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practicality and reasonableness. The following three elements are necessary to an adequate discussion of cumulative impacts:

(a) A list of projects producing related or cumulative impacts, including those projects outside the control of the agency,

(b) A summary of the expected environmental effects to be projected by those projects with specific references to additional information where that information is available, and

(c) A reasonable analysis of the cumulative impacts of all the projects.

d. "District" shall mean the Riverside County Flood Control and Water Conservation District.

e. "Environmental Impact Report (EIR)" shall mean a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 21100 of the California Environmental Quality Act, and may mean either a draft or a final EIR.

f. "Environmental Impact Statement (EIS)" shall mean an environmental impact document prepared pursuant to the National Environmental Policy Act (NEPA).

g. "Governing Board" shall mean the Board of Supervisors of the Riverside County Flood Control and Water Conservation District.

h. "Lead Agency" shall mean that public agency which has the principal responsibility for carrying out or approving a project.

i. "Mitigation" shall mean:

1. Avoiding the impact altogether by not taking certain actions or parts of an action.

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

3. Rectifying the impact by repairing, rehabilitating or restoring the impacted environment.

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

5. Compensating for the impact by replacing or providing substitute resources or environments.

j. "Notice of Preparation" shall mean a brief notice

1 sent by a Lead Agency to all responsible agencies and all federal
2 agencies involved in approving or funding the project that
the Lead Agency plans to prepare an EIR for the project.

3 k. "Person" shall mean any person, firm, association,
4 organization, partnership, business, trust, corporation, company,
district, county, city and county, city, town, the State, and
5 any of the agencies' political subdivisions of such entities.

6 1. "Project" shall mean the whole of an action,
7 which has a potential for resulting in a physical change in
the environment, directly or ultimately, that is any of the
following:

8 1. An activity directly undertaken by the
9 District, including, but not limited to, public works construction
and related activities, clearing or grading of land or improve-
ment to existing public structures, or

10 2. An activity undertaken by a person which
11 is supported in whole or in part through District contracts,
grants, subsidies, loans, or other forms of assistance, or

12 3. An activity involving the issuance to a person
13 of a lease, permit, license, certificate, or other entitlement
for use by any District officer or body.

14 m. "Public Agency" shall mean any state agency,
15 board or commission and any local or regional agency as defined
in the State Guidelines. It does not include the courts of
16 the State. This term does not include agencies of the federal
government.

17 n. "Responsible Agency" shall mean a public agency
18 which proposes to carry out or approve a project for which
a Lead Agency has prepared the environmental documents. It
19 includes all public agencies other than the Lead Agency which
have discretionary approval power over the project.

20 o. "Significant Effect on the Environment" shall
21 mean a substantial, or potentially substantial, adverse change
in any of the physical conditions within the area affected
22 by the activity, including land, air, water, minerals, flora,
fauna, ambient noise, and objects of historic or aesthetic
23 significance.

24 p. "State Guidelines" shall mean those guidelines
adopted by the Resources Agency of California and which are
25 found in Title 14, Chapter 3 of the California Administrative
Code, commencing with Section 15000.

26 q. "Trustee Agency" shall mean a state agency having
27 jurisdiction by law over natural resources affected by a project
which are held in trust for the people of the State of
28 California.

1 r. "Urbanized Area" shall mean a central city or
2 cities and surrounding closely settled territory, as defined
3 by the United States Department of Commerce Bureau of the Census
4 in the Federal Register, Volume 39, Number 85, for Wednesday,
5 May 1, 1974, at pages 15202-15203 and as periodically updated.

6 Section 102.

7 The District shall not in any manner directly undertake
8 any activity resulting in a physical impact on the environment,
9 lease to any person land owned or controlled by the District
10 or support in whole or in part through contract, permit, grant,
11 subsidy, loan, or other form of assistance, an activity of
12 a person resulting in a physical impact on the environment
13 until:

14 a. The Chief Engineer has made a written determination
15 that the proposed project will not have a significant effect
16 on the environment, a Negative Declaration has been completed,
17 and the Negative Declaration has been adopted by the approving
18 officer or governing board of District, or

19 b. The Chief Engineer has made a determination that
20 the proposed project is categorically exempt from the CEQA
21 and these rules, or

22 c. The Chief Engineer has made a written determination
23 that the proposed project may have a significant effect on
24 the environment, has prepared and certified the required final
25 EIR, and the final EIR has been considered prior to approval
26 by the approving officer or governing board of the District,
27 or

28 d. The Chief Engineer has made a written determination
that the District is not the Lead Agency and that the Lead
Agency has complied with the CEQA and all appropriate State
Guidelines.

29 Section 103.

30 The Chief Engineer shall not in any case make a written
31 determination that the proposed project may or will not have
32 a significant effect on the environment until an Initial Study
33 has been completed; provided, however, that a determination
34 that a project is exempt may be made without the preparation
35 or completion of an Initial Study.

36 Section 104.

37 In any case where the District is a responsible agency,
38 but is not the Lead Agency for a project, the following proced-
39 ures shall apply:

40 a. Where the Lead Agency, prior to completing its
41 Initial Study, requests that District recommend whether an

1 EIR or Negative Declaration should be prepared for a project,
2 the Chief Engineer shall, within 10 days of receipt of said
3 request, make a recommendation which shall include the reasons
4 for the recommendation.

5 b. Where the Lead Agency has notified the District
6 of its intent to file a Negative Declaration, and has asked
7 for comments regarding this decision, the Chief Engineer,
8 within 45 days of receipt of said notice, shall send a written
9 reply by certified mail. Said reply should focus on the appro-
10 priateness of using a Negative Declaration or, if the District
11 has determined that an EIR should be prepared, the reply should
12 identify the significant environmental effects which could
13 result from the project and shall either recommend that an
14 EIR be prepared or that the project be modified to eliminate
15 the significant effects.

16 c. If the Lead Agency has notified the District
17 that it has determined that an EIR is required, the Chief
18 Engineer shall insure that the Lead Agency, within 45 days
19 of receipt of the Notice of Preparation by District, is sent
20 a written reply by certified mail. This written reply shall
21 specify the scope and content of the environmental information
22 related to the District's area of statutory responsibility
23 which must be included in the draft EIR and shall designate
24 by name those employees that will attend any meetings scheduled
25 by the Lead Agency to discuss the scope and content of the
26 EIR. The District's response shall, at a minimum, identify
27 the environmental issues and possible alternatives and mitigation
28 which the responsible agency will need to have explored in
the draft EIR.

d. Where a Lead Agency has forwarded an EIR to the
District for review, the Chief Engineer shall insure that within
45 days of receipt of said EIR, the Lead Agency is sent a
written reply. This written reply shall focus on any short-
comings in the EIR and such additional alterations or mitigation
measures that should be included in the EIR.

e. If an EIR or Negative Declaration has been prepared
for a project by the Lead Agency, the governing board of the
District, acting as a responsible agency, shall not approve
the project as proposed until it has considered the environmental
effects of the project as shown in the EIR or Negative Declara-
tion. Nor shall any such board approve the project as proposed
if it finds any feasible alternative or feasible mitigation
measures within its powers that would substantially lessen
any significant effect the project would have on the environment;
provided, however, that only those alternatives and mitigation
measures that deal with the environmental effects of those
activities that are within the scope of the statutory authority
of the District shall be considered.

f. Where there are substantial adverse environmental
consequences identified in the EIR prepared by the Lead Agency

1 if the project or application is approved, no approval shall
2 take place until the governing board of the District granting
3 its approval as a responsible agency makes the findings required
by Section 15088 of the State Guidelines for each significant
effect of the project.

4 g. The determination of the Lead Agency as to whether
5 a Negative Declaration or EIR should be prepared shall be final
6 and conclusive on the District unless the District is required
to begin to act as the Lead Agency as hereinafter provided.

7 h. If the District as a responsible agency is called
8 on to grant an approval for a project subject to CEQA for which
9 another public agency was the appropriate Lead Agency, the
District shall begin to act as the Lead Agency when any of
the following conditions occur:

10 1. The Lead Agency did not prepare any
11 environmental documents for the project, and the statute of
limitations has expired for a challenge to the action of the
appropriate Lead Agency, or

12 2. The Lead Agency prepared environmental docu-
13 ments for the project, but the following conditions occur:

14 (a) A subsequent EIR is required, and

15 (b) The Lead Agency has granted a final
approval for the project, and

16 (c) The statute of limitations for challeng-
17 ing the Lead Agency's action under CEQA has expired, or

18 3. The Lead Agency prepared inadequate environ-
19 mental documents without first consulting the District as
required, and the statute of limitations has expired for a
challenge to the action of the appropriate Lead Agency.

20 i. If a project has been approved by a Lead Agency
21 after the preparation and filing of a Negative Declaration,
22 but has not yet been approved by the District, and it is deter-
23 mined by the District that one or more of the circumstances
outlined in Section 405.1 of these rules exist, the District
shall not approve or support the project until a new Initial
Study has been prepared and, if required, an EIR has been
prepared and certified.

24 j. If a project has been approved by a Lead Agency
25 after the preparation and certification of a final EIR, but
26 has not yet been approved by the District, and it is determined
27 by the District that one or more of the circumstances outlined
in Section 505 of these rules exist, the District shall not
grant its approval of the project until a subsequent EIR has
28 been completed.

1 k. The District, upon approving a project, in its
2 capacity as responsible agency, shall file a Notice of Deter-
3 mination with the County Clerk. If a Negative Declaration
has been filed by the Lead Agency, the Notice of Determination
shall meet the requirements of Section 408 of these rules.

4 Section 105.

5 All reports or documents prepared or filed pursuant
6 to these rules shall be available for public inspection in
the offices of the Riverside County Flood Control and Water
Conservation District.

7 Section 106.

8 Feasibility or planning studies for possible future
9 action which the governing board of the District have not yet
approved, adopted or funded does not require the preparation
10 of environmental documents; provided, however, that the study
must take into account environmental factors.
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DIVISION II
EXEMPTIONS FROM THESE RULES

Section 201.

These rules shall not apply to:

a. Any project categorically exempt under the Guidelines or anything specifically exempted by State law.

b. Proposals for legislation to be enacted by the State Legislature.

c. Continuing administration or maintenance activities, including, but not limited to, purchases of supplies, personnel related actions, general policy and procedure-making and feasibility or planning studies.

d. The following emergency projects:

1. Any project undertaken, carried out, or approved by the District to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Section 8550 et seq. of the Government Code.

2. Emergency repairs to public service facilities necessary to maintain service.

3. Projects undertaken as immediate action necessary to prevent or mitigate an emergency.

e. The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares or other charges by the governing board which the governing Board finds are for the purpose of:

1. Meeting operating expenses, including employee wage rates and fringe benefits,

2. Purchasing or leasing supplies, equipment or materials,

3. Meeting financial reserve needs and requirements, or

4. Obtaining funds for capital projects, necessary to maintain service within existing service areas.

f. Actions taken by the governing board to:

1. Initiate or increase fees, rates, or charges charged for any existing public service, program or activity, or

2. Reduce or eliminate the availability of an existing public service program or activity, or

3. Close publicly owned or operated facilities, or

4. Reduce or eliminate the availability of an existing publicly owned transit service, program or activity.

g. Projects which it can be seen with certainty cannot have a significant effect on the environment.

Section 201.1.

These rules shall not apply to the following activities which do not have a significant effect on the environment:

a. Class 1. The operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing.

b. Class 2. [Reserved]

c. Class 3. The construction and location of new, small facilities or structures and installation of small new equipment and facilities.

d. Class 4 [Reserved]

e. Class 5. Minor alterations in land use limitations which do not result in any changes in land use or density.

f. Class 6. [Reserved]

g. Class 7. Actions taken by the District to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Construction activities are not included in this exemption.

h. Class 8. Actions taken by the District as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities are not included in this exemption.

i. Class 9. Activities limited entirely to inspection to check for performance of an operation, or quality, health or safety of a project, including related activities.

j. Class 10. [Reserved]

1 k. Class 11. Construction of minor structures
2 accessory to existing commercial, industrial or institutional
3 facilities.

4 1. Class 12. The sales of surplus District property
5 except for parcels of land located in an area of statewide
6 interest or a potential area of critical concern as identified
7 in the Governor's Environmental Goals and Policy Report prepared
8 pursuant to Government Code Section 65041 et seq. However,
9 if the surplus property to be sold is located in those areas
10 identified in the Governor's Environmental Goals and Policy
11 Report, its sale is exempt if:

12 1. The property does not have significant values
13 for wildlife habitat or other environmental purposes, and

14 2. Any of the following conditions exist:

15 a) The property is of such size or shape
16 that it is incapable of independent development or use, or

17 b) The property to be sold would qualify
18 for an exemption under any other class of categorical exemption,
19 or

20 c) The use of the property and adjacent
21 property has not changed since the time of purchase by the
22 County.

23 m. Class 13. [Reserved]

24 o. Class 15. [Reserved]

25 p. Class 16. The acquisition or sale of land in
26 order to establish a park where the land is in a natural
27 condition or contains historic sites or archaeological sites
28 and either:

1. The management plan for the park has not
been prepared, or

2. The management plan proposes to keep the
area in a natural condition or preserve the historic or archaeo-
logical site. This exemption will not apply when a management
plan is proposed that will change the area from its natural
condition or significantly change the historic or archaeological
site.

q. Class 17. The acceptance of easements or fee
interests in order to maintain the open space character of
an area. Cancellation of such interest or easements is not
included in this exemption.

- 1 r. Class 18. [Reserved]
- 2 s. Class 19. [Reserved]
- 3 t. Class 20. [Reserved]
- 4 u. Class 21. [Reserved]
- 5 v. Class 22. [Reserved]
- 6 w. Class 23. The normal operations of existing
7 facilities for public gatherings for which the facilities
8 were designed, where there is a past history of the facility
9 being used for the same kind of purpose. Facilities included
10 within this exemption include, but are not limited to, racetracks,
11 stadiums, convention centers, auditoriums, amphitheaters,
12 planetariums, swimming pools and amusement parks.
- 13 x. Class 24. Actions taken by the District to
14 regulate employee wages, hours of work and working conditions.
- 15 y. Class 25. Transfers of ownership of interests
16 in land in order to preserve open space.
- 17 z. Class 26. Conversion of existing small structures
18 from one use to another where only minor modifications are
19 made in the exterior of the structure, but any modifications
20 may be made inside the structure.
- 21 aa. Class 27. [Reserved]
- 22 bb. Class 28. [Reserved]
- 23 cc. Class 29. The leasing of a newly constructed
24 or previously unoccupied privately owned facility by the
25 District where no environmental documentation has been required
26 by the governing county before the building permit was issued.
27 The proposed use of the facility:
- 28 1. Shall be in conformance with existing
State plans and policies and with general, community and special
plans for which an EIR or Negative Declaration has been prepared.
2. Shall be substantially the same as
that originally proposed at the time the building permit was
issued.
3. Shall not result in a traffic increase
of greater than 5% of front access road capacity, and
4. Shall include the provision of adequate
employee and visitor parking facilities.

1 Section 202.

2 Ministerial projects are exempt from the requirements
3 of these rules and no environmental documents are required.

4 Section 203.

5 a. If it is determined that the activity contemplated
6 is an emergency project, a ministerial project, categorically
7 exempt, or cannot possibly have a significant effect on the
8 environment, a Notice of Exemption may be prepared. An Initial
9 Study may, but is not required to be prepared, prior to
determining that an activity is categorically exempt from
these rules. This Notice, if prepared, shall be available
for public inspection in the office of the District during
regular working hours for a reasonable period of time.

10 b. All such notices shall include:

11 1. A brief description of the project, and

12 2. A finding that the project is exempt, including
13 a citation to the section of the State Guidelines under which
14 it is found to be exempt, and

15 3. A brief statement of reasons to support
16 the findings.

17 c. The Notice of Exemption, if prepared, may be
18 filed by the District with the County Clerk. A list of all
19 exemptions so filed shall be posted on a weekly basis in the
20 office of the County Clerk and shall remain posted for not
21 less than 30 days.

22 d. Even though a class of projects are categorically
23 exempt under these rules, a categorical exemption shall not
24 be used for a specific project if there is a reasonable possi-
25 bility that the specific project will have a significant effect
26 on the environment due to circumstances peculiar to that project,
27 due to a cumulative impact, or because the project may impact
28 an environmental resource of hazardous or critical concern
where designated, precisely mapped, and officially adopted
pursuant to law by a federal or state agency.

DIVISION III
PREPARATION OF INITIAL STUDY

Section 301.

All Initial Studies shall be prepared in writing by the Chief Engineer. The Initial Study shall reflect the specificity of the proposed project and shall contain at least the following information:

- a. A description of the project including its location.
- b. An identification of the environmental setting.
- c. An identification of environmental effects by use of a checklist, matrix or other method.
- d. A discussion of ways to mitigate the significant effects identified, if any.
- e. A list of all agencies that were consulted prior to completing the Initial Study.
- f. An examination of whether the project is compatible with existing zoning and plans.
- g. The names of all persons who prepared or participated in the preparation of the Initial Study.

Section 302.

a. The Chief Engineer shall, after consulting with all responsible Agencies, and with any trustee agencies concerned with the project, make a tentative written determination as to whether or not the project as proposed may have a significant effect on the environment.

b. In making this determination, the Chief Engineer shall consider the primary or direct and secondary or indirect environmental consequences on both an individual and cumulative basis.

Section 303.

a. A single Initial Study may be used to evaluate more than one project if such projects are essentially the same in the terms of environmental impact.

b. An Initial Study prepared in connection with an earlier project may be used to evaluate the environmental effects of a later project if the circumstances of the projects are essentially the same.

DIVISION IV
APPROVAL OF PROJECTS THAT WILL HAVE
NO SIGNIFICANT EFFECT ON THE ENVIRONMENT

Section 401.

If the Chief Engineer finds that on the basis of the Initial Study the project will not have a significant effect on the environment, a Negative Declaration shall be completed.

Section 402.

All Negative Declarations shall contain at least the following information:

a. A brief description of the project, including a commonly used name for the project, if any.

b. The location of the project and the name of the project proponent.

c. A finding that the project will not have a significant effect on the environment.

d. An attached copy of the Initial Study documenting reasons to support the finding.

e. Mitigation measures, if any, included in the project to avoid potentially significant effects.

Section 403.

A copy of the completed Negative Declaration shall be forwarded to the State Clearinghouse for review if a state agency is responsible or trustee agency or otherwise has jurisdiction by law with respect to the involved project or if the project is of statewide, regional or area wide significance as that term is defined by the State Guidelines.

Section 404.

a. Upon completion of the Negative Declaration, involving a project, the approval of which requires a public hearing, and at least 21 days prior to the hearing the Chief Engineer shall publish in a newspaper of general circulation in the County a notice containing the following information:

1. The general description and location of the project;

2. The hearing body that will consider approval

1 of the project;

2 3. The time, place and date on which the project
3 will be considered for approval;

4 4. A statement that the Chief Engineer has
5 determined that the implementation of the project will not have
6 a significant effect on the environment and that a copy of the
7 completed Negative Declaration is available for inspection at
8 the office of the Riverside County Water Conservation and Flood
9 Control District.

10 5. A statement that prior to making its decision,
11 the hearing body will consider all testimony, oral and written,
12 as to whether or not the adoption of the completed Negative
13 Declaration is appropriate and that written comments received
14 by the Chief Engineer before the hearing will be forwarded to
15 the hearing body with the completed Negative Declaration.

16 A copy of the Negative Declaration and the
17 published notice shall be mailed to all organizations and indi-
18 viduals who have previously requested such notice; provided,
19 however, that a reasonable fee shall be charged to cover the
20 costs of postage and handling. The amount and method of collec-
21 tion for such fees shall be determined by the Board of Supervisors.

22 b. Notice of the public hearing shall also be given
23 by posting a copy of the notice in at least one prominent location
24 on or near the property involved in the project.

25 c. Immediately after making a tentative determination
26 that the project will not have a significant effect on the
27 environment, the Chief Engineer shall consult with and obtain
28 comments from all responsible and trustee agencies, all public
agencies having jurisdiction by law with respect to the project,
all public agencies whose activities will be affected by the
project, and should consult with persons having special expertise
with respect to any environmental impact involved. All comments
received shall be forwarded to the Hearing Body as attachments
to the completed Negative Declaration.

29 Section 404.3.

30 a. Upon completion of the Negative Declaration involving
31 a project, the approval of which does not require a public hearing,
32 and at least 21 days prior to forwarding the Negative Declaration
33 to the approving officer of body, the Chief Engineer shall publish
34 in a newspaper of general circulation in the County a notice
35 containing the following:

36 1. The general description of the project and
37 its location;

38 2. The public official or body that will consider
approval of the project and the address where comments should
be sent;

3. A statement that the approving official or body will not approve or deny the project for a period of 21 days and during that period of time will consider written comments as to whether or not the determination of the Chief Engineer that the project will not have a significant effect on the environment is correct, and that a copy of the completed Negative Declaration is available for inspection at the office of the Riverside County Water Conservation and Flood Control District;

4. A statement that not more than 90 days after the close of the comment period, the approving official will approve or deny the project and that notice of said decision will be mailed to any person requesting notification;

b. Notice of the public hearing shall also be given by posting a copy of the notice in at least one prominent location on or near the property involved in the project.

Section 405.

a. Prior to considering approval or denial of a project, the approving officer or governing board shall determine whether or not the project will have a significant effect on the environment. In making this determination, the Negative Declaration, all written comments received, and oral testimony if a hearing is required, shall be considered. If any comments raise significant environmental issues, the governing board shall determine whether or not the project will have a significant effect on the environment or, alternatively, shall return the project to the Chief Engineer for re-evaluation.

b. If the project application is returned to the Chief Engineer, notification pursuant to Section 404 or 404.3 shall be completed prior to subsequent consideration by the approving officer or governing board if the Chief Engineer again determines that the project will not have a significant effect on the environment. If the Chief Engineer determines, upon re-evaluation, that the project may have a significant effect on the environment, an EIR shall be required.

c. If the approving officer or governing board finds that the project will not have a significant effect on the environment, the completed Negative Declaration shall be adopted and the approval or denial of the project considered.

d. If the approving officer or governing board finds that the project will have a significant effect on the environment, the approval or denial of the project will not be considered and an EIR shall be required.

Section 405.1.

a. Even though a Negative Declaration has been

completed, the approving officer or body shall nevertheless require the Chief Engineer to prepare a new Initial Study if:

1. Subsequent changes are proposed in the project which involve new environmental impacts not previously considered or

2. Substantial changes occur with respect to the circumstances under which the project was undertaken, such as a substantial deterioration in the air quality where the project will be located, or

3. New information becomes available which is of substantial importance to the project and the information was not known and could not have been known at the time the Negative Declaration was completed.

b. If a new Initial Study is required pursuant to this section, no further consideration of the approval of the project shall take place until the required re-evaluation has occurred, and the Chief Engineer has made a new determination as to whether or not the approval of the project will have a significant effect on the environment.

Section 406.

a. The adoption of the Negative Declaration by the approving officer or governing board is final; provided, however, that where an EIR is required by Section 405.1 of these rules, the approving officer or governing board shall not authorize or support any project until a final EIR has been completed and certified in the manner required by Section 509 of these Rules.

Section 407.

Whenever the governing board authorizes a public project of the District or supports, in whole or in part, through contract, grant, subsidy, loan or other form of assistance, an activity of a person for which a Negative Declaration has been filed, a Notice of Determination shall be filed by the Chief Engineer with the County Clerk. If the project requires discretionary approvals from one or more state agencies, the Notice of Determination shall also be filed with the Secretary for Resources.

Section 408.

The Notice of Determination filed pursuant to Section 407 shall include the following:

a. An identification of the project, including its common name, where possible, and its location; and

b. A brief description of the project;

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1 c. The date on which the agency approved the
2 project;

3 d. The determination of the governing board that
4 the project will not have a significant effect on the environment;

5 e. That a Negative Declaration has been prepared
6 pursuant to the provisions of the CEQA;

7 f. The address where a copy of the Negative Declaration
8 may be examined.
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DIVISION V
DETERMINING THAT A PROJECT WILL HAVE A SIGNIFICANT
EFFECT ON THE ENVIRONMENT, PREPARATION OF AN EIR,
AND APPROVAL OF THE PROJECT

Section 501.

a. If the Chief Engineer finds that on the basis of the Initial Study the project, either individually or cumulatively, may have a significant effect on the environment, he shall cause an Environmental Impact Report to be prepared.

b. It shall be conclusively presumed that the project will have a significant effect on the environment if:

1. The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory, or

2. The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals, or

3. The project has possible environmental effects which are individually limited, but cumulatively considerable. As used in this subsection, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, or

4. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

Section 502. The Chief Engineer should require an EIR if:

a. It can be fairly argued on the basis of substantial evidence that the project may have a significant effect on the environment, or

b. There is serious public controversy concerning the environmental effects of a project, or

c. Where there is or it can be anticipated that there will be a substantial body of opinion that considers or will consider a project to have adverse environmental effects.

Section 503.

a. If the Chief Engineer determined that an EIR will be required for a project, a Notice of Preparation shall immediately be sent by certified mail or any other method of transmittal which provides a record that notice was received to all responsible and trustee agencies, and all federal agencies involved in approving or funding the project. If one or more of the responsible agencies so notified is a state agency, the Chief Engineer shall also send a copy of this notice to the State Clearinghouse. When the Notice of Preparation is submitted to the State Clearinghouse, the state identification number issued by the Clearinghouse shall be the identification number for all subsequent environmental documents on the project. The identification number should be referenced on all subsequent correspondence regarding the project, specifically on the title page of the draft and final EIR and on the Notice of Determination.

b. The Chief Engineer or any responsible federal or trustee agency may request one or more meetings between representatives of the above-named agencies to determine the scope and content of the environmental information any such agency may require. The Chief Engineer shall schedule such a meeting within 30 days if requested to do so by the project sponsor or any of the above-named agencies.

c. The notice required by this section shall provide the above-named agencies and the federal agencies with sufficient information describing the project and the environmental effects to enable said agencies to make a meaningful response. Such notice shall include:

1. A description of the project, and
2. The location of the project, outlined on a topographic map which shall be attached, and
3. The probable environmental effects of the project.

Section 504.

a. upon the completion of a draft EIR, the Chief Engineer shall prepare and file a Notice of Completion of the draft EIR. The notice shall include a brief description of the project, its proposed location, an address where copies of the EIR are available and the period during which comments will be received.

b. The Notice of Completion shall be filed with the County Clerk and with the Secretary for the Resources Agency.

c. A copy of the draft EIR shall be forwarded to

the State Clearinghouse for review if a state agency is a responsible or trustee agency, if the project is of statewide, regional or areawide significance as that term is defined by the State Guidelines, or if the EIR has been prepared for a general plan, an element of the general plan, or an amendment of an existing general plan.

d. Within 5 working days of filing the Notice of Completion with the Riverside County Clerk, the Chief Engineer shall consult with and request comments from all responsible agencies, public agencies having jurisdiction by law over the project, public agencies whose activities will be affected by the project, and should consult with persons having special expertise with respect to any environmental impact involved.

Section 505.

a. Once the Notice of Completion has been filed, no subsequent or supplemental EIR shall be required unless one or more of the following events occurs:

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

2. Substantial changes occur with respect to the circumstances under which the project is undertaken, such as a substantial deterioration in the air quality where the project will be located, which will require major revisions in the environmental impact report due to the involvement of new environmental impacts not covered in a previous EIR,

3. New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available and the new information shows any of the following:

(a) The project will have one or more significant effects not discussed previously in the EIR;

(b) Significant effects previously examined will be substantially more severe than shown in the EIR;

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; or

(d) Mitigation measures or alternatives which were not previously considered in the EIR would substantially lessen one or more significant effects on the environment.

b. If an EIR has been completed, but the project has not yet been approved, the subsequent or supplemental EIR

must be prepared and certified before the approving officer or body further considers approving the project.

Section 506.

a. At the same time the Notice of Completion is filed, public notice of the completion of the draft EIR shall be given by publishing in a newspaper of general circulation in the County a Notice inviting public comment on the draft EIR. There will be notice given for all projects which shall contain the project's identity, general location, a statement that an EIR has been prepared for the project, the addresses of not less than two locations where a copy of the draft EIR may be inspected, and a date not less than 45 days after the actual filing of the Notice of Completion with the County Clerk, on or before which the Riverside County Flood Control and Water Conservation District will receive from the public written comments on the involved EIR.

b. A copy of this Notice shall be mailed to all organizations who have previously requested such notices; provided, however, that a reasonable fee shall be charged each such individual or organization to defray the cost of such mailings. The amount and method of collection of such fees shall be determined by the governing board of the District.

c. Notice of the public hearing shall be given by posting a copy of the notice in at least one prominent location on or near the property involved in the project.

d. The Chief Engineer shall insure that copies of all draft EIRs are made available to the public by furnishing copies of the draft EIRs to appropriate public libraries.

Section 507.

a. Written comments from public agencies, organizations or individuals consulted by the District, and any written comments from the public received prior to the expiration of that period provided for in Section 506 of these rules shall be evaluated by the District as a part of the final EIR prepared by the District. Comments received after the 45-day period may be evaluated as part of the final environmental impact report, but if not evaluated shall be forwarded, along with the final EIR, to the governing board.

b. All comments that are required to be evaluated by this section shall be responded to in writing by the District.

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The response may take the form of a revision of the draft EIR or may be an attachment to the draft EIR. In either case, the response shall describe the disposition of all significant environmental issues raised by the comments. Where the response of the District is at variance with the recommendations or objections raised by the comments, reasons must be given why these specific comments or suggestions were not accepted.

c. All comments received shall be kept on file in the Office of the Riverside County Flood Control and Water Conservation District for a reasonable period of time and shall be available for public inspection.

Section 508.

The District shall, within 30 calendar days of the expiration of that time period provided by Section 506 of these Rules, respond to all written comments received within that time period and prepare a final EIR.

Section 509. Preparation of a Final EIR.

a. The final EIR shall consist of:

1. The draft EIR or a revision of the draft.
2. Comments and recommendations received on the draft EIR, either verbatim or in summary.
3. A list of all persons, organizations and public agencies commenting on the draft EIR.
4. The responses of the Lead Agency to significant environmental points raised in the review and consultation process. If the District chooses to disregard environmental objections or recommendations involving the project, the reasons for so doing must be addressed, giving reasons why specific comments and suggestions were not accepted.
5. A list of those environmental effects that can be mitigated, together with recommended changes or alterations in the project and/or in the conditions of approval which will mitigate or avoid those environmental effects found to be significant.
6. A list of those environmental effects that cannot be mitigated, together with:
 - (a) An identification of specific economic, social or other considerations discussed in the EIR or raised by comments that make infeasible adopting a project alternative, or
 - (b) A finding that, based on the draft EIR and on the comments received, there are no considerations

which justify not adopting an alternative to the project identified in the draft EIR.

7. A certification by the Chief Engineer that the final EIR is an objective and accurate statement which has been completed in compliance with CEQA and the State Guidelines.

b. The final EIR shall be prepared and certified by the Chief Engineer and considered by the governing board before it considers the authorization or support of any project or the issuance of approval of any permit.

Section 510.

a. Upon completion and certification of the final EIR by the Chief Engineer, and at least 21 days prior to the consideration of the project by the hearing body, the Chief Engineer shall publish in a newspaper of general circulation in the County a notice containing the following information:

1. The general description and location of the project.

2. The District officer or body that will consider approval of the project.

3. The time, place and date on which the project will be considered for approval.

4. A statement that an EIR has been prepared for the project, and identification of not less than two locations where it is available for inspection.

5. A statement that prior to making its decision, the District officer or body will consider the EIR and all testimony, oral and written, pertaining to the EIR.

b. Notice of the public hearing shall also be given by posting a copy of the notice in at least one prominent location on or near the property involved in the project.

Section 511.

a. The officer or governing board considering the authorization or support of any project or the issuance or approval of a permit shall certify that it has reviewed and

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considered the information in the final environmental impact report or reports before making a decision whether to approve or disapprove the project or application.

b. Where there are one or more substantial adverse environmental consequences identified in the final EIR and any subsequent EIRs if the project or application is approved, no approval shall take place nor shall any project be carried out until the approving officer or governing board makes one or more of the following written findings for each of those adverse environmental consequences, accompanied by a statement of the facts supporting each finding:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the final EIR, or

2. Those changes or alterations which, if required, would mitigate or avoid the significant environmental effects identified in the final EIR are within the responsibility and jurisdiction of another public agency over which the District has no control and have been adopted by such other agency or can and should be adopted by such other agency, or

3. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

c. Notwithstanding the above, the approving officer or governing board shall not approve or carry out a project as proposed if feasible mitigation measures or feasible alternatives are available which would eliminate any significant environmental effects identified in the EIR or reduce such effects to the level of insignificance. The governing board shall, prior to approval, incorporate into the project feasible mitigation measures, feasible alternatives, or a combination thereof which will eliminate such effects or reduce them to an acceptable level.

d. The findings required by subsection b shall be supported by substantial evidence in the record.

Section 512.

a. After approving a project for which an EIR has been prepared, the approving officer or governing board shall prepare and file a Notice of Determination with the County Clerk and, if the project requires discretionary approvals from one or more state agencies, with the Secretary for Resources.

b. All such Notices of Determination shall include:

1. An identification of the project, including

- 1 its common name where possible and its location;
- 2 2. A brief description of the project;
- 3 3. The date the project was approved;
- 4 4. The determination of the governing board
5 whether the project in its approved form will have a significant
6 effect on the environment;
- 7 5. A statement that an EIR was prepared and
8 certified pursuant to the CEQA.
- 9 6. Whether mitigation measures were made a
10 condition of the approval of the project.
- 11 7. Whether a statement of overriding consideration
12 was adopted for the project.
- 13 8. The address where a copy of the EIR and the
14 record of project approval may be examined.
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DIVISION VI
PUBLIC INSPECTION

Section 601.

All reports or documents prepared or filed pursuant to these rules shall be available for public inspection at the District Office. Copies of reports, documents or maps may be purchased from the District at the cost of reproduction as determined by the Chief Engineer; provided, however, that the minimum charge shall be one dollar (\$1.00).