

ENVIRONMENTAL REVIEW
OBJECTIVES, CRITERIA AND PROCEDURES
Adopted April 17, 2007

INTRODUCTION

Pursuant to Section 21082 of the Public Resources Code and Section 15022 of the California Code of Administration concerning public agency responsibility for implementation of the California Environmental Quality Act (Public Resources Code §§21000 *et seq.*, or “CEQA”), all public agencies must adopt objectives, criteria and specific procedures for implementing CEQA and its implementing regulations (California Code of Administration §§15000 *et seq.*, the CEQA “Guidelines”). The following objectives, criteria and procedures have been adopted by the Ocean Protection Council in order to direct staff reviewing projects for their environmental effects, and in order to comply with Section 15022 of the Guidelines.

OBJECTIVES, CRITERIA AND PROCEDURES

1. The Council hereby adopts the objectives, criteria and procedures set forth in the State CEQA Guidelines, California Code of Administration §§15000 *et seq.*, which are incorporated herein by reference.
2. Pursuant to §35626 of the Public Resources Code, the Executive Officer of the State Coastal Conservancy acts as secretary to the Council and provides the staff services that the Council needs to carry out the Ocean Protection Act, Division 26.5 of the Public Resources Code. In implementing these objectives, criteria and procedures, the following responsibilities are hereby delegated to the Conservancy’s Executive Officer and staff:
 - a. determination of whether a project is exempt
 - b. conduct of initial studies
 - c. preparation of negative declarations or environmental impact reports
 - d. analysis and preparation of responses to public comments
 - e. certification that the Council has reviewed and considered an EIR or negative declaration
 - f. providing comments on environmental documents submitted to the Council for review
 - g. filing of all notices and documents which may be required by CEQA or the Guidelines
 - h. establishment of timelines for performing functions, such as public comment, under CEQA.
3. Those activities of the Council that have no possibility of significantly affecting the environment shall include ministerial and purely administrative activities; the sponsorship of conferences, symposia and other public fora seeking public advice in establishing ocean protection priorities, policies, and actions; coordination of activities undertaken by other state agencies related to ocean resources; and the

identification and recommendation of changes in law, policy and other actions to be taken by others; or shall otherwise be determined by the staff on a project-by-project basis. The staff shall evaluate such activities by referring to recognized texts, the Guidelines, and by consultation with staff of the Resources Agency.

4. Activities which may at times be undertaken or approved by the Council and which may be found to be statutorily or categorically exempt from CEQA are listed below along with the Guidelines section and class which applies.

a. Feasibility and planning studies (data collection, research, development of monitoring protocols and systems, improving management and conservation of coastal waters and ocean ecosystems): Section 15262; Section 15306, Class 6 (Information Collection).

b. Protecting, conserving and restoring, and eliminating or reducing threats to coastal and ocean ecosystems, habitats and species:: Section 15301, Class 1 (Existing Facilities); Section 15302, Class 2 (Replacement or Reconstruction); Section 15303, Class 3 (New Construction or Conversion of Small Structures); Section 15304, Class 4 (Minor Alterations to Land); Section 15313, Class 13 (Acquisition of Lands for Wildlife Conservation Purposes); Section 15317, Class 17 (Open Space Contracts or Easements); Section 15325, Class 25 (Transfers of Land to Preserve Existing Natural Conditions); Section 15333, Class 33 (Small Habitat Restoration Projects).

c. Fostering sustainable fisheries: Section 15262; Section 15301, Class 1 (Existing Facilities); Section 15302, Class 2 (Replacement or Reconstruction); Section 15303, Class 3 (New Construction or Conversion of Small Structures); Section 15304, Class 4 (Minor Alterations to Land); Section 15306, Class 6 (Information Collection); Section 15322, Class 22 (Educational of Training Programs Involving No Physical Changes); Section 15333, Class 33 (Small Habitat Restoration Projects).

d. Improving coastal water quality and addressing contamination: Section 15301, Class 1 (Existing Facilities); Section 15302, Class 2 (Replacement or Reconstruction); Section 15304, Class 4 (Minor Alterations to Land); Section 15313, Class 13 (Acquisition of Lands for Wildlife Conservation Purposes); Section 15317, Class 17 (Open Space Contracts or Easements); Section 15325, Class 25 (Transfers of Land to Preserve Existing Natural Conditions); Section 15333, Class 33 (Small Habitat Restoration Projects).

e. Increasing public access to ocean and coastal resources: Section 15301, Class 1 (Existing Facilities); Section 15302, Class 2 (Replacement or Reconstruction); Section 15303, Class 3 (New Construction or Conversion of Small Structures); Section 15304, Class 4 (Minor Alterations to Land); Section 15311, Class 11 (Accessory Structures); Section 15313, Class 13 (Acquisition of Lands for Wildlife Conservation Purposes); Section 15316, Class 16 (Transfers of Land to Create Parks); Section 15323, Class 23 (Normal Operations of Facilities for Public Gatherings); Section 15325, Class 25 (Transfers of Land to Preserve Existing Natural Conditions).

f. Acquisition, installation and initiation of monitoring and enforcement systems, vessels, equipment, and other rights and property: Section 15301, Class 1 (Existing Facilities); Section 15302, Class 2 (Replacement or Reconstruction); Section 15303, Class 3 (New Construction or Conversion of Small Structures); Section 15304, Class 4 (Minor Alterations to Land); Section 15306, Class 6 (Information Collection); Section 15309, Class 9 (Inspections); Section 15311,

Class 11 (Accessory Structures); Section 15313, Class 13 (Acquisition of Lands for Wildlife Conservation Purposes); Section 15317, Class 17 (Open Space Contracts or Easements); Section 15325, Class 25 (Transfers of Land to Preserve Existing Natural Conditions).

5. Initial studies shall be conducted by using qualified staff of the Conservancy or other public agencies, and/or by experienced consultants. A checklist or matrix providing at least as much information as is contained in appendices of the Guidelines shall be used as the basis of initial studies prepared for the Council.
6. Environmental impact reports (EIRs) shall be prepared in accordance with the requirements of the Guidelines by qualified staff of the Conservancy, other public agencies, or private consultants with expertise in this area.
7. Negative declarations shall be prepared by staff of the Conservancy or other lead agency, generally following the format listed in the Guidelines.
8. Staff charged with the preparation of EIRs and negative declarations shall consult with and obtain comments from other public agencies and from members of the public as specified in the Guidelines.
9. Staff shall provide copies of negative declarations or EIRs to other agencies and to the public as required or requested. Responsible agencies and the public shall have at least as long a period as specified in the Guidelines to review environmental documents before they are presented to the Council for certification or adoption, or before the Council considers approval of a project for which it is a responsible agency under CEQA.
10. After preparation and/or review of an EIR or negative declaration by the Conservancy staff, other agencies and the public, the Council should have at least fifteen days before the next regularly scheduled Council meeting before being requested to make a decision on its adequacy, adopt it, or certify it, or before the Council is requested to approve a project for which the document has been prepared.
11. Where the Council is a responsible agency under the Guidelines, staff shall provide comments on environmental documentation prepared by the lead agency within the time limits specified in the Guidelines or by the governmental entity requesting review.
12. The Executive Officer of the Conservancy and Secretary to the Council shall designate specific staff members of the Conservancy to undertake environmental review functions on particular projects, on a project-by-project basis.
13. Before approving any project or authorizing any expenditure from the California Ocean Protection Trust Fund, the Council shall adhere to the procedures outlined in CEQA and the Guidelines.
14. Projects that the Council determines to be of high priority for ocean conservation but which are funded and/or implemented by the Conservancy or other agencies shall be approved by the funding or implementing agency in accordance with the procedures outlined in CEQA and the Guidelines.