

# ENVIRONMENTAL REVIEW

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# ENVIRONMENTAL REVIEW

## 0600 INTRODUCTION

The California Environmental Quality Act (CEQA) establishes the environmental policy for the State of California. CEQA is designed to disclose potential environmental impacts and to require decision -makers to consider the environmental implications of their actions in order to avoid or reduce impacts if feasible. The environmental review process also provides an important opportunity for public participation in the decision making process. To give guidance to CEQA, the State CEQA Guidelines (Guidelines) have been developed to implement and describe environmental document content and legal process requirements. The objectives, criteria, and specific procedures contained in this chapter define the roles, responsibilities, and authority for Department compliance with CEQA and its Guidelines.

## 0601 AUTHORITY

Sections 21082 of the Public Resources Code and 15022 of the California Code of Regulations direct public agencies to adopt procedures consistent with CEQA and the State CEQA Guidelines for administering their responsibilities under CEQA. This chapter contains the Department's procedures in fulfillment of this requirement.

## 0602 PHILOSOPHY

California State Parks has a mandate to protect natural and cultural resources as well as the scenic and aesthetic resources under our administration. We also have a mandate to provide to all the people of California a high-quality visitor experience and recreation opportunities within our park units, where appropriate and non-damaging to the environment. We can meet this dual mandate with awareness of the environmental consequences of proposed actions, advance planning, cooperation, and knowledge of the environmental review process and the intent of environmental laws. To this end, the CEQA process should be viewed as one of decision facilitation rather than as another obstacle to be overcome during the course of project development.

## 0603 PURPOSE

The purpose of this chapter is to supplement the State CEQA Guidelines (California Code of Regulations, §§ 15000 et seq.) and the California Environmental Quality Act (Public Resources Code, §§ 21000 et seq.). The Department is subject to the State CEQA Guidelines as the prevailing authority, as are all of California's public agencies. Any change to applicable State laws or regulations will supersede the provisions of this chapter. It is not the function of this chapter to describe the full CEQA process, how to prepare various environmental documents, or otherwise meet the requirements of CEQA and its Guidelines. There are many excellent texts available for those purposes. Rather, the objective of this chapter is to present the Department's process within the context of CEQA and its delegation of responsibility for carrying out its mandate.

## 0604 TERMS AND DEFINITIONS

Many definitions of terms used in CEQA are provided in Chapter 2.5 (§§ 21060-21069) and in the Guidelines' Article 20 (§§ 15350-15387). The following terms and definitions are provided for the convenience of the user of this chapter, but referral to CEQA and its guidelines' definitions referenced above should be made as necessary.

California Environmental Quality Act (CEQA) — The State law requiring State and local agencies to consider and disclose the environmental implications of their actions, including projects undertaken or permitted by an Agency/Department. The law further requires agencies to avoid significant environmental effects whenever feasible.

- **Categorical Exemption** – A classification relating to a project that has no potential to cause environmental impacts, and that meets the definition of an exempt project as provided in the State CEQA Guidelines.
- **Department Historic Preservation Officer (DHPO)** – A Department position mandated by Executive Order W-26-92 and appointed by the Director to be responsible for ensuring that the cultural resource protection directives of PRC § 5024 are carried out, and for developing policies and management plans to that end. In consultation with the State Historic Preservation Officer (SHPO), the DHPO reviews and resolves conflicts affecting historic and archeological resources.
- **Emergency** – A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. These may be natural occurrences such as fire, flood, earthquake, or earth movements, as well as riot, accident, or sabotage.
- **Environment** – 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, and objects of prehistoric, historic, or aesthetic importance.
- **District Environmental Coordinator (DEC)** - A staff position and alternate in each District exercising responsibility for CEQA compliance and coordination of environmental review.
- **Environmental Documents** - Initial Studies, Negative Declarations, Mitigated Negative Declarations, draft and final EIRs, documents prepared as substitutes for EIRs and documents prepared under NEPA as joint CEQA/NEPA documents or used in the place of an Initial Study, Negative Declaration, or an EIR.
- **Environmental Impact Report (EIR)** – A complete environmental impact disclosure document. The contents of the EIR are prescribed by CCR §§ 15122 through 15130. The Federal equivalent under NEPA is the Environmental Impact Statement (EIS).
- **Initial Study** – A checklist prepared to evaluate potential effects of a project to determine the appropriate environmental documentation subject to CCR § 15063 and others.
- **Lead Agency** – The governmental agency responsible for compliance with CEQA for a proposed project. Generally, it is the agency with the broadest permit discretion for the project or the agency actually carrying out the project. The Department is the Lead Agency for Departmental projects, and has the authority to approve our own projects, even though the project may require permits from other agencies as well.
- **Negative Declaration (Neg. Dec.)** – An environmental document prepared for a project that has no significant impacts or its impacts have been mitigated to a non-significant level. The Federal equivalent under NEPA is a Finding of No Significant Impact (FONSI).
- **NEPA** – National Environmental Policy Act (42 U.S.C.A. § 4321 et seq.), the Federal equivalent of CEQA.
- **Notice of Availability** – A notice provided to the public by the Lead Agency (as prescribed in CCR §§ 15087 and 15072) at the same time the Notice of Completion is filed, informing them that a draft EIR, Mitigated Negative Declaration, or Negative Declaration is complete and ready for review.
- **Notice of Completion (NOC)** – A brief notice filed with the Governor's Office of Planning and Research by a Lead Agency as soon as a draft EIR or NOD is completed and ready for distribution (CCR § 15372).
- **Notice of Determination (NOD)** – A brief notice filed with the State Clearinghouse (SCH/Office of Planning and Research, OPR) by a Lead Agency for projects that are not exempt (PRC § 21152(a)).
- **Notice of Exemption (NOE)** – A form filed with the State Clearinghouse (SCH/Office of Planning and Research, OPR) by a Lead Agency for a project exempt from the requirements of CEQA. This filing is not required by CEQA, but may be needed to provide evidence of compliance with CEQA to other agencies.

- Notice of Preparation (NOP) – An initial request for information distributed to Responsible Agencies, Trustee Agencies, or affected parties, asking for the environmental concerns of these parties and their jurisdiction. The NOP may also be used to determine the need for an EIR if there is substantial controversy or concern regarding the environmental impacts of a proposed project.
- Project – Any activity that may have a physical effect on the environment and over which a Lead Agency has discretionary authority.
- Project Evaluation Form (PEF) - DPR 183. A form and checklist used solely by the Department to initiate environmental review of certain projects as described in this chapter, and to record specialist input on the potential impacts of Departmental projects. It may also serve to document CEQA compliance for exempt projects, and may contribute to or support a decision to proceed with a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report.
- Project Manager – The person or unit generally responsible for implementing the project, responsible for mitigation and initiation of CEQA review.
- Responsible Agency – An agency that has limited or later permit authority over a project. Under CEQA, Responsible Agencies include all public agencies other than the Lead Agency that have permitting or approval authority over a proposed project.
- Service Center Environmental Coordinator (SCEC) – One or more staff positions in each Service Center exercising responsibility for CEQA compliance and coordinating environmental review.
- SCH/OPR – The State Clearinghouse of the Office of Planning and Research is responsible for the distribution of environmental documents for State agency review, and is the filing point for State agencies for Notices of Exemption and Notices of Determination.
- Significant Effect on the Environment – A substantial, or potentially substantial, adverse change in the environment. The definition of “significant” is much discussed by the courts, where, in one decision, it was found that, “. . . although all words may be chameleons, which reflect the color of their environment, ‘significant’ has that quality more than most. It covers a spectrum ranging from ‘not trivial’ though ‘appreciable’ to ‘important’ and even ‘momentous.’” Consultation should be made to CCR § 15382 and its discussion.
- Substantial Evidence – Facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts such that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.
- Threshold of Significance – The level at which the Lead Agency finds the effects of the project to be significant. A quantitative or qualitative standard, or set of criteria such as a performance level, pursuant to which the significance of a given environmental effect may be determined.
- Trustee Agency – An agency that has responsibility for certain resources. The Department is a Trustee Agency for the resources of the State Park System as defined in CCR § 15386. Particular efforts for notice and consultation with Trustee Agencies in the early stages of a project are required of a project proponent and Lead Agency when there is potential for impacts to resources under the trustee’s jurisdiction (CCR §§ 15060.5, 15063, and 15082).
- 5024 Review – A procedure required by PRC § 5024.5 to ensure compliance with legal requirements to preserve and protect cultural resources located within lands owned or leased by this Department.

## **0605 DEPARTMENT CEQA RESPONSIBILITY**

### **0605.1 General Departmental Responsibilities**

The Department has two general responsibilities under CEQA: (1) to provide environmental review of its own projects and document compliance with CEQA; and (2) to review other

entities' projects to determine the impacts on the resources of the State Park System, including visual and/or scenic setting, high-quality visitor experience, natural and cultural resources, and on recreational resources, needs, and demands of the State.

## **0605.2 Unit Responsibilities**

Responsibility for environmental compliance is vested throughout the Department. Figure A illustrates the dual role of the Department in CEQA as a Responsible and Lead Agency. Figure B describes the responsibility and authority in this process at the various Departmental levels. These roles are described more specifically throughout this chapter.

### **0605.2.1 Natural Resources Division**

The Natural Resources Division (NRD) has the overall responsibility for CEQA compliance for the Department. In fulfillment of this obligation, NRD has the following functional duties:

- Coordinates the review of other State, local, and federal agencies' environmental documents, notices, and related matters, as required by CEQA, and as a defensive planning effort to protect the resources of the State Park System.
- Maintains records in a computerized data base of environmental documents received, distributed, and prepared by the unit for the purposes of monitoring the Department's role in environmental review and preparing necessary reports.
- Acts as the Department liaison with the State (Office of Planning and Research) and Resources Agency clearinghouses for CEQA issues.
- As assigned, reviews environmental documents, and monitors CEQA determinations on projects and actions of statewide or multi-district interest consistent with this chapter.
- Provides for environmental assessment, and prepares environmental documents for statewide projects and the Department's Acquisition and Major Capital Outlay Development Programs.
- In conjunction with the Service Centers, provides guidance in application of this chapter as requested by Department staff in preparation and distribution of environmental documents.
- In a dispute arising over the content of evaluations, as described in Section 0606.4, the Chief of NRD will assist the Field Division Chiefs in their arbitration of the issue.
- Maintains the statewide roster of Service Center and District Environmental Coordinators.
- Upon request, provides environmental compliance training to resource and non-resource specialists.
- Drafts revisions to this chapter as necessary, and, if signed by the Director, provides for their distribution.
- Distributes recent statutory amendments to CEQA, revisions to the Guidelines, or applicable case law to the units.

The Natural Resources Division (NRD) may periodically review activities undertaken using the "exempted activities for which no formal CEQA documentation is necessary" process for consistency.

### **0605.2.2 Acquisition and Development Division – Service Centers**

Service Centers provide environmental review in compliance with CEQA of Departmental projects, except major capital outlay, acquisition, statewide, and Off-Highway Motor Vehicle Recreation Division (OHMVR) projects. Service Centers may provide 5024 review of OHMVR projects. In carrying out these responsibilities, the Service Centers:

- Review Project Evaluation forms submitted by Districts on Department activities and projects, and provide required specialist input for impact avoidance or mitigation.

- Recommend the appropriate level of CEQA compliance, and advise the District Superintendent accordingly.
- Prepare Notices of Exemptions, and upon request or assignment, prepare and process Negative Declarations and Environmental Impact Reports, and make recommendations to the Chief Deputy Director, Park Stewardship on Negative Declarations and Environmental Impact Report determinations.
- Following consultation with the Natural Resources Division's Environmental Stewardship Section, provides guidance in application of this chapter to the preparation and distribution of environmental documents prepared at the Service Centers.
- Provide primary review for projects affecting historic and archeological resources under PRC § 5024.
- Maintain records in a computerized database of environmental documents for the purposes of monitoring the Department's role in environmental review and preparing necessary reports.

Designate a staff person to be a Service Center Environmental Coordinator (SCEC) for each of the Service Centers. Duties of this position include:

- Initial processing of DPR 183s for Service Center managed projects (e.g. acquisitions, capital improvement, and general plan projects).
- Coordinating the preparation of CEQA compliance documents for individual Service Center managed projects and, when requested by a District Superintendent, OHMVR Division, or NRD, other projects within their Service Center areas.
- Review of District prepared environmental documents for appropriate compliance level and consistency in the systemwide application of CEQA.
- When a request of a District Superintendent for assistance in preparation of an environmental document has been approved by a Service Center Manager, serves as coordinator and facilitator between the District and assigned Service Center specialists in the preparation of required CEQA Documents.
- Forward environmental documents to the Accessibility Unit for review.
  - Determining the recommended level of compliance for a Service Center managed project, per CEQA and Departmental guidelines in consultation with the involved District.
  - Keeping the involved District informed throughout the process as to the status and progress of a project's environmental compliance.
  - Preparing a Notice of Exemption (NOE), when appropriate, for Service Center managed projects that qualify for a categorical exemption; filing the NOE with the SCH/OPR, following approval by the District Superintendent or authorized representative.
  - Periodically monitoring District environmental compliance activities for consistency and conformance with applicable law, regulation, case law, and departmental policy.
  - Coordinating the preparation and timely filing of environmental documents for Service Center managed projects.
  - When requested by a District Superintendent, may file environmental compliance documents initiated by a District for non-exempt projects.
  - Posting all notices to the Department website and forwarding final documentation for all Service Center managed projects to the Central Records Unit in Sacramento.
  - Providing copies of all documents filed or posted by a Service Center at the SCH/OPR to the appropriate district.

Designate a lead environmental compliance staff person with responsibility for:

- Developing and coordinating the CEQA review process for all Service Centers and Districts to foster statewide consistency in the project evaluation process, interpretation of CEQA requirements, and preparation of associated CEQA documents.

- Developing and coordinating training for DEC's and SCECs, resource specialists, and other Service Center staff involved in the evaluation of projects and preparation of documents for CEQA compliance in conjunction with the Environmental Stewardship Section of the Natural Resources Division.
- Developing and maintaining communication with the Environmental Stewardship Section of the Natural Resources Division regarding successes of compliance processes, process improvements needed, and an annual summary of the status of the environmental compliance process in the Service Centers and Districts.
- Providing timely updates of the names, telephone numbers, and e-mail addresses of the SCECs and the designated alternate in each Service Center to the Environmental Stewardship Section of the Natural Resources Division and to the assigned Districts.

#### **0605.2.3 Off-Highway Motor Vehicle Recreation Division**

The Off-Highway Motor Vehicle Recreation Division is responsible for CEQA compliance for the Districts under its jurisdiction. In particular, the OHMVR Division is responsible for:

- Reviewing environmental documents on projects and actions of statewide or multi-district interest affecting off-highway vehicle recreation.
- Providing guidance and assistance with the preparation of environmental documents for OHMVR acquisitions, Major Capital Outlay Development Programs, and other CEQA documents other than Categorical Exemptions.
- Reviewing CEQA evaluations submitted by Districts on activities and projects, and approving environmental documents generated by the Division and its Districts.
- Maintaining records in a computerized database of environmental documents for the purposes of monitoring the Department's role in environmental review and preparing necessary reports.

#### **0605.2.4 Districts**

The Department's Districts represent the focal point for the protection of park resources. Their CEQA responsibilities include:

- Ensuring that all projects and activities on properties operated by the Department are in compliance with environmental laws.
- Providing primary review under PRC § 5024, if they have the appropriate expertise.
- Initiating and ensuring completion of CEQA compliance documents for Minor Capital Outlay projects, District projects, volunteer/enhancement projects, temporary use permits, etc.
- Ensuring that any conditions or mitigations required for environmental law compliance are fulfilled.
- Reviewing and commenting on CEQA documents from outside agencies and projects, which may affect State Park units within their jurisdiction.
- Designation of a staff person and alternate to be the District Environmental Coordinator (DEC). Duties of this position include:
  - Responsibility for receipt, logging, and distribution of environmental documents.
  - Lead for processing of all environmental documents for District-managed projects (e.g. other than acquisitions, capital improvement or other projects managed by ADD including:
    - \* Coordinating the various reviews required to complete a project evaluation and preparing or coordinating the preparation of DPR 183s as required.
    - \* Ensuring that all relevant District specialists have adequately reviewed and commented on the project in the DPR 183, and that the DPR 183 is completed and signed in a timely manner.



- \* Recommending the level of compliance for projects to the District Superintendent, per CEQA and Departmental guidance.
  - \* Coordinating the preparation and timely filing of District-managed projects through the CEQA compliance process consistent with CEQA, its guidelines, and Departmental directives.
  - \* Documenting, when necessary, the basis of decision for projects subject to Figures F and G.
  - \* Preparing a Notice of Exemption (NOE) for District-managed projects that require it and, following approval by the District Superintendent or authorized representative, forwarding the NOE and DPR 183, if prepared, to the appropriate Service Center for review.
  - \* Forwarding final documentation for all District-managed CEQA documents to the appropriate Service Center.
- Serving as the District contact for the Project Manager(s), SCEC, and Service Center specialists and consultants on matters regarding environmental review and compliance.

Keeping the District Superintendents apprised of any delays, concerns, or actions regarding compliance with the CEQA process that might require their consideration and/or approval.

Maintains a list of anticipated environmental documents with a projected timeline for each.

- Providing timely updates of the names, telephone numbers and e-mail addresses of both the DEC and the designated alternate to the Environmental Stewardship Section of the Natural Resources Division and the appropriate SCEC.
- The District Superintendent is responsible for compliance with the State of California's environmental statutes, regulations and case law for District managed projects. While the Superintendent may, at their discretion, delegate this authority to members of their staff for efficient implementation of the processes described in this chapter, they nonetheless remain accountable for them.

#### **0605.2.5 Other Departmental Units**

- Other divisions, sections, or units may be required to provide data to Districts and Service Centers as necessary to achieve CEQA compliance.
- The Field Division Chiefs, as described in DOM section 0606.4, may arbitrate disputes arising from implementation of this chapter.

### **0606 REVIEW OF DEPARTMENTAL PROJECTS**

#### **0606.1 Projects**

Actions and projects carried out by the Department and subject to CEQA requirements which result in a change in the density or intensity of use include but are not limited to:

- |                                 |                                 |
|---------------------------------|---------------------------------|
| • Major Capital Outlay Projects | • Minor Capital Outlay Projects |
| • General Plans                 | • Stewardship                   |
| • Acquisitions                  | • Easements                     |
| • Exchanges                     | • Disposals/Deaccessions        |
| • Rights-of-Way                 | • Leases                        |
| • Temporary Use Permits         | • Demolitions                   |
| • Volunteer/Enhancement         | • Agreements                    |
| • OHV Grants                    | • Concessions                   |
| • Resource Management           | • Maintenance Projects (some)   |

It must be recognized that most of these projects are subject to PRC § 5024 and other review requirements (Coastal Act, State and Federal Endangered Species Acts, Streambed Alteration Permit, U.S. Army 404 wetlands review process, etc.) which may run concurrently with, sequential to, or as part of the CEQA review.

Projects affecting historic and archeological resources shall be routinely reviewed as part of the environmental review process. To aid in this process, the California Register of Historic Resources provides the authoritative listing of California's significant historic resources, including all National Register listings and eligible properties, California Landmarks, and Points of Historical Interest determined eligible for listing by the State Historical Resources Commission. However, all structures and features 50 years old or older may be historic, and must be considered under PRC § 5024 regardless of listing on the California Register. The State Park Facilities List can be consulted to determine the age of many State Park buildings and structures, but consultation with a specialist should be made as, in certain circumstances, facilities of less than 50 years of age may be considered historic.

Projects, which have substantial adverse impacts on historic or archeological resources, are not exempt from CEQA. More specific direction for conformance with the 5024 review procedures is available in "Department Procedures for Compliance with Public Resources Code Section 5024.5." The OPR advisory memo, "CEQA and Archaeological Resources" supplements the Guidelines by reviewing the requirements of PRC §§ 21083.2 and 21084.1. It offers suggestions for complying with these archeological sections of CEQA.

Unless initiated by the Department, State Parks is not the Lead Agency for projects on units of the State Park System administered by other entities. The Department does retain its responsibility as a Trustee Agency in this circumstance.

## **0606.2 Initiation of CEQA Project Review**

The CEQA evaluation process is initiated to determine if a proposed activity qualifies as a project (PRC § 21080(b) and CCR §1 5060(c)) and, if a project, whether performing the work could result in a significant adverse environmental impact. For this reason, all requests for CEQA project evaluations must include:

- A project description with supporting documents/graphics that is sufficient to determine all aspects of the proposed work.
- A location description and map.
- A description of anticipated impact on adjacent structures, facilities, and/or topographical features.
- The reason for the project.
- Sufficient information to identify and track individual projects, and
- Identification of the responsible project coordinator or project manager.

Figure A is a CEQA Process Flow Chart adapted from the State CEQA Guidelines. Figures C1 and C2 are flow charts of the Department's CEQA Process. It should be recognized that this process is idealized; a pre-project meeting involving the resource specialists, engineers, field staff, and other appropriate personnel to determine the design concept, constraints, assignments, etc., should occur, but, in reality, may be accomplished by the Project Manager meeting independently with each of the parties. If a pre-project meeting is to occur, it should be scheduled early, at the project inception stage. Figure D outlines the decision-making process for determining the appropriate level of CEQA compliance.

Except for projects described in Figures F and G, completion of a standardized Project Evaluation Form (DPR 183) with its attachments should provide the required project information (as well as that required by PRC § 5024.5, and this chapter). It is recommended, when a decision to proceed with a project described in Figure F or G is made, that a memorandum to the project file be prepared to show that environmental effects were considered and that clearly documents the date the project is approved.

## **0606.3 Responsibility for CEQA Compliance**

Evaluation of a project for potentially significant environmental impacts requires cooperation among the various organizational units of the Department and various disciplines responsible

for initiating and/or reviewing a project. It also requires coordination to ensure all aspects of the project are adequately considered.

Figure B (CEQA Responsibility / Authority) identifies the organizational units responsible for the environmental review and environmental documents for the different projects identified in Section 0606.1.

The Natural Resources Division determines the appropriate level of CEQA compliance for statewide projects; the Off-Highway Motor Vehicle Recreation Division makes this determination for OHMVR projects; the Service Centers for acquisitions, capital improvement, and other Service Center managed projects; the Districts make this determination for all District managed activities and projects.

Except as described in Sections 0606.5.1.1.2 and 0606.5.1.1.3, a DPR 183 for Service Center managed projects (including all documents necessary for project review) will be submitted to the SCEC by the Project Manager for initial processing. Once all required information is received (including PRC 5024 review prepared by assigned cultural team member), and the proposed activity has been identified as a project, the DPR 183 package will be forwarded to the Accessibility Unit and the District Environmental Coordinator (DEC) of the involved District for review. The DEC will coordinate project review by District team members and other designated District staff. Any specialist reviews not able to be completed by the District as determined by the DEC will be completed by SC specialist staff and forwarded to the DEC for inclusion in the DPR183 package at their request. Once all resource evaluations are completed, the DEC will consider potential cumulative impacts, make a preliminary recommendation for the appropriate level of compliance, and forward the DPR 183 package to the District Superintendent (or designated representative) for review and approval, prior to returning it to the Service Center for final processing. District staff evaluations should be completed in no more than 30 days from the date of receipt from the SCEC, unless concerns arise during the evaluation that require changes in the project, supplemental studies, or consultations.

Except as described in Sections 0606.5.1.1.2 and 0606.5.1.1.3, for District-managed projects, the entire PEF package (including schematics, maps, resource evaluations, and the District Superintendent's conceptual review and approval) will be completed at the District of origin. At a District's request, Service Center specialists may be available to provide resource evaluations that cannot be completed at the District in a timely manner. When a District prepares environmental documents, consultation with the appropriate SCEC to consider and resolve the appropriate level of CEQA compliance and the Accessibility Unit shall occur early in the process. This consultation shall last no longer than five working days unless extended by mutual agreement.

Once all evaluations and conceptual project approvals have been received, the SCEC or the DEC, as appropriate, will review the project package and make a preliminary determination of the level of compliance required to comply with CEQA. All concerns regarding potential environmental impacts will be resolved and concurrence from the Project Manager(s) and the involved District Superintendent will be obtained for any conditions or changes required as a result of the specialist reviews before any final determination is made.

If it is concluded by the DEC or SCEC that their projects require posting of a categorical exemption, they will prepare the Notice of Exemption (NOE) DPR 508, based on the initial determination; and forward the NOE, DPR 183 (if one has been prepared) and supplemental documents to the District Superintendent (through the DEC if Service Center prepared) for approval. Once approved and signed by the District Superintendent, the NOE will be returned to the appropriate environmental coordinator. The environmental coordinator will be responsible for advising the project managers of any scope changes necessary to ensure there is no reasonable possibility of a significant adverse environmental impact resulting from implementing the project. However, resource specialists making the recommendations should coordinate with and receive the approval of the project manager prior to requiring project conditions, mitigations, or changes in scope. Unless otherwise agreed to in advance, the initiating unit will be responsible for filing all NOEs with the SCH/OPR.

If it is concluded that the project does not qualify for a categorical exemption, the appropriate environmental coordinator will advise the project manager and the District Superintendent of the level of CEQA compliance required for the project. If agreed to by the District Superintendent or Service Center manager, preparation of the required evaluations and environmental documents will be coordinated by the SCEC for acquisitions, capital improvement and other projects managed by the Service Center, and by the DEC for all other District-managed projects. The unit responsible for CEQA compliance prepares and circulates the appropriate environmental documents. The Signature Authority is the individual delegated to sign the Notice of Determination or Notice of Exemption (See Figure B.).

With the exception of projects discussed in Sections 0606.5.1.1.2 and 0606.5.1.1.3, evaluations of District projects are prepared independently of the Service Centers (including DPR 185 processing and completion) when all necessary specialists are available at the District. If specialists are not available or it is foreseen that the District at any step of the Department's environmental review process may require assistance from a Service Center, a request for such assistance shall be initiated at the beginning of the process by the District Superintendent or DEC (with approval of the District Superintendent). The SCEC will coordinate District requests for assistance with Service Center Resource Section Supervisors or Service Center Managers and provide a timely response regarding staff responsibility and availability. The SCEC will also provide, at the request of a district, a package of materials to assist them in advertising and selecting consultants in specialties not otherwise available at the Districts or Service Centers. Environmental documents may be prepared by any combination of District, Service Center, and contract personnel.

All Notices of Exemptions, and completed DPR 183 packages where they have been, prepared will be routed by e-mail to the appropriate Service Center for a five working-day review prior to signature approval and posting of the notice as described in Sections 0606.5.1.1.1 and 0606.5.1.1.3.

All other environmental documents prepared by Districts will be routed through the Service Centers for their review prior to filing with OPR/SCH and circulation for public review as described in Sections 0606.5.2 and 0606.5.3. Copies of all final Negative Declarations or Final Mitigated Negative Declarations managed by the Service Centers will be forwarded to the Deputy Director, Park Operations.

Following signature as designated by Figure B, the initiating unit will be responsible for ensuring all environmental documents prepared by or for them are filed in a timely manner, in compliance with CEQA requirements and this chapter.

#### **0606.3.1 Thresholds of Significance**

Recent changes to the CEQA Guidelines (CCR § 15064.7) encourage public agencies to develop through the public review process thresholds of significance that the agency uses in determining the significance of environmental effects. This space is reserved for the result of that process.

#### **0606.4 Dispute Resolution**

If, during any consultation between the Service Center and the District or as a result of assistance provided to a District by a Service Center, disagreements arise as to the suitable compliance level, document content, standards or process which cannot be resolved between them, the District Superintendent, or Service Center Manager, will notify the appropriate Field Division Chief, and request in writing (with any necessary documentation) arbitration of the issue. The Field Division Chief should take no more than five working days to determine whether to arbitrate the issue. In consultation with the Chief of the Natural Resources Division, the Field Division Chief will resolve the issue expeditiously.

Disagreements or disputes regarding 5024 review recommendations and mitigations shall be appealed to the Department Historic Preservation Officer. If the Department refuses to adopt

prudent and feasible alternatives to eliminate or mitigate adverse effects on a historic resource, the SHPO may appeal to the Office of Planning and Research for mediation.

## **0606.5 Environmental Documentation**

As soon as the SCH/OPR is technically capable, all environmental documents filed or submitted to them shall include, in addition to the paper copy, a duplicate of the document in electronic format of their choice. All environmental documents filed with the SCH/OPR shall contain the name of the park unit in which the project is to occur in the project description.

CEQA documents and notices, and notices of public meetings or hearings, shall also be posted on the Department's website. Documents prepared for this posting shall be in Adobe® PDF format or in MS Word® that are readily converted to either format. The package should be forwarded either by email or floppy disk to the appropriate Service Center. Multiple submittals should be sorted by county and park, and shall contain a highlighted date (usually the end of the statute of limitations period or public review), for document removal from the Department's website, as in the following example:

MENDOCINO COUNTY  
Sea Terrace State Beach  
Leigh Ving Campground Rehabilitation - **Notice Expires 01-18-13**

Posting on the Department's website will occur on the second working day following their receipt.

The Department uses the following processes for achieving compliance with CEQA.

### **0606.5.1 Exemptions**

CEQA describes at PRC §§ 15300 et seq., and CCR §§ 15260 et seq., exemptions from that act granted by the Legislature (Departmental activities that may qualify for such statutory exemptions should follow the same basic procedure described for Categorical Exemptions in section 0606.5.1.1). Many other activities and projects undertaken by the Department are exempt from environmental review through the Categorical and Emergency exemption processes. Ministerial Exemptions by definition are not available for Departmental use.

#### **0606.5.1.1 Categorical Exemptions**

It cannot be emphasized too strongly that exemptions are not blanket relief to avoid environmental review. Any determination of a Categorical Exemption for a project must consider the potential adverse environmental effects, not simply the definition of the class of exemption (CCR § 15300.2). For example, reroofing or repainting a structure would normally be considered a Class 1 Categorical Exemption under CCR § 15301. However, the removal of the historic fabric as part of reroofing or repainting, or alteration of the original color palette of the historic scene, could be considered a significant impact and would render the project ineligible for a Categorical Exemption. Likewise, even routine landscaping activities may not qualify for a Categorical Exemption if they are performed during certain critical breeding or nesting periods of a protected species. CEQA (PRC § 21084) also limits the use of Categorical Exemptions when review demonstrates that the project may result in substantial adverse change in the significance of a scenic (as described in PRC § 21084) or historic resource (including the integrity of a historic site or landscape). The Guidelines in CCR § 15300.2 assist in describing exceptions to the use of Categorical Exemptions.

The Guidelines, in CCR §§ 15301 et seq., lists and defines the classes of exemptions. Figure E lists the classes of exemption commonly used by this Department. Based on its experience in processing such exemptions, the Department has chosen to use three different procedures (described in the following three sections of this chapter) to process projects that qualify for the exemptions described below based upon their likelihood to cause environmental impact. The use of any of these three procedures must take into consideration that the Department retains both a statutory and mission-based responsibility to protect the environmental

resources in its stewardship from adverse impacts and for the enjoyment of future generations.

In the vast majority of cases, the activities on these lists have little potential for environmental impact. However, there are exceptions, due to the location-specific project elements, or the presence of sensitive resources (CCR § 15300.2) including: a) Where the cumulative impact of successive projects of the same type in the same place, over time is significant, b) Where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, c) A potential for damage to scenic resources, including but not limited to, trees, historic structures and sites, rock outcroppings, or similar resources within an officially designated state scenic highway, d) Where a project is located on a hazardous waste site which is included on any list compiled pursuant to Section 65962.5 of the Government Code, or e) When a project may cause a substantial adverse change in the significance of a historical resource. If it is believed that any of these exceptions are applicable to the project under consideration, the normal DPR 183 review process shall be followed. Although an activity may be listed as categorically exempt and not excepted by CCR § 15300.2, consideration must be made of its potential for adverse impact before the use of these three processes. This may require the involvement of resource specialists.

Each of the exemption processes may require PRC 5024.5 review. If such review is required, it may result in a finding that the project has a significant impact on an historic resource. Consequently, an exemption would be inappropriate and completion of a DPR 183 and/or Initial Study to determine appropriate compliance level for process completion is required.

In all cases, the Department's decision to exclude these projects from our standard environmental review process does not relieve an activity from compliance with local, state, or federal permitting requirements.

#### **0606.5.1.1.1 Standard Categorical Exemptions**

Except as described in 0606.5.1.1.2 and 0606.5.1.1.3, the DPR 183 process will be followed for Departmental activities described in Figure E. If following the completion of the DPR 183 and, if appropriate, a PRC 5024.5 review, it is determined that the project falls into one of the classes of exempt activities and no significant effects are found, a Notice of Exemption (DPR 508) will be prepared by the environmental coordinator of the originating organizational unit, indicating the classification of categorical exemption and a brief statement of reason(s) why the project qualifies for that exemption. As described in 0606.3, prior to signing of a District-generated NOE by a District Superintendent, the draft Notice of Exemption shall be forwarded to the Service Center, or for OHMVR projects, to their headquarters unit, for review. If, during the five working-day review period, the Service Center disagrees with the conclusions of the filing entity or that the project should be processed at another level of compliance and the involved District Superintendent disagrees, the matter shall be forwarded, as described in Section 0606.4, to the appropriate Field Division Chief and the Natural Resources Division Chief for resolution. Following the Service Center Review or resolution of the dispute, the NOE will be returned to the District for revision, signature and posting with the SCH/OPR.

**Even when a project is determined to be exempt, it is prudent and advisable to support the decision with evidence and analysis to be cited in the event of litigation.**

The District Superintendent or their designated alternate, Chief of the OHMVR Division (for OHMVR projects), the Chief of NRD, or the Service Center Manager can sign NOEs. The involved District will forward the NOE to the SCH/OPR for posting. A copy of the filed NOE or printed copy of the entry from CEQA database posted by SCH/OPR are to be returned to the DEC and/or Project Manager (See Section 0606.8 regarding archiving of final documentation.).

The statute of limitations for legal challenges under the provisions of CEQA is 35 days from the date the NOE is filed with SCH/OPR and 180 days if the NOE is not filed. Therefore, all NOEs will be filed with SCH/OPR unless excepted by the Deputy Director of Park Operations, the Chief of NRD, Deputy Director OHMVD, or the Deputy Director of ADD. Once the

approving authority signs the NOE, work can generally begin immediately. However, no contract can be awarded until the statute of limitation has run.

#### **0606.5.1.1.2 Exempted Activities For Which No Formal CEQA Documentation is Necessary**

Figure F (Department List of Activities Requiring No Further Environmental Review) is one of two Departmental lists of projects excluded from formal DPR 183 review. This figure is a list primarily composed of projects which would, in most cases, not be subject to CEQA compliance, per CCR § 15060(c)(2), such as normal recurring maintenance activities that do not require changes in location or expansion of the current scope of work.

The responsible District Environmental Coordinator, following consultation with the originator of the activity and appropriate District staff, shall recommend to their District Superintendent (or the Superintendent's designee) whether a project qualifies for consideration under the list in Figure F. If the District Superintendent (or their designee) determines that the activity qualifies under the Figure F list, no Departmental CEQA related documentation or written record of environmental review is required. However, if projects listed on Figure F require PRC 5024.5 review their CEQA review must follow the standard DPR 183 process. It is strongly recommended that a memorandum to the project file be prepared to clearly document that environmental effects were considered and the date the project is approved. This establishes the beginning of the 180-day statute of limitations (PRC § 21167(a)) period for legal challenge of the Department's decision to proceed on a project without a filed Notice of Exemption (NOE). Without this or similar evidence, the 180-day period does not begin until the commencement of work. For certain activities, additional documentation may be required to comply with other state and federal requirements.

The Natural Resources Division may periodically review activities undertaken using the process described in this section for consistency.

#### **0606.5.1.1.3 Exempted Activities For Which a Notice of Exemption, But No DPR 183, is Required**

The list, "Department List of Activities Requiring a Notice of Exemption but Excluded from DPR 183 Review" (Figure G, attached), is only slightly more involved than that described in 0606.5.1.1.2. Whereas the actions described in Figure F would almost never cause an environmental impact, activities listed in Figure G are not expected to have a significant effect on the environment, although some physical changes may occur. Figure G activities do not require preparation and circulation of a DPR 183, but may need PRC 5024.5 review. If this review is required, the DPR 183 process will need to be initiated instead. Projects that qualify under Figure G do require preparation of a Notice of Exemption (DPR 508), which must be reviewed by the appropriate Service Center prior to filing with the SCH/OPR.

The responsible District Environmental Coordinator, following consultation with the originator of the activity and appropriate District staff, shall recommend to their District Superintendent (or the Superintendent's designee) whether a project qualifies for consideration under the list in Figure G. If the District Superintendent (or their designee) determines that the activity qualifies under the Figure G list the DEC shall prepare a DPR 508. Filing of the NOE with the SCH/OPR begins the 35-day statute of limitations provided for by PRC § 21167(d), for legal challenge of the Department's decision. Where the decision to proceed with an NOE might be questioned, a memorandum (or other explanatory documentation) to the project file should be prepared, illustrating the data and analysis which supports the decision to post a NOE.

All NOEs shall be processed through the relevant Service Center for a limited five working-day review and possible review by a Field Division Chief as described in 0606.5.1.1.1. The District Superintendent or their designated alternate, Chief of the OHMVR Division (for OHMVR projects), the Chief of NRD, or the Service Center Manager, can sign NOEs. The involved District will forward the NOE to the SCH/OPR for posting. Copies of the filed NOE are returned to the DEC and/or Project Manager (See Section 0606.8 regarding archiving of final documentation.).

#### **0606.5.1.2 Emergency Exemption**

Department projects which qualify as an emergency are also exempt from CEQA if they: (1) are immediately necessary to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in an area declared to be in a state of emergency proclaimed by the Governor; (2) constitute emergency repairs to service facilities necessary to maintain service essential to the public health, safety, or welfare; (3) are a specific action necessary to prevent or mitigate an emergency occurrence; or (4) are certain seismic work on bridges and highways. An emergency project should not result in an increase in size or capacity.

Like any other activity subject to CEQA, a project considered for an Emergency Exemption should be the most feasible, least environmentally damaging alternative in conformance with Department policy and directives. An Emergency Exemption should follow the same basic procedure described for other exemptions in section 0606.5.1.1 for PEF preparation and filing of a Notice of Exemption. Unless there is an "imminent threat to the public of bodily harm or of damage to adjacent property. . ." (PRC § 5028), an Emergency Exemption may require consultation with the State Historic Preservation Officer before a historical resource listed in the National Register of Historic Places or California Register of Historical Resources may be demolished, destroyed, or significantly altered.

## **0606.5.2 Negative Declarations**

A Negative Declaration (DPR 654B) is used when there is no significant impact and the project does not qualify for a categorical exemption; or it becomes a Mitigated Negative Declaration if there are potentially significant adverse effects that can be mitigated to a less than significant level. The organizational unit responsible, the District, Service Center or OHMVR Division, will (after completion of the DPR 183 process determining whether a negative declaration or a mitigated negative declaration is appropriate) complete an Initial Study Checklist based upon Appendix G of the CEQA Guidelines, which provides documentation supporting its conclusions. A Negative Declaration or Mitigated Negative Declaration will then be prepared as deemed appropriate.

The Initial Study Checklist must present its conclusion with supportive information, including an explanation of the answers provided and their information source. This data is necessary to provide an adequate informational and analytical basis, which leads to a supportable decision to prepare a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report. This is not to say that detailed information must be provided for every question, but to be legally sufficient, they must be explained when the reason for checking them might not otherwise be clear. This portion of the Initial Study Checklist must be able to show a connection between its preliminary determination and the reasoning and data on which it is based.

**There should be no boxes checked "Potentially Significant Impact" in a final Negative Declaration or Mitigated Negative Declaration. If such an impact is identified that cannot be mitigated to a less than significant effect, an Environmental Impact Report is necessary.**

Prior to release for public review, the Negative Declaration or Mitigated Negative Declaration will be provided to the appropriate Service Center, for District managed projects and to the appropriate District for Service Center managed projects, for their review. If, during a five working-day review period, disagreement arises as to consistency of the draft in comparison with those being prepared elsewhere within the Department or the level of compliance required, the matter shall be forwarded as described in Section 0606.4 to the Field Division Chief and NRD for resolution.

Following the five working days of review, or resolution of the disagreement, the Negative Declaration or Mitigated Negative Declaration will be returned to the originating unit for revision or for forwarding with a Notice of Completion to the SCH/OPR to be circulated for a 30-day public review in compliance with PRC §§ 21093 & 21093.3 and CCR § 15072 requirements for public notification and posting to the County Clerk.



After reviewing any comments received on the Negative Declaration or Mitigated Negative Declaration and its attached Initial Study, the District, Service Center, or OHMVR Division will prepare the Response to Comments, if appropriate, and final Negative Declaration or Mitigated Negative Declaration and Notice of Determination for signature by the Deputy Director, Park Operations, or the Deputy Director of OHMVR for that Division. A Response to Comments is not required, but should be considered, especially when there is a high degree of public interest in the project. If prepared, responses need not be part of the final document.

Copies of all final Negative Declarations or Final Mitigated Negative Declarations managed by the Service Centers will be forwarded to the Deputy Director, Park Operations.

There is a \$1,250 Notice of Determination filing fee for Negative Declarations or Mitigated Negative Declaration. This fee is charged to pay for environmental review by the Department of Fish and Game. Under certain conditions where a project has minimal effect on fish and wildlife (i.e., a project located in an urban setting with no wildlife resources present), this fee may be excused by the Department of Fish and Game upon submittal of a "Certificate of Fee Exemption" (CDFG standard form FG 753.5), available from the Fiscal and Administrative Services Branch of the California Department of Fish and Game. The need for this filing fee should be anticipated as part of the project cost.

The District, Natural Resources Division, the OHMVR Division, or Service Centers can file the Notice of Determination at the SCH/OPR (See Section 0606.8 regarding archiving of final documentation.).

### **0606.5.3 Environmental Impact Report**

If, following preparation and completion of the DPR 183, the project is determined not to be exempt and to have potentially significant nonmitigable effects; an Environmental Impact Report (EIR) shall be prepared. The courts have determined that the threshold for when an EIR is required is relatively low, and requires its preparation even if there is substantial evidence that supports a different conclusion.

A Notice of Preparation (NOP, DPR 506) stating that an EIR is to be prepared along with a completed Initial Study Checklist based upon Appendix G of the CEQA Guidelines (see discussion in DOM 0606.5.2), shall be sent to each Responsible and Trustee Agency, and to each Federal Agency involved in approving or funding the project. After the required 30-day comment period following posting of this notice with SCH/OPR, the draft EIR is prepared. Prior to its circulation for public review and comment, the draft document shall be forwarded to the appropriate Service Center or District for a five working-day review, as described in Section 0606.5.2. Following the five working days of review, or resolution of any disagreement between the District and Service Center as described in Section 0606.4, the EIR will be returned to the District for revision or forwarded for circulation through the SCH/OPR for a 45-day public review period subject to the provisions of CCR § 15087, including posting with the appropriate County Clerk. Responses to comments received during this review period must be prepared and made a part of the final EIR. As at any other step of the Department's environmental compliance process, consultation with the appropriate Service Center is available to review responses to comments for adequacy.

Public involvement is a central tenet of CEQA. It is important not only because public notice is statutorily required, but because it also provides an opportunity for public participation in the decision-making process. Such involvement provides expertise or unforeseen insights, which result in better decisions on Departmental projects. Public meetings are held during the preparation of general plans, but are not required for all EIRs prepared by the Department. Such meetings should be considered an opportunity to open the process and involve the community in an effective way, ideally resulting in less controversy and wider acceptance of the final decision.

Following the public review period, the findings required by CCR § 15091 must be prepared and approved following the process outlined in CCR § 15092. Upon the final Departmental

decision on the EIR (including those prepared for park general plans accepted by the California State Park and Recreation Commission), the District, Service Center, or OHMVR Division will prepare the Final EIR and Notice of Determination (Form 0606.5.313, or equivalent, which will also contain the findings required by CCR § 15090 for certification of an EIR) for signature by the Director or the Director's authorized representative as listed in Figure B. Copies of all Final Environmental Impact Reports managed by the Service Centers will be forwarded to the Deputy Director, Park Operations.

There is an \$850 filing fee for a Notice of Determination for an EIR. This fee should be anticipated as part of the project cost. As with Negative Declarations or Mitigated Negative Declarations, these fees may be excused by the Department of Fish and Game when a project has minimal effect on fish and wildlife upon submittal of a "Certificate of Fee Exemption" (CDFG standard form FG 753.5), available from the Fiscal and Administrative Services Branch of the California Department of Fish and Game.

The District, Natural Resources Division, the OHMVR Division, or Service Centers can file the Notice of Determination at the SCH/OPR (See Section 0606.8 regarding archiving of final documentation.).

#### **0606.6 Monitoring**

Where a Mitigated Negative Declaration is being considered, or significant effects are identified in an EIR, changes to the project or conditions are required in order to mitigate or reduce the project's significant environmental effects. In these circumstances, CEQA provides (PRC § 21081.6 and CCR §§ 15091 & 15097) that a reporting or monitoring program be prepared to "ensure compliance during project implementation." Monitoring also serves the important purpose of developing a body of knowledge of successful mitigation methods and technologies, which can result in more effective mitigation measures for future projects. A typical monitoring program would include specific constituents to be monitored, methodologies to be used, procedures for determining significance, performance objectives, and the reporting method to be employed. The monitoring program should be developed as part of the Mitigated Negative Declaration or EIR at the unit responsible for its preparation. The individual performing the monitoring and reporting may be determined on a case-by-case basis; however, the Project Manager retains responsibility for fulfillment of the monitoring/reporting requirements.

#### **0606.7 Project Completion Verification**

When a project's Notice of Determination has been signed and forwarded to OPR/SCH, it is important to communicate to the originator any special requirements, such as mitigation and monitoring, which have developed during the CEQA review process. A CEQA Project Completion Verification form (Form 0606.7) has been provided for this purpose, and is an authorization to begin work. It should be completed and forwarded by the unit responsible for CEQA compliance with necessary attachments and/or documentation to the Project Manager, with copies to the District/Sector Superintendent. The Project Manager, upon project completion, signs and returns Form 0606.7 to the unit responsible for CEQA compliance, providing comments which may serve to shape future projects.

#### **0606.8 Final Documentation Archival**

To efficiently recover documentation of an environmental review in the future, all final notices and supporting documentation are to be deposited by the unit responsible for environmental compliance in Central Records within 45 days of the filing of the Notice of Determination, or posting of a Notice of Exemption. If it has been necessary to prepare an Administrative Record, within 30 days of its completion, the documents used in its assemblage will be forwarded to Central Records. It is recommended that the materials used in preparation of the environmental review be retained at the responsible unit for a minimum of five years, but the actual length of retention should be determined by the requirements of the individual environmental document (e.g., a general plan should be retained for at least 20 years).

Following the retention period, documents shall be sent to the Department's Archival Unit where they will be housed permanently.

## **0607 REVIEW OF OTHER ENTITIES' PROJECTS**

The Department may be a "Responsible Agency" as defined by CEQA Guidelines (CCR § 15381) where the Department has limited permit authority. For example, the Department may be requested to issue a temporary use permit and easement for a road project through a unit. As a "Responsible Agency," the Department has authority to ensure compliance with CEQA. The Department is also the "Trustee Agency" as defined by CEQA Guidelines (CCR § 15386) for the resources of the State Park System. An adjacent project may not require any permits from the Department; however, the Department has an obligation to participate and comment during the CEQA public review on the potential environmental impacts of the project on State Park System resources.

The purpose of the CEQA public review is to identify impacts, bring forward additional expertise, suggest alternatives or modification to the project to reduce impacts, suggest mitigation measures to reduce impacts, and outline requirements to monitor the implementation and effectiveness of the mitigation. When responding to an environmental document as a Trustee Agency and requesting a mitigation measure, the Department must be prepared pursuant to PRC § 21081.6 to "prepare and submit a proposed reporting or monitoring program" to the Lead Agency upon request.

Generally, it is the responsibility of the affected District to review other agencies' environmental documents. The Natural Resources Division will coordinate the review of documents received from the State Clearinghouse. Unless otherwise specified in the memorandum of transmittal from the Natural Resources Division, responses are to be sent in a timely manner to the Projects Coordinator of the Resources Agency, with a copy to the Natural Resources Division. In the event that the District receives an environmental document directly from the Lead Agency, NRD should be notified in order to enable that Division to coordinate responses if necessary. It is absolutely critical to include the project's State Clearinghouse (SCH) number in the subject line of the response since neither the Projects Coordinator nor the Clearinghouse can match the comments to the project without it.

### **0607.1 Types of Documents**

The Department receives a large number of environmental and other planning documents to review. These include:

- Notices of Preparation.
- Negative Declarations.
- Environmental Impact Reports/Statements.
- Findings of No Significant Impact (FONSI), Environmental Assessments.
- Federal Energy Regulatory Commission - License Applications.
- State Water Resources Control Board - Water Rights Applications.
- County Zoning Changes and Planning Amendments.
- Subdivision Maps.
- Corps of Engineers Permits Applications.
- Bureau of Land Management - Resource Area Management Plans.
- USFS - National Forest Plans.
- Timber Harvesting Plans.

The Department, as a Trustee Agency, reviews projects initiated on units of the State Park System administered by other entities.

**0607.2 Unit Responsibilities for Review of Other Entities' Projects**

Figure A gives a general description of the obligations of a Responsible Agency in the CEQA process.

**0607.2.1 General**

The responding unit shall, upon transmitting its comments to the Resources Agency or the State Clearinghouse, send a copy to the Natural Resources Division. If the compliance date is missed, comments should be sent directly to the Lead Agency, with one copy each to the Resources Agency and the Natural Resources Division. Of course, no response is needed if there are no comments.

**0607.2.2 Natural Resources Division**

The Natural Resources Division will distribute documents received from the Resources Agency and the State Clearinghouse.

In limited circumstances, the Natural Resources Division will review projects of statewide or regional concern (e.g., offshore oil development, transmission corridors as possible examples), coordinating with Service Centers, the OHMVR Division, or Districts as necessary.

**0607.2.3 Service Centers**

Service Centers may review documents or provide technical assistance as requested by the Districts. The Service Center may be assigned lead review responsibility by the Natural Resources Division if the Service Center has special expertise or interest (e.g., unit General Plan assignment).

**0607.2.4 Off-Highway Motor Vehicle Recreation Division**

The Off-Highway Motor Vehicle Recreation Division may review projects affecting its Districts and off-highway motor vehicle recreation.

**0607.2.5 Districts**

A District will generally be responsible for the review of projects that might affect its units.

**0607.3 Signature Authority**

Signature authority for environmental documents reviewed by this Department is delegated to:

- The Director, or the Director's authorized representative, for comments on projects of statewide importance, controversial projects, or potentially controversial positions to be taken by the Department. The Director should be briefed and concurrence sought upon the issues involved prior to request for signature.
- The Natural Resources Division Chief or the Chief's authorized representative for reviews performed or coordinated by the Division.
- The OHMVR Division Chief for environmental document review performed or coordinated by the Division.
- The Park Services Division Chief for reviews performed by the Service Centers.
- The District Superintendent for comments on environmental or other review documents sent directly to the District by the Lead Agency or forwarded from the State Clearinghouse by the Natural Resources Division.

**0608 FIGURES**

The following figures and procedural process diagrams are presented to assist the user in implementing this chapter. Changes in statute, regulation, and case law may, from time to time, result in the modification of these presentations and the user is cautioned to be aware of such changes.

### GENERAL CEQA PROCESS FLOW CHART

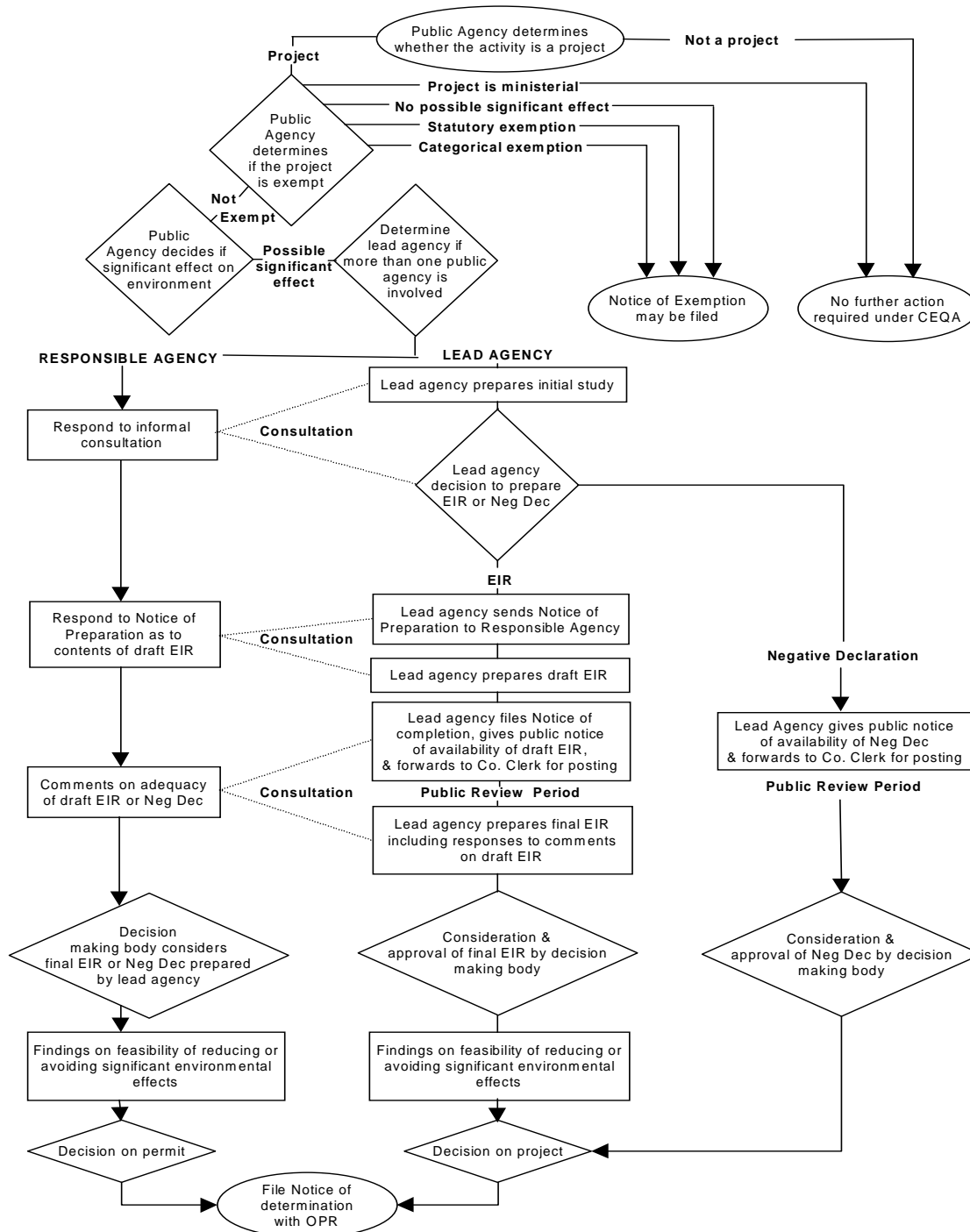


FIGURE A

## CEQA RESPONSIBILITY / AUTHORITY<sup>1</sup>

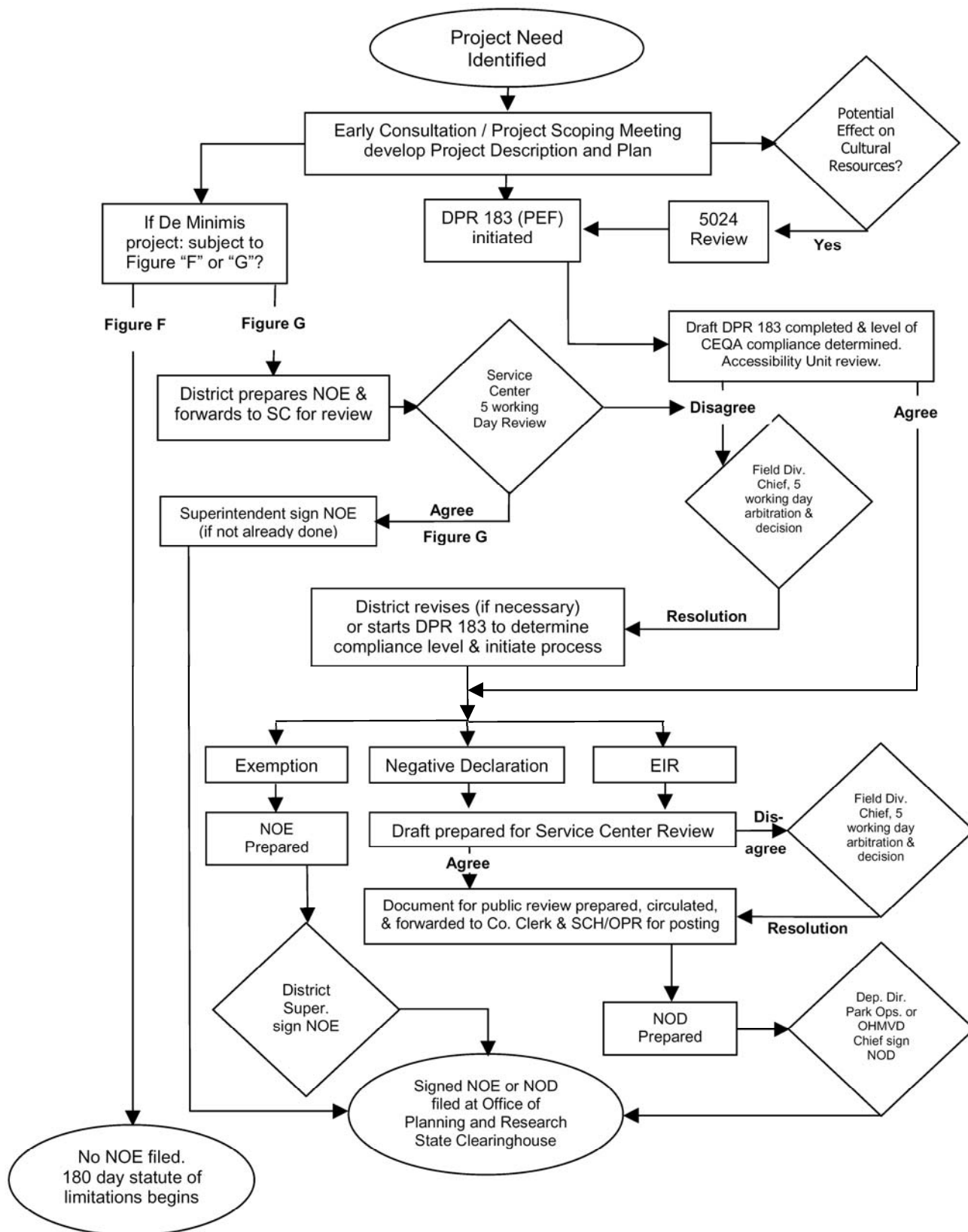
PROJECT TYPE	UNIT ORIGINATING PROJECT PROPOSAL	UNIT RESPONSIBLE FOR CEQA COMPLIANCE	NOTICE OF DETERMINATION SIGNATURE / AUTHORITY
Systemwide	Various	Natural Resources Division	Deputy Director Park Operations
Temporary Use Permits	District/Service Centers/ Park Ops	District, Service Center	Deputy Dir Park Ops
Volunteer Prog. Resource Management	"	"	"
Res. Stewardship	"	"	"
Concessions	"	"	"
Maintenance Projects	"	"	"
Demolitions	District/Service Centers/ Park Ops	"	Deputy Director Park Operations or Acq. & Dev. Div
Deferred Maint. Projects	"	"	"
Easements	"	"	"
Rights-of-way	"	"	"
Leases	"	"	"
Major Capital Outlay	District or Acquisition & Development Division	Service Center	Deputy Director Acq & Dev. Div.
Minor Capital Outlay	"	"	"
Acquisitions, Exchanges & Disposals	Office of Acquisition and Real Property Services	Acquisition & Development Division	"
General Plans	PPPC	"	"
OHV Projects	OHMVR	OHMVR	Deputy Director OHMVR
OHV Grants	"	"	"
OHV Acquisitions	"	"	"

Notices of Exemption may be signed by District Superintendents, OHMVR Division Chief (for all OHMVR District projects), Deputy Director of ADD, Service Center Managers (with concurrence from District Superintendent), or the Chief, Natural Resources Division. The Districts, Natural Resources Division, OHMVR Division, or Service Center can file the Notices of Exemption with the SCH/OPR.

<sup>1</sup> When a project has been determined to be subject to the environmental compliance process, this list identifies the level of departmental responsibility for approval.

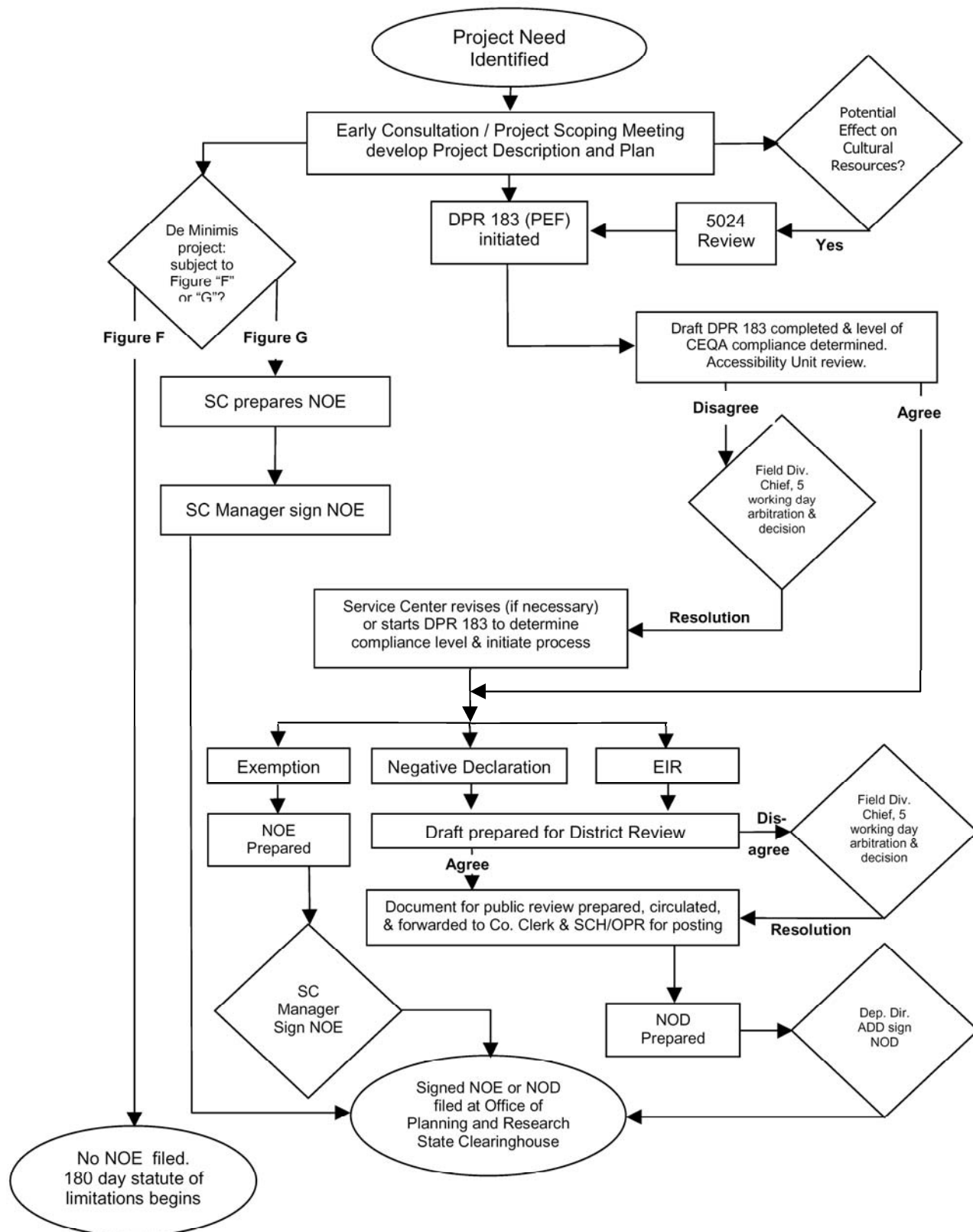
### FIGURE B

## DEPARTMENTAL CEQA PROCESS FLOW CHART FOR DISTRICT MANAGED PROJECTS



**FIGURE C<sub>1</sub>**

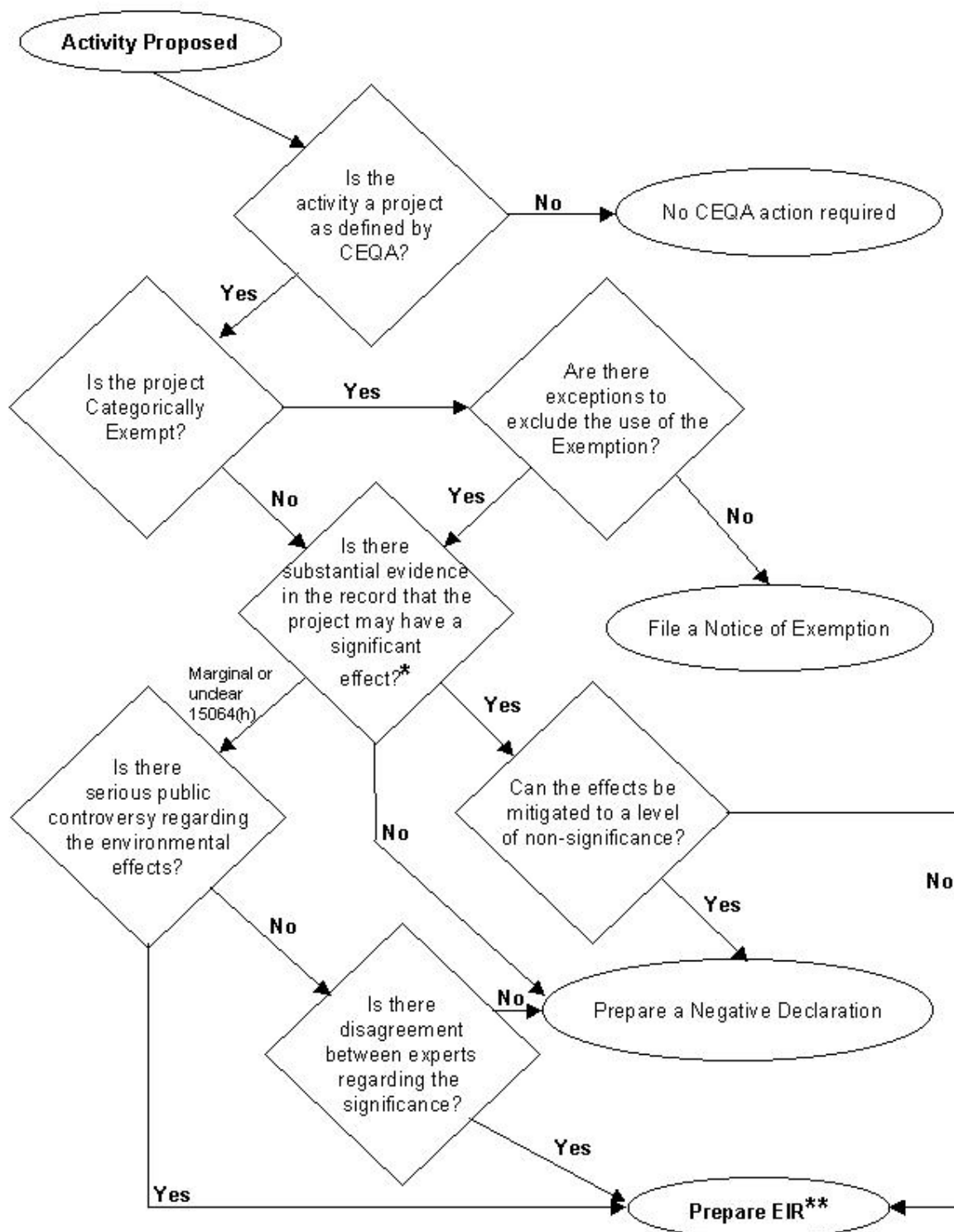
## DEPARTMENTAL CEQA PROCESS FLOW CHART FOR SERVICE CENTER MANAGED PROJECTS



**FIGURE C<sub>2</sub>**



## CEQA DECISION MAKING PROCESS



\* The test for substantial evidence is one of quality not quantity. The presentation of credible supporting evidence is crucial to the decision making process of CEQA.

\*\*As presented in Section 0606.5.3, it is better to err on the side of conservatism if there is any evidence supporting the need for an EIR.

**FIGURE D**

## DEPARTMENTAL LIST OF EXEMPT ACTIVITIES

In accordance with CCR § 15300.4, the following is a list of activities that this Department commonly carries out which may (depending on circumstance) be covered by the indicated exemption. It should be noted that while these activities are usually exempt, there are exceptions due to the location or presence of sensitive resources (CCR § 15300.2). An activity or project is exempt only if there is no significant impact as determined through specialist review, which should be documented in a Project Evaluation Form (0606.3A). An exemption does not in itself relieve an activity from 5024 review.

### **Class 1, Section 15301 – Existing Facilities**

- Streambed restoration.
- Prescribed burns to maintain native vegetation.
- Removal of underground fuel storage tanks.
- Utility repairs or minor upgrades.
- Building (non-historical) or fence repairs.
- Modifications of existing facilities for handicap access.
- Trail or road repairs.
- Landscape plant replacement.

### **Class 2, Section 15302 – Replacement or Reconstruction**

- Septic tank replacement.
- Reroofing.

### **Class 3, Section 15303 – New Construction or Conversion of Small Structures**

- Construction or installation of park facilities such as kiosks, restrooms, small parking lots, interpretive signing or panels, fencing, signs, above-ground fuel and water tanks, mobile home pads with utility connections, campsite sites, fencing and gates, boat launching facilities, concessionaire structures, and tent cabins.

### **Class 4, Section 15304 – Minor Alterations to Land**

- Trail construction or realignment.
- Prescribed burns to restore native vegetation, reduce fuel loads, and control invasive exotic or alien species.
- Special events.
- Movie filming.
- Resource management projects.
- Stewardship projects.
- Trail removal.

### **Class 5, Section 15305 – Minor Alterations in Land Use Limitations**

- Issuance of easements and permits.
- Issuance of rights-of-way.
- Issuance of temporary use permits.

### **Class 6, Section 15306 – Information Collection**

- Percolation tests.
- Soils and structural engineering tests.
- Experimental burns.
- Experimental resource management.
- Baseline monitoring.
- Archeological investigations by Department staff.
- Archeological investigations by permitted individuals and/or universities.

**FIGURE E(1)**

- Resource studies, inventories.
- Recreational use studies.
- Statewide recreational plans.
- Feasibility studies.
- Initial investigations for acquisitions.

**Class 11, Section 15311 – Accessory Structures**

- Construction of unpaved parking areas.
- Installation of signs.
- Placement of kiosks, lifeguard towers, portable toilets.
- Construction or installation of additional public use facilities (picnic tables, lockers, etc.).
- Installation of fee collection devices.
- Seasonal water crossings.

**Class 12, Section 15312 – Surplus Government Property Sales**

- Sale or exchange of State Park System properties subject to the conditions of the exemption.

**Class 13, Section 15313 – Acquisition of Lands for Wildlife Conservation Purposes**

- Acquisition of lands as an addition to the State Park System for wildlife conservation purposes (lands in a natural condition and which may be actively managed to promote wildlife).

**Class 16, Section 15316 – Transfer of Ownership of Land in Order to Create Parks**

- Acquisitions of inholdings.
- Acquisitions of contiguous properties.
- Acquisitions for a new unit with no change or reduction in use.
- Acceptance of gifts of lands to the State Park System.

**Class 17, Section 15317 – Open Space Contracts or Easements**

- Acceptance of easements or fee interests in order to maintain open space character.

**Class 18, Section 15318 – Designation of Wilderness Areas**

- Classification of State Park System land as a State Wilderness.

**Class 23, Section 15323 – Normal Operations of Facilities for Public Gatherings**

- Park facilities also covered under this exemption: Theaters, visitor centers, and conference facilities.

**Class 25, Section 15325 – Transfer of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources**

- Lease of agricultural lands to maintain historic scene.
- Acquisition, sale, or other transfer to preserve historical resources.

**Class 31, Section 15331 – Historical Resource Restoration Rehabilitation**

- Activities affecting historic resources consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

**FIGURE E(2)**

## DEPARTMENTAL LIST OF ACTIVITIES REQUIRING NO FURTHER ENVIRONMENTAL REVIEW

In accordance with CCR §15300.4, the following is a list of activities that this Department commonly carries out, which would, in most cases, not be subject to CEQA compliance, per CCR §15060(c)(2). It should be noted that, while these activities are usually not subject to CEQA, there are exceptions due to the location of a project, specific project elements, or the presence of sensitive resources (CCR § 15300.2). An activity or project is not subject to CEQA if: 1) it does not involve the exercise of discretionary powers by a public agency, 2) it will not result in a direct or reasonably foreseeable indirect physical change in the environment, or 3) it is not a project as defined in CCR §§ 15060(c) and 15378.

Projects included in this list generally do not include significant ground disturbing activities or work on, or affecting, significant historic or archaeological resources, including buildings, structures, facilities, topographical or landscape features, historic districts, or archaeological sites / artifacts (except as specifically indicated below). Exclusion from CEQA compliance does not, in itself, alleviate the need for review of the proposed project under Public Resources Code 5024.5. If such review is required, the DPR 183 process must be followed instead. Therefore, early consultation with the appropriate cultural resource specialist(s) is advised. In all cases, the Department's decision to exclude these projects from our standard environmental review process does not, in itself, relieve an activity from PRC 5024 review or compliance with local, state, or federal permitting requirements. The statute of limitations for legal challenge of the Department's decision to proceed on a project without a filed Notice of Exemption (NOE) on these projects is 180 days from project approval or, in those cases when a date of decision to proceed with the project is not documented, the start of work.

### **Class 1, Section 15301 - Existing Facilities**

Class 1 encompasses the routine, on-going operation, repair, and maintenance of structures, facilities, mechanical equipment, and developed landscaping.

Examples include, but are not limited to:

- Routine housekeeping and cleaning of park buildings and facilities, including historic structures (per approved procedures); where only the use of non-toxic, biodegradable chemicals in areas with potential for wildlife exposure or discharge into soil, native vegetation, or water bodies may be used.
- Replacement of equipment or individual equipment components within an existing system or facility, with no change in installation footprint, location, or use (e.g., replace submersible pump, replace HVAC filters).
- Repair / maintenance of aboveground utility components including telephone and electric lines, water systems, propane tanks, etc which do not include full system upgrades.
- Repair, maintenance, or renovation of the interior structure and / or components of existing non-historic buildings (e.g., remove and rebuild interior walls / partitions, replace fixtures, replace wiring and / or plumbing, install fire alarms, paint interior walls, replace carpeting).
- Regular maintenance of landscaped areas, including mowing of turf, pruning of non-native landscape materials, irrigation, weeding, mulching, etc.
- Restriping or surface marking of existing paved areas.
- Repair / maintenance of existing signs, fence / gate components, flagpoles, or interpretive panels.

### **Class 2, Section 15302 - Replacement or Reconstruction**

Class 2 encompasses the replacement or reconstruction of existing facility systems and small, non-historic accessory (appurtenant) structures within the existing footprint and with no change in purpose, capacity, or use.

Examples include, but are not limited to:

- Reconstruction of the structural interior of existing non-historic buildings; does not include modifications that alter the appearance of the structure's exterior (e.g., modification for ADA accessibility).

## FIGURE F(1)

- Replacement of small structures (e.g., storage sheds, equipment covers, and benches) with no significant change in exterior appearance; does not apply in areas of historic significance.
- Replacement of self-contained equipment / supply systems (e.g., lift stations, HVAC units, propane tanks).
- Replacement of existing signs, fence / gate posts, flag poles, or interpretive panel support post(s) in the same hole(s), provided the existing in-ground post or support is extracted without additional excavation beyond diameter and depth of original hole.

**Class 6 - Section 15306 - Information Collection**

Class 6 encompasses basic data collection, non-invasive (e.g. no ground disturbance or impact to sensitive flora or fauna) research, and resource evaluation activities for information gathering purposes only.

Examples include, but are not limited to:

- Lead paint testing of non-historic structures.
- Recreational use or feasibility studies.
- Resource studies, inventories, or baseline monitoring (visual observations only, no sampling or collection), if conducted or monitored by Departmental staff.
- Visual inspections of structures, facilities, and equipment. No ground disturbance or alterations to structural exteriors. Excludes entrance into roofs or other areas that may contain threatened or endangered species, or species of special concern, during breeding / nesting periods.

**Class 11 - Section 15311 - Accessory Structures**

Class 11 encompasses the installation / placement and removal of self-contained, temporary/seasonal structures on a firm, stable surface, such as asphalt / congealed paving materials; wooden decking; existing foundations in a contained, durable condition; compacted soil; non-shifting aggregate; or assembled man-made components in non-historic areas.

Examples include, but are not limited to:

- Lifeguard towers.
- Portable chemical toilets.
- Modular structures on temporary foundations.

Barriers.

- Self-supporting signs.

**Class 17, Section 15317 - Open Space Contracts or Easements**

- Acceptance of easements or fee interests to maintain open space character.

**Class 30, Section 15330 - Minor Actions to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances**

- Disposal of small quantities of hazardous substances, used for routine housekeeping and equipment maintenance, in a licensed disposal area or landfill, in compliance with all local, state, or federal regulatory requirements.

**FIGURE F(2)**

## **DEPARTMENTAL LIST OF ACTIVITIES REQUIRING A NOTICE OF EXEMPTION BUT EXCLUDED FROM DPR 183 REVIEW**

In accordance with CCR §15300.4, the following is a list of activities that this Department commonly carries out, which would, in most cases, not require completion of a DPR 183, (Project Evaluation Form or PEF) or full specialist review to determine that the project is exempt from CEQA, per CCR §15061(c)(2). It should be noted that, while these activities are usually exempt, there are exceptions due to the location of a project or specific project elements, or the presence of sensitive resources (CCR § 15300.2). An activity or project is exempt from CEQA if: 1) it is exempt by statute, 2) it is categorically exempt, per CCR §15300 et seq., 3) it can be seen with certainty that there is no possibility the activity or project would have a significant effect on the environment, or 4) the project has been rejected or disapproved. [CCR §15061(b)]

Exclusion from CEQA requirements does not, in itself, alleviate the need for review of the proposed project under Public Resources Code 5024.5. If such review is required, the DPR 183 process must be followed instead. Therefore, early consultation with the appropriate cultural resource specialist(s) is recommended to determine if a PRC 5024 review is required. Buildings, structures, and facilities should be considered potentially historic if constructed more than 45 years before proposed start date of project. Monitoring of all ground-disturbing activities by the appropriate Departmental qualified cultural resource specialist(s) will be automatically required for all projects without a PRC 5024 review. In all cases, the Department's decision to exclude these projects from our standard environmental review process does not, in itself, relieve an activity from PRC 5024 review or compliance with local, state, or federal permitting requirements.

A Notice of Exemption (NOE) will be filed for projects qualifying as exempt, as identified in this list and PRC 5024 (if appropriate). A DPR 183 is not required for these projects. The statute of limitations for a legal challenge of the Department's decision to file an NOE based on this streamlined review process is 35 days from the date the NOE is filed with the State Clearinghouse.

### **Class 1, Section 15301 - Existing Facilities**

Class 1 encompasses the routine operation, repair, and maintenance of structures, facilities, mechanical equipment, and topography, with no significant change in capacity or use.

Examples include, but are not limited to:

- A prescribed burn plan on a site that meets the following conditions: 1) Requires no subsurface ground disturbance, 2) Was burned within the last 15 years, and 3) Has a written cultural survey with clearance that was initiated and completed after the initial burn.
- Road sealing / repairs of existing surface.
- Exterior maintenance / repair of non-historic structures, including painting in the same or compatible color(s).
- Replacement of underground utilities within existing trench.
- Trail maintenance within existing footprint, with work completed outside periods identified to protect sensitive species or habitat; dates must be specified. Work must be done or monitored by Department staff or qualified contract personnel. If work is done by volunteers, resource protection training must be included in scope of project.
- Removal of individual members or populations of wildlife or plants that pose an imminent danger to visitors or park resources (e.g., pests or exotic plants). No species identified as a federal or state threatened, endangered, or species of special concern may be impacted by these projects. Monitoring by a Department-qualified biologist, botanist, or resource ecologist is required.

### **Class 2, Section 15302 - Replacement or Reconstruction**

Class 2 encompasses the replacement or reconstruction of existing facility systems and small, non-historic structures within the existing footprint and with no change in purpose, capacity, or use.

**FIGURE G(1)**

Examples include, but are not limited to:

Replacement of existing equipment systems, facilities, and buildings / structures (not including roof replacements) within the existing footprint, using existing utility hookups. These may include:

- Restrooms, comfort stations, combination buildings, with no expansion of capacity or change in use.
- Kiosks, information booths.
- Drinking fountains, telephone stands, flag poles.
- Non-historic water storage tanks, with no significant change in appearance or capacity.
- Septic tank replacement, with no change in installation footprint, location, or use.

#### **Class 4, Section 15304 - Minor Alteration to Land**

Class 4 consists of minor alternations in the condition of land water, and or vegetation that do not include healthy, mature or scenic trees except for forestry purposes.

Examples include, but are not limited to:

- Removal of individual members of non-threatened or endangered species or populations of pests and exotic plants that pose an imminent danger to visitors or a park resources such as feral pigs or yellow starthistle.
- **Natural** resource management projects that are discrete, non-recurring activities designed to resolve a natural resource problem or to reduce it to a manageable action such as:
  - restore natural processes such as tidal action or flooding when such processes can be restored by a single or short-term corrective action.
  - remove or control exotic organisms in important natural areas.
  - control pest and disease organisms that pose unacceptable catastrophic losses to important natural areas.
  - reintroduce organisms extirpated from a natural system or area.
  - protect, restore, or enhance rare, threatened, or endangered species and their habitat.
  - protect or restore outstanding natural scenic features; rehabilitate or revegetate significant natural areas.
  - stabilize dunes, bluffs, and other formations that threaten critical natural areas and scenic features.
  - correct excessive erosion that threatens critical nature systems and scenic features.
  - remove dead and down woody material with hand crews to reduce fire hazard.
  - restore forest health by thinning overstocked stands of conifer – units must be under ten acres in size and in conformance with a CEQA compliant resource or vegetation management plan.
- Cultural resource management projects that are discrete, non-recurring activities designed to resolve a cultural resource problem or to reduce it to manageable action, such as:
  - protect or restore prehistoric or historic archaeological sites that have been damaged by erosion, visitor impacts, and/or vandalism.
  - conduct scientific studies on prehistoric and historic archaeological sites, followed by restoration of the surface.
  - Rehabilitate, restore, or stabilize archaeological sites and small historic features.

#### **Class 6, Section 15306 - Information Collection**

Class 6 encompasses basic data collection, research, and resource evaluation activities for information gathering purposes only.

Examples include, but are not limited to:

- **Limited physical investigation** historic structures, **including seismic studies, tests of historic fabric for lead or other hazardous materials, chromochronology, or historical investigation; individual test samples, must be in inconspicuous locations, have minimal impact on historic fabric, and not affect character-defining features.**
- Resource studies, inventories, or baseline monitoring with sampling or collection, that are conducted or monitored by Department staff. Must have applicable regulatory permits.

### **FIGURE G(2)**

- **Studies to determine eligibility of cultural resources for inclusion on the National Register of Historic Places or the California Register of Historical Resources.**

**Class 11, Section 15311 - Accessory Structures**

- Installation of signs, interpretive panels, fee collection devices (on posts or attached to existing non-historic structures).

**Class 13, Section 15313 - Acquisition of Lands for Wildlife Conservation Purposes**

Class 13 encompasses acquisition of lands to preserve fish and wildlife habitat, establish ecological reserves, and protect access to public lands and waters in its natural condition.

Examples include, but are not limited to:

- Non-OHV acquisition (no improvements or immediate public use).
- Lands in a natural condition that may be actively managed to promote wildlife.

**Class 16, Section 15316 - Transfer of Ownership of Land in Order to Create Parks**

Class 16 encompasses acquisition, sale, or transfer of lands to establish a park or augment an existing park. Land must be in natural condition (no hazardous waste on property - past or present) or contain historical or archaeological resources.

Examples include, but are not limited to:

- Non-OHV acquisition (no improvements or immediate public use); transfer of ownership only.

**Class 18, Section 15318 - Designation of Wilderness Areas**

- Classification of State Park System land as a State Wilderness.

**Class 25, Section 15325 - Transfer of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources**

Class 25 encompasses transfers of ownership interests in land to preserve open space, habitat, or historical resources.

Examples include, but are not limited to:

- Non-OHV acquisition (no improvements or immediate public use); transfer of ownership only.

**Class 31, Section 15331 - Historical Resource Restoration / Rehabilitation**

Class 31 encompasses maintenance and repair, and limited stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction projects affecting historical resources. PRC5024 review must be completed prior to determining if project is exempt under this list. All work must be completed in a manner consistent with the "Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings" (1995), by Weeks and Grimmer.

Examples include, but are not limited to:

- Historic fence maintenance.
- Replace door and window hardware (in kind).
- Repaint structure in existing color(s).
- Artifact cleaning and repair per approved procedures.
- Repoint stone wall.

**FIGURE G(3)**