic activities were considered to a limited degree in the development of the Report, but primarily for an evaluation of their impact upon the natural environment rather than the converse.

This Environmental Goals and Policy Report is one part of the Governor's broad environmental program devised with a view of keeping California a leader in the struggle for solutions to environmental problems. This Report provides basic principles and environmental goals and policies as a framework within which all levels of government may operate in planning for the future growth and development of California.

The goals and policies recognize that our environment functions according to complex processes and that man as a part of these processes has a responsibility to conduct his activities within the resource limits imposed.

BASIC PRINCIPLES

The environmental goals and policies contained herein are an outgrowth of extensive studies of State growth and development, looking 20 to 30 years ahead, which provided insight to potential problems and opportunities. The goals and policies are an amplification of the following eleven overriding and guiding principles which constitute the basic points to be contained in future environmental and/or land use legislation. The eleven fundamental principles provide the basic intent of all goals, policies and statements contained in this Report and the intent of these eleven fundamental principles shall prevail in matters of interpretation and/or succession.

1. THAT PRIVATE PROPERTY RIGHTS BE RESPECTED AND PROTECTED.
2. THAT AREAS OF CRITICAL ENVIRONMENTAL OR HAZARDOUS CONCERN TO THE ENTIRE STATE BE DESIGNATED.
3. THAT GUIDELINES BE FORMULATED TO ENCOURAGE ORDERLY DEVELOPMENT AND PROTECTION FROM NATURAL CALAMITIES WHILE MINIMIZING ADVERSE IMPACT UPON PEOPLE OR RESOURCES WHICH HAVE BEEN DESIGNATED OF CRITICAL ENVIRONMENTAL OR HAZARDOUS CONCERN.
4. THAT THE RESOLUTION OF CONFLICTS AND THE PERFORMANCE OF REGULATORY FUNCTIONS OCCUR AT THE LEVEL OF GOVERNMENT CLOSEST AND MOST RESPONSIVE TO THE PEOPLE AFFECTED.
5. THAT STATE GOVERNMENT PARTICIPATE IN LAND USE DECISIONS ONLY IN OR AFFECTING SUCH OFFICIALLY DESIGNATED AREAS OF CRITICAL CONCERN.
6. THAT THE SKILLS AND EXPERIENCE OF ALL EXISTING LEVELS OF GOVERNMENT AND THE PRIVATE SECTOR BE EMPLOYED IN UTILIZING AND PROTECTING THOSE RESOURCES IDENTIFIED.
7. THAT THE CREATION OF NEW LAYERS OF GOVERNMENT BE AVOIDED.
8. THAT A MECHANISM FOR BALANCING SOCIAL, ECONOMIC AND ENVIRONMENTAL CONSIDERATIONS IN LAND USE DECISIONS BE PROVIDED.
9. THAT A MECHANISM FOR APPEALING DECISIONS AFFECTING LAND USE IN OR AFFECTING AREAS OF CRITICAL CONCERN, INCLUDING A MEANS FOR MEDIATING JURISDICTIONAL DISPUTES, BE PROVIDED; SUCH MEANS WOULD BE SIMILAR IN CONCEPT AND IMPLEMENTATION TO THE "REBUTTABLE PRESUMPTION" THEME IN THE 1968 "RESOURCES-HIGHWAYS" LEGISLATION.
10. THAT INNOVATIVE AND CREATIVE PROGRAMS AFFECTING LAND USES IN OR AFFECTING THESE AREAS OF CRITICAL CONCERN BE ENCOURAGED THROUGH THE EFFORTS OF THE PRIVATE SECTOR AND GOVERNMENT ENTITIES.
11. THAT A MECHANISM FOR OBTAINING PUBLIC PARTICIPATION IN THE GOVERNMENTAL DECISION-MAKING PROCESSES BE PROVIDED, INSURING THAT A BALANCED VARIETY OF OPINIONS ARE HEARD AND THOROUGHLY CONSIDERED.

ENVIRONMENTAL ISSUES

Population, its size and spatial distribution is a major factor in all social, economic and environmental considerations. Population and economic policy are essential elements in the total environmental system which includes land use, transportation, water, air, solid waste management, etc. The State and Federal governments have had implicit population policies for several decades expressed in terms of tax policies, public works programs, loan and grant programs, etc. Numerous population and growth control programs have been suggested for governmental action in recent years including birth control, restrictions on migration, regulation of the supply of public services and direct intervention in economic activity. This administration does not recommend any of these for policy action in California. Rather, the concept of accommodating future growth in harmony with an area's environmental holding capacity is endorsed thereby allowing the greatest flexibility for technological innovation and giving recognition to population growth and distribution, economic growth, the provision of essential public and governmental services as well as environmental protection.

It is now generally recognized that with our population and its growing affluence, certain categories of lands needed to provide a balanced environment for our society are being depleted. As a result of the emphasis placed on progress and technology, some non-renewable land and other resources are being used at a very rapid rate. Competition for land for various specific uses is emerging as one of the major issues which will confront California in the future.

Land use problems and conflicts are not restricted to the natural environment and its sensitively balanced ecological systems although the subject of land use as an environmental concern has risen to a more visible level in recent years. Present urban areas exhibit similar pollution problems which often have been compounded by the intensity and extensiveness of use, the fragmentation of jurisdictional authority and responsibility, and the lapsed exposure time to the problems. Air and water pollution are but two such urban problems related to the natural environment. The social and economic problems associated with the inhabitants of urban areas must be incorporated into comprehensive considerations to enhance our environment as well as the natural environmental considerations.

Land use decisions often serve as the precipitators of cause and effect reactions initially unforeseen in either scope or magnitude. A land use decision which at first might appear to be in harmony with the surrounding natural environment could serve as the catalyst for outside actions conflicting with the environment and/or generate undesirable social and economic consequences. The full range of cause and effect relationships—Social, Economic and Environmental—should be considered before actions are taken. Therefore, decisions on environmental problems should be made by those closest and most responsive to the people who will be affected. In almost all cases this will be local government. State government should intercede in local matters only when necessary to mediate jurisdictional disputes or where environmental problems and/or resources are of such magnitude or unique quality that their significance extends beyond local jurisdictional boundaries.

ENVIRONMENTAL GOALS AND POLICIES

Guided by the eleven basic principles, the following Environmental Goals and Policies are the result of intensive background studies in nine fundamental areas of current environmental concern: Air Quality, Land Use, Noise, Pesticides, Population, Solid Waste, Transportation, Water and significant and unique Environmental Resources and Hazards. The Environmental Goals and Policies provide a framework for State government, local government and the private sector in setting priorities and making decisions. They have been designed to complement and implement the environmental policies enacted as part of Chapter 1433, Statutes of 1970. The goals and policies will provide a mechanism for planning the activities of State government and will provide a framework within which local government may formulate more specific goals and policies to meet their immediate concerns and responsibilities. These Goals and Policies should also provide a basis for coordinating intergovernmental action among Federal, State and Local agencies to meet environmental management responsibilities in California.

AIR QUALITY

GOAL

It is the Goal of the State to promote, throughout California, air quality compatible with health, well-being and enjoyment of life; and to prevent to the greatest degree possible, public nuisance, property and vegetative damage, or deterioration of aesthetic qualities resulting from air pollution contaminants.

To accomplish this Goal the following Policies are recommended:

POLICIES

It is the Policy of the State:

1. that all sources of air pollution emission be identified, monitored and equitably controlled consistent with the social, economic and environmental needs of the individual air basins of the State;
2. to ensure a minimum effective program level of surveillance and source inventory and uniform program for emission standards and enforcement procedures for all harmful air pollution emissions throughout the State's air basins;
3. to develop and maintain a statewide air quality planning program which shall serve as a framework and guide for local air quality plans directed to the correction of current air pollution problems by achievement of Ambient Air Quality Standards established and maintained by the State Air Resources Board and also directed to the utilization of informed planning processes necessary to prevent the build-up of harmful or hazardous levels of air pollution; and
4. that the costs of cleaner skies shall be equitably distributed among all contributors to air pollution.

LAND USE

GOAL

It is the Goal of the State to develop and maintain a series of land use policies, including standards and criteria which can serve as a guide to State, regional, county and city planning efforts in order to accommodate growth and natural resource allocation consistent with the protection and wise management of our natural resources.

To accomplish this Goal the following Policies are recommended:

POLICIES

It is the Policy of the State:

1. that all levels of government making decisions affecting land use shall consciously and systematically analyze the cause and effect relationships of those proposals and evaluate their social, economic and natural environmental impacts upon the total environment;
2. to provide for a continuing, coordinated and comprehensive planning capability to provide technical assistance where necessary and feasible to planning efforts of local government and private enterprise; and
3. that assessment and taxation policies shall not be the dominant factor in guiding land use activities.

NOISE

GOAL

It is the Goal of the State to reduce irritating and harmful effects of noise to the citizens of the State to insure acceptable environmental noise standards through effective planning and, if necessary, regulation.

To accomplish this Goal the following Policies are recommended:

POLICIES

It is the Policy of the State:

1. to provide within State government a focal point for noise abatement and prevention, including:
 - a. collecting and disseminating competent information on adverse effects of noise and of means for its control;
 - b. developing, in cooperation with all units of government, model noise ordinances for urban, suburban and rural environments;
 - c. providing assistance to local governments engaged in developing and implementing noise abatement procedures;
 - d. developing criteria and guidelines for use in setting standards for human exposure to noise;
 - e. developing noise emission standards for noise producing objects in use in California; and
 - f. developing noise transmission standards for new buildings constructed in California and recommended building code provisions requiring compliance with these standards.

PESTICIDES

GOAL

It is the Goal of the State to maintain and enhance the present high level of agricultural production, urban health and well-being, and at the same time minimize any harmful environmental impact associated with the use of chemical pesticides.

To accomplish this Goal the following Policies are recommended:

POLICIES

It is the Policy of the State:

1. to protect the natural environment, man, other animals, plants, crops and food supplies through the proper use and regulation of pesticides at the local level with State guidance and assistance;
2. to develop and maintain interagency and interdisciplinary liaison and to continually monitor, evaluate and recommend changes required to prevent environmental degradation by irresponsible or unnecessary pesticide use; and
3. to maintain uniform standards of practice and regulations governing the use and sale of pesticides throughout the State.

POPULATION

GOAL

It is the Goal of the State to achieve a harmonious relationship between population and our natural environment.

To accomplish this Goal the following Policies are recommended:

POLICIES

It is the Policy of the State:

1. to accommodate patterns of urbanization and economic development in a manner which considers environmental capacity and offers a range of alternative locations and is consistent with the wise and balanced use of natural resources through the development of the State's planning and other programs; and
2. to assist all levels of government by providing data concerning population levels, population density and settlement patterns as they relate to the balance between man and the natural environment, so that these factors will receive proper consideration in the decision-making process.

SOLID WASTE

GOAL

It is the Goal of the State to implement comprehensive hazardous and solid wastes management and resource recycling programs which will provide for the protection of public health and the quality of the natural environment, and encourage maximum reutilization of such resources as may be economically and technologically feasible.

To accomplish this Goal the following Policies are recommended:

POLICIES

It is the Policy of the State:

1. as directed by the Legislature's enactment of the Solid Waste Management and Resource Recovery Act of 1972 to vest within the State Solid Waste Management Board the authority to promulgate specific policies regarding solid waste management.

These Policies shall include:

- a. development of criteria and guidelines for local implementation of systems for the handling, processing, disposal and related activities of concern to solid waste management; and
 - b. foster maximum reuse of solid waste materials by government and industry; encourage maximum recovery, conversion and reutilization of solid waste by-products; and provide safeguards against the depletion of natural resources.
2. to implement a coordinated and comprehensive hazardous waste management program that includes:
- a. identification of hazardous wastes;
 - b. development of criteria and standards for their safe handling and disposal; and
 - c. collecting and disseminating information required to provide a guide to alternative disposal or recycling systems.

TRANSPORTATION

GOAL

It is the Goal of the State in concert with all levels of government and the private sector to provide for the maximum possible mobility of all elements of our society and to develop a system of transportation services which is in harmony with the social, economic and natural environmental requirements of all segments of our society.

To accomplish this Goal the following Policies are recommended:

POLICIES

It is the Policy of the State:

1. to provide in concert with all levels of government and the private sector, for coordinated and balanced multimodal statewide transportation planning to facilitate the efficient, safe and economic transfer of people and goods;
2. that all transportation systems and corridor proposals be fully analyzed and evaluated in terms of the cause and effect relationship of those proposals upon social, economic and natural environmental elements of the total environment; and
3. to foster in concert with all levels of government and the private sector, equitable financing for all modes of transportation consistent with the needs and requirements of our society.

WATER

GOAL

It is the Goal of the State to assure the adequate supply and quality of water to meet the present and future needs of our population.

To accomplish this Goal the following Policies are recommended:

POLICIES

It is the Policy of the State:

1. as directed by the Legislature's enactment of the Porter-Cologne Act to vest within the State Water Resources Control Board the authority to promulgate specific policies and plans regarding water quality;

These Policies and Plans shall include:

- a. reclamation and reuse
 - b. discharge to ocean waters
 - c. discharge to bays and estuaries
 - d. discharge to fresh waters
 - e. discharge to groundwaters
 - f. wastewater management in rural areas
 - g. disposal of solid wastes
 - h. thermal wastewaters
 - i. siltation
 - j. storm water discharges
 - k. vessel wastes
 - l. recreational vehicle wastes
 - m. mining wastes
 - n. petroleum or gas extraction and transport
 - o. geothermal development
 - p. agricultural wastewaters
2. that all proposals for water quality management systems be fully analyzed and evaluated in terms of cause and effect relationship of those proposals upon the social, economic and natural environmental elements of the total environment;
 3. to develop and cause to be maintained a comprehensive statewide water supply and management program which utilizes water from all sources present and future such as desalinization and total reclamation, and serves as a guide for selection of alternative management plans for California's various water resources, recognizing recreational and aesthetic considerations; and
 4. to base priority for utilization of water on all factors associated with both the sources and the contemplated uses of the water.

ENVIRONMENTAL RESOURCES AND HAZARDS

GOAL

It is the Goal of the State to identify and protect the significant and critical environmental resources and hazards of the State for the benefit and enjoyment of present and future generations.

To accomplish this Goal the following Policies are recommended:

POLICIES

It is the Policy of the State:

- 1. to identify through its departments and political subdivisions all potentially significant and critical environmental resources and hazards throughout California, and after thorough evaluation, adopt and define those geographic areas of the State which do contain environmental resources and hazards of statewide importance as being areas of Statewide Interest or of Critical Concern;**
- 2. to evaluate, through its departments and political subdivisions, all activities, as they may significantly affect the environmental resources and hazards of the State which are areas of Statewide Interest or Critical Concern; undertake measures to minimize those activities which will have a detrimental effect on such resources, and encourage the development of programs which will enhance the quality of these resources for future generations. During the interim period before the Critical Concern areas are adopted, this Policy shall apply to all of the areas listed in this Report as areas of Statewide Interest or potential areas of Critical Concern;**
- 3. to encourage local units of government to consider the areas listed in this Report as areas of Statewide Interest or potential areas of Critical Concern in the preparation of their individual General Plans, including but not limited to open space, conservation, scenic highways and seismic safety elements; and**
- 4. to consider those areas of Critical Concern as high priority in any statewide acquisition, lease, or enforcement programs.**

ENVIRONMENTAL RESOURCES AND HAZARDS

Of all environmental decisions that must be made perhaps the most important in determining the shape of the future are those connected with land use.

Our rate of resource utilization expands sometimes at a geometrical ratio, as our economy grows. It is reasonable that decisions about resource allocation be made before development takes place.

This section focuses on those areas of natural resource values that need to be carefully reviewed before decisions are made to change current land use.

Resource areas are divided into three major groups:

1. Those natural areas which are pleasant to behold, afford us opportunities to observe nature's processes, provide us opportunities for recreation and pursuit of outdoor activities or provide us with material for study in order to gain a better understanding of the world in which we live. Such areas are designated "*Scenic, Scientific, Educational and Recreational Resource Areas*";
2. Areas which provide us with the raw materials necessary to maintain our economy; such areas are called "*Resource Production Areas*"; and
3. Areas (and natural phenomenon) which threaten our lives and property; such areas are designated "*Hazardous Areas*".

Within each group, resources of like nature, are assembled into categories.

Scenic, Scientific, Educational and Recreational Resource Areas include:

1. Park, Reserve and Wilderness Areas
2. Recreation, Access and Connecting Links
3. Historic, Archaeological and Cultural Areas
4. Wildlife Habitats
5. Open Space Surrounding Metropolitan Areas

Resource Production Areas include:

1. Forest Lands
2. Agricultural Lands
3. Mineral Areas
4. Water Sources
5. Energy Sources

Hazardous Areas include:

1. Geologic Hazard Areas
2. Fire Hazard Areas
3. Flood Prone Areas
4. Critical Air Areas

Within the body of laws and statutes of the State of California are references to all of the above categories and varying degrees of attention and protection are specified. In some cases, whole departments of State government were created to deal with resource problems, such as the Department of Parks and Recreation and the Department of Water Resources. In other instances it is only specified that in the plans of different activities of government, such resources shall be taken into account.

The State's interest in all of its resources is self-evident. There are some which, because of unique intrinsic values, high productivity, hazardous qualities or special values for specific purposes, should be carefully reviewed before irrevocable land use decisions are made. Such lands are classified *Areas of Statewide Interest* and are defined as those lands which have one or all of the following characteristics:

1. They provide an essential resource base for the State's economy;
2. They provide a rare or unique environment with resources attractive to people from various parts of the State;
3. They provide unique cultural or scientific assets to the characteristics of the State; and/or
4. They contain natural hazards of varying degrees of intensity.

Within areas of Statewide Interest are those which are threatened by immediate changes in land use, are of high value for food and fiber production, are vital to the survival of certain life forms, are the superlatives of their kind, or are of an immediate and severe hazardous nature to the welfare of the people of the State. Such areas are classified *Areas of Statewide Critical Concern*. It is with this classification that the State should exert leadership to influence land use decisions that will further the State's environmental goals.

Recommended areas of *potential* critical concern are listed by name and by narrative together with the descriptions of the resource categories involved in the following pages. It should be noted that none of the described categories are exclusive of values described in other categories. Wilderness areas provide large opportunities for recreation outlets and are large land reserves where the processes of nature continue uninterrupted by the works of man. Park and reserve areas may have important wildlife values and conversely wildlife habitats may have important park or reserve values; both certainly have recreation values. Water sources are prime producers of recreation potential, and generally provide a superlative fishery. Each area will allow for uses other than the prime use provided reasonable protection of the prime value is maintained.

Potential Areas of Statewide Critical Concern are listed in Appendix No. 2; Potential Areas of Statewide Interest in Appendix No. 4. The resource areas described herein have been delineated on maps at a scale of 1:1,000,000 and are available at a nominal cost from the Department of Water Resources Map Library, 1416 Ninth Street, Sacramento, CA.

SCENIC, SCIENTIFIC, EDUCATIONAL AND RECREATIONAL RESOURCE AREAS

PARK, RESERVE AND WILDERNESS AREAS

These areas are similar in character but differ primarily in management philosophy. All are chosen on the basis of the quality of the natural environment contained within them. All protect as much as possible the natural processes of mutual interaction between living plants and animals, climate, soil and geologic factors,

the study of which is termed ecology. In these areas man to the extent possible is an observer and is not a part of ecological process. Thus such areas are important reservoirs of natural data for scientific purposes and serve as controls against which the effect of development on the natural environment may be judged.

All provide recreation in the truest sense of refreshment of the spirit. Fishing, hunting, camping, hiking, boating, sightseeing and other forms of recreation can take place within the limits prescribed by the nature and purpose of the area.

The essential ingredient of a wilderness area that sets it apart from a park is roadlessness.

Parks and reserves, on the other hand may be developed for visitation by automotive transportation provided the essential character of the area is not destroyed. (Parks and reserves may have wilderness areas within them.)

Parks are generally selected on the basis of combinations of natural factors and are the superlatives of the kind of natural values represented. Reserves are generally considered to be devoted to one specific natural resource or phenomenon as a marine reserve, a Rhododendron reserve, Tule Elk reserve, etc.

RECREATION, ACCESS AND CONNECTING LINKS

Location of land necessary to provide recreation opportunities is more related to where people live than to natural features as is true of park and reserve areas. Nevertheless there are certain areas which, because of unique combinations of many factors such as climate, terrain, special cover, soils and relationship to (either natural or manmade) bodies of water are especially attractive to recreational use particularly for specialized activities such as skiing, river running, motorcycle use, swimming and the like. The resources of the areas are subject to manipulation to increase their usability for active recreation pursuits.

Often access is the primary element needed to develop the recreation potential of existing sources of high recreation potential such as the State tide lands, navigable bodies of water, and large blocks of public land. There should also be ways of travel between recreation areas by means other than automobiles. Rivers, trails, seashores are a natural part of the recreation complex. Land use decisions should not preclude the reasonable use of land and waters for these purposes.

HISTORIC, ARCHAEOLOGICAL AND CULTURAL RESOURCES

To many people the historic artifacts of the world have inspirational, educational and economic value. They are important tourist attractions and millions are spent in visiting them. We can use history daily. We can learn from past successes and failures and can be inspired by past examples of courage. Not all historic artifacts can or need to be preserved. Those important sites that illustrate events that primarily shaped the way that our State developed should be preserved. All sites and the information available in them should be noted.

WILDLIFE HABITATS

It is doubtful that there are many square feet in California that are not occupied by some form of wildlife. Some forms are not desirable and cause both irritation and heavy economic loss; other wildlife species vary greatly in their ability to compete with man and his works. Game species are the base for important recreational pursuits. Many are valuable for the pleasure they give by simply being around. All are inextricably interwoven through the intricate process of the "food chain". The elimination of some may have far reaching effects to the eventual disappearance of important food species.

As long as there is room it is doubtful whether the coyote will ever disappear. The Kit Fox on the other hand inhabiting much of the same area as the coyote is in danger of extinction. The Legislature has, through Article 1, Section 900 of the Fish and Game Code stated its intention to protect wildlife species. In order to do so, elements of the natural environment especially important to wildlife need to be protected.

OPEN SPACE SURROUNDING METROPOLITAN AREAS

Metropolitan expansion in California absorbs immense tracts of land, for shelter, transportation, private and public service facilities. As metropolitan areas grow, the identities and de facto boundaries of once separate and distinct towns are lost, construction occurs on unstable land, and many prime agricultural and recreational lands are diminished. Open space around metropolitan areas serves a critical psychological need, as well as providing a multipurpose resource by:

- retaining prime agricultural lands in production;
- preventing development of unsuitable lands (flood plains, watershed, tidelands, areas of soil instability, fire or geologic hazard);
- directing the location and timing of the growth of development;
- separating cities and helping them retain their individual character;
- providing for educational and recreational uses; and
- providing habitat for wildlife.

RESOURCE PRODUCTION AREAS

FOREST LANDS

Forest-based resources are vital to the economy and welfare of the people of the State. California ranks third nationally in timber production, but demand within the State for forest products cannot be met without importing substantial quantities of wood. This problem continually grows more acute and it is expected to adversely affect efforts to meet future housing needs unless innovative programs can develop practical non-wood building materials. Significant reduction in timber production will have a serious impact on State, regional and local economies.

AGRICULTURAL LANDS

California has traditionally been an agricultural State and the export of its agricultural commodities substantially benefits the State's economy. For the last twenty-five years California has had the largest agricultural production in the nation. Recently, annual gross cash receipts from farm marketing in the State have totaled over \$5 billion, plus additional economic gains derived in the ancillary industries of processing, packaging, and transporting food and fiber products. Production of meat animals ranks number one among the State's agricultural commodities and utilizes a vast acreage of land.

All 58 counties of the State possess agricultural land but the overwhelming majority is located in the Central Valley. The economy of this region is highly dependent upon agriculture, a factor which should be taken into account in making related land use decisions.

Prime agricultural land has been identified as being of statewide significance in legislation. The definition of what constitutes prime agricultural land can be found in Section 51201(c) of the Government Code. Beyond this, crop suitability, plant climates and agricultural economics, should be considered in identifying potential prime agricultural lands. Prime agricultural land must be preserved to assure that agriculture will always be a major California industry, and continue as a major contributor to the State's economy.

MINERAL AREAS

Mineral production in the State amounted to \$1.89 billion in 1972. Reserves of more than 80 different minerals with commercial possibilities exist in California and about 70 of these are actually mined. Fuels, including petroleum, natural gas and natural gas liquids dominate the mineral production; they account for about 64 percent of the total mineral value. Building materials, cement, lime, stone, and sand and gravel represent slightly more than 20 percent of the production.

Mineral products used for construction purposes are among the earth's most plentiful resources, yet they are rapidly becoming inaccessible to those populated areas which need them the most. As a result, transportation is now, in fact, the major cost factor in the marketing of these materials. At the present time, it is uneconomical to transport many building materials in excess of 50 miles. In considering new development, mineral resource areas should be carefully evaluated and whenever possible made continually available.

Mineral production processes should be planned to avoid destruction, pollution, or degradation of surrounding land, air and water resources.

WATER SOURCES

In 1972, the Legislature moved to preclude dam construction on certain major rivers in Northern California. Utilization of all potential sources of water supply on some combination, will be required to meet California's future water needs. No single major source should be permanently eliminated from consideration. On the other hand, a commitment to development should only follow after all alternatives, both structural and non-structural, have been evaluated from a social, economic and environmental perspective.

Watershed lands need to be protected to provide regeneration of water sources and to protect downstream developments from such disastrous effects as occurred in the Big Sur region during the 1972 Winter storms.

All factors considered, California has enough natural runoff to meet its water needs in the foreseeable future. The availability of this water is not what it seems, however, in view of pressures to reserve many free flowing rivers and streams for non-consumptive uses, including recreation, fisheries and maintenance of water quality. Because of these and other considerations, such as groundwater recharge, the remaining major sources of potential surface water supply are critical to the State and require a deliberate, comprehensive assessment of the use to which they will be put.

ENERGY SOURCES

Although views differ as to the role various sources of energy will play in the future, there is little disagreement that the energy crisis is real, and that until some technological breakthroughs occur the intervening years will be critical.

In view of the existing, and pending, energy crisis, energy sources are of critical concern to the State. It is imperative that California take a broad approach to the energy problem. Each source of energy should be identified and special consideration given to future development proposals to assure that the energy values are continuously available. Sites for nuclear or fossil fuel energy production, oil and gas fields, geothermal areas should be carefully evaluated.

HAZARDOUS AREAS

GEOLOGIC HAZARD AREAS

Over the years much damage has been done to man's developments by earthquake shaking, fault displacement, landslides, etc. Much damage could have been avoided by keeping development from those areas that display the most severe risk or by properly designing structures to withstand the hazard. Sufficient knowledge is now available to determine which areas should be avoided and which ones will require special care in design to withstand the shocks that are likely to occur. The Division of Mines and Geology *Urban Geology Master Plan* identifies the areas in which geologic hazards are likely to occur and assesses the severity in each case. Hazards identified are earthquake shaking, volcanic eruptions, tsunamis, fault displacement, landslides, subsidence, erosion activity, and expansive soil. For each hazard a scale of none, low, medium, and high is used to assess the severity.

FIRE HAZARD AREAS

Every year wildland fires take a heavy toll in lost timber and damage to watersheds. As subdivisions occur on wildlands, structural damage becomes an ever increasing source of loss. Much of this loss might be avoided with greater attention to the identification of risk and with reasonable precautions in siting and building regulations. The State Division of Forestry has identified hazardous fire areas and assessed their severity. Fuel, climate and slope factors in combinations are used to arrive at severity ratings of moderate, high and extreme.

FLOOD PRONE AREAS

Flood damage in California amounts to \$100 million annually. Flood plain management is obviously an important factor in considering land use decisions. With coordination of works and reasonable zoning or flood plain ordinances loss can be minimized.

It has become increasingly apparent that reliance on project-oriented flood control measures are not sufficient, and that a more balanced approach to the problem is necessary. Such an approach would include nonstructural measures, either as alternatives to or in conjunction with structural solutions. In this regard, the Cobey-Alquist Flood Plain Management Act of 1965, requires that local governments adopt regulatory measures which prevent encroachment into designated floodways, as a prerequisite to State financial assistance in cost of land, easements and rights-of-way. Several counties and cities now have some sort of flood plain regulations. Nevertheless, if future loss of life and property are to be minimized, flood control must become a more important element of planning, especially in urbanized areas. Deliberate community development in hazardous flood plains is costly both in life and property, and is of concern to the State.

CRITICAL AIR AREAS

Critical air areas are designated in consideration of oxidant levels, and the difficulty in achieving the Federal air quality standards by 1977. Federal law requires that all health-based air quality standards be achieved by 1977. In California, it is expected that the oxidant standard will not be achieved in all areas of the State by that time. The Federal standard for oxidants is .08 ppm. In 1970, in California, oxidant levels as high as .67 ppm were recorded. To reduce this to the level of the Federal standard, a reduction in oxidant level of approximately 88 percent is needed. In critical air areas, the Implementation Plan (signed by Governor Reagan in February 1972) projects reduction in oxidant levels of approximately 77 percent by 1977.

Critical air areas have been designated where it will take more than a 70 percent reduction in oxidant levels to achieve the Federal standard based upon 1970 and 1972 oxidant levels. In designating the boundaries, consideration was given not only to air quality, but also to meteorology and topography. Critical air areas include not only locations with high oxidant levels, but also those areas located downwind from the source areas which can be adversely affected.

RECOMMENDATIONS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Present environmental protection programs have been directed primarily towards applying the best available control technology to protect air quality, water quality, and similar resources, with little direct relationship between one program and another. These programs, moreover, are currently administered by separate single-purpose agencies, resulting in overlaps and conflicts among them.

An additional difficulty arises from the limited ability of these single-purpose agencies to relate land use to pollution control. Not only do questions of solid waste disposal raise issues of air pollution, as occurs with the burning of solid waste, but the location of solid waste disposal sites directly affects adjacent land use.

It is recommended that a study panel be created bringing together representatives of the various interests, government and private, which would be affected in order to develop alternative proposals, including the advisability of the formation of a Department of Environmental Protection, for the reorganization of environmental protection programs. This study panel would report its findings and recommendations to the Governor.

ENVIRONMENTAL RESOURCES PROTECTION PLAN

Statewide planning along departmental lines, although necessary for unique functional planning requirements, needs to be balanced by programs designed to bring together separate activities of similar or overlapping responsibility.

A partnership approach is required which allows each level of government and each functional department to plan within their individual areas of responsibility without the usurpation of their respective areas of authority.

As our population and demand for goods and services increase it is clear that our supply of land and natural resources are not in unlimited supply. The citizens of California have an interest in certain resources and for areas that are of critical environmental concern as valuable resources or are hazardous to the health, welfare and safety of the people. Therefore, it is necessary to provide policies and criteria to assist cities, counties and State agencies in the exercise of their responsibilities.

To fulfill this need, it is recommended that comprehensive environmental and land use legislation be enacted embodying the following 11 basic principles:

1. THAT PRIVATE PROPERTY RIGHTS BE RESPECTED AND PROTECTED.
2. THAT AREAS OF CRITICAL ENVIRONMENTAL OR HAZARDOUS CONCERN TO THE ENTIRE STATE BE DESIGNATED.
3. THAT GUIDELINES BE FORMULATED TO ENCOURAGE ORDERLY DEVELOPMENT AND PROTECTION FROM NATURAL CALAMITIES WHILE MINIMIZING ADVERSE IMPACT UPON PEOPLE OR RESOURCES WHICH HAVE BEEN DESIGNATED OF CRITICAL ENVIRONMENTAL OR HAZARDOUS CONCERN.
4. THAT THE RESOLUTION OF CONFLICTS AND THE PERFORMANCE OF REGULATORY FUNCTIONS OCCUR AT THE LEVEL OF GOVERNMENT CLOSEST AND MOST RESPONSIVE TO THE PEOPLE AFFECTED.

5. THAT STATE GOVERNMENT PARTICIPATE IN LAND USE DECISIONS ONLY IN OR AFFECTING SUCH OFFICIALLY DESIGNATED AREAS OF CRITICAL CONCERN.
6. THAT THE SKILLS AND EXPERIENCE OF ALL EXISTING LEVELS OF GOVERNMENT AND THE PRIVATE SECTOR BE EMPLOYED IN UTILIZING AND PROTECTING THOSE RESOURCES IDENTIFIED.
7. THAT THE CREATION OF NEW LAYERS OF GOVERNMENT BE AVOIDED.
8. THAT A MECHANISM FOR BALANCING SOCIAL, ECONOMIC AND ENVIRONMENTAL CONSIDERATIONS IN LAND USE DECISIONS BE PROVIDED.
9. THAT A MECHANISM FOR APPEALING DECISIONS AFFECTING LAND USE IN OR AFFECTING AREAS OF CRITICAL CONCERN, INCLUDING A MEANS FOR MEDIATING JURISDICTIONAL DISPUTES, BE PROVIDED; SUCH MEANS WOULD BE SIMILAR IN CONCEPT AND IMPLEMENTATION TO THE "REBUTTABLE PRESUMPTION" THEME IN THE 1968 "RESOURCES-HIGHWAYS" LEGISLATION.
10. THAT INNOVATIVE AND CREATIVE PROGRAMS AFFECTING LAND USES IN OR AFFECTING THESE AREAS OF CRITICAL CONCERN BE ENCOURAGED THROUGH THE EFFORTS OF THE PRIVATE SECTOR AND GOVERNMENT ENTITIES.
11. THAT A MECHANISM FOR OBTAINING PUBLIC PARTICIPATION IN THE GOVERNMENTAL DECISION-MAKING PROCESSES BE PROVIDED, INSURING THAT A BALANCED VARIETY OF OPINIONS ARE HEARD AND THOROUGHLY CONSIDERED.

APPENDIX NO. 1

CRITERIA FOR THE IDENTIFICATION OF POTENTIAL AREAS OF STATEWIDE CRITICAL CONCERN

Criteria for the delineation of areas of Critical Concern can only be obtained from experienced professionals working in the fields of management and research regarding the particular type of environmental resource or hazard. For this reason, professionals with expertise in the categories included in this Report have provided the criteria contained on the following pages. They represent a cross-section of individuals from agencies such as: US Geological Survey, US Forest Service, US Soil Conservation Service, State Departments of Fish and Game, Parks and Recreation, Water Resources, Conservation (Divisions of Forestry, Oil and Gas, Mines and Geology, Resource Conservation), Navigation and Ocean Development, Air Resources Board, Water Quality Control Board, Scenic Highways Program, and various departments of the University of California and California State University System.

Areas of Critical Concern have been identified because of their limited nature, the threat of a change in land use which would affect them or because of their unique importance to the welfare of the people of the State. They are areas that are given emphasis and priority within or separate from the general framework of those identified as areas of Statewide Interest. Areas of Critical Concern would be rare or unique because of their natural or historic character as with indigenous flora and fauna which are found in a limited number within the State and for which a change in land use is planned or proposed for the immediate future. It would also include areas that would require special development regulations because of the immediately hazardous nature of the threatened change in their use or development. Following are the criteria by category for determining areas of potential Critical Concern.

Park, Reserve and Wilderness Areas

Park and reserve areas of potential Critical Concern are those which contain unique examples of California's varied landscape, support rare or endangered plant species, support quality examples of major biotic communities or display important examples of natural processes, i.e., geological, successional, etc. The definition for wilderness-type areas was taken from Section 5001.5(a) of the Public Resources Code and adapted for use throughout the State regardless of ownership.

Recreation, Access and Connecting Links

Recreation areas of potential Critical Concern are those having unique combinations of terrain, climate, proximity to water and special ground cover that make them naturally attractive for recreational activities.

Access and connecting links for recreation are considered of potential Critical Concern if:

1. the area serves to connect between important recreation or park and reserve areas or one of these and a major urban center;
2. the area is in itself useful for recreational activities such as driving for pleasure, horseback riding, bicycling, etc.;
3. the area is in itself highly scenic or has other aesthetic qualities; and
4. the area provides access to public lands which except for proper access are available to the public for hunting, fishing and other recreational activities.

Historic, Archaeological and Cultural Resources

Historic, archaeological and cultural resources are considered of potential Critical Concern if:

1. the site or building possesses the qualities or architectural significance, and outstanding integrity of location, design, setting, materials, workmanship, and feeling;
2. the site is associated with events that have made an outstanding contribution to the pattern of State or national history and/or with the life of one or more persons of transcendent significance to our past;
3. the site has yielded or may be likely to yield information considered by qualified professionals in archaeology, history, or architecture as important to pre-history or history, or as symbolic of the work of a master craftsman;
4. the site can be used as supplement to important cultural areas and elements already represented in the State Park System or the Historic Preservation Plan; and
5. the site is needed to overcome imbalance in the State's historical, archaeological, architectural or environmental program.

Wildlife Habitats

Wildlife habitats considered as areas of potential Critical Concern are those which:

1. support breeding grounds and/or principal concentrations of species declared to be rare and endangered and/or species of economic value either commercially or as game species. Rare and endangered species are those designated by the Department of Fish and Game and reported to the Governor and the Legislature under the provisions of the Fish and Game Code, Article 1, Section 903;
2. provide areas of seasonal concentrations of wildlife species, i.e., winter deer range;
3. are riparian habitats in valley and foothill areas;
4. are wetlands, inland and coastal, supporting concentrations of waterfowl;
5. are bays and estuaries providing important breeding and nursery habitat for marine species and birdlife;
6. are streams which provide salmon and steelhead nursery and spawning habitat of economic significance; and
7. are areas having present or potential human uses including scientific and educational uses.

Open Space Surrounding Metropolitan Areas

Open space areas of potential Critical Concern are those areas generally within a 40-mile radius of an urban center which are important to the State's economy for production of food and fiber, which provide reasonable and pleasing areas throughout the community or which preserve the integrity of the community's water supply, recreation outlets or aesthetic quality. They are capable of supporting many different uses and require careful planning before being irrevocably committed to specific uses.

Forest Lands

Potential Critical Concern areas with regard to forest lands are those classified in the highest three site categories in the system commonly used in the locality to describe timber growing potential where location and ownership will allow continual economic production.

Agricultural Lands

Agricultural lands of potential Critical Concern include:

1. prime and potential prime agricultural lands within a 40-mile radius of urban areas; and
2. primary grazing land (not included in the above definition).

Prime Agricultural Land as defined in Section 51201(c) of the Government Code includes any of the following:

1. All land which qualifies for rating as Class I and Class II in the Soil Conservation Service land use capability classifications.
2. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the US Department of Agriculture.
4. Land planted with fruit or nut bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.
5. Land which was returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre for three of the previous five years.

Potential Prime Agricultural Lands are lands which have the capacity of being made prime through normal agricultural investment and practices.

Primary Grazing Lands are those which are defined as "grassland soils" according to Storie's Generalized Soil Map.

Mineral Areas

The rating system used in the *Urban Geology Master Plan* (July, 1973) by the State Division of Mines and Geology for "Loss of Mineral Resources" areas was adapted for these proposed areas of Critical Concern. All topographic quadrangle areas that contain an active oil or gas field, or a significant workable deposit of minerals, including the common construction materials, such as sand and gravel, sand, limestone, dolomite, or stone, are designated "high severity" (Critical Concern).

Water Sources

Water sources of potential Critical Concern are those watershed areas, principally brush or forested lands on steep terrain where destruction of the ground cover may result in excessive runoff and erosion damages to downstream concentrations of development, i.e., urban centers, dams, parks, etc.

Groundwater basins of potential Critical Concern are those upon which urban centers or concentrated use areas are dependent for water supply.

Energy Sources

Energy sources of potential Critical Concern are those surface areas that cover underlying deposits of petroleum, natural gas, and natural steam. It is understood that other uses may be made of these areas as long as the source of energy may be tapped below by methods such as slant drilling, etc.

Geologic Hazard Areas

In the report *Urban Geology Master Plan for California (UGMP)*, completed by the Division of Mines and Geology in July, 1973, the eight geologic hazard problems that threaten California residents were identified and their distribution throughout the State shown on generalized maps according to four (4) degrees of severity; high, medium, low and none or unknown. These severity ratings were transferred to a single map of California subdivided into a 7½ minute quadrangle (1:24,000) grid, with "3", "2", and "1" symbols corresponding to "high", "medium", and "low" severity values and blank space corresponding to "none" or "unknown" severity. This grid map appears as figure 13 in the *UGMP*.

Those quadrangles given "high" severity ratings in the *UGMP*, figure 13, for one or more geologic hazards, are designated potential areas of Critical Concern. The criteria for designating the relative severity ratings in *UGMP* are summarized below for each geologic hazard considered.

1. *Earthquake Shaking*—(*UGMP* pages 19 to 23, figure 3). From the historical record of locations and damages caused by California earthquakes (since 1857), and general considerations of geologic and seismic framework, Division of Mines and Geology staff seismologists subdivided the State into three relative severity zones. These three zones indicate the probable maximum intensity of the earthquake shaking that can be expected at any locality during the next 200 years, related to the Modified Mercalli Intensity Scale of 1931 (MMI). Any locality in Severity Zone III can expect earthquake shaking equivalent to MM intensity IX or X (plus many lesser earthquakes). Quadrangles in Severity Zone III were rated "high severity" for earthquake shaking hazard.
2. *Volcanic Eruptions*—(*UGMP* pages 38 to 40, figure 10). Areas that have experienced volcanic eruptions in historic time, or have been damaged by products of historic eruptions, were rated "high severity", as to volcanic eruption hazard.
3. *Tsunami* (seismic sea wave or tidal wave)—(*UGMP* pages 40 to 42, figure 11). Areas that have experienced recurrent damaging seismic sea waves in historic time were rated "high severity".
4. *Fault Displacement*—(*UGMP* pages 36 to 38, figure 9). Areas traversed by faults that are known to have moved in historic time (since 1769), and which are presumed to have a recurrence-of-movement interval of 100 years, were rated "high severity". The special studies zones enclosing active faults, mapped by the Division of Mines and Geology according to the mandates of the Alquist-Priolo Geologic Hazards Zone Act are all considered potential areas of Critical Concern.
5. *Landslides*—(*UGMP* pages 26 to 29, figure 5). Areas containing at least five percent of geologic formational units judged to fall in units 5 or 6 (most landslides) on the six-unit scale divided by Dorothy Radbruch and K. C. Crowther (US Geological Survey Open File report "Map Showing Relative Amounts of Landslides in California", 1970) were rated "high severity".
6. *Subsidence*—(*UGMP* pages 43 to 48, figure 12). Areas in which subsidence is known to have occurred were rated "high severity".
7. *Erosion Activity*—(*UGMP* page 32, figure 7). Areas where the soil loss is equal to or more than 6.4 acre-feet of soil lost per square mile per year.
8. *Expansive Soil*—(*UGMP* pages 32 to 36, figure 8). Areas where the soils contain more than 35 percent mixed or montmorillonitic clay, or with coefficient of linear extensibility greater than 0.06 inches per inch, were mapped as "high" in soil expansiveness by the US Soil Conservation Service. Quadrangles containing 40 percent or more of such soils were rated "high severity" in *UGMP*.

Fire Hazard Areas

Fire hazard areas of potential Critical Concern are identified by evaluating the combined effects of three basic factors: fuel, weather and slope. These factors have been incorporated into a matrix type "Fire

Hazard Area Severity Scale" which has been developed to rate areas to varying degrees of fire hazard.

All those areas which have a classification of "extreme" are recommended to be areas of potential Critical Concern. These areas encompass (1) those wildlands (all slope classes) which have high frequency rates of critical fire weather (fire weather severity frequency Class III) and "medium" or "heavy" fuel loading; plus (2) those areas which have medium frequency rates of critical fire weather (fire weather severity frequency Class II) and "heavy" fuel loading on slopes in excess of 40 percent.

Flood-Prone Areas

The delineation of flood-prone areas in California as potential areas of Critical Concern by the Office of Planning and Research, is based on the research and mapping of the US Geological Survey work according to House Document 465 as requested by the 89th Congress.

Flood-prone areas were delineated by the US Geological Survey that met the following criteria:

1. Urban areas where the upstream drainage area exceeds 25 square miles.
2. Rural areas in humid regions where the upstream drainage area exceeds 100 square miles.
3. Rural areas in semiarid regions where the upstream drainage area exceeds 250 square miles.

The flood-prone areas mapped have a 1 in 100 chance on the average of being inundated during any year. Flood areas were delineated without consideration of present or future flood-control storage that may reduce flood levels.

Critical Air Areas

Potential critical air areas include all locations in California where, based upon 1970 and 1972 oxidant levels, it will take more than a 70 percent reduction in oxidant levels to achieve the federal standard. In designating the boundaries, consideration was given not only to air quality, but also to meteorology and topography. Included in the areas are not only locations of high oxidant levels but also locations downwind which can be adversely affected. These areas are critical on an intermittent basis and are generally so during periods of poor vertical mixing in the atmosphere. During these periods of poor mixing there is little interchange of air between lower and higher elevations; thus the boundaries in much of the Southern California critical air area has been taken to be the 3,000 foot elevation contour.

APPENDIX NO. 2

POTENTIAL ENVIRONMENTAL RESOURCES AND HAZARDS OF CRITICAL CONCERN

Park, Reserve and Wilderness Areas

1. Those 59 extraordinary scenic, fishery, wildlife and recreation waterways identified by the Resources Agency as "premium" and "very good": e.g., Eagle Lake, Kern River and Suisun Marshes.
2. Coastal resources as identified by the State Department of Parks and Recreation in the *California Coastline Preservation and Recreation Plan* of August, 1971: e.g., proposed Ten Mile River State Park, proposed Big Sur State Park and proposed Bolinas Lagoon State Park.
3. Coastal Redwood areas adjacent to existing parks including the Redwood National Park complex, Humboldt Redwood State Park, Montgomery Woods State Reserve, Big Basin Redwoods State Park and the Pfeiffer Big Sur State Park, to be identified by the Department of Parks and Recreation.
4. All existing wilderness and primitive areas included in the National Forest Service System and National Park Service System which are listed in the 1964 Congressional wilderness legislation.
5. National Park lands undergoing wilderness review in Death Valley, Joshua Tree, National Monuments; Kings Canyon, Sequoia, and Yosemite National Parks; and Point Reyes National Seashore.
6. National forest new areas proposed for study by Regional Forester Liesz per January 18, 1973, list forwarded to Chief, US Forest Service: White Mountains, Johnson, Snoozer, Shackelford, Etna, Portuguese, Salmon Trinity Alps Primitive Area Additions, Mokelumne Addition, Mt. Shasta, North Fork San Joaquin, Upper Kern, Madulce, Sheep Mountain, Cucamonga, High Sierra Primitive Area Addition, Hoover Wilderness Extension.
7. Other Forest Service lands with wilderness qualities suggested for study by the Secretary for Resources by letter, April 18, 1973, to Chief, US Forest Service: Wooley Creek, Smith River, Silver King Creek, Little Kern River, Rubicon, Kern Plateau—Golden Trout Expansion, Salmon—Scott Divide, Matilija, Pine Mt. (Sespe Creek), Castle Crags Area, Greater San Joaquin River—Kings River (Dinkey Lakes-Rancheria Creek), Carson-Iceberg (Dardanelles), Granite Chief-5 Lakes, American River-North Fork.
8. Desert resources as mapped by the State Department of Parks and Recreation:

Imperial Region

Sand Hills

Anza-Borrego/Santa Rosa Mountains Region

Complete Bighorn Sheep Habitat (endangered)
Playa

Southwestern Mojave Region

Indio Hills
Palm Groves (endangered)
Two earthquake faults

Eastern Mojave Region

Lower and Upper-Paleozoic rocks
Thrust Faults
Pre-Cambrian granitic formations and boulders
Sand dunes

Volcanic mesa with basalt cap
Granite domical landform (rare)
Volcanic field
Cinder cones, vents, plugs, dikes, lava beds
Pinyon-juniper woodland
White Fir forest (rare)
Scrub-Oak woodland (rare)
Mojave-Yucca scrub
Jeager-Joshua tree woodland (rare)
Scenic desert canyon
Rugged desert scenery

Whipple Mountains/Topock Gorge Region

Undivided Pre-Cambrian granitic rocks
Pre-Cambrian metamorphic gneiss
Tertiary volcanic necks
Tertiary non-marine sediments
Red rock gorges
Petrified palm grove
Old lake beds
River marshlands (endangered)
Desert wash woodland
Suhvaro Cactus stand (rare)
Migratory bird habitat
Aquatic and semi-aquatic animal life (endangered)
Bighorn Sheep (endangered)
Burro deer
Wilderness area
River-desert scenery (endangered)

Red Rock Canyon Region

Buff colored eroded sandstone cliffs
Desert holly vegetation
Tarweed
Desert canyon scenery (endangered)

Owens Valley Region

Volcanic Field—Pleistocen craters, cones, dikes, basalt lava flows
Extensive desert scenery
Ancient granitic formation

Mono Lake Region

Glacial Lake (rare)
Craters, cones, domes, coolees, pumice field
Salt formations
Sage Brush scrub
Pygmy rabbit (rare)
Extensive high desert scenery

9. Other natural areas supporting rare or endangered plant species, significant geologic features, significant biotic communities or display important natural processes.

Recreation, Access and Connecting Links

1. The "Permit Area" as defined in Section 27104 of the California Coastal Zone Conservation Act of 1972.
2. Those waterways in metropolitan areas identified as Class 1 priority by the State Department of Parks and Recreation and US Bureau of Outdoor Recreation Cooperative Study as having recreational and open space values.
3. Sandy beaches as identified by the State Department of Parks and Recreation's California Coastline Preservation and Recreation Plan.

4. Units of the State Water Project according to Section 11919 of the Water Code.
5. Selected major Federal and district reservoirs with recreation development such as Folsom-Auburn, Marysville, Isabella, Berryessa, New Don Pedro, etc.
6. Selected "hard desert" areas suitable for off-road vehicle use, to be identified by Department of Parks and Recreation Vehicle Study.
7. Coastal recreation resources as identified by the State Department of Parks and Recreation in the *California Coastline Preservation and Recreation Plan* of August, 1971.
8. Those 59 extraordinary scenic, fishery, wildlife and recreation waterways identified by the Resources Agency as "premium" and "very good".

Premium

American River, N.F. (above Auburn Reservoir)
 Bolsa-Chica Estuary
 Butte Basin (Butte Sink)
 Lake Cachuma (Santa Barbara)
 Carson River, E.F.
 Clear Lake (Lake County)
 Colorado River (Topock Gorge and Parker Dam to Imperial Dam)
 Crowley Lake (Mono)
 Delta (Sacramento-San Joaquin)
 Eagle Lake (Lassen)
 Eel River (Main, N.F., M.F., S.F.)
 Feather River (below Oroville and M.F.)
 Folsom Lake (Placer-El Dorado)
 Gualala River (Sonoma)
 Humboldt Bay
 Kern River
 Klamath River (Iron Gate Dam to Ocean)
 Mad River (Humboldt-Trinity)
 Morro Bay (San Luis Obispo)
 Lake Oroville (Butte)
 Russian River (Ukiah to mouth)
 Sacramento River (source to Clarksburg)
 Salton Sea
 San Francisco Bay
 San Lorenzo River
 Shasta Lake
 Smith River (Del Norte)
 Suisun Marshes (Solano)
 Lake Tahoe
 Trinity River (main to south fork)
 Truckee River (Tahoe to Nevada line)
 Tuolumne River (Lumsden Bridge to Ward's Ferry and below La Grange Dam)
 Upper Newport Bay
 Yuba River, N.F. (above Highway 49)

Very Good

Lake Alamnor
 American River (Nimbus Dam to mouth)
 Anaheim Estuary
 Lake Berryessa (Napa)
 Big Lagoon (Humboldt)
 Buena Vista Lagoon
 Cache Creek (Clear Lake to Capay)
 Convict Lake (Mono)

Deer-Creek (Tehama)
Dune Lakes (San Luis Obispo)
Lake Earl and Talawa (Del Norte)
Elkhorn Slough (Monterey)
Lake Elsinore
Gold Lake (Sierra)
Golden Trout Creek (Tulare)
Grasslands Area (Fresno-Merced)
Isabella Reservoir
Mattole River
Mill Creek (Tehama)
Owens River (above Crowley Reservoir and below Pleasant Valley Dam)
Pt. Mugu Estuary
Redwood Creek
San Elijo Estuary (San Diego)
San Gabriel River (Los Angeles)
Tijuana River Estuary (San Diego)
Tomales Bay (Marin)

Historic, Archaeological and Cultural Resources

1. Those Indian, Hispanic and American historical areas identified as needed for the interpretation of the State's history by the State Department of Parks and Recreation.

Alameda County

Room 307, Gilman Hall, University of California
Lake Merritt Wild Duck Refuge
Joaquin Miller House (The Abbey)
Mission San Jose
Mills Hall
Dunsmuir House
Cameron-Stanford House

Amador County

Indian Grinding Rock "Tco'se"
Volcano
Fiddletown

Butte County

Patrick Rancheria
Bidwell Mansion
William G. Patrick Home

Calaveras County

Hotel Leger
Murphy's Hotel (Mitchler Hotel)
Thorn House
Mokelumne Hill I.O.O.F. Hall

Colusa County

Nowi Rancheria

Contra Costa County

John Muir National Historic Site
East Brother Island Light Station
Tao House (Eugene O'Neill Home)
John Marsh Home

El Dorado County

Coloma

Fresno County

Old Fresno Water Tower

Humboldt County

Trinidad Head
Carson House
Gunther Island Site 67
Fort Humboldt
Tshapekw

Imperial County

Plank Road, Imperial County
Yuma Crossing
Pedro Fages Trail
De Anza Trail
Southern Emigrant Road
Fort Yuma

Inyo County

Eichbaum Toll Road
Big and Little Petroglyph Canyons
Camp Independence
Bishop Creek Battleground

Kern County

Walker Pass
Fort Tejon
Last Chance Canyon

Kings County

Witt Site
Taoist Temple, Hanford

Lake County

Lake County Courthouse
Patwin Indian Site

Los Angeles County

Los Cerritos Ranch House
Pico Canyon Oil Field, Well No. 4
General Phineas Banning Residence
Drum Barracks
El Molino Viejo
C. F. Lummis Home
Mission San Fernando Rey de Espana
Mission San Gabriel Arcangel
Palomares Adobe
Will Rogers SHM
Barnsdall Park
Bradbury Building
Gamble House
Storer House
Ennis House
Samuel Freeman House
Los Encinos SHP
Catholic and Protestant Chapels, Veterans Administration Center
Upton Sinclair House
Point Fermin Lighthouse
San Dimas Hotel
Vasquez Rocks
Streetcar Depot (Bldg. 66)
Hale House
Los Angeles Plaza Historic Area (El Pueblo de Los Angeles)
E. J. Baldwin's Queen Anne Cottage

Marin County

Miller Creek School Indian Mound
Angel Island
Rancho Olompali

Mariposa County

Hornitos
Mariposa County Courthouse

Mendocino County

Mendocino
Pt. Cabrillo Site

Merced County

Pacheco Pass

Mono County

Bodie Historic District

Monterey County

Carmel Mission
El Camino Real
Larkin House
Old Custom House
Royal Presidio Chapel
Mission San Antonio de Padua
Monterey Old Town Historic District
Pacific House
Casa de Oro
First Theater
Old Whaling Station
First Brick House
Casa El Dorado
Vasquez Adobe
Casa de la Torre
Gordon House
Colton Hall
Underwood-Brown Adobe
Casa de Gutierrez
House of the Four Winds
Sherman's Headquarters
Casa Alvarado
Cooper-Molera Adobe
Casa Amesti
First Federal Courthouse
Stokes Adobe
Stevenson House
Chautauqua Hall, Pacific Grove
El Castillo

Modoc County

Fremont's Camp, Modoc County

Napa County

Rhine House
Bale Mill

Nevada County

Rough and Ready
Donner Camp
South Yuba Canal Office
Bridgeport Covered Bridge
Malakoff Diggins
Meadow Lake Petroglyphs
North Star Mine Powerhouse

Orange County

Mission San Juan Capistrano
Fairview Indian Site
Modjeska Home

Placer County

Old Auburn
Historic Gatekeeper's House
Strap Ravine Nisenan Maidu Indian Site
Town of Dutch Flat

Plumas County

Lakes Basin Petroglyphs
Johnstown
Beckwourth Pass

Riverside County

Coachella Valley Fish Traps
Tahquitz Canyon
Giant Desert Figures
Andreas Canyon

Sacramento County

Old Folsom Powerhouse
Old Sacramento Historic District
Pony Express Terminal (B. F. Hastings Bldg.)
Murphy's Ranch
Sutter's Fort
E. B. Crocker Art Gallery
Governor's Mansion
Town of Locke
Stanford-Lathrop Home
Delta Meadows Site
Woodlake Site
Joe Mound

San Benito County

Anza House, San Juan Bautista
Fremont Peak
New Idria Mines
San Juan Bautista Plaza Historic District

San Diego County

Estudillo House
Guajome Ranch House
San Diego Mission Church
San Luis Rey Mission Church
San Pasqual Battlefield
Las Flores Adobe
Old Mission Dam

San Diego Presidio
Montgomery Memorial
Star of India
Cabrillo National Monument
Hubert H. Bancroft Ranch House
Oak Grove Butterfield Stage Station
Warner's Ranch
Santa Margarita Ranch House
Villa Montezuma (Jesse Shepard House)
Old Town San Diego Historic District
Hotel Del Coronado
Santa Fe Depot San Diego

San Francisco County

C. A. Thayer
James C. Flood Mansion
Old U. S. Mint
Presidio of San Francisco
San Francisco Cable Cars
Hallidie Building
Feusier Octagon House
Golden Gate Park Conservatory
Jackson Square, San Francisco
McElroy Octagon House
Mission Dolores
Fort Mason Historic Area

San Joaquin County

Locke Home and Barn

San Luis Obispo County

Dana Adobe
Morro Rock
Mission San Miguel Arcangel
Mission San Luis Obispo de Tolosa
Hearst San Simeon SHM

San Mateo County

Broderick-Terry Dueling Place
William C. Ralston Home
Portola Expedition Camps
San Francisco Bay Discovery Site
Francisco Sanchez Adobe
Burlingame Railroad Station

Santa Barbara County

Santa Barbara Mission
La Purisima Mission
Los Alamos Ranch House
Vhay House
Painted Cave

Santa Clara County

Frank Norris Cabin
New Almaden
Montgomery Hill

Coyote Creek Archeological District
Pioneer Electronics Laboratory, Palo Alto
Poverty Flat Site
John Adams Squire House
Civic Art Gallery (Old Post Office, San Jose)

Shasta County

Shasta
Olsen Petroglyphs
Benton Tract Site
Cow Creek Petroglyphs
Dersch-Taylor Petroglyphs
French Gulch Historic District

Sierra County

Hawley Lake Petroglyphs
Kyburz Flat Site
Sardine Valley Archeological District
Stampede Site

Siskiyou County

Lower Klamath National Wildlife Refuge
West Miner Street – Third Street Historic District, Yreka

Solano County

Benicia Capitol
Benicia Arsenal
Old Masonic Hall, Benicia

Sonoma County

Luther Burbank House and Garden
Jack London Ranch
Bodega Bay and Harbor
Fort Ross
St. Teresa's Church, Bodega
Sonoma Plaza Historic District
Petaluma Adobe
Salt Point State Park
Duncans Landing Site
Vallejo Home
Ranch Indian Site

Stanislaus County

Gold Dredge, Stanislaus County
Knight's Ferry

Trinity County

Weaverville Historic District

Tulare County

Allensworth

Tuolumne County

Columbia Historic District
Wells Fargo Express Company Building, Chinese Camp

Ventura County

Mission San Buenaventura

Yolo County

First Pacific Coast Salmon Cannery Site
Woodland Opera House
Camillus Nelson Ranch

2. Archaeological Preserves (Coastline only—more complete list will be in the *California History Plan*.)

Del Norte Coast Redwood State Park (Del Norte)
Prairie Creek Redwoods State Park
Dry Lagoon State Park (Humboldt)
Patrick's Point State Park (Humboldt)
Little River State Beach (Humboldt)
MacKerricher State Park (Mendocino)
Russian Gulch State Park (Mendocino)
Van Damme State Park (Mendocino)
Salt Point State Park (Sonoma)
Fort Ross State Historic Park (Sonoma)
Tomales Bay State Park (Marin)
Montara State Beach (San Mateo)
San Gregorio State Beach (San Mateo)
Bean Hollow State Beach (San Mateo)
Ano Nuevo State Reserve (San Mateo)
Monterey State Beach (Monterey)
Asilomar State Beach (Monterey)
Carmel River State Beach (Monterey)
Point Lobos State Reserve (Monterey)
Andrew Molera State Park (Monterey)
Julian Pfeiffer Burns State Park (Monterey)
San Simeon State Beach (San Luis Obispo)
Morro Bay State Park (San Luis Obispo)
Montana De Oro State Park (San Luis Obispo)
Pismo State Beach (San Luis Obispo)
Gaviota State Park (Santa Barbara)
Refugio State Beach (Santa Barbara)
El Capitan State Beach (Santa Barbara)
Carpinteria State Beach (Santa Barbara)
San Buenaventura State Beach (Ventura)
Point Mugu State Park (Ventura)
Leo Carrillo State Beach (Los Angeles)
Malibu Lagoon State Beach (Los Angeles)
Torrey Pines State Reserve (San Diego)
Silver Strand State Beach (San Diego)

3. Those sites that are recommended by the State Department of Parks and Recreation as potential archaeological and historical areas and those areas recommended as Archaeological Preserves or Districts on State park system property.

Wildlife Habitats

1. Those extraordinary fishery and wildlife waterways as identified by the Resources Agency as Class I—Premium Waterways.

Extraordinary Fishery Waterways

Salmon and Steelhead Streams

Eel River

South Fork Eel

Sprowl Creek

Middle Fork Eel

Van Duzen River

Yager Creek

Dobbins Creek

Larabee Creek

North Fork Eel

Klamath River

Trinity River

Browns Creek

Canyon Creek

Indian Creek

New River

North Fork Trinity

Readings Creek

Rush Creek

South Fork Trinity

Weaver Creek

Willow Creek

Shasta River

Big Springs Creek

Yreka Creek

Other Tributaries to M. Klamath

Ah Pah Creek

Beaver Creek

Blue Creek

Fluff Creek

Bogus Creek

Camp Creek

Clear Creek

Dillon Creek

Dry Creek

Elk Creek

Grider Creek

Horse Creek

Humbug Creek

Indian Creek

Little Bogus Creek

Pine Creek

Red Cap Creek

Thompson Creek

Willow Creek

Salmon River

North Fork Salmon

South Fork Salmon

Wooley Creek

Scott River

East Fork Scott

Moffett Creek

Nordheimer Creek

Shackleford Creek

Russian River

Sacramento River

Feather

Yuba

American

Battle Creek

Deer Creek

Mill Creek

Clear Creek

Cottonwood Creek

Cow Creek

Butte Creek

Big Chico Creek

Antelope Creek

San Lorenzo River

Smith River

South Fork

Middle Fork

North Fork

Mill Creek

Rowdy Creek

Striped Bass Waters

Sacramento-San Joaquin Delta

Sacramento River, upstream to Glenn

Feather, upstream to Oroville

Yuba, to Daguerre Dam

American, up to Nimbus Dam

San Francisco, San Pablo, Suisun Bays

Sturgeon Waters

Sacramento-San Joaquin Delta

Suisun, San Pablo, San Francisco Bays

Shad Waters

Sacramento (up to Red Bluff)

American (mouth to Nimbus Dam—10 miles)

Feather (mouth to Oroville)

Yuba (mouth to Daguerre Point Dam)

Trout Streams

American, N.F. (above Auburn Reservoir—42 miles) (Placer)

Bishop Creek (3 forks—40 miles) (Inyo)

Carson, E.F. (18 miles) (Alpine)

Carson, W. F. (15 miles) (Alpine)

Deer Creek (Windy Cut Crossing upstream—14 miles) (Tehama)

Feather River, M.F. (38 miles) (Plumas, Butte)

Golden Trout Creek (10 miles) (Tulare)

Hat Creek, upper (Rising River to Lassen Park—32 miles) (Shasta)

Hot Creek (hatchery down to gorge—4 miles) (Mono)

Kern River (above Isabella) (Tulare, Kern)

Kern River, S.F. (above Monache Meadows)

Kings River (above Pine Flat Reservoir) and S. and M.F. (Fresno)

Little Kern (above Mountaineer Creek) (Tulare)

Merced (above McClure Lake) (Mariposa)

McCloud River (48 miles—Shasta Lake to Colby Meadows) (Shasta and Siskiyou)

Mokelumne, N.F. (above Salt Springs—18 miles) (Alpine, Amador, Calaveras)

Owens River (20 miles above Crowley) (Mono) (100 miles below Pleasant Valley Reservoir)

(Inyo)

Sacramento River (Box Canyon Dam to Shasta Lake—35 miles) (Shasta and Siskiyou)

San Joaquin (above Mammoth Pool), N., M., S. Forks (Madera, Fresno)

Silver King Creek (8 miles) (Alpine)

Stanislaus, M.F. (above Donnell's Reservoir and Clark's Fork) (16 miles) (Tuolumne, Alpine)
Stanislaus, N.F. (27 miles) (Calaveras and Tuolumne)
Truckee River (Lake Tahoe to Nevada Line—35 miles) (Placer, Nevada, Sierra)
Tuolumne (above New Don Pedro) (Tuolumne)
West Walker River (Leavitt Meadows to Topaz Lake—35 miles) (Mono)

Trout Lakes

Convict Lake (Mono)
Cottonwood Lakes (Inyo)
Desolation Valley Lakes (El Dorado)
Dinkey Lakes Area (Fresno)
Donner Lake (Nevada)
Eagle Lake (Lassen)
June Lake (Mono)
Kaiser Ridge to Ward Mtn. Area Lakes (Fresno)
Lakes Basin Lakes Including Gold Lake (Sierra)
Mammoth Lakes Group (Mono)
Medicine Lake (Siskiyou)
Mineral King Area Lakes
Tahoe (Placer-El Dorado)
Upper and Lower Twin Lakes (Bridgeport) (Mono)
Webber Lake (Sierra)

Trout Reservoirs (trout only)

Baum Lake (Shasta)
Bridgeport Reservoir (Mono)
Crowley Lake (Long Valley Reservoir) (Mono)
Davis Lake (Plumas)
Frenchman Reservoir (Plumas)
Grant Lake (Mono)
Huntington (Fresno)
Lewiston Reservoir (Trinity)
Pinecrest (Tuolumne)
Stampede (Sierra)
Topaz Lake (Mono)
Whiskeytown (Shasta)

Warmwater Streams

Colorado River (Parker Dam to Imperial Dam) (Imperial, San Bernardino, Riverside)
Russian River
Sacramento River
San Joaquin, lower (and associated sloughs)

Warmwater Lakes

Clear Lake (Lake)

Warmwater Reservoirs

Black Butte Reservoir (Glenn)
East park (Colusa)
El Capitan (1,574 S.A.) (San Diego)
Havasu Lake (20,000 S.A.) (San Bernardino)
Millerton (Fresno, Madera)
Otay, lower (1,266 S.A.) (San Diego)
San Antonio (Monterey)
San Luis (Merced)
San Vicente (1,069 S.A.) (San Diego)
Success (Tulare)
Terminus (Tulare)

Combination Streams

Colorado River (Nevada Line to Lake Havasu) (San Bernardino)

Combination Reservoirs

Lake Almanor (Plumas)
Lake Berryessa (Napa)
Cachuma (3,250 S.A.) (Santa Barbara)
Camanche (Calaveras, Amador)
Casitas (2,710 S.A.) (Ventura)
New Don Pedro (Tuolumne)
Engle Lake (Trinity)
New Exchequer-Lake McClure (Mariposa)
Folsom (El Dorado)
Isabella (Kern)
New Hogan (Calaveras)
Oroville (Butte)
Pine Flat (Fresno)
Shasta (Shasta)

Extraordinary Wildlife Waterways

Coastal Wetlands

Estuaries

Bodega (Sonoma) 935 acres
Drakes-Limantour (Marin) 2,070 acres
Eel River (Humboldt) 3,850 acres
Elkhorn Slough (Monterey) 2,937 acres
Humboldt Bay (Humboldt) 10,000 acres
Klamath River (Del Norte) 5,285 acres
Morro Bay (San Luis Obispo) 2,625 acres
Mugu (Ventura) 1,600 acres
San Francisco Bay—331,600 acres
Smith River (Del Norte) 4,975 acres
Tomales (Marin) 9,290 acres
Upper Newport (Orange) 945 acres

Freshwater Ponds

Abbotts Lagoon (Marin) 185 acres
Dune Lakes (San Luis Obispo) 255 acres
Freshwater Lagoon (Humboldt) 245 acres
Lagoon Creek (Mendocino) 86 acres
Lake Earl and Talawa (Del Norte) 2,560 acres
McClusky Slough (Monterey) 74 acres
Oso Flaco (San Luis Obispo) 155 acres

Lagoons

Big Lagoon (Humboldt) 1,470 acres
Buena Vista (San Diego) 200 acres
Estero Americano (Sonoma, Marin) 340 acres
Estero de San Antonio (Marin) 155 acres
Goleta Slough (Santa Barbara) 360 acres
Pescadero Marsh (San Mateo) 125 acres
San Elijo (San Diego) 560 acres
San Mateo Creek (San Diego) 130 acres
Santa Margarita (San Diego) 660 acres
Santa Ynez River (Santa Barbara) 160 acres
Stone Lagoon (Humboldt) 520 acres

Inland Marshes and Wetlands

Marshes

Big Lake and Marsh (Shasta)
Big Valley Marsh (Lassen)
Butte Sink, 55,000 acres (Colusa, Sutter, Yuba)
Colorado River, 500 acres marsh, 1.5 miles riparian (San Bernardino)

Imperial Reservoir—Imperial Dam, 1,700 acres marsh, 9 miles riparian (Imperial)
 Quien Sabe Point, 1,500 acres riparian (Riverside)
 Yuma Island, 6 miles and 2,100 acres riparian (Imperial)
 Duck Clubs (Hwy. 152 to Hwy. 140, E. of San Joaquin River) (Merced)
 Grasslands Area, 75,000 acres (Fresno-Merced)
 Little Lake Valley, 640 acres (Mendocino)
 Petaluma Marshes, 3,400 acres (Sonoma, Marin)
 Rancho Llano Seco, 9,600 acres, "Colusa Trough" (Butte, Colusa, Glenn)
 Semitropic Duck Club Area (Kern)
 Suisun Marsh, 44,000 acres private (Solano)
 Tolay Creek, 350 acres (Sonoma)
 Tulelake (Siskiyou)

Riparian Lands

American River (Nimbus Dam to mouth) 23 miles (Sacramento)
 Colorado River (most of distance in California)
 Cosumnes River (Bridgehouse to mouth) (Sacramento)
 Feather River (Butte County Line to mouth) (Sutter, Yuba)
 Kern River, S.F. (National Forest to Lake Isabella) (Kern)
 Kings River (Stratford to Pine Flat Dam) (Fresno, Kings)
 Merced River (Hwy. 59 to Merced Falls) (Merced)
 Owens River (Inyo, Mono)
 Active channel (Pleasant Valley Dam to L.A. Aqueduct intake—90 miles)
 Old Channel (Aqueduct intake to Owens Lake—80 miles)
 Russian River, 1,740 acres (Sonoma and Mendocino)
 Sacramento River (Keswick to Delta) several counties
 Salinas River, 27,500 acres (San Luis Obispo and Monterey)
 Stanislaus River (mouth to Hwy. 99) (Stanislaus)
 Trinity River (Lewiston to Helena) (Trinity)
 Tule River (Coffee Camp to Success Res.) (Tulare)

Lakes and Reservoirs

Lake Almanor (Plumas)
 Clear Lake, 600 acres marsh and 200 acres riparian (Lake)
 Eagle Lake (Lassen)
 "Farm Ponds" (Statewide)
 Goose Lake (Modoc)
 Grass Lake (Siskiyou)
 Lake Woolhomes (Kern)

2. Areas within the broad habitats identified as being of Statewide Interest which either provide critical animal needs such as water, nursery or nesting sites, breeding ground, special cover, or where there are significant concentrations of rare and endangered species.
3. Areas adjacent to National Cooperative Wildlife areas, and National and State Waterfowl Refuges.

Open Space Surrounding Metropolitan Areas

Those places within the above areas of Statewide Interest which are in imminent danger of urban encroachment and which are needed to provide open space near high density urban areas.

Forest Lands

Commercial forest areas of Statewide Interest where an immediate change in land use is proposed which could affect this valuable resource. This should include commercial forest areas classified in the three highest site categories, as modified by the system commonly used in the locality to describe timber growing potential (assuming location and ownership allows for continual economic production).

Agricultural Lands

1. Prime and potentially prime agricultural lands important for food and fiber production within a 40-mile radius of urban areas.
2. Primary grazing land needed for the production of meat animals, occurring within the boundaries of grazing land of Statewide Interest.

Mineral Areas

Those areas identified as "possible loss of mineral resources", as mapped by the Division of Mines and Geology in the *Urban Geology Master Plan for California*.

Water Sources

1. Watersheds above major water reservoirs of the State Water Project and major Federal and district reservoirs.
2. Major groundwater area basins and groundwater recharge areas which are being or are threatened by overdrafting as determined by the Department of Water Resources.

Energy Sources

1. Areas of petroleum, natural gas, and geothermal resources as identified and mapped by the Division of Oil and Gas and the Division of Mines and Geology.
2. The "Permit Area" as defined in Section 27104 of the California Coastal Zone Conservation Act of 1972.

Geologic Hazard Areas

Areas of Critical Concern are those areas designated in the *Urban Geology Master Plan* as being most severe.

Fire Hazard Areas

Those areas as identified in the fire hazard study, by the Department of Conservation, Division of Forestry, as having a fire hazard severity rating of "extreme".

Flood Prone Areas

Those flood prone areas recently mapped by the US Geological Survey, pursuant to the 89th Congress, House Document 465.

Critical Air Areas

Those areas of the State designated by the Air Resources Board as "critical air areas" (realizing that these areas will change periodically).

APPENDIX NO. 3

SELECTED GOVERNMENTAL PROGRAMS FOR PROTECTION OF AREAS OF CRITICAL CONCERN

FEDERAL

Land and Water Conservation Fund; Bureau of Outdoor Recreation through State Department of Parks and Recreation

Disposal of Surplus Federal Land—Federal Real Property Grants; Bureau of Outdoor Recreation; General Services Administration

National Historic Preservation Act of 1966; National Park Service through State Department of Parks and Recreation

Open Space Land Grants; Housing Act of 1961; Department of Housing and Urban Development

Urban Renewal; Neighborhood Development Program; HUD Act of 1968; Department of Housing and Urban Development

Recreation and Public Purposes Act; Bureau of Land Management

Public Domain Grants for Historic Monuments Act of 1926; PL 69-386 with amendments; Bureau of Land Management

Small Watershed Act, PL 566; U.S. Soil Conservation Service or State Department of Conservation

General Revenue Sharing (recreation, acquisition of open space)

Disposal of federal property (any level of government can apply)

PLUS direct programs of following federal agencies:

- U.S. Forest Service
- National Park Service
- Corps of Engineers
- Bureau of Outdoor Recreation
- Bureau of Land Management

STATE

1964 Park Bond Act; State Department of Parks and Recreation

*1974 Park Bond Act; State Department of Parks and Recreation

Environmental License Plate Fund; State Resources Agency

Davis-Grunsky Grants; State Department of Water Resources

*potential funding sources

Bagley Conservation Fund; State Department of Parks and Recreation, State Wildlife Conservation Board

State Department of Navigation and Ocean Development Loans and Grants to Local Jurisdictions

Off-Highway Vehicle Fund; State Department of Parks and Recreation

Wildlife Conservation Act of 1947; State Wildlife Conservation Board

*Governor's Proposal for Tax Rebate (involves \$33 million in new acquisition for parks and recreation)

Surplus Freeway Lands; State Division of Highways

Indemnity Lands; State Lands Commission (16th & 36th Section of Each Township—for educational purposes)

Land exchanges between public and private agencies

PLUS direct programs of following state departments:

- Parks and Recreation
- Water Resources
- Fish and Game
- State Lands (all ocean shore line)
- Navigation and Ocean Development
- Conservation

LOCAL

California Land Conservation Act (Williamson Act); State Department of Agriculture

Quimby Act (allows enactment of local ordinance to set aside open space for recreation in subdivisions of certain size)

State enabling legislation—\$10.00 per head Pleasure Horse Tax (acquiring lands for trails)

Implied dedication (Gion-Dietz case)

Zoning

Buying development rights

Open space easements

PLUS direct programs of following special districts:

- flood control districts
- recreation and park districts
- water districts
- irrigation districts
- city park systems
- county park systems
- regional park districts
- community service districts

*potential funding sources

APPENDIX NO. 4

POTENTIAL ENVIRONMENTAL RESOURCES AND HAZARDS OF STATEWIDE INTEREST

Park, Reserve and Wilderness Areas

1. Areas surrounding State and National parks, monuments, and natural preserve areas; e.g., University of California Natural Land and Water Reserve System, areas owned by the Nature Conservancy, and specially designated areas within the US Forest Service holdings.
2. Coastal Redwood areas as mapped by the State Division of Forestry, including US Forest Service lands, occurring in the counties of Del Norte, Humboldt, Mendocino, Sonoma, Marin, San Mateo, Santa Cruz and Monterey.
3. Desert landscape regions as identified by the State Department of Parks and Recreation: Imperial and Anza-Borrego regions (Colorado Desert); Southwestern Mojave, Eastern Mojave, Wipple Mountains/Topock Gorge, Red Rock Canyon, Owens Valley, Death Valley and Antelope Valley regions (Mojave Desert); and Death Valley, Mono Lake and White Mountain regions (Great Basin Desert).
4. Roadless areas with wilderness characteristics.

Recreation, Access and Connecting Links

1. The full length of California's coastline including San Francisco Bay and all other bays, estuaries and lagoons, and the "coastal zone" as defined in Section 27100 of the California Coastal Zone Conservation Act of 1972.
2. The shorelines of all navigable waterways in the State including but not limited to the 59 extraordinary scenic, fishery, wildlife and recreation waterways identified as scientific, scenic and educational resources; e.g., Lake Tahoe, San Francisco Bay and Lake Berryessa.
3. Those waterways in metropolitan areas having significant recreational and open space values as identified by the State Department of Parks and Recreation and US Bureau of Outdoor Recreation Cooperative Study.
4. The eligible State Scenic Highways as contained in the Master Plan for Scenic Highways; especially Highway 1 (along the coast), Highway 49 (in the Sierra Nevada foothills, Mother Lode country), and Highway 395 with connecting routes (serves as a connecting link for Lake Tahoe, Yosemite National Park, the Owens Valley, Death Valley National Monument and the California Desert).
5. Potential trail areas, being developed by National and State park and recreation departments, particularly the Pacific Crest National Scenic Trail, the Gabrielino National Recreation Trail developed by the US Forest Service (the State is providing some of the right-of-way for the Pacific Crest Trail) and the Skyline National Recreation Trail in the East Bay region above Oakland.

Historic, Archaeological and Cultural Resources

1. Those areas to be listed in the 1973 comprehensive *California History Plan*.
2. Those areas that serve as buffer zones around historical, archaeological, and cultural sites designated as areas of Critical Concern.
3. Those additional areas identified as Areas of Statewide Interest as a result of the *Statewide Historic Sites Survey*. It is estimated that there are potentially 50,000 sites within the State that are considered significant.

Wildlife Habitats

1. The habitats of all rare and endangered species as identified by the State Department of Fish and Game.
2. The habitats throughout California which are of "great importance to wildlife" as identified by the State Department of Fish and Game.

Significant riparian habitats shall include the associated vegetation along the waterways identified as being of Statewide Interest and Critical Concern.

Open Space Surrounding Metropolitan Areas

Areas identified in the November 1965 *Urban Metropolitan Open Space Study* prepared for the State by Eckbo, Dean, Austin & Williams and published as a paperback called *Open Space—The Choices Before California*, 1969.

Forest Lands

Commercial forest lands classified in the four highest site categories, as modified by the system commonly used in the locality to describe timber growing potential (assuming location and ownership allows for continual economic production).

Agricultural Lands

1. Prime agricultural lands as defined by Section 51201(c) of the Government Code, and as identified and mapped by the Office of Planning and Research, according to Section 65570(a) of the Government Code.
2. "Grazing land" as identified on the Current Land Use map on file in the Office of Planning and Research.

Mineral Areas

Mineral resource areas identified and mapped by the Division of Oil and Gas and the Division of Mines and Geology. They include all geothermal resource areas as designated by the State Geothermal Resources Board or the State Lands Commission.

Water Sources

Watershed lands, major surface water streams and rivers deemed to be a significant source of water to the State, and significant groundwater storage areas identified by the State Department of Water Resources.

Geologic Hazard Areas

All areas as mapped by the Division of Mines and Geology as having geologic hazards.

Fire Hazard Areas

Those areas as identified in the fire hazard study, by the Department of Conservation, Division of Forestry, as having a fire hazard severity rating of at least "moderate".

Flood Prone Areas

All flood plain areas, subject to inundation, below dams, and as mapped by the US Army Corps of Engineers and the State Office of Emergency Services.

Critical Air Areas

Those areas of the State designated by the Air Resources Board as "critical air areas" and potential critical air areas.

APPENDIX E
Sample
State/Applicant Agreement
and
Time Extension Amendment

STATE OF CALIFORNIA
Resources Agency
Department of Parks and Recreation

PROJECT AGREEMENT
STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES
BOND ACT of 1974

Project Title _____

Applicant _____ Project Number _____

Project Performance Period _____

Description of Project (and purposes for which grant moneys were requested)

Budget Act of _____ Item Number _____

1. Allocated for acquisition _____
2. Allocated for development _____

Total State Grant not to exceed \$ _____

The General and Special Provisions attached are made a part of and are incorporated into this Agreement.

Applicant

By _____

Title _____

Date _____

By _____

Title _____

Date _____

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By _____

STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES BOND ACT OF 1974

Project Agreement
Special Provisions

General Provisions

A. Definitions

1. The term "State" as used herein means the California State Department of Parks and Recreation.
2. The term "Act" as used herein means the State Beach, Park, Recreational and Historical Facilities Bond Act of 1974 as amended.
3. The term "Project" as used herein means the project which is described on page 1 of this agreement.
4. The term "Applicant" as used herein means the party described as applicant on page 1 of this agreement.

B. Project Execution

1. Subject to the availability of grant moneys in the Act, the State hereby grants to the Applicant a sum of money (grant moneys) not to exceed the amount stated on page 1 in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the Description of Project on page 1 and under the terms and conditions set forth in this agreement.

Applicant agrees to assume any obligation to furnish any additional funds that may be necessary to complete the project. Any modification or alteration in the project as set forth in the application on file with the State must be submitted to the State for approval prior to disbursement of grant moneys.

2. The Applicant agrees to execute and complete the Project in accordance with the time of project performance set forth on Page 1 and under the terms and conditions of this agreement.
3. If the Project includes development, the development plans and specifications shall be reviewed and approved by the State before construction is commenced.
4. The Applicant shall secure completion of the development work in accordance with the approved development plans and specifications.
5. The Applicant shall permit periodic site visits by the State to determine if development work is in accordance with the approved plans and specifications including a final inspection upon Project completion.
6. All significant deviations from the Project shall be submitted to the State for prior approval.
7. If the Project includes acquisition of real property, the purchase price for such real property shall be determined from a State approved appraisal report prepared by a competent appraiser or through proceedings in eminent domain. The appraisal report and qualifications of such appraiser shall be submitted for review and approval by the State before initiation of the acquisition procedure.

Applicant agrees to furnish State preliminary title reports respecting such real property or such other evidence of title which is determined to be sufficient by State. Applicant agrees in negotiated purchases to correct prior to or at the close of escrow any defects of title which in the opinion of State might interfere with the operation of the Project. In condemnation actions such title defects must be eliminated by the final judgment.

8. Applicant in acquiring real property, the cost of which is to be reimbursed with grant moneys under this agreement, shall comply with Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code and any applicable federal, state, or local laws or ordinances. Documentation of such compliance will be made available for review by the State upon request.

C. Project Costs

The grant moneys to be provided Applicant under this agreement shall be disbursed as follows:

1. If the Project includes acquisition of real property, the State shall disburse to Applicant the grant moneys as follows, but not to exceed in any event the State grant amount allocated for acquisition as set forth on page 1 of this agreement:
 - a. When acquisition is through negotiated purchase, upon close of escrow, State will disburse the amount of the State approved purchase price together with State approved costs of acquisition.
 - b. When acquisition is through proceedings in eminent domain, State will disburse the amount of the total award as provided for in the final order of condemnation together with State approved costs of acquisition.
 - c. In the event Applicant abandons such eminent domain proceedings, Applicant agrees to bear all costs in connection therewith and that no grant moneys shall be disbursed for such costs.
2. If the Project includes development, after approval by State of Applicant's plans and specifications and after completion of the Project or any phase or unit thereof, State shall disburse to Applicant upon receipt and approval by State of a statement of incurred costs from Applicant, the amount of such approved incurred costs shown on such statement, not to exceed the State grant amount allocated for development, as set forth on page 1 of this agreement, or any remaining portion of such grant amount to the extent of such statement. State may disburse up to 90% of the State grant amount allocated for development as shown on page 1 of this agreement, upon receipt and approval by State of a statement of estimated costs from Applicant. All moneys advanced to Applicant shall remain property of State until expended for project purposes.

The statements to be submitted by Applicant shall set forth in detail the incurred or estimated cost of work performed or to be performed on development of the Project and whether performance will be by construction contract or by force account. Statements shall not be submitted more frequently than ninety day periods unless otherwise requested by State.

Modifications of the development plan and schedule must be approved by State prior to any deviation from the State approved plan and schedule.

D. Project Administration

1. The Applicant shall promptly submit such reports as the State may request.

In any event Applicant shall provide State, a report showing total final Project expenditures including State and all other moneys expended within sixty (60) days after completion of Project.
2. Property and facilities acquired or developed pursuant to this agreement shall be available for inspection by the State upon request.
3. The Applicant shall use any moneys advanced by the State under the terms of this agreement solely for the Project herein described.
4. If grant moneys are advanced, the Applicant shall place such moneys in a separate interest bearing account, setting up and identifying such account prior to the advance. Interest earned on grant moneys advanced pursuant to this agreement shall be paid to State. If grant moneys are advanced and not expended, the unused portion of the grant shall be returned to the State within 60 days of completion of the Project or end of the Project performance period whichever is earlier.
5. Gross income that is earned by the Applicant from a State approved non-recreational use on an acquisition project, subsequent to taking title by the Applicant, must be used by the Applicant for recreational purposes at the Project.

E. Project Termination

1. The Applicant may unilaterally rescind this agreement at any time prior to the commencement of the Project. After Project commencement this agreement may be rescinded, modified or amended by mutual agreement in writing. A project shall be deemed commenced when the Applicant makes any expenditure, receives an advance of grant moneys or incurs any obligation with respect to the Project.
2. Failure by the Applicant to comply with the terms of this agreement or any other agreement under the Act may be cause for suspension of all obligations of the State hereunder.
3. Failure of the Applicant to comply with the terms of this agreement shall not be cause for the suspension of all obligations of the State hereunder if in the judgment of the State such failure was due to no fault of the applicant. In such case, any amount required to settle at minimum cost any irrevocable obligations properly incurred shall be eligible for reimbursement under this agreement.

4. Because the benefit to be derived by the State, from the full compliance by the Applicant with the terms of this agreement, is the preservation, protection and net increase in the quantity and quality of beaches, parks, public outdoor recreation facilities and historical resources available to the people of the State of California and because such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the State by way of grant moneys under the terms of this agreement, the Applicant agrees that payment by the Applicant to the State of an amount equal to the amount of the grant moneys disbursed under this agreement by the State would be inadequate compensation to the State for any breach by the Applicant of this agreement. The Applicant further agrees therefore, that the appropriate remedy in the event of a breach by the Applicant of this agreement shall be the specific performance of this agreement.

F. Hold Harmless

1. Applicant hereby waives all claims and recourse against the State including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this agreement except claims arising from the concurrent or sole negligence of State, its officers, agents, and employees.
2. Applicant shall indemnify, hold harmless and defend State, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability costs arising out of the acquisition, development, construction, operation or maintenance of the property described as the Project which claims, demands or causes of action arise under Government Code Section 895.2 or otherwise except for liability arising out of the concurrent or sole negligence of State, its officers, agents, or employees.
3. In the event State is named as codefendant under the provisions of Government Code Section 895 et. seq., the Applicant shall notify State of such fact and shall represent State in the legal action unless State undertakes to represent itself as codefendant in such legal action in which event State shall bear its own litigation costs, expenses, and attorney's fees.
4. In the event of judgment entered against State and Applicant because of the concurrent negligence of State and Applicant, their officers, agents, or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction. Neither party shall request a jury apportionment.

G. Financial Records

1. The Applicant shall maintain satisfactory financial accounts, documents and records for the Project and shall make them available to the State for auditing at reasonable times. Such accounts, documents and records shall be retained by the Applicant for three years following project termination or completion.

During regular office hours each of the parties hereto and their duly authorized representatives shall have the right to inspect and make copies of any books, records or reports of the other party pertaining to this agreement or matters related thereto. Applicant shall maintain and make available for inspection by State accurate records of all of its costs, disbursements and receipts with respect to its activities under this agreement.

2. The Applicant may use any generally accepted accounting system provided such system meets the minimum requirements as may be established by State.

H. Use of Facilities

1. The property acquired or developed with grant moneys under this agreement shall be used by the Applicant only for the purpose for which the State Grant moneys were requested and no other use of the area shall be permitted except by specific act of the Legislature.
2. The Applicant shall without cost to State operate and maintain the property acquired or developed pursuant to this agreement in the manner and according to the standards acceptable to State.

I. Nondiscrimination

1. The Applicant shall not discriminate against any person on the basis of sex, race, color, or national origin in the use of any property or facility acquired or developed pursuant to this agreement.
2. The Applicant shall not discriminate against any person on the basis of residence except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF PARKS AND RECREATION

PROJECT TITLE:

PROJECT NUMBER:

AMENDMENT TO AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, by and between the State of California, Department of Parks and Recreation, and the _____, hereinafter called the "APPLICANT".

WITNESSETH:

WHEREAS, APPLICANT and STATE entered into an agreement dated _____ for grant of money pursuant to the State Beach, Park, Recreational and Historical Facilities Bond Act of 1974; and

WHEREAS, APPLICANT is desirous of extending the completion date of its PROJECT from _____ to _____; and

WHEREAS, it is considered to be to the mutual benefit of STATE and APPLICANT to extend said completion date;

NOW, THEREFORE, it is mutually agreed as follows:

That Project Performance Period of said agreement be amended to extend the completion date of the PROJECT from _____ to _____.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

Applicant

By _____

Title _____

Date _____

By _____

Title _____

Date _____

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By _____

APPENDIX F

**Example Cost Estimates and Force
Account for Development Projects**

**COST ESTIMATE
(DEVELOPMENT OF SANDY BEACH PARK)**

Construction Costs

Clearing, grubbing, filling, topsoiling	\$7,000
Demolition and removal of obsolete bathhouse (condemned by County Health Department)	1,000
Construction of a 50-car parking lot and a 20' x 200' park entrance road, including curbing, paving, signs, and marking	20,000
Installation of a floodlighting system for the parking area and restroom areas; power lines to be underground	8,000
Installation of an automatic irrigation system for 10 acres and delivery of water to model boat lagoon	25,000
Construction and installation of 15 concrete picnic tables and benches	10,000
Installation of 15 cast-iron barbecue stoves	500
Installation of ten underground trash receptacles with pop-up lids and asphalt tile and cement conduit liners (See plan detail.)	1,000
Nine hundred feet of 5-foot wide cement walkway from parking lot to vista point	11,000
Construction of a surfaced 1,800-foot-long bicycle trail that meanders from park entrance to the park's southern extremity	2,000
Construction of an interpretive 20' x 50' ramada that will explain the natural history and mythology of the "Wounded Pig" (Blowhole dioramas and displays are not covered in the request for fund assistance.)	30,000
Installation of a 30-foot-long bicycle rack	500
Construction of two outdoor shower pads with decorative lath screening	2,000
Eight hundred feet of sewer connection to new restroom facilities	5,000
Eight hundred feet of 4-inch domestic water main	5,000
Sixteen hundred feet of 1-inch domestic water line to showers, drinking fountains, and restrooms	6,000
Two hundred feet of water main from the old irrigation well to the irrigation system	800

Electrical lead-in lines (underground) and transformer (does not include any of the work in "installation of floodlights")	2,000
Storm drain from parking area to Haw Creek (400 feet long)	1,000
Model boat lagoon specially designed for enjoyment of radio-controlled model power boats	8,000
Architectural, Engineering, and Inspection Costs	
Engineering and preparation of plans, specifications, and contracts done by city forces	5,000
Engineering supervision of contractual construction	2,000
Relocation Costs	
Cost of administering relocation	50
Relocation of tenant	250
Total	\$153,100

February 17, 1976

Mr. _____, Supervisor
Grants Administration Section
Department of Parks and Recreation
P. O. Box 2390
Sacramento, California 95811

Re: County Park Development
Project No. _____

Dear Mr. _____:

Attached are construction plans, specifications and cost estimates for work proposed to be done on the above project.

The order of priority for the construction of the various items is as follows:

1. Riprap on Weaver Creek channel.
2. Sidewalks on Main Street.
3. Paving off-street parking area.
4. Fencing and property improvement.
5. Equipment display and storage shed. Labor and Material.
6. Erection of Miner's Cabin. Labor and incidental material only.

Lower priority items will be completed as funds permit or deleted entirely.

Heavy use of the picnic area has resulted in additional erosion of the adjacent creek bank by children scrambling up and down it to play in the water. The very heavy boulder riprap will eliminate both water and traffic erosion problems in addition to improving the bank appearance.

Paving of the parking lot will eliminate maintenance of the graveled area — now compounded by youngsters on motorcycles and in cars.

Installation of concrete sidewalks will eliminate the serious problem arising from the tracking of mud and sand from the present gravel walks into the museum. In addition, concrete walks will present a much neater appearance and substantially reduce the hardwood floor maintenance in the museum.

The grading, gravel surfacing and fencing (on the south and west sides) of the Clough lot is necessary before any other improvements can be made in this area.

The erection of a wagon shed is predicated upon the dire need for heavy equipment display and storage space. It is obvious that a choice will have to be made between this and the erection of the miner's cabin — a prime example of broad-axe and very skillful dovetail work that is now in storage on the property. The choice will be made when other higher priority improvements are completed and the amount of available money is determined.

We anticipate that the bulk of the improvements planned will be accomplished by force account during 1972 under the supervision of the County Parks Department, as agent of the County Board of Supervisors.

Please advise me if any additional information is needed.

Very truly yours,

Director
County Parks Department

COUNTY PARK

PROJECT NO. _____

SPECIFICATIONS

Creek Channel Improvement

1. The east bank of the creek shall be built up and realigned with heavy boulder riprap material. Work shall begin at the forks of Weaver Creek and Ten Cent Gulch and shall extend downstream to a point opposite the south wall of the museum building.
2. The base course of boulders weighing not less than five hundred pounds each shall be placed in a trench not less than one foot below the stream bed.
3. No vegetation shall be removed from the existing stream bank except as approved by the supervising personnel. Vegetation is to be buried in the fill material necessary to bring the bank up to a 1 : 1 slope. The vegetation (blackberry and locust) is expected to maintain its growth through the riprap material, forming a permanent binder and cover.
4. Subsequent to the placing of the base course of heavy boulders and backfilling to a 1 : 1 slope, boulders of a slightly smaller size shall be placed on the sloped banks, interlocking wherever possible.
5. Riprap on sloped banks shall extend to a vertical height of not less than six feet, or higher if deemed necessary by the supervising personnel.

Sidewalks

1. The existing gravel walk shall be excavated and graded to a finished depth of 4" below the top of the existing concrete curb.
2. Trees in the existing walkway shall be formed around as directed by the inspector.
3. Reinforcing mesh, 6" x 6" 10 gauge, shall be laid full width and supported prior to placing concrete.
4. Concrete containing six sacks of cement per cubic yard shall be placed and finished with a broomed surface.
5. Expansion joints shall be placed as directed by the inspector.

Parking Lot

1. The existing graveled parking area shall be graded, watered and rolled to a uniformly level surface.
2. Two inches of asphaltic concrete shall be placed by machine and rolled to a finished depth of one and one-half inches.
3. The finished surface shall be sealed with an emulsified liquid asphalt sealcoat.

Fencing and Clough Lot Improvement

1. A split rail fence shall be constructed on the south and west sides of the property known as the Clough lot. Redwood rails and posts to be furnished by the County Parks Department.
2. Posts shall be placed ten feet apart. Rails shall be selected for their stacking ability and shall be stacked six rails high – forming a fence approximately three and one-half feet high.
3. Posts shall be prefabricated in pairs by placing a 4" x 4" x 24" redwood block between two posts six feet long and wiring them together with No. 9 galvanized wire.
4. The lot shall be graded and graveled with 3/4" maximum Class II aggregate base.

Miner's Cabin

1. If sufficient funds are available, the old miner's log cabin (stored at the Park) shall be erected according to the markings and sketches made during its disassembling. Original material shall be used as far as practical.
2. Replacement material shall be as nearly the same as the original pieces as can be obtained, and will be furnished by the County Parks Department.
3. The cabin shall be erected on a gravel base consisting of three inches of 3/4" x 1/4" crush rock for drainage.
4. Cabin base logs shall be placed on rough heart redwood 2" x 12" laid level on the base gravel. Porch sills shall be laid on rough heart redwood 2" x 6" as above. All base logs, sills and joists shall be treated with clear wood preservative – Penta 5, Kenite 9, or equal.
5. Foundation vents shall be placed as directed by the inspector.
6. The shake roof shall be laid shingle fashion. The first course to be doubled and subsequent courses laid 12" to the weather. Shakes to be furnished by the County Parks Department.

Wagon Shed

1. Shed construction will depend upon the amount of grant money remaining from previously listed improvements and County Parks Department.
2. Construction will be in accordance with local building codes for shed construction.
3. Framing shall be of rough lumber. Siding shall be rough 1" x 12" boards with 1" x 3" battens.
4. Roofing shall be shakes or, as a last resort, galvanized iron.
5. Side doors shall be arranged so that they may be opened for the display of old rolling stock.

SCOPE OF THE PROJECT

Under the present grant only those items that would substantially add to the beauty and utility of the existing facilities were considered. It is anticipated that all of the grant funds will be used and any additional funds required to complete any of the lower priority items will be borne by the County Parks Department.

COST ESTIMATES

1. BOULDER RIPRAP. Approximately 1000 sq. ft.	\$1,300.00
2. SIDEWALK. Approximately 1100 sq. ft.	990.00
3. RAIL FENCE AND AREA IMPROVEMENT. Labor, grading, gravel.	410.00
4. PARKING LOT PAVING. Approximately 2700 sq. ft. A.C.	1,100.00
5. ENGINEERING, SUPERVISION and MISC. LABOR.	500.00
6. WAGON SHED or MINER'S CABIN.	700.00
Total Grant Funds	\$5,000.00

APPENDIX G

**Relocation Assistance Information
State Relocation Assistance Law
State Relocation Guidelines
Statement of Just Compensation**

**RELOCATION ASSISTANCE INFORMATION
for
LANDOWNERS, TENANTS, FARMERS AND BUSINESSES**

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RELOCATION ASSISTANCE INFORMATION FOR LANDOWNERS AND TENANTS

GENERAL

**Relocation Assistance:
What Is It?**

In order to help people who qualify for assistance when they must move because their property is required for a public project, the Congress of the United States passed the Uniform Relocation Assistance and Real Property Acquisition Act (Public Law 91-646) and the California State Legislature also passed appropriate legislation. The legislation provides for both payments and relocation services. The payments will help pay your moving costs and the increased buying or renting cost of replacement housing. In addition to these payments, relocation services are provided to help you find a replacement house or apartment. You will also be assisted in solving many problems which will occur during your relocation period.

Time Limitations for Filing Claims:

Within 18 months from the date displaced person moves from the property or final payment is made, whichever is later.

When Must You Move:

At least 90 days after receiving written notice to move.

How to Obtain Help:

Contact your local acquiring agency.

PAYMENTS

Moving Expense Payments

Who Is Eligible?

If you were living in the property at the time of the first contact with the owner of the property where price was discussed, then you are eligible to receive payment for moving expenses. You will be contacted and advised of your eligibility within a reasonable period of time after the contact with the owner is made. Please look at the section under "Moving Expenses" for payments and necessary qualifying procedures.

Replacement Housing Payments

Who Is Eligible?

If you owned and occupied or rented the property at least 90 days before the first contact with the owner of the property where price was discussed, then you may be eligible for payment to assist you in securing replacement housing. You will be

contacted and advised of your eligibility. Please refer to the section under "Replacement Housing Payments" for information.

MOVING EXPENSES
INDIVIDUALS OR FAMILIES

What Are Moving Expense Payments?

A moving expense payment is the payment for the cost of moving personal property and may include the cost of dismantling, disconnecting, crating, loading, insuring, temporary storage, transporting, unloading, and reinstalling the personal property.

Who Is Eligible?

Individuals or families (1) occupying property at the time the first personal contact with the owner of the property is made, where price is discussed, who (2) move from the real property or move their personal property from the real property (3) as a result of the real property being acquired and/or the receipt of a written order from the acquiring agency to vacate are eligible for cost of moving payment.

Method of Payment

Room Count Method of Payment:

The "Room Count" Method of payment provides for a flat payment based on the number of rooms of furniture and personal belongings in the house which must be moved. If the Room Count Method is chosen, the following schedule applies where the household furniture or equipment is owned by the displaced person or family:

1 Room	\$ 50	5 Rooms	\$200
2 Rooms	\$ 80	6 Rooms	\$240
3 Rooms	\$120	7 Rooms	\$280
4 Rooms	\$160	8 Rooms	
		or more	\$300

Where the personal household furniture or equipment is owned by the landlord or where the displaced person or family furnishes none or only a minimum amount of his own household equipment, payment will be as follows:

1 Room\$15; plus \$10 for each additional room up to a maximum of \$300.

Room Count Method of Payment:
(cont'd)

In addition to these payments, a displaced individual or family who elects to receive payments based on these schedules shall receive a dislocation allowance of \$200.

Actual Cost Moves:

If a displaced individual or family does not use the Room Count Method of payment, then they will be paid their actual reasonable moving expenses based on paid, receipted and itemized bills from the moving company performing the move. In this case the \$200 dislocation allowance will not be paid; however, cost of transportation of displaced individuals at a rate not to exceed \$0.10 per mile will be paid generally up to 50 miles.

REPLACEMENT HOUSING PAYMENTS

Who Is Eligible?

If you lived in the property 90 consecutive days prior to the time of the first contact with the owner of the property to be acquired where price was discussed, then you are eligible for a replacement housing payment, if you purchase or occupy a decent, safe and sanitary dwelling within one year after you receive final payment for the property being acquired by the agency or one year from the date on which you move, whichever is later.

The Act provides that the acquiring agency shall verify the fact that adequate replacement housing is available; and a list of such replacement dwellings will be made available to you prior to authorizing clearance of the land. This means that you will not be forced to move unless we are able to offer you decent, safe and sanitary housing which is available for your immediate occupancy.

The following sections define the specific categories of eligibility as to time before the first personal contact with the agency where price was discussed and as to the type of tenancy of the occupant.

OWNER-OCCUPANT FOR 180 DAYS OR MORE WHO PURCHASE

Payments:

A displaced owner-occupant of a dwelling may receive additional payments up to but not exceeding \$15,000. These

Payments:
(cont'd)

payments are for: (1) the additional cost to purchase replacement housing; (2) to compensate the owner for the loss of favorable financing on his existing mortgage; and (3) to reimburse the owner for incidental expenses.

An owner-occupant is eligible for such payments if he was (1) in occupancy at the time of the first contact where price was discussed and such occupancy has been for at least (2) 180 consecutive days immediately prior to the initiation of negotiations for the parcel and (3) the property was acquired from him by the agency or he received a written order from the acquiring agency to vacate and he (4) purchases and occupies a decent, safe and sanitary dwelling not later than the end of a one-year period beginning on the date on which he receives final payment for the property or on the date on which he moves from the acquired dwelling, whichever is the later date.

Replacement Housing Differential:

The Replacement Housing Differential Payment is the amount which when added to the amount for which the agency purchased the property equals the (1) actual cost which the owner is required to pay for a decent, safe and sanitary dwelling or (2) the amount determined by the agency as necessary to purchase a comparable replacement dwelling, whichever is less. Your Land Agent will inform you of the amount determined by the agency as necessary to purchase a comparable replacement dwelling at his initial contact with you. This amount may change, however, and you should keep in close contact with your Land Agent.

Interest Differential Payment:

Increased interest cost payments are provided to pay a displaced person for the increased interest cost he is required to pay for financing a replacement dwelling. In order to be eligible for this payment, the existing mortgage or deed of trust must be a valid lien on the acquired dwelling for not less than 180 days prior to the date of the first written offer and the mortgage on the replacement dwelling must bear a higher effective rate of interest than the stated rate on the deed of trust or mortgage encumbering the replacement

Interest Differential Payment:
(cont'd)

dwelling. Your Land Agent will secure estimates for you of this interest differential payment.

Incidental Expenses:

The incidental expenses payment is the amount necessary to reimburse the homeowner for the actual costs incurred by him incident to purchasing the replacement dwelling.

Payment Limitation:

Under no circumstances may the combination of the housing differential, the interest differential, and the incidental payments exceed \$15,000.

**OWNER-OCCUPANT FOR
180 DAYS OR MORE WHO RENTS**

Payment Amounts:

An owner-occupant eligible for a replacement housing payment, as described above, who elects to rent a replacement dwelling, is eligible for a rental replacement housing payment not to exceed \$4,000. This payment shall be determined by subtracting from the amount necessary to rent a comparable replacement dwelling for the next four years, 48 times the economic rent as established by the agency. This amount, however, may not exceed the amount of the payment for the additional cost to purchase replacement housing as previously explained.

Disbursement of Payment:

Rental replacement housing payments in excess of \$500 will be made in four equal annual installments. Prior to making each payment the tenant must certify to the agency that he is occupying decent, safe and sanitary housing.

**OWNER-OCCUPANT FOR LESS THAN
180 DAYS BUT NOT LESS
THAN 90 DAYS WHO PURCHASE**

Payments:

A displaced owner-occupant who has owned and occupied the dwelling for less than 180 consecutive days but not less than 90 consecutive days and is in occupancy at the first time price is discussed, may receive a payment not to exceed \$4,000 to enable him to make a down payment on the purchase of a replacement dwelling and to reimburse him for actual expenses incident to such purchase, or to rent a replacement property.

Eligibility Requirements:

The owner-occupant must be in (1) occupancy at the initiation of negotiations and such (2) occupancy must be for less than 180 days but not less than 90 days immediately prior to the initiation of negotiations for the parcel, (3) the property must be acquired by the agency, or he received a written order from the acquiring agency to vacate and he (4) purchases and occupies a decent, safe and sanitary dwelling not later than the end of a one-year period beginning on the date on which he receives final payment for the property or on the date on which he moves from the acquired dwelling, whichever is the later date.

Amount of Down Payment:

The amount of the down payment shall be determined by the agency as the amount required as a down payment on a comparable property if such property was financed with a conventional loan. Consult your Land Agent as to the determination of this amount.

Expenses:

The down payment may also include the expenses incident to the purchase of replacement housing.

Method of Payment:

The full amount of the down payment (as determined by the agency as the amount required for the down payment on a comparable dwelling and the incidental expenses) up to \$2,000 will be paid by the agency. If the amount of the down payment determined exceeds \$2,000, then the agency will pay 50% of the amount in excess of \$2,000 providing the relocatee contributes 50% of the amount in excess of \$2,000. In no event may the combined payments exceed \$4,000. The full amount of the down payment must be applied to the purchase price as the down payment and incidental costs.

OWNER-OCCUPANT FOR LESS THAN
180 DAYS BUT NOT LESS
THAN 90 DAYS WHO RENTS

Who Is Eligible?

A (1) displaced owner-occupant who is (2) in occupancy at the initiation of negotiations for the acquisition of real property and who has been (3) in occupancy for at least 90 consecutive days but less than 180 days immediately prior to the date of initiation of negotiations and

Who Is Eligible?
(cont'd)

(4) whose property is acquired or who moves as a result of a written order from the acquiring agency to vacate and (5) rents and occupies a decent, safe and sanitary dwelling (6) within one year after the property is acquired or he receives written notice to vacate, whichever is later, is eligible for a rental replacement housing payment not to exceed \$4,000.

Payment:

This payment shall be determined by subtracting from the amount necessary to rent a comparable replacement dwelling for the next four years, 48 times the economic rent as established by the agency. In no event may the total payment exceed \$4,000.

Disbursement of Payment:

Rental replacement housing payments in excess of \$500 will be made in four equal annual installments. Prior to making each payment the tenant must certify to the agency that he is occupying decent, safe and sanitary housing.

TENANT-OCCUPANT FOR NOT LESS THAN
90 DAYS
WHO RENTS A REPLACEMENT DWELLING

Who Is Eligible?

A (1) displaced tenant is eligible for a rental replacement housing payment not to exceed \$4,000 if he is (2) in occupancy at the beginning of negotiations and such (3) occupancy has been for at least 90 consecutive days immediately prior to the initiation of negotiations, the (4) property was acquired by the agency or he receives written notice to vacate and he (5) rents and occupies a decent, safe and sanitary replacement dwelling (6) within one year after the property is acquired or he moves as a result of written notice to move from the acquiring agency, whichever is later.

Amount of Payment:

The payment, not to exceed \$4,000 shall be determined by subtracting from the amount necessary to rent a comparable replacement dwelling for the next four years, 48 times the average monthly rental paid by the relocatee during the last three months.

Low-Income Individuals:

Under special circumstances where the average monthly rental being paid by the relocatee is more than 25% of the total monthly gross income of such relocatee, the payment may be figured differently. Should your rent be more than 25% of your income please advise your Land Agent and he will make the necessary calculations and inform you of the proper payment.

Disbursement of Payment:

All rental replacement housing payments in excess of \$500 will be made in four equal annual installments. Prior to making each payment the tenant must certify to the agency that he is occupying decent, safe and sanitary housing.

TENANT-OCCUPANT FOR NOT LESS THAN
90 DAYS
WHO PURCHASES A REPLACEMENT DWELLING

Who Is Eligible?

A (1) displaced tenant is eligible for a rental replacement housing payment not to exceed \$4,000 if he is (2) in occupancy at the beginning of negotiations and such (3) occupancy has been for at least 90 consecutive days immediately prior to the initiation of negotiations, the (4) property was acquired by the agency or he receives written notice to vacate from the acquiring agency and he (5) purchases and occupies a decent, safe and sanitary replacement dwelling (6) within one year after the property is acquired or he is required to move by a written order from the acquiring agency, whichever is later.

Amount of the Down Payment:

The amount of the down payment shall be determined by the agency as the amount required as a down payment on a comparable property if such property was financed with a conventional loan. Consult your Land Agent as to the determination of this amount.

Expenses:

The down payment may also include the expenses incident to the purchase of replacement housing.

Method of Payment:

The full amount of the down payment as determined by the agency as the amount

Method of Payment:
(cont'd)

required for the down payment on a comparable dwelling and the incidental expenses up to \$2,000 will be paid for by the agency. If the amount of the down payment determined exceeds \$2,000, then the agency will pay 50% of the amount in excess of \$2,000 providing the relocatee contributes 50% of the amount in excess of \$2,000. In no event may the combined payments exceed \$4,000. The full amount of the down payment must be applied to the purchase price of the replacement dwelling as such down payment and incidental costs.

MOBILE HOMES

Who Is Eligible?

Eligible owners of mobile homes or a mobile home site and eligible tenants of a mobile home or a mobile home site are qualified for replacement housing payments in the same condition and same circumstances as the owners or tenants of any other dwelling. Because of the varied number of types of occupancies, please contact your Land Agent for specific information.

MOVING EXPENSES FOR MOBILE HOMES

Eligibility:

An individual or family owning or occupying a mobile home at the initiation of negotiations on the property, who moves or moves his personal property and the property is acquired, or the move is a direct result of a written order to vacate from the acquiring agency, is eligible for moving payments.

Owners of Mobile Homes:

The owner of a mobile home may be reimbursed for the actual cost of moving the mobile home or other personal property.

Amount of Payment:

The owner-occupant of a mobile home who moves both the mobile home and his personal property shall be paid based on the square-foot area contained in the mobile home as follows:

300 sq. ft. or less	\$130
from 301 sq. ft. to 400 sq. ft.	\$180
from 401 sq. ft. to 500 sq. ft.	\$210
from 501 sq. ft. to 600 sq. ft.	\$240
from 601 sq. ft. to 700 sq. ft.	\$270
over 700 sq. ft.	\$300

**Amount of Payment
(cont'd)**

For double units the payment will be computed for each separate component, but the total may not exceed \$300.

Mobile Home Tenants:

Tenants who are displaced from a mobile home may elect to be reimbursed for moving their personal property on an actual reasonable moving cost basis or a room count basis. Please contact your Land Agent for specific information.

RELOCATION ASSISTANCE INFORMATION FOR FARMERS AND BUSINESSES

PAYMENTS

Who Is Eligible?

The owner of a displaced business or farm operation who (1) occupied the property at the time of the first contact with the owner of the property where price was discussed, who moves his personal property from the property, and the real property is (2) subsequently acquired by the agency, or the move is the result of a written notice to vacate from the acquiring agency, is eligible for the actual reasonable expenses in moving his business or other personal property.

Actual Cost Move Payment:

The owner of a business or farm operation may be paid the actual reasonable cost of moving his business or farm equipment or other personal property based upon receipted bills from a commercial mover. A business may, however, perform the move itself and be paid a reasonable amount to be agreed upon in writing in advance of any such move by the agency and the displaced business. The amount agreed upon shall not exceed the lower of at least two firm bids or estimates obtained by the owner from qualified firms or estimators. Either the self-move or the actual cost by commercial mover requires the prior written authorization by the agency.

What are Moving Expense Payments?

A moving expense payment is the payment for the cost of moving personal property and may include the cost of dismantling, disconnecting, crating, loading, insuring, temporary storage, transporting, unloading, and reinstalling the personal property.

Actual Direct Loss of Tangible Personal Property:

The owner of a business or farm is entitled to receive a payment for the actual direct losses of tangible personal property in moving or discontinuing his business. Payments for the actual direct losses may be made only after a bona fide effort has been made by the owner to sell the particular item. In no event will the payment exceed the estimated cost of moving.

Actual Expenses in Searching for a Replacement Business or Farm:

The owner of a displaced business or farm may be reimbursed for the actual reasonable expenses in searching for a replacement business or farm not to exceed \$500. Such expenses may include transportation, lodging away from home and the reasonable value of time actually spent in the search, including the fees of real estate agents and real estate brokers if actually required and paid by the displaced business. All expenses claimed must be supported by receipted bills or on a certified statement of the time spent in search and the hourly wage rate of the person conducting the search.

What to do if You Elect Actual Moving Costs:

When you are ready to move, you should do the following things:

1. Secure moving cost estimates from two licensed moving companies.
2. Mail or deliver the estimates to your Land Agent.
3. Your Land Agent will give you a letter authorizing the move based on the lowest reasonable estimate received.
4. Move, pay the mover, and get receipted bills.
5. Submit the receipted bills together with the Claim Form within 18 months of vacating the premises.

In-Lieu Payments:

IN-LIEU PAYMENT OPTION

In lieu of actual moving expenses, an owner of a discontinued or relocated business or farm operation is eligible to receive a payment equal to the average annual net earnings of the business or farm except that such payment may not be less than \$2,500 nor more than \$10,000.

Determination of Amount of Payment:

The amount of the payment is determined by an audit of the income tax statements of the business or farm for the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired. The payment is one-half the net earnings during the two-year period.

How are Average Annual
Net Earnings Determined?

The earnings will be established by
voluntary submission of substantiating
Federal or State Income Tax returns or
by allowing audit of business accounts
by a qualified public accountant.

Requirements for Entitlement to
In-Lieu Payment:

1. The business cannot be relocated without a substantial loss of existing patronage.
2. The business is not part of a commercial enterprise having at least one other establishment which is not being acquired and which is engaged in the same or similar business.
3. The business contributes materially to the income of the displaced owner.

How to Claim the Discontinued
Business or Farm Operation Option:

1. Before you move, fill out the form titled "Request for Determination of Entitlement". Your Land Agent will help you.
2. Mail or deliver the form and required documents to the address shown on the cover of this booklet.
3. You will be notified of the amount you are entitled to shortly after the application is received.

APPEALS

Who May Appeal?

All persons dislocated by a public project may appeal for a determination of their eligibility or the amount of their payment.

How to Appeal:

Ask your Land Agent for an Appeals Form. He will help you fill it out and see that it is directed in the proper manner.

Unresolved appeals at the acquiring agency level can also be referred to the State Department of Parks and Recreation at the following address:

Grants and Statewide Studies Division
Post Office Box 2390
1416 - 9th Street
Sacramento, California 95811

When May Appeals Be Made?

Appeals may be made up to 24 months after the local agency has purchased your property or you have moved, whichever is later.

DEFINITIONS

1. The term "person" means any individual, partnership, corporation, or association.
2. The term "displaced person" means any person who moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project; and as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.
3. The term "business" means any lawful activity, excepting a farm operation, conducted primarily--
 - (A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;
 - (B) for the sale of services to the public;
 - (C) by a nonprofit organization; or
 - (D) for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.
4. The term "farm operation" means any activity conducted solely or primarily for the production of one or more

agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

5. The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

CHAPTER 16. RELOCATION ASSISTANCE

Section

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Sec. 7260. Definitions

As used in this chapter:

(a) "Public entity" includes the state, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state when acquiring real property, or any interest therein, in any city or county for public use.

(b) "Person" means any individual, partnership, corporation, or association.

(c) "Displaced person" means any person who moves from real property, or who moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of a written order from a public entity to vacate the real property, for public use.

(d) "Business" means any lawful activity, except a farm operation, conducted primarily:

(1) For the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Solely for the purpose of Section 7262 for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display, whether or not such display is located on the premises on which any of the above activities are conducted.

(e) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(f) "Affected property" means any real property which actually declines in fair market value because of acquisition by a public entity for public use of other real property and a change in the use of the real property acquired by the public entity.

(g) "Public use" means a use for which real property may be acquired by eminent domain.

(h) "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

Sec. 7261. Relocation advisory assistance by public entity; local offices

(a) A public entity shall provide relocation advisory assistance to any person, business, or farm operation displaced because of the acquisition of real property by that public entity for public use.

(b) In giving such assistance, the public entity may establish local relocation advisory assistance offices to assist in obtaining replacement facilities for persons, business, and farm operations which find that it is necessary to relocate because of the acquisition of real property by the public entity.

(c) Such advisory assistance shall include:

(1) Determining the need, if any, of displaced persons for relocation assistance.

- (2) Providing current and continuing information on the availability, prices, and rentals of comparable decent, safe, and sanitary housing for displaced persons, and of comparable commercial properties and locations for displaced businesses.
- (3) Assuring that, within a reasonable period of time, prior to displacement, to the extent that it can be reasonably accomplished, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment, except that, in the case of a federally funded project, a waiver may be obtained from the federal government.
- (4) Assisting a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location.
- (5) Supplying information concerning federal and state housing programs, disaster loan programs, and other federal or state programs offering assistance to displaced persons.
- (6) Providing other advisory services to displaced persons in order to minimize hardships to such persons.

(d) The public entity shall coordinate its relocation assistance program with the project work necessitating the displacement and with other planned or proposed activities of other public entities in the community or nearby areas which may affect the implementation of its relocation assistance program.

Sec. 7261.5 Contracts with private entity for services; use of other governmental entities

In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under this chapter, a public entity may enter into a contract with any individual, firm, association, or corporation for services in connection with such program, or may carry out its functions under this chapter through any federal, state, or local governmental agency having an established organization for conducting relocation assistance programs. Any public entity may, in carrying out its relocation assistance activities, utilize the services of state or local housing agencies or other agencies having experience in the administration or conduct of similar housing assistance activities.

Sec. 7261.6 Relocation Assistance Coordination (Section 7261.6 is added to the Government Code effective January 1, 1974)

7261.6 Notwithstanding any other provision of this chapter, any city, county, or city and county may establish a central relocation agency to coordinate all relocation activities within the jurisdiction of the local agency. A county relocation agency shall have jurisdiction only over those relocation activities which take place within the unincorporated areas of the county. Every public entity within the local agency's jurisdiction (required to do so) shall file the relocation rules and regulations, which it is required to adopt pursuant to Section 7267.8 with the central relocation agency and shall file annually its relocation plans by June 1st of each year for the subsequent fiscal year. The central relocation agency shall approve or disapprove the public entity's relocation plan by July 1 or the plan will automatically become effective.

If the agency disapproves the plan or finds that the plan conflicts in the use of relocation resources with those plans filed by other public entities or that adequate resources are not available in places and at times necessary to meet the relocation needs as set forth in one or more of the plans it shall call a meeting of the public entities concerned as soon as possible. At such meeting, the agency shall try to resolve such conflicts as exist or insure that adequate relocation resources are developed to meet such needs.

The agency may direct modifications of a plan in the case of unresolved conflicts and may extend its approval deadline by 30 days to determine whether such modifications affect such relocation plans. Additional extensions may be granted for periods of 30 days with the consent of all affected parties. Where modification to a relocation plan is directed by the agency, the public entity may appeal to the relocation appeals board established pursuant to Section 33417.5 of the Health and Safety Code. If no such relocation appeals board has been established, the public entity may appeal to the legislative body creating the central relocation agency.

Approval of a relocation plan will constitute a finding by the agency that it has reasonable assurance that adequate relocation resources exist within the requirements of law which will be available at the times required by the plan.

The central relocation agency shall coordinate the execution of each public entity's relocation plans and shall share with each public entity making a request the relocation information of all other public entities. The central relocation agency may contract with adjoining cities or counties to perform relocation and central relocation services.

Public entities with displacement of less than 5 percent of the local agency's total local annual displacement based on all relocation plans filed and state agencies shall be exempt from the requirement of approval of their relocation plan prior to its execution.

A public entity may amend its relocation plan during any fiscal year by filing an amended plan with the central relocation agency and obtaining its approval. All amended plans must have approval before execution may occur and the central relocation agency shall approve or disapprove amended plans within 30 days or approval will be automatic.

Execution of any relocation plan must be in accordance with the approved relocation plan or the public entity may not displace any persons. Failure to file a relocation plan and obtain approval when required, prior to displacement, may subject the public entity to an order from the central relocation agency to desist from any displacement.

Sec. 7262. Compensation for displaced person; amount

- (a) As a part of the cost of acquisition of real property for a public use, a public entity shall compensate a displaced person for his:
- (1) Actual and reasonable expense in moving himself, family, business, or farm operation, including moving personal property.
 - (2) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the public entity.

(3) Actual and reasonable expenses in searching for a replacement business or farm.

(b) Any displaced person who moves from a dwelling who elects to accept payments authorized by this subdivision in lieu of the payments authorized by subdivision (a) shall receive a moving expense allowance, determined according to a schedule established by the public entity, not to exceed three hundred dollars (\$300), and in addition a dislocation allowance of two hundred dollars (\$200).

(c) Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this subdivision in lieu of the payment authorized by subdivision (a), shall receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than two thousand five hundred dollars (\$2,500) nor more than ten thousand dollars (\$10,000). In the case of a business, no payment shall be made under this subdivision, unless the public entity is satisfied that the business cannot be relocated without a substantial loss of patronage and is not a part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business. For purposes of this subdivision, the term "average annual net earnings" means one-half of any net earnings of the business, or farm operation, before federal, state, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property being acquired, or during such other period as the public entity determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two-year or such other period. To be eligible for the payment authorized by this subdivision, the business or farm operation shall make available its state income tax records, and its financial statements and accounting records, and for audit for confidential use to determine the payment authorized by this subdivision. In the case of an outdoor advertising display, the payment shall be limited to the amount necessary to physically move or replace such display.

(d) Whenever the acquisition of real property used for a business or farm operation causes the person conducting the business or farm operation to move from other real property, or to move his personal property from other real property, such person shall receive payments for moving and related expenses under subdivision (a) or (b) and relocation advisory assistance under Section 7261 for moving from such other property.

Sec. 7263. Additional payment to displaced dwelling owner; amount

(a) In addition to the payments required by Section 7262, the public entity, as part of the cost of acquisition, shall make a payment to the owner of real property acquired for public use which is improved with a dwelling actually owned and occupied by the owner for not less than 180 days prior to the initiation of negotiation for the acquisition of such property.

(b) Such payment, not to exceed fifteen thousand dollars (\$15,000), shall be based on the following factors:

(1) The amount, if any, which, when added to the acquisition payment, equals the reasonable cost of a comparable replacement dwelling determined, in accordance with standards established by the public entity, to be a decent, safe and sanitary dwelling

adequate to accommodate the displaced owner, reasonably accessible to public services and the displaced person's place of employment, and available on the market.

(2) The amount, if any, which will compensate the displaced owner for any increased interest costs which he is required to pay for financing the acquisition of a comparable replacement dwelling. The amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of such dwelling. The amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(3) Reasonable expenses incurred by the displaced owner for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(c) Such payment shall be made only to a displaced owner who purchases and occupies a replacement dwelling that meets standards established by the public entity within one year subsequent to the date on which he moves from the dwelling acquired by the public entity or the date on which he receives from the public entity final payment of all costs of the dwelling acquired by the public entity, whichever is the later date.

Sec. 7263.5 Lease of condominium deemed purchase

For the purposes of Section 7263, the leasing of a condominium for a 99-year period, or for a term which exceeds the life expectancy of the displaced person as determined from the most recent life tables in Vital Statistics of the United States, as published by the Public Health Service of the Department of Health, Education, and Welfare, shall be deemed a purchase of the condominium.

Sec. 7264. Additional payment to displaced individual or family renters; amount

(a) In addition to the payments required by Section 7262, as a part of the cost of acquisition, the public entity shall make a payment to any displaced person displaced from any dwelling not eligible to receive a payment under Section 7263 which was actually and lawfully occupied by such person for not less than 90 days prior to the initiation of negotiation by the public entity for the acquisition of such property.

(b) Such payment, not to exceed four thousand dollars (\$4,000), shall be the additional amount which is necessary to enable such person to lease or rent for a period not to exceed four years, or to make the down-payments on the purchase of, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities.

(c) If the payment is to be used as a downpayment for the acquisition of a decent, safe, and sanitary dwelling of such standards, the payment shall not exceed two thousand dollars (\$2,000), unless the amount in excess thereof is equally matched by such person.

Sec. 7264.5 Comparable replacement housing; use of funds; tax assessment information

(a) If comparable replacement housing is not available and the public entity determines that such housing cannot otherwise be made available, the public entity shall use funds authorized for the project for which the real property, or interest thereof, is being acquired to provide such housing.

(b) No person shall be required to move from his dwelling because of its acquisition by a public entity, unless there is replacement housing, as described in paragraph (3) of subdivision (c) of Section 7261, available to him.

(c) For purposes of determining the applicability of subdivision (a), the public entity is hereby designated as a duly authorized administrative body of the state for the purposes of subdivision (c) of Section 408 of the Revenue and Taxation Code.

Sec. 7265. Additional payment to contiguous property owner; amount

(a) In addition to the payments required by Section 7262, as a cost of acquisition, the public entity shall make a payment to any affected property owner meeting the requirements of this section.

(b) Such affected property is immediately contiguous to property acquired for airport purposes and the owner shall have owned the property affected by acquisition by the public entity not less than 180 days prior to the initiation of negotiation for acquisition of the acquired property.

(c) Such payment, not to exceed fifteen thousand dollars (\$15,000), shall be the amount, if any, which equals the actual decline in the fair market value of the property of the affected property owner caused by the acquisition by the public entity for airport purposes of other real property and a change in the use of such property.

(d) The amount, if any, of actual decline in fair market value of affected property shall be determined according to rules and regulations adopted by the public entity pursuant to this chapter. Such rules and regulations shall limit payment under this section only to such circumstances in which the decline in fair market value of affected property is reasonably related to objective physical change in the use of acquired property.

Sec. 7265.3 Payments and advice to person who moves as result of rehabilitation or demolition program

A public entity may make payments in the amounts prescribed in this chapter, and may provide advisory assistance under this chapter, to a person who moves from a dwelling,

or who moves or discontinues his business, as a result of a rehabilitation or demolition program, or enforcement of building codes, by the public entity.

Sec. 7265.4 Expenses of owner; reimbursement

In addition to the payments required by Section 7262, as a cost of acquisition, the public entity, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the public entity deems fair and reasonable, for expenses the owner necessarily incurred for recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the public entity.

Sec. 7266. Review by public entity; finality

Any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of a payment, may have his application reviewed by the public entity, and the decision of the public entity shall be final.

Sec. 7267. Guidelines for public entities

In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the public programs, and to promote public confidence in public land acquisition practices, public entities shall, to the greatest extent practicable, be guided by the provisions of Sections 7267.1 to 7267.7 inclusive.

Sec. 7267.1 Acquisition by negotiation; appraisal

(a) The public entity shall make every reasonable effort to acquire expeditiously real property by negotiation.

(b) Real property shall be appraised before the initiation of negotiations, and the owner, or his designated representative, shall be given an opportunity to accompany the appraiser during his inspection of the property.

Sec. 7267.2 Just compensation; offer of fair market value; written statement

Before the initiation of negotiations for real property, the public entity shall establish an amount which it believes to be just compensation therefor, and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the public entity's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property to be acquired prior to the date of valuation caused by the public improvement

for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, will be disregarded in determining the compensation for the property. The public entity shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

Sec. 7267.3 Scheduling construction or development; written notice; time

The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling, assuming a replacement dwelling will be available, or to move his business or farm operation, without at least 90 days' written notice from the public entity of the date by which such move is required.

Sec. 7267.4 Fair rental value; short-term occupier

If the public entity permits an owner or tenant to occupy the real property acquired on a rental basis for a short term, or for a period subject to termination by the public entity on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

Sec. 7267.5 Coercion to compel agreement on price

In no event shall the public entity either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

Sec. 7267.6 Condemnation proceedings; institution by public entity instead of by owner

If any interest in real property is to be acquired by exercise of the power of eminent domain, the public entity shall institute formal condemnation proceedings. No public entity shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

Sec. 7267.7 Acquisition of entire property; avoidance of uneconomic remnant

If the acquisition of only a portion of a property would leave the remaining portion in such a shape or condition as to constitute an uneconomic remnant, the public entity shall offer to and may acquire the entire property if the owner so desires.

Sec. 7267.8 Rules and regulations of public entities; priority of federal law

(a) All public entities shall adopt rules and regulations to implement payments and to administer relocation assistance under the provisions of this chapter. Such rules and regulations shall be in conformity with the guidelines adopted by the Commission of Housing and Community Development pursuant to Section 7268. Such rules and regulations shall, to the fullest extent possible, also be consistent as to federal and nonfederal projects.

(b) Notwithstanding the provisions of subdivision (a), with respect to a federally funded project, a public entity shall make relocation assistance payments and provide relocation advisory assistance as required under federal law.

Sec. 7268. Guidelines by commission of housing and community development for payments and relocation assistance; assistance to public entities

(a) The Commission of Housing and Community Development shall adopt guidelines for the implementation of payments under this chapter and for the uniform administration of relocation assistance by public entities carrying out the provisions of this chapter.

(b) The Commission of Housing and Community Development shall, to the fullest extent possible, conform such guidelines to the Presidential Guidelines promulgated by the executive office of the President of the United States, Office of Management and Budget, the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), and the rules and regulations promulgated pursuant thereto.

(c) Such guidelines shall provide that the payments and assistance required of a public entity under this chapter shall be administered in a manner that is fair and reasonable and as uniform as practicable. The guidelines shall also provide that the payments shall be made as promptly as possible or, in hardship cases, in advance. In addition, such guidelines shall provide a reasonable mileage limitation in determining the actual and reasonable expense in moving a business for purposes of Section 7262.

(d) In adopting such guidelines the Commission of Housing and Community Development shall consult with the public entities carrying out the provisions of this chapter.

(e) The Department of Housing and Community Development shall provide consulting and technical assistance to public entities in drafting and amending rules and regulations to implement payments and to administer relocation assistance under this chapter.

Sec. 7269. Status of payments; income tax and public assistance

No payment received by any person under this chapter shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax Law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code, nor shall such payments be considered as income or resources to any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the

recipient would otherwise be entitled under Part 3 (commencing with Section 11000) of Division 9 of the Welfare and Institutions Code.

Sec. 7270. Existence of damages on date of enactment of chapter

Nothing contained in this chapter shall be construed as creating in any condemnation proceedings brought under the power of eminent domain any element of damages not in existence on the date of enactment of this chapter.

Sec. 7271. Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Sec. 7272.3 Legislative intent; minimum requirements; federal funds

It is the intent of the Legislature, by this chapter, to establish minimum requirements for relocation assistance payments by public entities. This chapter shall not be construed to limit any other authority which a public entity may have to make other relocation assistance payments, or to make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by this chapter.

Any public entity may, also, make any other relocation assistance payment, or may make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by this chapter, if the making of such payment, or the payment in such amount, is required under federal law to secure federal funds.

Sec. 7272.5 Existent elements of damage

Nothing contained in this article shall be construed as creating in any condemnation proceeding brought under the power of eminent domain, any element of damages not in existence on the date the public entity commences to make payments under the provisions of this article as amended by the act which enacted this section at the 1971 Regular Session of the Legislature.

Sec. 7273. Relocation assistance for displaced persons

Funds received pursuant to Sections 2106 and 2107 of the Streets and Highways Code may be expended by any city to provide relocation advisory assistance, and to make relocation assistance payments, to displaced persons displaced because of the construction of city highways or streets.

Sec. 7274. Construction of sections 7267 to 7267.7

Sections 7267 to 7267.7 inclusive, create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

REFERENCES

REVENUE AND TAXATION CODE

Section 408. Non-statutory information; privacy; inspection by assessee; market data

(a) Except as otherwise provided in subdivisions (b) and (c) any information and records in the assessor's office which are not required by law to be kept or prepared by the assessor are not public documents and shall not be open to public inspection.

(b) The assessor may provide any appraisal data in his possession to the assessor of any county and shall provide any market data in his possession to an assessee of property or his designated representative upon request. The assessor shall permit an assessee of property or his designated representative to inspect at the assessor's office any information and records, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of his property. An assessee or his designated representative, however, shall not be provided or permitted to inspect information and records, other than market data, which also relate to the property or business affairs of another person, unless such disclosure is ordered by a competent court in a proceeding initiated by a taxpayer seeking to challenge the legality of his assessment.

(c) The assessor shall disclose information, furnish abstracts or permit access to all records in his office to law enforcement agencies, the county grand jury, the board of supervisors or their duly authorized agents, employees or representatives when conducting an investigation of the assessor's office pursuant to Section 25303 of the Government Code, the State Board of Equalization and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine such records.

(d) For purposes of this section, "market data" means any information in the assessor's possession, whether or not required to be prepared or kept by him, relating to the sale of any property comparable to the property of the assessee, if the assessor bases his assessment of the assessee's property, in whole or in part, on such comparable sale or sales. The assessor shall provide the names of the seller and buyer of each property on which the comparison is based, the location of such property, the date of the sale, and the consideration paid for the property, whether paid in money or otherwise, but for purposes of providing such market data, the assessor shall not display any document relating to the business affairs or property of another.

STATE OF CALIFORNIA
GUIDELINES FOR ISSUANCE OF REGULATIONS & PROCEDURES
IMPLEMENTING THE RELOCATION ASSISTANCE LAW
GOVERNMENT CODE, CHAPTER 16, SECTIONS 7260 et.seq.

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1 - GENERAL

1.1 Purpose and coverage.

a. These guidelines are to assist public entities in the development of regulations and procedures implementing Chapter 16, Sections 7260 et. seq. of the Government Code, Relocation Assistance, hereinafter referred to as the Act, to assure a uniform policy for the fair and equitable treatment of persons displaced by programs of public entities. All references in these Guidelines to sections or subsections are references to sections or subsections of the Act.

b. In the event of any conflict between these guidelines and the provisions of the Act, or any other applicable law, the statutory provisions are controlling.

c. It is the intent of the guidelines to establish minimum requirements for relocation assistance payments by public entities. These guidelines shall not be construed to limit any other authority which a public entity may have to make other relocation assistance payments, or to make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by this chapter.

d. Any public entity may, also, make any other relocation assistance payment, or may make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by these guidelines, if the making of such payment, or the payment in such amount, is required under federal law to secure federal funds.

1.2 General considerations.

a. In developing regulations and procedures under the Act and these Guidelines, agencies should consider:

(1) House Report No. 91-1656 of December 2, 1970, A Report to accompany S.1, Committee on Public Works, House of Representatives, 91st Congress, 2nd Session.

(2) Provisions of other applicable law, including Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968.

(3) Applicable state laws and good faith and reasonableness.

b. Agencies should instruct officials responsible for programs under this Act that:

(1) A written notice of displacement must be given by the agency to each individual, family, business, or farm operation to be displaced. Such notice shall be served personally or by certified (or registered) first-class mail.

(2) In order to qualify for benefits under the Act as a displaced person, either of two conditions must be fulfilled:

(a) The person must have moved (or moved his personal property) as a result of the receipt of a written notice to vacate which notice may have been given before or after initiation of negotiations for acquisition of the property. (When negotiations are initiated prior to issuance of a written notice, all persons contacted by the negotiating agency should be advised that the benefits of the Act are available only when the person moves subsequent to receipt of a written notice); or

(b) The subject real property must in fact have been acquired, in whole or in part, and the person must have moved as a result of its acquisition.

(3) In addition, certain of the benefits provided by the Act are available as follows:

(a) Whenever the acquisition of, or notice to move from, real property used for a business or farm operation causes any person to move from other real property used for his dwelling, or to move his personal property from such other real property, such person shall receive the benefits provided by Sections 7262(a) and (b) and 7261.

(b) If the head of the displacing agency determines that any person occupying property immediately adjacent to the real property acquired, is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under Section 7261.

(4) For real property acquisitions under State law, contracts or options to purchase real property shall not incorporate provisions for making payments for relocation costs and related items in the Act. Appraisers shall not give consideration to or include in their real property appraisals any allowances for the benefits provided by the Act. In the event of condemnation with a declaration of taking, the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under the Act.

(5) Agency regulations should provide that applications for benefits under the Act are to be made within eighteen months from the date on which the displaced person moves from the real property acquired or to be acquired; or the date on which the displacing agency makes final payment of all costs of that real property, whichever is the later date. The head of an agency may extend this period upon a proper showing of good cause.

(6) The provisions of the Act apply to the acquisition of all real property for, and the relocation of all persons displaced by projects or programs undertaken by a public entity regardless of the source of funds.

1.3 Agencies' regulations and procedures. All public entities responsible for land acquisition programs or projects must revise promptly their regulations and procedures consistent with these Guidelines.

1.4 Review of activities for compliance with the Act. The head of each public entity shall provide for periodic review of all programs to insure compliance with the provisions of the Act.

1.5 Public information. The head of each public entity must make available to the public full information concerning the agency's relocation programs and he shall insure that persons to be displaced are fully informed, at the earliest possible time, of such matters as available relocation payments and assistance; the specific plans and procedures for assuring that suitable replacement housing will be available for homeowners and tenants, in advance of displacement; the eligibility requirements and procedures for obtaining such payments and assistance; and the right of administrative review by the head of the agency concerned.

2 - ASSURANCE OF ADEQUATE REPLACEMENT HOUSING
PRIOR TO DISPLACEMENT

2.1 Assurance of availability.

a. Availability. No public entity shall proceed with any phase of a project which will cause the displacement of any person until the public entity has determined that within a reasonable period of time prior to displacement, there will be available on a basis consistent with the requirements of Title VIII of the Civil Rights Act of 1968 (P.L. 90-284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe and sanitary dwellings, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

b. Support. The determination should be based on a current survey and analysis of available replacement housing by the displacing agency. Such survey and analysis must take into account the competing demands on available housing.

c. Waiver. Pursuant to Section 7261(c) (3) of the Act, the head of a public entity may prescribe by regulations, situations where the determination described in paragraph 2.1a may be waived. These should be limited only to emergency or other extraordinary situations where immediate possession of real property is of crucial importance. Each waiver of assurance of replacement housing shall be supported by appropriate findings and a determination of the necessity for the waiver.

d. Standards for decent, safe, and sanitary dwellings.

(a) A decent safe, and sanitary dwelling is one which meets all of the following minimum requirements. Adjustments may be made only in the cases of unusual circumstances or in unique geographic areas.

(1) Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations.

(2) Has a continuing and adequate supply of potable safe water.

(3) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected

to hot and cold water, and an adequate sewage system. A stove and refrigerator in good operation condition shall be provided when required by local code, ordinances or custom. When these facilities are not so required by local codes, ordinances, or custom, the kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of such facilities.

(4) Has an adequate heating system in good working order which will maintain a minimum temperature of 70 degrees in the living area, excluding bedrooms, under local outdoor design temperature conditions. A heating system will not be required in those geographical areas where such is not normally included in new housing.

(5) Has a bathroom, well-lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system.

(6) Has an adequate and safe wiring system for lighting and other electrical services.

(7) Is structurally sound, weathertight, in good repair and adequately maintained.

(8) Each building used for dwelling purposes shall have a safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multi-dwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In multi-dwelling buildings of three stories or more, the common corridor on each story must have at least two means of egress.

(9) Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet of habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking or dining purposes, and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, and unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

(b) A decent, safe and sanitary sleeping room is one which includes the minimum requirements contained in paragraph (a), subparagraphs (2), (4), (5), (6), (7), and (8) of this section and the following:

(1) At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.

(2) Lavatory, bath and toilet facilities that provide privacy, including a door that can be locked if such facilities are separate from the room.

(c) A decent, safe, and sanitary mobile home is one which includes the minimum requirements contained in paragraph (a), subparagraphs (2), (3), (4), (5), (6), (7), (8), and (9) of this section except that it may have 70 square feet of habitable floor space for each additional occupant, and the following:

(1) Bears the insignia of approval issued by the State of California, Department of Housing and Community Development, pursuant to the California Health and Safety Code, except those manufactured prior to September 1, 1958.

2.2 Housing provided as a last resort. When it is determined that adequate replacement housing is not available and cannot otherwise be made available, the head of the public entity may take action to develop replacement housing. Such action for replacement housing will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development in accordance with the provision concerning Section 206(a) of the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (P.L. 91-646).

3 - MOVING AND RELATED EXPENSES

3.1 Eligibility.

a. Any displaced person (including one who conducts a business or farm operation), is eligible to receive a payment for moving expenses. A person who lives on his business or farm property may be eligible for both moving and related expenses as a dwelling occupant in addition to being eligible for payments with respect to displacement from a business or farm operation.

b. Any person who moves from real property or moves his personal property from real property: 1) as a result of the acquisition of such real property in whole or part, or 2) as a result of a written notice of the acquiring agency to vacate real property, or 3) as a result of written notice of the acquiring agency to vacate, other real property on which such person conducts a farm or business, is eligible to receive a payment for moving expenses.

3.2 Actual reasonable expenses in moving.

a. Allowable moving expenses.

(1) Transportation of individuals, families, and personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles, except where the displacing agency determines that relocation beyond this 50-mile area is justified.

(2) Packing, and unpacking, crating and uncrating of personal property.

(3) Advertising for packing, crating, and transportation when the displacing agency determines that it is necessary.

(4) Storage of personal property for a period generally not to exceed six months when the displacing agency determines that storage is necessary in connection with relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, reestablishment, including such modification as deemed necessary by the public agency of, and reconnection of utilities for, machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and that the displacing agency is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent or employees), in the process of moving, where insurance to cover such loss or damage is not available.

b. Limitations.

(1) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially, unless the head of the responsible public agency determines a greater amount is justified.

(2) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement shall not exceed the replacement cost minus the proceeds received from the sale, or the estimated costs of moving, whichever is less.

(3) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, in the judgment of the head of the public agency responsible for the reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals and similar type items of personal property.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in place value of the display, consideration should be given to acquiring such display or displays as a part of the real property, unless such acquisition is prohibited by State law.

3.3 Nonallowable moving expenses and losses.

a. Additional expenses incurred because of living in a new location.

b. Cost of moving structures or other improvements in which the displaced person reserved ownership except as otherwise provided by law.

c. Improvements to the replacement site, except when required by law.

d. Interest on loans to cover moving expenses.

e. Loss of good-will.

- f. Loss of profits.
- g. Loss of trained employees.
- h. Personal injury.
- i. Cost of preparing the application for moving and related expenses.
- j. Payment for search cost in connection with locating a replacement dwelling.

3.4 Expenses in searching for replacement business or farm.

a. Allowable.

- (1) Actual travel costs.
- (2) Extra costs for meals and lodging.
- (3) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed \$10 per hour.
- (4) In the discretion of the displacing agency, necessary broker, real estate or other professional fees to locate a replacement business or farm operation under circumstances prescribed in public agency regulations.

b. Limitation. The total amount a displaced person may be paid for searching expenses may not exceed \$500 unless the head of the public agency determines that a greater amount is justified based on the circumstances involved.

3.5 Actual direct losses by business or farm operation. When the displaced person does not move personal property, he should be required to make a bona fide effort to sell it, and should be reimbursed for the reasonable costs incurred.

a. When the business or farm operation is discontinued, the displaced person is entitled to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, or the estimated costs of moving 50 miles whichever is less.

b. When the personal property is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement or the estimated cost of moving 50 miles whichever is less.

c. The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

4 - PAYMENTS IN LIEU OF MOVING
AND RELATED EXPENSES

4.1 Dwellings - schedules.

a. Section 7262(b) provides that at the option of the displaced person he may receive a moving expense allowance not to exceed \$300 based on schedules established by each agency head. Moving allowance schedules maintained by the State Highway Department should be used as the basis for the agency's schedules. In addition, a displaced person shall receive a dislocation allowance of \$200.

b. A displaced person, who elects to receive a payment based on a schedule, shall be paid under the schedule used in the jurisdiction in which the displacement occurs regardless of where he relocates.

4.2 Businesses - eligibility.

a. A person displaced from his business, as defined in Section 7260(d) is eligible under Section 7262(c) to receive a fixed payment in lieu of moving and related expenses. Care must be exercised, in each instance, however, to assure that such payments are made only in connection with a bona fide business. The public agency responsible for the program or project causing displacement shall, by regulation, prescribe appropriate criteria for a determination that a given activity does, in fact, constitute a bona fide business.

b. Those businesses described in Section 7260(4) are not eligible under Section 7262(c) for a payment in lieu of moving and related expenses.

c. Where a displaced person is displaced from his place of business, no payment shall be made under Section 7262(c) until after the head of the displacing agency determines (1) that the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and (2) that the business cannot be relocated without a substantial loss of existing patronage. The determination of loss of existing patronage shall be made by the displacing agency only after consideration of all pertinent circumstances, including but not limited to, the following factors:

(1) The type of business conducted by the displaced concern.

(2) The nature of the clientele of the displaced concern.

(3) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person.

4.3 Farms - partial taking. Where a displaced person is displaced from only a part of his farm operation, the fixed payment provided by Section 7262(c) shall be made only if the displacing agency determines that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the definition of a farm operation.

4.4 Nonprofit organizations. Where a nonprofit organization is displaced, no payment shall be made under Section 7262(c) until after the head of the public agency determines:

a. That the nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with nonprofit organizations includes the persons, community or clientele served or affected by the activities of the nonprofit organization.

b. That the nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

4.5 Net earnings. The term "average annual net earnings" as used in Section 7262(c) means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of the displacing agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such period. If a business or farm operation has no net earnings, or has suffered losses during the period used to compute "average annual net earnings" it may nevertheless receive the \$2,500 minimum payment authorized by such Section.

4.6 Amount of Business Fixed Payment. The fixed payment to a person displaced from a farm operation or from his place of business, including nonprofit organizations, shall be in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than \$2,500 nor more than \$10,000.

5.1 Eligibility.

a. A displaced owner-occupant is eligible for a replacement housing payment, authorized by Section 7263, not to exceed \$15,000, if he meets both of the following requirements:

(1) Actually owned and occupied the acquired dwelling from which displaced for not less than 180 days prior to the initiation of negotiations for the property. The term "initiation of negotiations" means the day on which the acquiring agency makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property.

(2) Purchases and occupies a replacement dwelling, which is decent, safe, and sanitary, not later than the end of the one-year period beginning on the date on which he receives from the displacing agency the final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

b. A displaced owner-occupant of a dwelling who is determined to be ineligible under this chapter may be eligible for a replacement housing payment under Chapter 6.

5.2 Comparable replacement dwelling. For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is decent, safe, and sanitary and:

a. Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

b. Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced.

c. Open to all persons regardless of race, color, religion, or national origin, consistent with the requirements of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968.

d. Located in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to:

(1) Neighborhood conditions, including but not limited to municipal services and other environmental factors.

(2) Public utilities, and

(3) Public and commercial facilities.

e. Reasonably accessible to the displaced person's place of employment or potential place of employment.

f. Within the financial means of the displaced family or individual.

g. Available on the market to the displaced person.

h. If housing meeting the requirements of paragraph 5.2 is not available on the market, the head of a displacing agency may, upon a proper finding of the need therefor, consider available housing exceeding these basic criteria.

5.3 Computation of replacement housing payment. The replacement housing payment of not more than \$15,000 comprises the following:

a. Differential payments for replacement housing. The head of the public agency may determine the amount which, if any, when added to the acquisition cost of the dwelling acquired by the displacing agency, is necessary to purchase a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) Schedule method. The agency may establish a schedule of reasonable acquisition costs for comparable replacement dwellings of the various types of dwellings to be acquired and available on the private market. The schedule shall be based on a current market analysis sufficient to support determinations of the amount for each type of dwelling to be acquired. When more than one public agency is causing displacement in a community or an area, the heads of the agencies concerned shall coordinate the establishment of the schedule for replacement housing payments.

(2) Comparative method. The agency may determine the price of a comparable replacement dwelling by selecting a dwelling or dwellings most representative of the dwelling unit acquired, available to the displaced person, and which meets the definition of comparable replacement dwelling. A single dwelling shall be used only when additional comparable dwellings are not available.

(3) Alternate method. The head of the displacing agency may develop criteria for computing replacement housing payments when neither the schedule method nor the comparative method is feasible.

(4) Limitations. The amount established as the differential payment for the replacement housing sets the upper limit of this payment.

(a) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the above, the comparable replacement housing payment will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(b) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

b. Interest payment. The head of the public agency shall determine the amount, if any, necessary to compensate a displaced person for any increased interest costs, including points paid by the purchaser. Such amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage. The following shall be considered:

(1) The payment shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling, at the time of acquisition, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value.

(2) The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(3) A "bona fide mortgage" is one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations.

c. Incidental expenses.

(1) The head of the public agency shall determine the amount, if any, necessary to reimburse a displaced person for actual costs incurred by him incident to the purchase of the replacement dwelling (but not including prepaid expenses) such as:

(a) Legal, closing and related costs including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.

(b) Lenders', FHA or VA, appraisal fees.

(c) FHA application fee.

(d) Certification of structural soundness when required by lender, FHA or VA.

- (e) Credit report.
- (f) Title policies or abstracts of title.
- (g) Escrow agent's fee.
- (h) State revenue stamps or sale or transfer taxes.

(2) No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, Title I, Public Law 90-321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System. Loan service fee (not to exceed 1%) and origination or discount points are an eligible expense if such fees are normal to real estate transactions in the area.

MOBILE HOMES

5.4 Acquisition of Mobile Homes.

The public agency may purchase mobile homes where:

(1) The structural condition of the mobile home is such that it cannot be moved without substantial damage or unreasonable cost; or

(2) The mobile home is not considered to be a decent, safe and sanitary dwelling unit as defined in section 2.1(d) of this Article.

5.4 Partial Acquisition of Mobile Home Park.

Where the public agency determines that a sufficient portion of a mobile home park is taken to justify the operator of such park to move his business or go out of business the owners and occupants of the mobile home dwellings not within the actual taking but who are forced to move shall be eligible to receive the same payments as though their dwellings were within the actual taking.

5.5 Mobile Homes as Replacement Dwellings.

A mobile home may be considered a replacement dwelling provided:

(1) The mobile home meets standards of decent, safe and sanitary housing;

(2) The mobile home is placed in a fixed location:

(a) In a mobile home park which is licensed and operating under State law; or

(b) In a mobile home subdivision wherein the displaced person owns the lot on which the mobile home is placed; or

(c) On real property owned or leased by the displaced person in other than a mobile home subdivision, provided such placement is in accordance with State and local laws or ordinances and provided such placement was made under permit from the State or local agency.

5.6 Computation on Next Highest Type.

When a comparable mobile home is not available it will be necessary to calculate the replacement housing payment on the basis of the next highest type of dwelling that is available and meets the applicable requirements and standards, i.e., a higher type mobile home or a conventional dwelling.

(1) "Not available" as used in this subsection includes, but is not limited to, those cases where mobile homes cannot be re-located in mobile home parks within a reasonable distance from the place of dislocation because of lack of available spaces or because of the standards and rules of the mobile home parks where spaces are available.

5.7 General Provisions.

The general provisions for moving expenses and replacement housing payments of this Article are also applicable to owners and tenants of mobile homes.

5.8 Moving Expenses for Mobile Homes.

(a) General.

The eligibility requirements of section 3 and the provisions of sections 5 and 6 are applicable to owners and occupants displaced from a mobile home.

6.1 Eligibility.

a. A displaced tenant or owner-occupant of a dwelling for less than 180 days is eligible for a replacement housing payment not to exceed \$4,000, as authorized by Section 7264, if he meets both of the following requirements:

(1) Actually occupied the dwelling for not less than 90 days prior to the initiation of negotiations for acquisition of the property. The term "initiation of negotiations" means the day on which the public agency makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property. Agencies regulations should provide the tenants and other persons occupying the property shall be advised when negotiations for the property are initiated with the owner thereof.

(2) Is not eligible to receive a payment under Section 7263.

b. An owner-occupant of a dwelling for not less than 180 days prior to the initiation of negotiations is eligible for a replacement housing payment as a tenant, as authorized by Section 7264, when he rents a decent, safe and sanitary replacement dwelling instead of purchasing and occupying a replacement dwelling, which is decent, safe, and sanitary not later than the end of the one-year period beginning on the date on which he receives from the displacing agency final payment for all costs for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

6.2 Computation of replacement housing payments for displaced tenants. A displaced tenant is eligible for a rental replacement housing payment, not to exceed \$4,000, which shall be determined by subtracting from the amount which the tenant actually pays for a replacement dwelling or, if lesser, the amount determined by the State as necessary to rent a comparable dwelling; or if he purchases replacement housing within one year from displacement, he is eligible for a down payment including expenses incidental to closing not to exceed \$4,000.

a. Rental replacement housing payment. The head of the public agency concerned may determine the amount necessary to rent a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) Schedule method. The agency may establish a rental schedule for renting comparable replacement dwellings as described in paragraph 5.2 and which are available in the private market for the various types of dwellings to be acquired. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for four years (the average monthly cost from

the schedule) and subtracting from such amount forty-eight times the average month's rent paid by the displaced tenant in the last three months prior to initiation of negotiation if such rent was reasonable. Agency regulations may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant. For purposes of these Guidelines, economic rent is defined as the amount of rent the displaced tenant would have had to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit to be acquired is located. The schedule should be based on current analysis of the market to determine the amount of each type of dwelling required. When more than one public agency is causing the displacement in a community or an area, the agency heads shall cooperate in choosing the method for computing the replacement housing payment and shall use uniform schedules of average rental housing in the community or area.

(2) Comparative method. The agency may determine that average month's rent by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in paragraph 5.2. The payment should be computed by determining the amount necessary to rent a comparable replacement dwelling for four years and subtracting from such amount forty-eight times the average month's rent paid by the displaced tenant in the last three months prior to initiation of negotiations, if such rent was reasonable. Agency regulations may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant.

(3) Exceptions. The head of the public agency may establish the average month's rent paid by the displaced person by using more than three months, if he deems it advisable. If rent is being paid to the displacing agency, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(4) Alternate to (1) and (2) above. When neither method is feasible, the head of the public agency shall develop criteria for computing the payment.

(5) Disbursement of rental replacement housing payment. The head of the public agency should develop procedures to implement Section 7264 to provide, within the \$4,000 and four-year limitations of such section, a rental replacement housing payment that will enable the displacee to rent comparable, decent, safe and sanitary housing. The public agency should develop criteria for a determination as to the manner of disbursement, that is, lump sum payment, and/or annual installments, or monthly payments.

b. Purchases - replacement housing payment. If the tenant elects to purchase instead of renting, the payment shall be computed by determining the amount necessary to enable him to make a down payment and to cover incidental expenses on the purchase of replacement housing, as follows:

(1) The down payment shall be the amount necessary to make a down payment on a comparable replacement dwelling. Determination of the amount necessary for such down payment shall be based on the amount of down payment that would be required for purchase of the dwelling using a conventional loan.

(2) Incidental expenses of closing the transaction are those as described in paragraph 5.3c.

(3) The maximum payment may not exceed \$4,000, except that if more than \$2,000 is required, the tenant must match any amount in excess of \$2,000 by an equal amount in making the down payment.

(4) The full amount of the replacement housing payment must be applied to the purchase price and incidental costs shown on the closing statement.

6.3 Computation of replacement housing payments for certain others.

a. A displaced owner-occupant who does not qualify for a replacement housing payment under Chapter 5 because of the 180-day occupancy requirement and elects to rent is eligible for a rental replacement housing payment not to exceed \$4,000. The payment will be computed in the same manner as shown in paragraph 6.2a except that the present rental rate for the acquired dwelling shall be economic rent as determined by market data.

b. A displaced owner-occupant who does not qualify for a replacement housing payment under Chapter 5 because of the 180-day occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing down payment and closing costs not to exceed \$4,000. The payment will be computed in the same manner as shown in paragraph 6.2b.

7 - RELOCATION ASSISTANCE ADVISORY SERVICES

7.1 Relocation assistance advisory program. Under Section 7261, the head of a public agency shall require a relocation assistance advisory program for persons displaced as a result of programs or projects. Each relocation assistance advisory program shall include such measures, facilities, or services as may be necessary or appropriate to perform all of the tasks detailed in Section 7261(c).

7.2 Coordination of planned relocation activities.

a. Coordination. When two or more public agencies contemplate displacement activities in a given community or area, the heads of the respective agencies responsible for the planned activities shall require that appropriate channels of communication be established between the agencies for the purpose of planning relocation activities and coordinating available housing resources.

The public agencies causing displacement shall designate at least one representative who will meet periodically with the representatives of other Federal, State and local agencies to review the impact of their respective programs on the community or area.

b. Local coordination. To further insure maximum coordination of relocation activities in a given community or area, each public agency's regulations shall require that the displacing agency consult appropriate local officials before approving any proposed project in the community, consistent with the requirements of the procedures promulgated by the Office of Management and Budget Circular A-95 (Revised). That Circular provides a central point of identifying local officials.

7.3 Contracting for relocation services.

a. Contracting with central relocation agency. The head of a displacing agency contemplating initiation of displacement activities shall consider contracting with the central relocation agency in a community or area for the purpose of carrying out its relocation activities.

b. Contracting with others. When a centralized relocation agency is not available in a community or if in the judgment of the displacing agency the centralized agency does not have the capacity to provide the necessary services, within the time required by the agency's program, the displacing agency may contract with another public agency or a private contractor who can provide the necessary relocation services.

8.0 Federal participation exemption.

If the public agency has an approved and adopted grievance procedure policy mandated by a federal agency in order to receive federal financial participation, then, that policy may be used in lieu of this section.

8.1 Right of review.

Any person aggrieved by a determination as to eligibility for, or the amount of, a payment under the regulations in this part, may have his claim reviewed and reconsidered by the head of the public agency or his authorized designee (other than the person who made the determination in question) in accordance with the procedures set forth in this section as supplemented by such procedures as the public agency shall have established for such review and reconsideration. Any person or class of persons may seek review and revision of any schedule with respect to payments under the regulations in this part.

8.2 Notification to claimant.

If the public agency denies the eligibility of a claimant for a payment or disapproves the full amount claimed or refuses to consider the claim on its merits because of untimely filing or any other ground, the public agency's notification to the claimant of its determination shall inform the claimant of its reasons therefor and shall also inform the claimant of the applicable procedures for obtaining review of this determination.

8.3 Request for review.

a. General. Any person who has a right to seek review may request the public agency to provide him with a full written explanation of its determination and the basis therefor if he feels that the explanation accompanying the payment of his claim or notice of the agency's determination was incorrect or inadequate. The public agency shall provide such an explanation to the claimant within 15 days of its receipt of claimant's request.

b. Time limits for filing written request for review.

(1) A claimant desiring review and reconsideration of the public agency's determination shall file a written request for review with the public agency either (a) within 6 months of the agency's notification to the claimant of its determination or (b) prior to final closeout of the project which caused the displacement, whichever is earlier, but in no event less than 30 days following the agency's notification to the claimant of its determination.

c. The written request for review. The claimant may include in his request for review any statement of fact within his knowledge or belief, or other material which he feels has a bearing on his appeal. If the claimant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefor, he may be granted 30 days from the date of his request for review. If the claimant feels he is unable to prepare the written claim, the public agency shall offer to provide assistance to the claimant and further notify the claimant of other available sources of assistance.

d. Oral presentation. Upon request of the claimant, the public agency shall afford him an opportunity to make an oral presentation. The claimant may be represented by an attorney or other person of his choosing. This oral presentation shall enable the claimant to discuss his claim with the head of the public agency or a designee other than the person who made the initial determination having the authority to revise the initial determination on the claim. The public agency shall make a summary of the matters discussed in the oral presentation and it shall be included as part of its file.

8.4 Public agency review.

a. General. The public agency shall consider the request for review and shall make a determination as to whether a modification is necessary. This review should be conducted by the head of the public agency or his authorized designee (other than the person who made the determination). A designee must have the authority to revise the initial determination of the claim and any determination reached pursuant to an oral presentation. The public agency shall consider every complaint regardless of form.

b. Scope of review. The public agency shall review and reconsider its initial determination of the claimant's case in light of:

(1) All material upon which the public agency based its original determination including all applicable rules and regulations;

(2) The reasons given by the claimant for requesting review and reconsideration of his claim;

(3) Whatever additional written material has been submitted by the claimant; and

(4) Any further information which the public agency may, in its discretion, obtain by request, investigation, or research, to insure fair and full review of the claim.

c. Determination on review by public agency. The final determination on review by the public agency shall include, but is not limited to:

(1) The agency's decision on reconsideration of the claim;

(2) The factual and legal basis upon which its decision is based, including any pertinent explanation or rationale;

d. Time limits.

(1) The public agency shall issue its determination of review within 30 days from receipt of the last material submitted for consideration by the claimant.

(2) In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the public agency shall issue a statement as to why the complaint was dismissed to the claimant.

8.5 Recommendations by third party.

Upon agreement between the claimant and the public agency, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the head of the agency for its final determination. In reviewing the claim and making recommendations to the public agency, the third party or parties should be guided by the provisions of the requirements of these sections.

8.6 Review of files by claimant.

Except for confidential material, and except to the extent specifically prohibited by law, a public agency shall permit the claimant to inspect all files and records bearing upon his claim or the prosecution of his grievance. The public agency may, however, impose reasonable conditions on the claimant's right to inspect.

8.7 Effect of determination on other persons.

The principles established in all determinations by a public agency shall be applied to all similar cases regardless of whether or not a person has filed a written request for review.

8.8 Construction of rules and regulations.

This section and all applicable rules and regulations on which public agency determinations are based, shall be liberally construed so as to fulfill the statutory purpose as declared in the Act of "fair and equitable treatment" in order that displaced persons "not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole."

8.9 Right to counsel.

Any aggrieved party has a right to representation by legal or other counsel at his own expense at any and all stages of the proceedings set forth in these sections.

8.10 Judicial review.

Nothing in this section shall in any way preclude or limit a claimant from seeking judicial review or receiving a fair and impartial consideration of his claim on its merits upon exhaustion of such administrative remedies as are available to him under this section.

9.1 Acquisition procedures.

a. Just compensation. Section 7267.2 establishes the policy that, before initiation of negotiations for the acquisition of real property, the head of the public entity concerned shall establish an amount which he believes to be just compensation therefor. In no event shall such amount be less than the agency's approved appraisal of the fair market value of the property.

b. Incidental expenses incurred by displaced owner selling to acquiring public agency. Compensation for real property shall include recording fees, transfer taxes and prepayment penalties on existing liens and other similar expenses incidental to conveying such real property to acquiring agency.

c. Initiation of negotiations.

(1) Statement to be furnished owner. When negotiations for the acquisition of real property are initiated, the owner shall be provided with a written statement concerning the proposed acquisition. This statement shall include, as a minimum, the following:

(a) Identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements on the land, as well as the fixtures considered to be a part of the real property, and

(b) The amount of the estimated just compensation for the property to be acquired, as determined by the acquiring agency, and a statement of the basis therefor. In the case of a partial taking, damages, if any, to the remaining real property shall be separately stated.

(2) Offer to purchase. The head of the public entity shall make a prompt offer to purchase the property for the amount contained in the statement.

9.2 Appraisal standards. For the purpose of promoting uniformity under Section 7267.2, the head of each public entity shall establish, for all programs under his jurisdiction, standards for appraisals used in such programs, criteria for determining the qualifications of appraisers, and a system of review by qualified appraisers.

9.3 Notice to move. Section 7267.3 provides that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation without at least 90 days written notice from the head of the displacing agency of the date by which such move is required.

10 - DEFINITIONS

10.1 Affected property. Affected property means any real property which actually declines in fair market value because of acquisition by a public entity for public use of other real property and a change in the use of the real property acquired by the public entity.

10.2 Average annual net earnings. The net earnings of the business or farm operation before Federal, State, and local income tax, during the 2 taxable years immediately preceding displacement (or if the business or farm was not operated that long, such other period as may be approved by the state agency), and includes salaries, wages or other compensation paid by the business or farm operation to the owner, his spouse or his dependents. If the state agency determines that such 2 year period is not equitable for establishing earnings, the period used for determining average net earnings shall be a substitute period determined by the state agency. In the case of a corporate owner, earnings shall include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. For the purpose of determining majority ownership, stock held by a husband, his wife and their dependent children shall be treated as one unit.

10.3 Business. Any lawful activity, except a farm operation conducted primarily:

a. For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities or any other personal property;

b. For the sale of services to the public;

c. By a nonprofit organization; or

d. Solely for the purpose of Section 7262 for assisting in the purchase, sale, resale, manufacture, processing or marketing or products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display, whether or not such display is located on the premises on which any of the above activities are conducted.

10.4 Closing (Replacement Housing Payments). Those payments to owner-occupants relating to the closing costs on the purchase of a replacement dwelling including costs of evidence of title, recording fees, etc., but not including prepaid expenses.

10.5 Comparable replacement dwelling. For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is decent, safe, and sanitary and:

a. Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

b. Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced.

c. Open to all persons regardless of race, color, religion, or national origin, consistent with the requirements of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968.

d. Located in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to:

(1) Neighborhood conditions, including but not limited to municipal services and other environmental factors.

(2) Public utilities, and

(3) Public and commercial facilities.

e. Reasonably accessible to the displaced person's place of employment or potential place of employment.

f. Within the financial means of the displaced family or individual.

g. Available on the market to the displaced person.

h. If housing meeting the requirements of paragraph 5.2 is not available on the market, the head of a displacing agency may, upon a proper finding of the need therefor, consider available housing exceeding these basic criteria.

10.6 "Condominium". "Condominium" means a combination of co-ownership and ownership in severalty. It is an arrangement under which a family or individual in a housing development holds full title to a one-family dwelling unit, including an undivided interest in common areas and facilities, and such restricted common areas and facilities, and such restricted common areas and facilities as may be designated.

10.7 Conventional Loan. "Conventional Loan" means a mortgage commonly given by banks and savings and loan associations to secure advances on, or the unpaid purchase price of real property, payment of which is not insured by any agency of the State or Federal governments.

10.8 Counted Room. "Counted Room" means that space in a dwelling unit containing the usual quantity of household furniture, equipment and personal library, study, dining room, kitchen, laundry room, basement, bedroom, and garage. Rooms or storage areas which contain substantial amounts of personal property equivalent to one or more rooms may be counted as additional rooms.

10.9 Date of Initiation of Negotiations for Parcel. This phrase means the day on which the public agency makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property.

10.10 Date of Initiation of Negotiations for the Project. This phrase means the date the public agency makes the first personal contact with the owner of any property on the project or his representative where price is discussed except where such contact is made solely for protective buying or because of hardship.

10.11 Date of Intent to Acquire. "Intent to acquire" means the public acknowledgment by the public entity of their intention and/or plan to obtain specified parcels for a specific purpose (project).

"Date of Intent to Acquire" means the date on which the public agency sends through certified mail to or makes personal contact with the owner of each parcel or advertises in a local paper of general circulation that a specific project is intended to be developed and specified parcels therein are intended to be acquired. Upon the date of intent to acquire, parcels may be acquired through hardship.

10.12 Displaced Person. "Displaced person" means any person who moves from real property or who moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of a written order from a public entity to vacate the real property, for public use.

10.13 Dwelling. A single-family building, a single-family unit (including a nonhousekeeping unit) in a two-family or multifamily building, a unit of a condominium or cooperative housing project, a mobilehome, or other residential unit.

10.14 Economic Rent. The amount of gross rent the displaced tenant would have had to pay for a similar unit in an area not generally less desirable than the dwelling unit to be acquired. (Gross rent is contract rent, plus cost of utilities to tenant, over and above contract rent.)

10.15 Effective Rate of Interest. "Effective rate of interest" means the annual percentage rate paid on the debt of a mortgage as a result of including debt service charges in the total interest to be paid on the mortgage debt, as an incident to the extension of credit, when such debt service charges are normal to the market.

10.16 Eligible Person. "Eligible person" means any displaced person who is, or becomes, lawfully entitled to any relocation payment under these regulations.

10.17. Family. The term "family" means two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part

of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of household, they shall be treated as one family for replacement housing payment purposes.

10.18 Farm Operation. "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including time, for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

10.19 Federal Project. "Federal project" means any direct Federal project or any project receiving Federal financial assistance.

10.20 Hardship. "Hardship" means the acquisition of real property by a public entity for a public use prior to the date of initiation of negotiations for the project.

10.21 Incidental Expenses. Reasonable expenses incurred for evidence of title, recording, fees, and other closing costs on the purchase of a replacement dwelling.

10.22 Gross Income. Projected annual income from all sources of each member of the family residing in the household who is at least eighteen years of age.

a. Adjusted Gross Income.

(1) A deduction of 5% of Gross Income, except that the deduction shall be 10% in the case of a family whose head or spouse is elderly;

(2) A deduction for extraordinary medical expenses where not compensated for or covered by insurance, defined for this purpose to mean medical expense in excess of 3% of Gross Income;

(3) A deduction of amounts for unusual occupational expenses not compensated for by the employer, such as special tools and equipment, but only to the extent by which such expenses exceed normal and usual expenses incidental to employment;

(4) A deduction of amounts paid by the family for the care of children or sick or incapacitated family members when determined to be necessary to employment of the head or spouse, provided the amount deducted does not exceed the amount of income received by the family member thus released;

(5) An exemption of \$300 for each dependent, i.e., each minor (other than the head or spouse) and for each adult (other than the head or spouse) dependant upon the family for support;

(6) Any nonrecurring income, or income of full-time students.

k. Loss of trained employees;

l. Personal injury;

m. Cost of preparing the application for moving and related expenses;

n. Modification of personal property to adapt it to replacement site.

10.28 Nonprofit Organization. "Nonprofit Organization" means a corporation, partnership, individual or other public or private entity, engaged in a business, professional or instructional activity on a non-profit basis, necessitating fixtures, equipment, stock in grade, or other tangible property for the carrying on of the business, profession or institutional activity on the premises.

10.29 Owner. A person "owns a dwelling" if he:

a. Holds fee title, a life estate, a 99-year lease, or a lease with not less than 50 years to run from date of acquisition of the property for the project.

b. Holds an interest in a cooperative housing project which includes the rights of occupancy of a dwelling unit therein.

c. Is the contract purchaser of any of the foregoing estates or interests.

d. Has a leasehold interest with an option to purchase; or

e. Owns a mobile unit which under State law is determined to be real property, not personal property.

Also the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceeding owner.

10.30 Person. Person means any individual, partnership, corporation, or association.

10.31 Personal Property. (Tangible Personal Property). Tangible property which is situated on the real property vacated or to be vacated by a displaced person and which is considered personal property and is noncompensable (other than for moving expenses) under the State law of eminent domain, and

In the case of a tenant, fixtures and equipment, and other property which may be characterized as real property under State or local law, but which the tenant may lawfully, and at his election determines to, move and for which the tenant is not compensated in the real property acquisition. In the case of an owner of real property, the

10.24 Mobilehome. "Mobilehome" means a vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

10.25 Monthly Gross Income. "Monthly Gross Income" means the total monthly income of a family or individual irrespective of expenses and voluntary or involuntary deductions and includes, but is not limited to salaries, wages, tips, commissions, rents, royalties, dividends, interest, profits, pensions, and annuities.

10.26 Mortgage. "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

10.27 Moving Expense. "Moving Expense" means the cost of dismantling, disconnecting, crating, loading, insuring, temporary storage, transporting, unloading and reinstalling of personal property, including service charges in connection with effecting such reinstallations, and necessary temporary lodging and transportation of eligible persons. Moving expense shall not include:

a. Any addition, improvement, alteration or other physical change in or to any structure in connection with effecting removal of personal property from, or reinstallation in such structure;

b. The cost of construction or improvement at the new location to replace property for which compensation was paid in the acquisition;

c. Any loss of, or damage to, personal property caused by the fault or negligence of the displaced person, his agent, or employee in the process of moving where insurance to cover such loss or damage is or was available;

d. Any payment for moving personal property where such property is purchased as part of the acquisition;

e. Additional expenses incurred because of living in a new location;

f. Cost of moving structures, improvements or other real property in which the displaced person reserved ownership;

g. Improvements to the replacement site;

h. Interest on loans to cover moving expenses;

i. Loss of goodwill;

j. Loss of business or profits;

determination as to whether an item of property is personal or real shall depend upon how it is identified in the acquisition appraisals and the closing or settlement statement with respect to the real property acquisitions: Provided, that no item of property which is compensable under State and local law to the owner of real property in the real property acquisition may be treated as tangible personal property in computing actual direct losses of tangible personal property.

10.32 Prepaid Expenses. "Prepaid expenses" means items paid in advance by the seller of real property and prorated between such seller and the buyer of such real property at the close of escrow including, but not limited to real property taxes, for insurance, homeowners' association dues and assessment payments.

10.33 Protective Buying. "Protective buying" means the acquisition of real property by a public entity for a public use prior to the date of initiation of negotiations for the project.

10.35 Public Entity. "Public entity" includes the state, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state when acquiring real property, or any interest therein, in any city or county for public use.

10.35 Public Use. "Public use" means a use for which real property may be acquired by eminent domain.

10.36 Purchases (re Replacement Housing).

a. The acquisition, construction or rehabilitation of a dwelling, the purchase and rehabilitation of a substandard dwelling, the relocation or relocation and rehabilitation of an existing dwelling, or the entering into a contract to purchase, or for the construction of, a dwelling to be constructed on a site to be provided by a builder or developer or on a site which the displaced person owns or acquires for such purpose. Where completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed, for reasons beyond control of the displaced person, beyond the date by which occupancy is required under this paragraph;

b. The public entity may determine the date of occupancy to be the date the displaced person enters into a contract for such construction, rehabilitation, or relocation or for the purchase upon completion, of a dwelling to be constructed or rehabilitated if, in fact, the displaced person occupies the replacement dwelling when the construction of rehabilitation is completed.

Mobilehomes must be registered with the California Department of Motor Vehicles in the name of the calimant.

10.37 Relocatee. "Relocatee" means any person who meets the definition of a displaced person.

10.38 Stated Mortgage Interest Rate. "Stated Mortgage Interest Rate" means the annual percentage rate to be paid on the debt of a mortgage as set forth in the mortgage or other credit instrument.

LAWGUIDELINES

Government
Code
Section 7260

Public
law
91-646

H/CD

OMB A-103

7260	101	10.1	11.1 - 11.3
7261	205	7.1 - 7.2	7.1 - 7.3
7261.5	212	7.3	8.3
7261.6	---	---	---
7262	202	3.1 - 4.6	3.1 - 4.6
7263	203	5.1 - 5.8	5.1 - 5.4
7263.5	---	---	---
7264	204	6.1 - 6.3	6.1 - 6.3
7264.5	206	2.2	2.1 - 2.2
7265	---	---	---
7265.3	217	---	---
7265.4	303	---	---
7266.	213	8.0 - 8.10	---
7267.	301	---	---
7267.1	301(1)(2)	9.1	10.1 - 10.5
7267.2	301(3)	9.1	10.1 - 10.5
7267.3	301(5)	9.3	10.1 - 10.5
7267.4	301(6)	---	---
7267.5	301(7)	---	---
7267.6	301(8)	---	---
7267.7	301(9)	9.1	10.1 - 10.5
7267.8	213	1.1	1.1 - 1.5
7268.	213	---	---
7269	216	---	---
7270	102(b)	---	---
7271	---	---	---
7272	---	---	---
7272.3	201	1.1	1.1 - 1.5
7272.5	102(b)	---	---
7273	---	---	---
7274	102(a)	---	---

CONVERSION - FEDERAL TO STATE

	<u>LAW</u>	<u>GUIDELINES</u>	
PL-91-646 FEDERAL	GOVERNMENT CODE STATE	OMB A-103	H/CD
Title I			
Section 101	7260	11.1 - 11.3	10.1
Section 102	7272.5 - 7274	-	-
Title II			
201	7272.3	1.1 - 1.5	1.1 - 1.5
202	7262	3.1 - 4.6	3.1 - 4.6
203	7263	5.1 - 5.4	5.1 - 5.8
204	7264	6.1 - 6.3	6.1 - 6.3
205	7261	7.1 - 7.3	7.1 - 7.2
206	7264.5	2.1 - 2.2	2.2
207	-	-	-
208	-	-	-
209	-	-	-
210	-	8.1 - 8.2	-
211	-	-	-
212	7261.5	8.3	7.3
213	7268.	-	8.1 - 8.10
214	-	9.1 - 9.4	-
215	-	-	-
216	7269	-	-
217	7265.3	-	-
218	-	-	-
219	-	-	-
220	-	-	-
221	-	-	-
Title III			
301	7267 - 7267.8	10.1 - 10.5	9.1 - 9.3
302	-	-	-
303	7265.4	-	-
304	-	-	-
305	-	-	-
306	-	-	-

Statement of Just Compensation

In compliance with Chapter 16, Sec. 7260 of Div. 7, Title 1 of Government Code and based on a recent appraisal that provided us with an estimate of the fair market value of your interest in this property, it is our opinion that just compensation, which is not less than the appraiser's opinion of fair market value, for said interest is as follows:

Value of real property acquired \$ _____
Damage to remaining real property \$ _____
(where appropriate)
Amount established as just compensation \$ _____

Our opinion is based on an inspection of your property and an analysis of all pertinent factors, including the information provided in an appraisal that has been reviewed and approved for conformance to Chapter 16, Sec. 7260 of Div. 7, Title 1 of Government Code.

Any increase or decrease in the fair market value before the date of valuation caused by the public improvement or project for which the property is to be acquired or by the likelihood that the property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded in making the determination of just compensation.

Legal Description of Property

County _____ T. _____ R. _____ S. _____

Attached is information for landowners and tenants about relocation benefits for which you may be eligible under state statutes.

Signed _____
Title _____
Date _____

Statement of Owner

I am aware of my rights to relocation assistance under state statutes. Yes _____ No _____

I have read the Statement of Just Compensation. Yes _____ No _____

There are persons living on the property. Yes _____ No _____

There are businesses being conducted on the property by others. Yes _____ No _____

The following are living or are conducting business on the property (including owner, if in occupancy): (Give names and addresses)

Date _____ Signed _____
(Owner)

(Representative of owner)

(Address)