

Ventura County

CEQA Implementation Manual



COUNTY of VENTURA

Adopted by the Board of
Supervisors on [DATE]

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Cover Page Photos:

Flower Fields, County of Ventura

Barn Owl, County of Ventura

Somis Ranch Farmworker Housing, AMCAL Inc.

North County Coastline, County of Ventura

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1. INTRODUCTION

1.1 State Legislative Intent

The California Legislature has declared through enactment of the California Environmental Quality Act (CEQA) that it is the policy of the State to:

- a. Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.
- b. Take all action necessary to provide people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.
- c. Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.
- d. Ensure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.
- e. Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.
- f. Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.
- g. Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

Additional CEQA policies are set forth in the State CEQA Guidelines Section 15003.

Reference: Public Resources Code (PRC) Section 21001

1.1.1 Limitations on Project Approval

CEQA provides that *public agencies*¹ should not approve projects as proposed if there are *feasible* alternatives or *feasible* mitigation measures available which would substantially lessen the *significant environmental effects* of such projects, and that the procedures required by CEQA are intended to assist *public agencies* in systematically identifying both the *significant effects* of proposed projects and the *feasible* alternatives or *feasible* mitigation measures which will avoid or substantially lessen such *significant effects*. CEQA also provides that in the event specific

¹ Terms that appear in this document in italicized font with a subtle dashed green underline, such as *this example*, are defined in Section 14.

economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more *significant effects* thereof.

Reference: PRC Section 21002

1.1.2 Use of Environmental Impact Reports

Under CEQA, the following policies apply to the use of environmental impact reports (EIRs):

- a. The purpose of an EIR is to identify the *significant effects* of a project on the environment of a project, to identify alternatives to the project, and to indicate the manner in which such *significant effects* can be mitigated or avoided.
- b. Each *public agency* shall mitigate or avoid the *significant effects on the environment* of projects it carries out or approves whenever it is *feasible* to do so.
- c. If economic, social, or other conditions make it infeasible to mitigate one or more *significant effects on the environment* of a project, the project may nonetheless be approved or carried out at the discretion of a *public agency*, if the project is otherwise permissible under applicable laws and regulations.
- d. In applying the policies of subdivisions (b) and (c) to individual projects, the responsibility of a *lead agency* shall differ from that of a *responsible agency*. The *lead agency* shall be responsible for considering the *effects*, both individual and collective of all activities involved in a project. A *responsible agency* shall be responsible for considering only the *effects* of those activities involved in a project which it is required by law to carry out or approve. This subdivision applies only to decisions by a *public agency* to carry out or approve a project and does not otherwise affect the scope of the comments that the agency may wish to make pursuant to PRC Section 21104 or 21153.

To provide more meaningful public disclosure, reduce the time and cost required to prepare an EIR, and focus on potentially *significant effects on the environment* of a proposed project, *lead agencies* shall, in accordance with PRC Section 21100, focus the discussion in the EIR on those potential *effects* on the environment of a proposed project which the *lead agency* has determined are or may be significant. *Lead agencies* may limit discussion on other *effects* to a brief explanation as to why those *effects* are not potentially significant.

Reference: PRC Section 21002.1

1.1.3 Integration of Planning and Environmental Review Procedures

CEQA provides that:

- a. Local agencies integrate the requirements of CEQA with planning and environmental review procedures otherwise required by law or by local practice so that all those procedures, to the maximum *feasible* extent, run concurrently, rather than consecutively.
- b. Documents prepared pursuant to CEQA be organized and written in a manner that will be meaningful and useful to decisionmakers and to the public.
- c. EIRs omit unnecessary description of projects and emphasize *feasible* mitigation measures and *feasible* alternatives to projects.

- d. Information developed in individual EIRs be incorporated into a data base which can be used to reduce delay and duplication in preparation of subsequent EIRs.
- e. Information developed in EIRs and negative declarations (NDs) be incorporated into a database which may be used to make subsequent or supplemental environmental determinations.
- f. All persons and *public agencies* involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual *significant effects on the environment*.

Reference: PRC Section 21003

1.2 Authority

The regulations contained herein are prescribed by the Ventura County Board of Supervisors to be followed by all County of Ventura (“County”) agencies, departments, special districts and related legal entities for which the members of the Board of Supervisors sit as the governing body in the implementation of CEQA and the State CEQA Guidelines.

The Planning Division of the Resource Management Agency (RMA) is designated to maintain and amend as necessary this Implementation Manual.

CEQA is set forth at Section 21000 *et seq.* of the PRC, and the State CEQA Guidelines are set forth at Section 15000 *et seq.* of Title 14, Division 6, Chapter 3 of the California Code of Regulations, and are hereby incorporated by reference into this Implementation Manual.

According to Section 15022 of the State CEQA Guidelines, each *public agency* shall adopt objectives, criteria and specific procedures consistent with CEQA and the State CEQA Guidelines for administering its responsibilities under CEQA. This Implementation Manual is to be used in conjunction with the State CEQA Guidelines. If there is a conflict between CEQA or the State CEQA Guidelines and this Implementation Manual, the more specific (i.e., rigorous) and applicable criteria or procedure shall apply provided that the Implementation Manual provision is not preempted by State law. This Implementation Manual complies with CEQA requirements in that it establishes procedures for conducting initial studies, preparing draft and final *environmental documents*, responding to comments, filing documents and providing time periods for performing functions under CEQA.

When required, this Implementation Manual shall be amended to conform to statutory changes to CEQA or the State CEQA Guidelines within 120 days after the effective date of the amendments. During the interim while the Implementation Manual is being amended, the statutorily changed provisions of CEQA and State CEQA Guidelines shall be followed.

Reference: State CEQA Guidelines Section 15022

1.3 Purpose

The purpose of this Implementation Manual to the State CEQA Guidelines is to identify the specific procedures and provisions adopted by the County to implement and comply with the requirements of CEQA and the State CEQA Guidelines. This Implementation Manual also includes a Reference Library (see Appendix B) of additional impact assessment guidelines as established by certain

County agencies/departments based on their areas of expertise. The Reference Library is intended to serve as a centralized list of County resources for analyzing impacts as they relate to CEQA. Each resource listed within the Reference Library is administered by the respective County agency/department that established the source document, which may be updated by that County agency/department independently from the Implementation Manual.

1.4 Applicability

This Implementation Manual applies to all public and *private projects* subject to “governmental action” (as described in State CEQA Guidelines Section 15002(b)) by all agencies, departments, county service areas, and other subsidiary bodies comprising the County as a legal entity, as well as the special districts and other separate legal entities for which the members of the Board of Supervisors act as the governing board, which include the Ventura County Fire Protection District; Ventura County Watershed Protection District; Ventura County Waterworks District Nos. 1, 16, 17, 19, and 38; Ventura County Public Financing Authority; and Ventura County In-Home Supportive Services Public Authority. For reference purposes only, the County and all other legal entities to which this Implementation Manual apply are collectively referred to hereinafter as “County” or “County agency/department.”

2. GENERAL RESPONSIBILITIES

2.1 County Agencies and Departments

The County agency/department responsible for making CEQA determinations and preparing and processing *environmental documents* for projects under its administrative jurisdiction is referred to throughout this Implementation Manual as the “*lead County agency*” and shall be responsible for fulfilling the County’s or other legal entity’s obligations as the *lead agency* for such projects under CEQA. Notwithstanding the use of this “*lead County agency*” reference herein, the County of Ventura (or other legal entity governed by the Board of Supervisors when acting as the *lead County agency* for a project) shall be identified as the *lead agency* on official CEQA documents such as Notices of Exemption, Notices of Determination, and *environmental documents*.

In addition, each County agency/department shall provide technical support in its respective area of expertise to all other County agencies/departments.

2.2 Resource Management Agency - Planning Division

This Implementation Manual shall be retained and made publicly available by the RMA Planning Division. The RMA Planning Division shall advise other County agencies/departments concerning the application of CEQA, the State CEQA Guidelines and this Implementation Manual, and integrate updates to the Implementation Manual or Initial Study Assessment Guidelines (ISAGs) initiated by other County agencies/departments. Additionally, the RMA Planning Division shall be responsible for coordinating County review of, and response to, all *environmental documents* prepared by public entities not under the authority of the Ventura County Board of Supervisors.

2.3 Board of Supervisors

Pursuant to PRC Section 21151(c) and State CEQA Guidelines Section 15090(b), decisions of non-elected County bodies (e.g., Ventura County Planning Commission) and subsidiary County agencies/departments certifying the adequacy of *environmental documents* (i.e., Notice of Exemption, ND, mitigated negative declaration, and EIR), or determining that CEQA does not apply to a project, may be appealed to the Board of Supervisors. (See Section 9 below regarding the appeal process.)

Pursuant to State CEQA Guidelines Section 15064.7(b), all amendments to the thresholds of significance set forth in the ISAGs, or that are otherwise intended for general use as part of the County's environmental review process, must be adopted by ordinance, resolution, rule, or regulations by the Board of Supervisors through a public review process and supported by substantial evidence.

2.4 County Clerk and Recorder

The County Clerk and Recorder is responsible for posting *Notices of Preparation*, notices for public review of *environmental documents*, *Notices of Exemption*, and *Notices of Determination* for 30 days from the date of filing. The County Clerk and Recorder is also responsible for receiving and processing requests, filed with the County Clerk and Recorder pursuant to Section 21092.2 of the PRC, from persons who wish to obtain copies of environmental notices. At the end of the 30-day period, the Clerk shall return the notice to the *lead County agency* who requested posting, with a notation of the period it was posted. The *lead County agency* shall retain the *Notice of Exemption* and *Notice of Determination* for not less than 12 months.

3. APPLICABILITY

3.1 Time of CEQA Compliance

Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs and NDs should be prepared as early as possible in the project review process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.

With all County-initiated projects, environmental considerations should be incorporated into project conceptualization, design, and planning at the earliest *feasible* time. All County agencies/departments governed by this Implementation Manual shall not undertake actions concerning a project that would have a *significant effect* or limit the choice of alternatives or mitigation measures before the completion of CEQA analysis.

With *private projects*, the County shall encourage the applicant to incorporate environmental considerations into the project conceptualization, design, and planning at the earliest *feasible* time.

The preparation of *environmental documentation* should be coordinated in a timely fashion concurrently (not consecutively) with the applicable planning, review and project approval process.

Reference: State CEQA Guidelines Section 15004

3.2 Definition of Project

State CEQA Guidelines Section 15378(a) states:

“‘Project’ means the whole of an action that has potential for resulting in either a direct physical change in the *environment*, or a reasonably foreseeable indirect physical change in the *environment*, and that is any of the following:

- a. An activity directly undertaken by any *public agency* including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100 through 65700.
- b. An activity undertaken by a person which is supported in whole or in part through *public agency* contracts, grants, subsidies, loans, or other forms of assistance from one or more *public agencies*.
- c. An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more *public agencies*.”

The “whole of an action” includes all discretionary approvals by governmental agencies, *ministerial* actions as well as *discretionary* actions, and all constituent parts of a project, as set forth in the following:

- a. State CEQA Guidelines Section 15378(c) states, “The term ‘project’ refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term ‘project’ does not mean each separate governmental approval.”
- b. State CEQA Guidelines Section 15268(d) states, “Where a project involves an approval that contains elements of both a *ministerial* action and a *discretionary* action, the project will be deemed to be *discretionary* and will be subject to the requirements of CEQA.”
- c. State CEQA Guidelines Section 15003(h) states, “The *lead agency* must consider the whole of the action, not simply its constituent parts, when determining whether it will have a *significant environmental effect*.”

In contrast, as set forth in State CEQA Guidelines Section 15378(b), “project” does not include:

- a. Proposals for legislation to be enacted by the State Legislature.
- b. Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making (except as they are applied to specific instances described in State CEQA Guidelines Section 15378(a)).
- c. The submittal of proposals to a vote of the people of the state or of a particular community that does not involve a *public agency* sponsored initiative.
- d. The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.
- e. Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

3.3 Determination of the Applicability of CEQA

Preliminarily, the proposed activity is reviewed to determine if CEQA applies to it. CEQA is not applicable to, and no *environmental document* is required for, an activity that:

- a. Is not a “project” as defined in the State CEQA Guidelines Section 15378;
- b. Is exempted from CEQA by statute or categorical exemption (Sections 15260 through 15333 of the State CEQA Guidelines);
- c. Is of such a type or scope that one can see with certainty there is no possibility it will have a *significant effect on the environment* (Section 15061(b)(3) of the State CEQA Guidelines);
- d. Does not involve the exercise of discretionary powers by a *public agency* (Section 15060(c)(1) of the State CEQA Guidelines); or
- e. Will not result in a direct or reasonably foreseeable indirect physical change in the environment (Section 15060(c)(2) of the State CEQA Guidelines).

If the preliminary review indicates that CEQA applies to the proposed activity or project, the proposed project must undergo further environmental review.

3.4 Projects Exempt from CEQA

3.4.1 Non-Projects

Some activities are not subject to CEQA because they do not fall within the meaning of the term “projects” as defined by CEQA.

3.4.2 Statutory Exemptions

There are a variety of statutory exemptions from CEQA which take several forms. For a listing of statutory exemptions please see Sections 15260 through 15285 of the State CEQA Guidelines. *Ministerial* and *emergency* projects are the most common statutorily exempt projects.

Ministerial Projects

A *ministerial* project is approved or denied by a public officer or a *public agency* whose decision involves only the use of fixed standards or objective measurements without personal judgment. *Ministerial* projects are exempt from the requirements of CEQA and no *environmental documents* are required. The following non-exhaustive list of County permits and approvals have been determined to be *ministerial*:

- a. Zoning clearances
- b. Building permits
- c. Business licenses
- d. Final subdivision maps
- e. Lot line adjustments
- f. Individual utility service connections and disconnections
- g. Health regulatory licenses

- h. Health permits
- i. Permits to install individual private onsite wastewater treatment systems
- j. Water course permits not requiring discretionary review
- k. *Ministerial* water well permits administered by the Environmental Health Division or Public Works Agency
- l. Road encroachment permits
- m. Grading permits not requiring discretionary review
- n. Fire Code permits

Where a project involves a review that contains elements of both *ministerial* action and a *discretionary* action, the project will be deemed to be *discretionary* and will be subject to the requirements of CEQA.

Reference: State CEQA Guidelines Section 15268

Emergency Projects

According to Section 15269 of the State CEQA Guidelines, the following *emergency* projects are statutorily exempt from the requirements of CEQA and no further environmental evaluation is required:

- a. Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of *emergency* has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to PRC Section 5028(b).
- b. *Emergency* repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare. *Emergency* repairs include those that require a reasonable amount of planning to address an anticipated *emergency*.
- c. Specific actions necessary to prevent or mitigate an *emergency*. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an *emergency* at a similar existing facility.
- d. Projects undertaken, carried out, or approved by a *public agency* to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within existing right-of-way of that highway and is initiated within one year of the damage occurring. This exemption does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a *public agency* to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

- e. Seismic work on highways and bridges pursuant to Section 180.2 of the Streets and Highways Code, Section 180 *et seq.*

Reference: State CEQA Guidelines Section 15269

3.4.3 Categorical Exemptions

Sections 15300 through 15333 of the State CEQA Guidelines describe project types that the State has determined to presumptively not have a *significant effect on the environment*. As such, they are declared to be categorically exempt from the requirement for the preparation of *environmental documents*. Please note, however, that Section 15300.2 of the State CEQA Guidelines provides exceptions to Categorical Exemptions as described in Section 3.4.4.

3.4.4 Exceptions to Categorical Exemptions

Section 15300.2 of the State CEQA Guidelines provides exceptions to Categorical Exemptions based on location relative to mapped resources or hazards of critical concern, *cumulative impacts*, scenic highways, hazardous waste sites, historical resources, and where there is a reasonable possibility that the activity will have a *significant effect on the environment* due to unusual circumstances. The decision-making authority must find that, in light of the whole record, none of the exceptions as set forth in Section 15300.2 of the State CEQA Guidelines apply.

3.5 Notice of Exemption

The *lead County agency* administering a project determined to be exempt from CEQA may prepare a *Notice of Exemption* once the project is approved by the decision-making body. The *Notice of Exemption* shall be filed with the County Clerk and Recorder and the State Clearinghouse in the Governor's Office of Land Use and Climate Innovation (LCI), formerly known as the Governor's Office of Planning and Research.

3.5.1 Filing with County Clerk

The County Clerk shall post the *Notice of Exemption* within 24 hours of receiving the filed *Notice of Exemption*. The *Notice of Exemption* shall remain posted for 30 days for public inspection. After the 30-day posting period, the County Clerk and Recorder shall return the *Notice of Exemption* (with a notation of the period it was posted) to the *lead County agency*, which shall retain the *Notice of Exemption* within its files related to the project for a minimum of 12 months. The posting of the *Notice of Exemption* starts a 35-day statute of limitations period on legal challenges to the decision that the project is exempt from CEQA. When a *Notice of Exemption* is *not* filed, the limitations period for legal challenges is 180 days from the date the project is approved.

3.5.2 Filing with LCI State Clearinghouse

All *public agencies* must submit the *Notice of Exemption* electronically through LCI's online submission platform, CEQA Submit, for publication to CEQAnet, which is the online searchable environmental database administered by the State Clearinghouse. Instructions for submitting notices through CEQA Submit are available online at the State Clearinghouse website (see Appendix B).

3.5.3 Additional Website Postings

The *lead County agency* is encouraged to post the *Notice of Exemption* on its project or agency website. Such electronic postings are in addition to the procedures required by the State CEQA Guidelines.

Reference: PRC Section 21152, State CEQA Guidelines Section 15062

4. PREPARATION OF ENVIRONMENTAL DOCUMENTS

4.1. Overview of Environmental Review Process

Any activity which is defined as a project by Section 15378 of the State CEQA Guidelines (see Section 3.2) and is either directly undertaken by, or will need a *discretionary* approval from, a *public agency* must undergo environmental review if it does not qualify for an exemption. One purpose of the environmental review process is to ensure that environmental constraints and opportunities for reducing environmental *effects* are considered in the project design before project plans are finalized. Figure 1 is a generalized flow chart from the California Association of Environmental Professionals that shows the environmental review process.

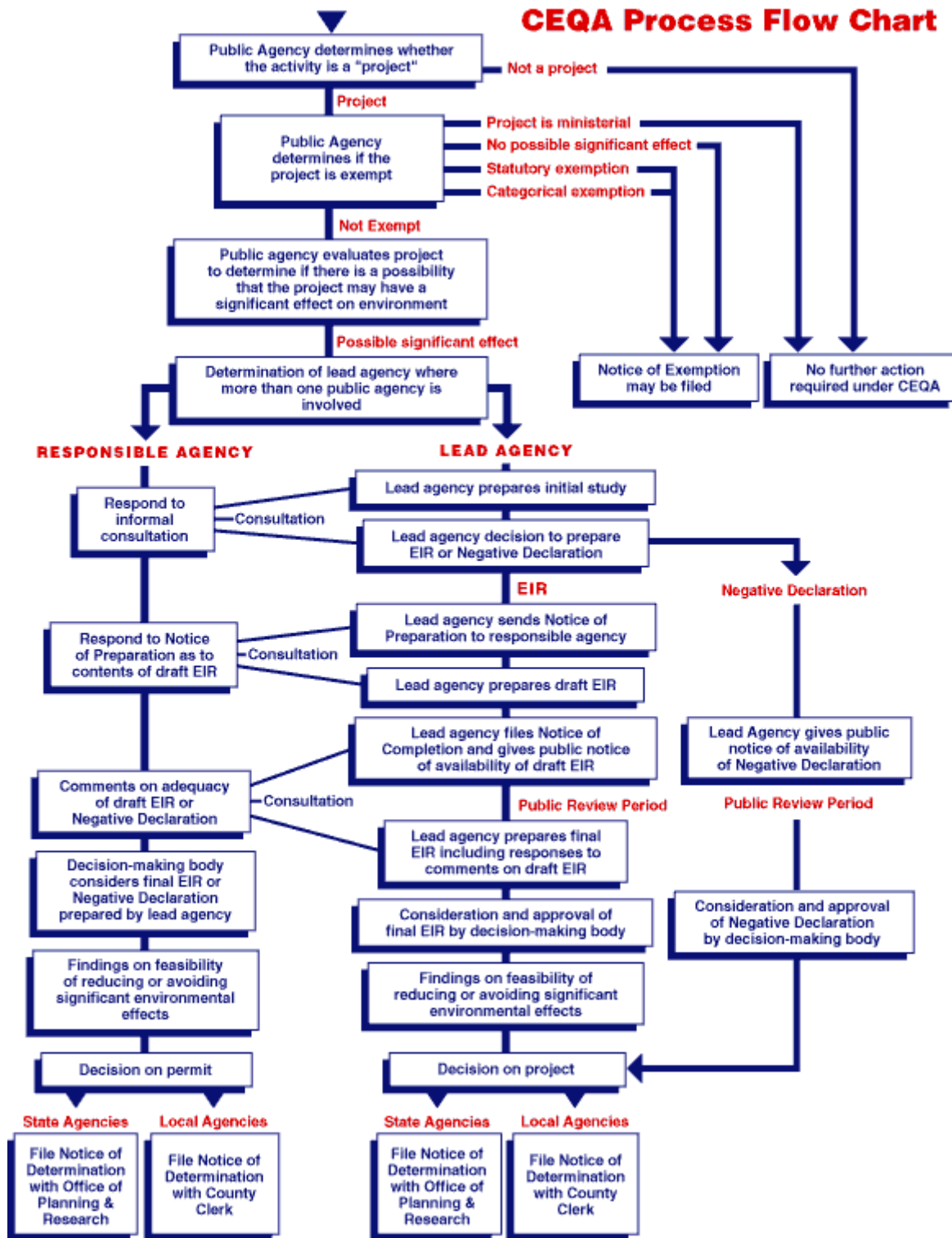
4.2 Use of Technical Consulting Firms

The *lead County agency* may establish and maintain a list of environmental consultants who are familiar with CEQA, State CEQA Guidelines, this Implementation Manual, and the ISAGs. Eligible environmental consultants and/or firms include but are not limited to those that have experience in the preparation of *environmental documents* for projects located within Ventura County. In addition, each County agency/department listed in Appendix A may prepare and maintain a list of consultants who meet the minimum qualifications necessary to perform assessments for environmental issues within that agency/department's jurisdiction or area of expertise. If a list of qualified consultants for CEQA work is established, it should be maintained and posted on that agency's publicly accessible website.

For projects where the County of Ventura or other legal entity is contracting with an environmental consultant for CEQA work, including the preparation of *environmental documents*, the selection of the environmental consultant and the execution and administration of the contract shall be consistent with the General Services Agency's standard professional services contract process and the contract shall expressly prohibit the consultant's financial conflicts of interest in performing the contracted services.

For development review permits, the applicant may be responsible for paying the consultant costs and may review the scope of work and cost before the contract is completed and executed. Applicants may provide their own environmental information and response to the ISAGs for consideration by the consultant and *lead County agency*; however, the *lead County agency* is responsible for the adequacy and objectivity of the *Initial Study* and draft *environmental document*, which must reflect the *lead County agency's* independent judgment.

Figure 1. CEQA Process Flow Chart



Source: California Association of Environmental Professionals

4.3 Initial Studies

If CEQA applies to the proposed activity or project and a statutory or categorical exemption is not applicable, the environmental review process continues with the preparation of the *Initial Study* to determine whether the proposed project could have a *significant effect on the environment*.

If the *Initial Study* determines that the proposed project would not have a *significant effect on the environment*, a ND is prepared.

If the *Initial Study* determines that the project could have a *significant impact* on the environment, but all identified adverse environmental impacts would be avoided or reduced through project revisions and/or enforceable mitigation measures to the point where clearly no *significant impact* would occur, a mitigated negative declaration (MND) is prepared. For *private projects*, the applicant must agree to such project revisions and/or mitigation measures in writing before the MND is released for public review.

Reference: State CEQA Guidelines Section 15070

4.3.1 Initial Study Process

If a project is subject to CEQA, an *Initial Study* shall be conducted by the *lead County agency* to assess whether the project may have a *significant effect on the environment*, except as provided in Section 4.3.2. All phases of project planning, implementation, and operation shall be considered in the *Initial Study* for the project. The purposes of the *Initial Study* are to:

- a. Identify adverse environmental impacts that are potentially significant.
- b. Enable the applicant or *lead County agency* to modify a project, thus mitigating adverse impacts before an EIR is prepared.
- c. Focus an EIR, if one is required, on potentially *significant environmental effects*.
- d. Facilitate environmental assessment early in the design of a project.
- e. Provide documentation of the factual basis for the finding in a ND that a project will not have a *significant effect on the environment*.
- f. Eliminate unnecessary EIRs.

For all *private projects*, the applicant will be required to submit a detailed project description to the *lead County agency* responsible for processing the permit or entitlement application. The *lead County agency* may prescribe the form and content of the project description.

The agencies/departments listed in Appendix A are the subject matter experts for the impact assessment guidelines for specified environmental issues within their respective jurisdictions. These guidelines are compiled in the ISAGs, along with standard assessment methodology for analyzing thresholds of significance for project-specific impacts and *cumulative impacts*. A “threshold of significance” is used to help determine whether a proposed project will have *significant effect on the environment*. Thresholds are typically quantitative and/or qualitative measures. Exceeding the established threshold of significance means the impact will normally be determined to be potentially significant. Project revisions, conditions or mitigation measures may reduce the impact to a less than significant level.

Analysis for some environmental issue areas must be prepared by a professional who meets the minimum qualifications for the preparation of that analysis (e.g., studies for noise and biological resources). Where applicable, minimum qualifications are described in the ISAGs.

For all projects, the *lead County agency* shall consult with other County agencies/departments as listed in Appendix A, and all *responsible agencies*, *trustee agencies* and *affected agencies* regarding their respective areas of responsibility or expertise. For projects which are of *statewide, regional, or areawide significance*, the *lead County agency* shall consult with *transportation planning agencies* and *public agencies* which have authority over major local arterial roadways or public transit within five miles of the project site, or freeways, highways or rail transit within 10 miles of the project site. Those environmental issues for which no specific County agencies/departments are identified as having expertise in Appendix A shall be addressed by the *lead County agency*, which is responsible for acquiring appropriate professional expertise. In addressing each environmental issue in the *Initial Study*, the *lead County agency* must use its professional judgment based, to the extent possible, on scientific and factual data. The *lead County agency* shall then complete the *Initial Study* and determine the type of *environmental document* required.

The time between accepting a private development project application as “complete” (sometimes referred to as a “Completeness Determination”) and identification of the appropriate *environmental document* shall not exceed 30 days. However, a 15-day extension to identify the appropriate *environmental document* is permitted upon the consent of the County agency/department and the project applicant. Note that this deadline does not preclude the County from requiring a *private project* applicant to subsequently provide information and documentation as needed to conduct the environmental review. This deadline only applies to “development projects” as defined in Government Code Section 65928 and does not include, among others, projects requesting legislative action such as a parcel’s zone change or re-designation under the Ventura County General Plan.

Initial Studies for all projects shall consist of the completed Initial Study Checklist (see Appendix B) and any other additional information, special studies or field investigation reports conducted in conjunction with the *Initial Study*. An *Initial Study* should incorporate subject matter expertise, project-specific facts, technical studies or other substantial evidence to document its findings. However, an *Initial Study* is neither intended nor required to include the level of detail included in an EIR.

For all County projects located within city limits, the *lead County agency* may use city-adopted *Initial Study* threshold criteria that cover the same environmental issue found within the ISAGs.

The *lead County agency* may meet the requirements for an *Initial Study* by using an environmental assessment or similar analysis prepared pursuant to the National Environmental Policy Act. However, in such case, the environmental assessment or similar analysis must, at a minimum, cover the same environmental issues and contain the same level of specificity as an *Initial Study* (see ISAGs in Appendix B).

Following completion of the *Initial Study*, the *lead County agency* shall determine whether (individually or cumulatively with other projects), based on substantial evidence, the project could cause a *significant effect on the environment* based on any applicable threshold of significance. In addition, pursuant to Section 15065 of the State CEQA Guidelines, the project shall be found to have a *significant effect on the environment* if, based on substantial evidence, any of the following apply:

- a. The project has the potential to substantially 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; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory.

- b. The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- c. The project has possible environmental *effects* that are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental *effects* of an individual project are significant when viewed in connection with the *effects* of past projects, the *effects* of other current projects, and the *effects* of probable future projects. (See also Section 15130 of the State CEQA Guidelines regarding requirements for discussion of *cumulative impacts*.)
- d. The environmental *effects* of a project will cause substantial adverse *effects* on human beings, either directly or indirectly.

For additional information regarding determining the significance of environmental *effects* caused by a project, see Sections 15064 through 15064.7 of the State CEQA Guidelines.

Reference: State CEQA Guidelines Sections 15063 through 15065

4.3.2 Exception to Preparing an Initial Study

For projects where, prior to the preparation of an *Initial Study*, it is apparent that an EIR should be prepared, the *lead County agency* may forego the preparation of the *Initial Study* and proceed with the preparation of a full EIR. In such cases, the EIR must address all environmental issues and provide the same or greater level of specificity as an *Initial Study*. Furthermore, the *lead County agency* must consult with all agencies/departments listed in Appendix A prior to the release of the draft EIR. The draft EIR must reflect the independent judgment of the *lead County agency*.

Reference: State CEQA Guidelines Section 15063

4.4 Negative Declarations and Mitigated Negative Declarations

A ND or MND shall be prepared when the *lead County agency* finds that the project will not have a *significant effect on the environment* based upon the *Initial Study*. The contents of the ND/MND shall include:

- a. A brief description of the project including the project title.
- b. The location of the project and the name of the project proponent.
- c. The finding that the project will not have a *significant effect on the environment*.
- d. An attached copy of the *Initial Study* documenting reasons supporting the finding.
- e. Project revisions and/or mitigation measures, if any, included in the project to avoid potentially *significant effects* (MND only).

If the *lead County agency* determines that the project may have a *significant effect on the environment*, but that all adverse impacts identified by the *Initial Study* can be mitigated to a level of less-than-significant, the *lead County agency* shall notify the applicant of these mitigation measures and/or project revisions and provide the applicant with a copy of the *Initial Study* and the list of

proposed project revisions and/or mitigation measures which could be incorporated into the project to mitigate or avoid all potentially *significant effects*.

If the applicant incorporates proposed project revisions into the project description, the *lead County agency* may revise the *Initial Study* and prepare a ND rather than an EIR only if: (1) those project revisions do not require monitoring; and (2) all significant adverse impacts identified in the *Initial Study* can thus be reduced to a less than significant level.

If the applicant agrees to the proposed project revisions, the *lead County agency* may prepare a MND rather than an EIR when 1) such project revisions or mitigation measures require monitoring pursuant to Section 15097(c)(2) of the State CEQA Guidelines and 2) all significant adverse impacts identified in the *Initial Study* can thus be reduced to a less than significant level. The contents of the MND shall include, in addition to all of the above, a statement of project revisions and/or mitigation measures proposed to be included in the project to mitigate or avoid all potentially *significant effects*. A written agreement signed by the applicant stating that he/she agrees with these measures should be separately maintained by the *lead County agency* in the project file.

Reference: State CEQA Guidelines Sections 15070 through 15075

4.5 Environmental Impact Reports

If the *lead County agency* determines that the proposed project may have a *significant effect on the environment*, the *lead County agency* shall prepare, or cause to be prepared, an EIR, in accordance with CEQA, the State CEQA Guidelines, and this Implementation Manual. In the case of *private projects*, the applicant may be required to submit special studies and any other information that may be necessary to adequately evaluate potential impacts of the project. The threshold criteria for determining *significant impacts* shall be the same as those contained in the ISAGs (see Section 4.1 above).

In order to reduce costs, delays, and duplication in the preparation of EIRs, all County agencies/departments shall determine whether information provided in previously prepared EIRs or other approved CEQA documents (e.g., programmatic EIRs, general/specific Plan EIRs, project EIRs, MNDs) could be used, in whole or in part, for a proposed project. Use of previously prepared information could be through the subsequent use, supplement or addendum to an existing EIR or incorporating by reference all or portions of an existing EIR in the text of the project's EIR.

After determining that an EIR will be prepared, the *lead County agency* shall send a *Notice of Preparation* by certified mail to all *responsible agencies* and *trustee agencies*. A *Notice of Preparation* shall also be sent to the applicant (if applicable), *affected agencies*, appropriate federal agencies, and all potentially affected cities and counties that border the unincorporated area of Ventura County. For projects of *statewide, regional, or areawide significance*, a *Notice of Preparation* shall be sent to *transportation planning agencies* and *public agencies* which have authority over major local arterial roadways or public transit within five miles of the project site, or freeways, highways or rail transit service within 10 miles of the project site.

The *lead County agency* is encouraged to consult directly with:

- a. Any person who has special expertise with respect to any environmental impact involved with the proposed project.
- b. Any member of the public who has filed a written request for notice with the *lead County agency* or the County Clerk and Recorder.

- c. Any person identified by the *lead County agency* whom the agency believes will be concerned with the environmental *effects* of the project.

The *Notice of Preparation* shall also be sent to the County Clerk and Recorder who shall, within 24 hours of the filing of said notice, post it for public inspection for 30 days and mail a copy to any person who has requested said notices pursuant to PRC Section 21092.2.

Any *public agency* or person who has been sent a *Notice of Preparation* shall have 30 days from the date of receipt to respond in writing. The response shall only make substantive comments regarding those activities involved in the project, which are within an area of expertise of the agency/individual or are required to be carried out or approved by the agency.

Pursuant to Section 15206 of the State CEQA Guidelines, the *lead County agency* shall conduct at least one public scoping meeting for projects of *statewide, regional, or areawide significance*. If the applicant or any *public agency* requests a meeting to discuss the scope of the EIR, the meeting shall be convened within 30 days of receipt of such request. Pursuant to Section 15082 of the State CEQA Guidelines, notice of the scoping meeting shall be provided to any adjacent county or city; any *responsible agency*; any *public agency* that has jurisdiction by law with respect to the project; and any organization or individual who has filed a written request for the notice.

The project applicant may be required to supply data and information to the *lead County agency* in order to determine whether the project has the potential to cause a *significant effect on the environment* or to assist in the preparation of an EIR, or both.

Draft EIRs shall be prepared directly by the *lead County agency* or by a consultant under contract with the County of Ventura or other legal entity which is acting as the *lead County agency*. The EIR should describe all potentially *significant environmental effects* of the proposed project and the mitigation measures and alternatives proposed to lessen or avoid those *effects*. The specific contents of an EIR are not listed within this Implementation Manual. Should an EIR be required, refer to Article 9 of the State CEQA Guidelines.

Any person, including the applicant, may submit information or comments to the *lead County agency* to assist in the preparation of the draft EIR. The submittal may be presented in any format, including the form of a draft EIR. However, the *lead County agency* is responsible for the adequacy and objectivity of the draft EIR, which must reflect the *lead County agency's* independent judgment.

The *lead County agency* must consider all information and comments received. The information or comments may be included in the draft EIR in whole or in part.

Reference: State CEQA Guidelines Section 15080 through 15179.5

4.6 Use of Other Environmental Documents

Sections 15150 through 15153 and elsewhere in the State CEQA Guidelines provide guidance on using all or portions of previously prepared documents in *environmental documents* for subsequent projects. *Environmental documents* certified for one project may be used for subsequent projects under the following circumstances:

4.6.1 Incorporation by Reference

An *environmental document* may incorporate by reference other documents that are part of the public record or generally available to the public. Referenced documents must be summarized or briefly described and must be made available to the public for review. Section 15150 of the State

CEQA Guidelines further describes the requirements for incorporating other documents by reference into *environmental documents*.

4.6.2 Tiering

“*Tiering*” is the use of general analysis from a broader EIR (such as one prepared for a general plan) in subsequent *environmental documents* for narrower projects. *Tiering* incorporates by reference the general discussions from the broader EIR, which allows the narrower *environmental document* to focus only on the issues specific to the subsequent project. Section 15152 of the State CEQA Guidelines further describes the *tiering* process.

4.6.3 Use of an Environmental Document from an Earlier Project

As described in Section 15153 of the State CEQA Guidelines, a *lead agency* may use a single EIR to describe multiple projects if the projects are all essentially the same in terms of environmental impact. The *lead agency* may also use an *environmental document* from an earlier project as an *environmental document* for a separate, subsequent project if the circumstances of the projects are essentially the same.

4.6.4 Housing and Neighborhood Commercial Facilities in Urbanized Areas

Under certain circumstances, an agency may approve housing and commercial facilities in *urbanized areas* using an EIR or ND/MND previously prepared for a comprehensive regulatory document with no new CEQA compliance (Section 15063(b)(1)(C) of the State CEQA Guidelines).

4.7 Special Streamlining Situations

Section 15182 and Section 15183 of the State CEQA Guidelines address special streamlining situations involving use of previously prepared CEQA documents for specific plans, general plans, and other land use plans:

4.7.1 Projects Pursuant to a Specific Plan

Once an EIR is prepared and certified for an adopted Specific Plan, the application of CEQA is not necessary for certain residential, commercial, and mixed-use projects undertaken according to and in conformity with the adopted specific plan, provided the project does not require a subsequent or supplemental EIR pursuant to Section 15162 or Section 15163 of the State CEQA Guidelines, respectively.

4.7.2 Projects Consistent with Community Plan, General Plan, or Zoning

CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific *significant environmental effects* which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies. The specific requirements of this streamlining process are set forth in Section 15183 of the State CEQA Guidelines; the following summarizes and provides County-specific information regarding this process.

In processing and approving a project pursuant to Section 15183 of the State CEQA Guidelines, the *lead County agency* shall limit its examination of environmental *effects* to those which the agency determines, in an *Initial Study* or other analysis:

- a. Are peculiar to the project or the parcel on which the project would be located,
- b. Were not analyzed as *significant effects* in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
- c. Are potentially significant off-site impacts and *cumulative impacts* which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- d. Are previously identified *significant effects* which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

If an impact is not peculiar to the parcel or to the project, has been addressed as a *significant effect* in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for the project solely on the basis of that impact.

County examples of the uniformly applied development policies or standards referenced in Section 15183 of the State CEQA Guidelines include, but are not limited to, those from the following sources:

- a. General Plan policies and County zoning ordinance requirements and development standards that address environmental issues identified on the Initial Study Checklist
- b. Ventura County Air Pollution Control District requirements
- c. Ventura County Watershed Protection District requirements
- d. Building code requirements
- e. Fire code requirements
- f. Public access requirements
- g. Grading ordinances
- h. Hillside development standards
- i. Ventura County floodplain ordinance requirements
- j. Habitat protection or conservation ordinances

4.8 Subsequent Environmental Documents

When an EIR has been certified or a ND/MND adopted for a project, no subsequent EIR or ND/MND shall be prepared for that project unless the *lead County agency* determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- a. Substantial changes are proposed in the project which will require major revisions of the previous EIR or ND/MND due to the involvement of new *significant environmental effects* or a substantial increase in the severity of previously identified *significant effects*;
- b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND/MND due to the

involvement of new *significant environmental effects* or a substantial increase in the severity of previously identified *significant effects*; or

- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND/MND was adopted, shows any of the following:
 - (1) The project will have one or more *significant effects* not discussed in the previous EIR or ND/MND;
 - (2) *Significant effects* previously examined will be substantially more severe than shown in the previous EIR;
 - (3) 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, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (4) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more *significant effects on the environment*, but the project proponents decline to adopt the mitigation measure or alternative.

If changes to a project or its circumstances occur or new information becomes available after adoption of a ND/MND, the *lead County agency* shall prepare a subsequent EIR if required under the conditions as prescribed above. Otherwise, the *lead County agency* shall determine whether to prepare a subsequent ND/MND, an addendum, or no further documentation.

Once a project has been approved, the *lead County agency's* role in project approval is completed, unless further *discretionary* approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions requiring the preparation of a subsequent EIR or ND/MND as described above occurs, a subsequent EIR or ND/MND shall only be prepared by the *public agency* which grants the next *discretionary* approval for the project, if any. In this situation no other *responsible agency* shall grant an approval for the project until the subsequent EIR has been certified or subsequent ND/MND adopted.

A subsequent EIR or subsequent ND/MND shall be given the same notice and public review as required under Section 15087 or Section 15072 of the State CEQA Guidelines. A subsequent EIR or ND/MND shall state where the previous document is available and can be reviewed.

Reference: State CEQA Guidelines Section 15162

4.9 Supplement to an EIR

The *lead County agency* or *responsible agency* may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

- a. Any of the conditions described in Section 4.7 would require the preparation of a subsequent EIR, and
- b. Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR consistent with this document and pursuant to Section 15087 of the State CEQA Guidelines.

A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.

When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding described in Section 7.3 consistent with Section 15091 of the State CEQA Guidelines shall be made for each significant effect shown in the previous EIR as revised.

Reference: State CEQA Guidelines Section 15163

4.10 Addendum to an EIR or ND/MND

The lead County agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 4.7 calling for preparation of a subsequent EIR have occurred.

An addendum to an adopted ND/MND may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 4.7 calling for the preparation of a subsequent EIR or ND/MND have occurred.

An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted ND/MND.

The decision-making body shall consider the addendum with the final EIR or adopted ND/MND prior to making a decision on the project.

A brief explanation of the decision not to prepare a subsequent EIR or ND/MND should be included in an addendum to an EIR or ND/MND, the lead County agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Reference: State CEQA Guidelines Section 15164

5. PUBLIC REVIEW OF DRAFT ENVIRONMENTAL DOCUMENTS

5.1 Notification

After completing a draft ND, MND, or EIR, including a supplement to an existing EIR or ND/MND, the lead County agency shall provide the public, other public agencies, and County agencies/departments listed in Appendix A with the opportunity to comment on the draft document. Refer to Section 13 for time limits in which to provide notice according to the type of environmental document prepared.

The lead County agency shall prepare a public notice which provides a brief description of the proposed project and its location; the potentially significant effects on the environment, if any; the address where copies of the draft environmental documents, and any other documents referenced therein, are available for review, including any websites; and the dates of the public comment period consistent with Section 15105 of the State CEQA Guidelines.

The *lead County agency* shall use at least one of the following methods of public notification at the beginning of the public review period:

- a. Direct mailing to the owners and occupants of property contiguous to the project site as shown on the latest equalized assessment roll;
- b. Posting a public notice on and off the project site; or
- c. Running a legal notice in a newspaper of general circulation in the area affected by the project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

All County agencies/departments are encouraged to make postings available online pursuant to the State CEQA Guidelines.

The *lead County agency* shall send a copy of the public notice, along with a copy of the draft *environmental document*, to the applicant and each *responsible agency*, *trustee agency*, *affected agency*, and federal agencies if applicable. If a State *responsible agency* or *trustee agency* is involved with the project, or if the project is of *statewide, regional, or areawide significance* (Section 15206 of the State CEQA Guidelines) and an ND, MND or EIR has been prepared, a *Notice of Completion* shall be submitted electronically to the State Clearinghouse. Refer to instructions provided online by LCI for submitting the *environmental document* and the *Notice of Completion* (see Appendix B for hyperlinks to access online resources). In addition, if the project is of *statewide, regional, or areawide significance* and an EIR has been prepared, a copy of the public notice and draft EIR shall be sent to *transportation planning agencies* and *public agencies* which have authority over major local arterial roadways or public transit within five miles of the project site, or freeways, highways or rail transit service within 10 miles of the project site.

If a draft EIR or a supplement to an existing EIR has been prepared for the project, a copy of the public notice shall be sent to all cities and counties that are adjacent to the unincorporated area of Ventura County.

A copy of the public notice shall also be sent to the County Clerk and Recorder which shall, within 24 hours of filing of said notice pursuant to Section 15072 and Section 15187 of the State CEQA Guidelines, post it for public inspection for the prescribed public review period and mail a copy to any person who has requested said notices pursuant to Section 21092.2 of CEQA.

Reference: PRC Section 21092.4; State CEQA Guidelines Section 15072, Section 15086, and Section 15187

5.2 Duration of Public Review

To facilitate public review and comment, a minimum of 20 days shall be made available for review of a draft ND or MND, and 30 days for review of a draft EIR. However, if a State *responsible agency* or *trustee agency* is involved or if the project will have *statewide, regional, or areawide significance*, the minimum review period shall be 30 days for a draft ND or MND, and 45 days for a draft EIR, unless the *lead County agency* requests, and the LCI grants, a shorter review period, which shall not be less than 20 days for a ND or MND, and 30 days for an EIR. Refer to Section 13 for further details on public review time limits.

Reference: State CEQA Guidelines Section 15105

5.3 Public Inspection of Environmental Documents

All notices regarding draft *environmental documents* shall be posted for public inspection at a public information bulletin board or an otherwise publicly visible location at the office or building where the *lead County agency* operates. The notice shall clearly state the location(s) where the *environmental document* is available for public inspection. In addition, all notices regarding draft *environmental documents* for *private projects* shall be posted at the public counter of the *lead County agency*. All posted *environmental documents* shall be available for inspection for the duration of the public review period at the specified location identified within the notice. Copies of any *environmental documents* shall be made available for purchase at their cost of reproduction. All County agencies/departments shall make notices and *environmental documents* available online pursuant to the State CEQA Guidelines.

5.4 Evaluation of and Response to Comments

5.4.1 Commenting on Environmental Documents

Any person or entity other than a *responsible agency* may submit comments to a *lead agency* concerning any environmental *effects* of a project being considered by the *lead agency*. Comments from the public and *public agencies* on the environmental *effects* of a project shall be made to the *lead agency* as soon as possible in the review of *environmental documents* in order to allow the *lead agency* to identify, at the earliest possible time in the environmental review process, potential *significant environmental effects* of a project, alternatives, and mitigation measures which would substantially reduce the *effects*.

The *lead agency* shall provide adequate time for other *public agencies* and members of the public to review and comment on an *environmental document* it has prepared, which may coincide with the public review periods prescribed for the type of *environmental document* prepared consistent with CEQA (see public review time limits in Section 13).

In reviewing draft EIRs, persons and *public agencies* should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the *environment* and ways in which the *significant effects* of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the *significant environmental effects*. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably *feasible*, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. The *lead agency* is not required to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

In reviewing NDs and MNDs, persons and *public agencies* should focus on the proposed finding that the project will not have a *significant effect on the environment*. If persons and *public agencies* believe that the project may have a *significant effect*, they should:

- a. Identify the specific *effect*,
- b. Explain why they believe the *effect* would occur, and

- c. Explain why they believe the *effect* would be significant.

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064 of the State CEQA Guidelines, an *effect* shall not be considered significant in the absence of substantial evidence. Furthermore, reviewers may comment on the general adequacy of an *environmental document* and the *lead agency* may reject comments that do not contain the contents as prescribed above for EIRs and NDs/MNDs.

If any *public agency* or person who is consulted with regard to an EIR or ND/MND fails to comment within a reasonable time as specified by the *lead agency*, it shall be assumed, without a request for a specific extension of time, that such agency or person has no comment to make. Although the *lead agency* need not respond to late comments, the *lead agency* may choose to respond to them.

Comments received on any *environmental document* shall be retained for a reasonable period and be available for public inspection at an address given in the final EIR. Comments which may be received on a draft EIR or ND/MND under preparation shall also be considered and kept on file.

References: PRC Section 21003.1; CEQA State Guidelines Section 15044, 15203, 15204, 15207, 15208

5.4.2 Responding to Comments

Pursuant to PRC Section 21092.5, the *lead County agency* is not required to respond to comments not received within the comment periods prescribed for the *environmental document*, to reopen comment periods, or to delay acting on an *environmental document*.

The following considerations are required for draft EIRs, and these considerations may also be applied to draft NDs or MNDs.

- a. The *lead County agency* shall evaluate comments on environmental issues received from persons who reviewed the draft *environmental document* and shall prepare a written response. The *lead County agency* shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions, and may respond to late comments.
- b. The *lead County agency* shall provide a written proposed response, either in a printed copy or in an electronic format, to a *public agency* on comments made by that *public agency* at least 10 days prior to certifying an EIR pursuant to Section 15088 of the State CEQA Guidelines.
- c. The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the *lead County agency's* position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.

- d. The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the *lead County agency* should either:
 - (1) Revise the text in the body of the EIR,
 - (2) Include marginal notes showing that the information is revised in the response to comments, or
 - (3) Prepare an errata document to be included in the final EIR.

References: State CEQA Guidelines Section 15088

5.5 Recirculation of Negative Declarations and Mitigated Negative Declarations Prior To Adoption

The *lead County agency* is required to recirculate a ND or MND when the document must be substantially revised after public notice of its availability has previously been given, but prior to its adoption. Notice of recirculation shall comply with the requirements of Sections 5.1 through 5.3 above. A “substantial revision” of the ND or MND means:

- a. A new, avoidable *significant effect* is identified and mitigation measures or project revisions must be added in order to reduce the *effect* to insignificance, or
- b. The County agency/department determines that the proposed mitigation measures or project revisions will not reduce potential *effects* to less than significance and new measures or revisions must be required.

Recirculation is not required under the following circumstances:

- a. Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1 of the State CEQA Guidelines.
- b. New project revisions are added in response to written or verbal comments on the project’s *effects* identified in the proposed ND or MND, which are not new avoidable *significant effects*.
- c. Measures or conditions of project approval are added after circulation of the ND or MND which are not required by CEQA, which do not create new *significant environmental effects* and are not necessary to mitigate an avoidable *significant effect*.
- d. New information is added to the ND or MND, which merely clarifies, amplifies, or makes insignificant modifications to the ND or MND.

If during the ND or MND process there is substantial evidence in light of the whole record that the project, as revised, may have a *significant effect on the environment* which cannot be avoided or mitigated to a level of less than significant, the *lead County agency* shall prepare a draft EIR. The decision-making body shall certify a final EIR prior to approving the project. The *lead County agency* shall circulate the draft EIR for consultation and review and advise reviewers in writing that a proposed ND or MND had previously been circulated for the project.

Reference: State CEQA Guidelines Section 15073.5

5.6 Recirculation of a Draft Environmental Impact Report Prior To Certification

The *lead County agency* is required to recirculate a draft EIR if “significant new information” is added to the EIR after the close of the public comment period but before certification of the final EIR. The recirculation of a draft EIR is required when new significant information identifies any of the following:

- a. A new *significant environmental impact* would result from the project or from a new mitigation measure proposed to be implemented.
- b. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- c. A *feasible* project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the project’s environmental impacts, but the project’s proponents decline to adopt it.
- d. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation of a draft EIR is not required where the new information merely clarifies or amplifies or makes minor modifications to an adequate EIR. The decision not to recirculate an EIR must be supported by substantial evidence in the administrative record (see Section 15088.5 of the State CEQA Guidelines for additional details regarding recirculation of an EIR prior to certification).

Reference: State CEQA Guidelines Section 15088.5

6. FINALIZING ENVIRONMENTAL DOCUMENTS

Following completion of the required public review period, the *lead County agency* shall prepare the proposed final *environmental document*. The final *environmental document* shall be comprised of the draft *environmental document* as potentially revised, copies of all written comments received during the public review period, and, for EIRs, the *lead County agency’s* written response to each written comment (see Section 5.4). As noted in Section 5.4, written responses to comments on a draft ND or MND are not required, but may, at the County’s discretion, be provided.

Copies of the final *environmental document* shall be sent to the applicant, all *responsible agencies* and *public agencies* that commented on the draft *environmental document*, and shall be made available to all individuals and private organizations who commented on the draft *environmental document*.

7. FINDINGS, CERTIFICATIONS AND SPECIFICATIONS BY THE DECISION-MAKING BODY

Under the provisions of CEQA and the State CEQA Guidelines, written findings, certifications, and specifications related to an environmental exemption or document must be made by the decision-making body before it can approve or carry out a project.

7.1 Notification of Public Hearings

All public hearing notices and agenda item descriptions must identify the *environmental document* proposed for adoption, the CEQA exemption, or other CEQA determination proposed to be made, as part of the public hearing or agenda item of the decision-making body to approve or carry out the project.

7.2 Negative Declarations and Mitigated Negative Declarations

Prior to approving a project for which a ND or MND has been prepared, the decision-making body must make findings that, on the basis of the whole record, including any comments received, there is no substantial evidence that the project will have a *significant effect on the environment*. The decision-making body must also find that the ND or MND reflects the independent judgment and analysis of the County of Ventura or other *lead agency*.

Reference: State CEQA Guidelines Section 15074

7.3 Environmental Impact Reports

In accordance with State CEQA Guidelines Section 15090, prior to approving a project for which an EIR has been prepared, the County of Ventura or other *lead agency* must certify that:

- a. The final EIR has been completed in compliance with CEQA;
- b. The final EIR was presented to the decision-making body of the *lead agency* and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
- c. The final EIR reflects the *lead agency's* independent judgment and analysis.

The decision-making body shall not approve or carry out a project for which an EIR has been completed that identifies one or more *significant environmental effects* that would result from the project unless the decision-making body makes one or more written findings for each of those *significant effects*, accompanied by a brief explanation of the rationale for each finding. In accordance with State CEQA Guidelines Section 15091, the possible findings are:

- a. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the *significant environmental effects* as identified in the final EIR.
- b. Such changes or alterations are within the responsibility and jurisdiction of another *public agency* and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the *mitigation* measures or project alternatives identified in the final EIR.

The findings shall be supported by substantial evidence in the record. The finding in subsection (b) above shall not be made if the agency making the findings has concurrent jurisdiction with another agency to deal with identified *feasible* mitigation measures or alternatives. The findings in subsection (c) above shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

7.4 Mitigation Monitoring and Reporting

Section 15370 of the State CEQA Guidelines states that mitigation includes:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action.
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- c. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- e. Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

Feasible changes in any or all project activities in order to substantially lessen or avoid *significant effects on the environment* must be consistent with applicable constitutional requirements such as “nexus” and “rough proportionality” standards established by case law.

Section 15091(d) of the State CEQA Guidelines states that, when approving a project for which an MND or EIR has been prepared, the County of Ventura or other *lead agency* shall also adopt a program for reporting on, or monitoring, the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen *significant environmental effects*. These measures must be fully enforceable through permit conditions, agreements, or other measures.

The *lead County agency* may delegate reporting or monitoring responsibilities to another County agency/department as listed in Appendix A or to another entity which accepts the delegation. However, until mitigation measures have been completed, the *lead County agency* remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program. Where a *trustee agency* proposes mitigation measures or project revisions, that agency shall prepare and submit to the *lead County agency* a proposed monitoring or reporting program for those measures or revisions. The *lead County agency* may use this information in preparing its mitigation or reporting program.

Where the project is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning code, ordinance, policy etc.), the monitoring plan shall apply to policies and any other portion of the plan that is a *mitigation* measure or adopted alternative. The monitoring plan may consist of implementing the policies included in plan-level documents.

The *lead County agency* may choose whether its program will monitor mitigation, report on mitigation, or both. “Reporting” generally consists of a written compliance review that is presented to the decision-making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. “Monitoring” is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting. The program best suited to ensuring compliance in any given instance will usually involve elements of both. At its discretion, the *lead County agency* may adopt standardized policies and requirements to guide individually adopted monitoring or reporting programs (see State CEQA Guidelines Section 15097 for further details).

County agencies/departments and *responsible agencies* should coordinate their mitigation monitoring or reporting programs wherever possible.

Reference: PRC Section 21081.6

7.5 Statement of Overriding Considerations

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental *effects*, the adverse environmental *effects* may be considered “acceptable.”

When the decision-making body approves a project for which an EIR has been prepared that identifies *significant effects on the environment*, but which are not avoided or substantially lessened, the decision-making body, on behalf of the County of Ventura or other *lead agency*, must state in writing the specific reasons supporting project approval based upon the final EIR and/or substantial evidence in the record.

The Statement of Overriding Considerations must be included in the record of project approval. Any facts upon which the statement is based must be supported by substantial evidence in the record. The Statement of Overriding Considerations should be mentioned in the *Notice of Determination* (see Section 8). The Statement of Overriding Considerations does not substitute for, and shall be in addition to, findings required by Section 15091 of the State CEQA Guidelines.

References: PRC Section 21002; State CEQA Guidelines Section 15093

7.6 Custodian of the Record

The decision-making body shall specify the location and custodian of the documents or other materials that constitute the record of proceedings upon which its decision is based.

Reference: State CEQA Guidelines Section 15091

8. NOTICE OF DETERMINATION

The filing and posting of the *Notice of Determination* starts the 30-day statute of limitations on court challenges to the certification or approval of the *environmental document* and the project approval.

After making a final determination on a project for which a ND, MND, or EIR has been prepared, a *Notice of Determination* shall be filed by the *lead County agency* with the County Clerk and Recorder and electronically with the State Clearinghouse. The *Notice of Determination* must be filed with the County Clerk and Recorder and the State Clearinghouse within 5 working days of a decision to approve or carry out the project. A *Notice of Determination* filed with the County Clerk and Recorder must be available for public inspection and shall be posted within 24 hours of receipt for a period of 30 days. Once the *Notice of Determination* has been returned to the *lead County agency*, it shall be retained for not less than 12 months. Instruction for filing notices with the State Clearinghouse is available on the LCI website (see Appendix B).

Note that Section 711.4 of the Fish and Game Code requires certain prescribed filing fees at the time the Notice of Determination, which may be processed through the County Clerk and Recorder.

Reference: PRC Section 21152

9. APPEAL PROCESS

9.1 Appealable Decisions

9.1.1 Appeal of CEQA Decisions

PRC Section 21151(c) states, “If a nonelected decision-making body of a local *lead agency* certifies an EIR, approves a ND or MND, or determines that a project is not subject to [CEQA], that certification, approval, or determination may be appealed to the agency’s elected decision-making body, if any.”

Many *discretionary project* decisions made by County agency/department staff or an appointed body (e.g., Planning Commission) may be appealed to the Board of Supervisors as prescribed by County ordinance. However, in the event that a County decision-making body other than the Board of Supervisors makes a final determination that the project is exempt or otherwise not subject to CEQA, approves an ND or MND for a project, or certifies an EIR for a project (collectively, “CEQA decision”), and no applicable County ordinance or regulation expressly provides for appeal of said determination, the CEQA decision is appealable to the Board of Supervisors pursuant to PRC Section 21151(c) and this Section 9, along with the underlying decision to approve or carry out the project (“project decision”).

In the event of a timely appeal, the CEQA decision and project decision shall not take effect until resolution of the appeal by the Board of Supervisors. Appeals shall be subject to a de novo standard of review. In deciding an appeal of a CEQA decision and project decision, the Board of Supervisors shall have the same authority and decision options as the previous decision-making body that previously considered and decided upon the matter.

9.2 Appeal Process

The appeal process described in this Section 9 shall only be used in the absence of an applicable appeal process established by the *lead County agency*. An appeal of a CEQA decision by a non-elected decision-making body must be filed with the *lead County agency* within 10 calendar days after the date of the decision being appealed. If available, an appeal form furnished by the *lead County agency* must be completed by the appellant and filed with *lead County agency*.

Appeals shall be accompanied by deposits and/or fees, if any, based on the latest fee schedule approved for the *lead County agency*. Notwithstanding the de novo standard of review, the appellant shall state with specificity in the appeal form the CEQA issues being appealed.

An appellant’s failure to timely comply with the requirements of this shall be grounds for summary administrative rejection or dismissal of an appeal.

10. FEES

A private applicant is required to pay fees set by the Board of Supervisors to cover the cost incurred by County staff in the preparation of *environmental documents* and for any procedure necessary to comply with CEQA on the project.

County agencies/departments listed in Appendix A shall be entitled to recover the cost of environmental review from the private applicant, as facilitated by the *lead County agency*. In the event that exemption documents, or an *Initial Study*, ND, MND, EIR or supplement to an *environmental document* is to be prepared by a consultant, the *lead County agency* shall execute a contract with the consultant (see Section 4.2). All estimated consultant fees may be submitted by the applicant to the *lead County agency* following execution of the consultant's contract, unless the *lead County agency* agrees to accept submittal of fees in installments.

Failure to deposit any of the aforementioned fees and/or deposits in a timely manner may be the cause for a project denial (see Section 11).

As discussed in Section 9, administrative CEQA decisions and underlying project decisions may be appealed to the Board of Supervisors. If a fee deposit for such appeals has been adopted for the *lead County agency*, such fee deposit shall be required at the time an appeal form is filed.

11. DENIAL FOR LACK OF CEQA COMPLIANCE

Private projects may be summarily denied (i.e., not based on the project's merits) if the decision-making authority for the project determines at a noticed public hearing that one or more of the following applies:

- a. When an applicant fails, within a reasonable period of time, to submit any required fee deposit or to pay outstanding fee amounts.
- b. When an applicant fails, within a reasonable period of time, to submit necessary project-related data, which is necessary for the timely completion of CEQA requirements.
- c. When an applicant disagrees with the *lead County agency's* actions to comply with the provisions of this document and the State CEQA Guidelines.

The applicant shall be provided written notice of the public hearing and the opportunity to be heard.

12. AMENDMENTS

12.1 Amendments to the Implementation Manual

County agencies/departments and legislative bodies may request amendments to the Implementation Manual due to new legislative or judicial changes or developments, regulatory or policy changes, technological changes, for administrative convenience, or for any other relevant reason. All amendment requests shall be submitted to, and processed by, the RMA Planning Division.

The Planning Director or designee is authorized to approve amendments to this Implementation Manual. Amendments shall be considered for approval at a public hearing before the Planning Director or designee. Public notice of the hearing shall be provided in accordance with Section 15087(a) through 15087(c) of the State CEQA Guidelines.

Decisions to amend the Implementation Manual are appealable to the Board of Supervisors pursuant to Section 9 above.

12.2 Amendments to ISAGs and Other Thresholds of Significance

The process for amending the ISAGs is set forth in Section 1.5 of the ISAGs. Substantive amendments or modifications to any threshold of significance that is regularly utilized by a County agency/department but that is not included in the ISAGs may only be adopted by ordinance, resolution, rule or regulation through a public hearing process before the Board of Supervisors and must be supported by substantial evidence.

13. TIME LIMITS FOR PROJECTS

State CEQA Guidelines Section 15100(a) provides for *public agencies* to adopt time limits to govern their implementation of CEQA consistent with Article 8 of the State CEQA Guidelines, Section 15100 through Section 15112. The following time limits shall apply to projects administered by any County agency/department responsible for making CEQA determinations and preparing and processing *environmental documents* for projects under its administrative jurisdiction (or other legal entity governed by the Board of Supervisors when acting as the *lead County agency* for a project).

Table 1. Time Limits for Projects Administered by County of Ventura

Requirement	Deadline
Determination whether an EIR, ND or MND shall be prepared:	30 days from the date on which project application has been accepted as complete. A 15-day time extension is permitted with consent from both the agency/department and applicant. (State CEQA Guidelines Section 15102)
Public review period for draft NDs and MNDs:	Not less than 20 days (or not less than 30 days if sent to the State Clearinghouse for review by State agencies). (State CEQA Guidelines Section 15105)
Complete and approve ND or MND when acting as <i>lead agency</i> :	For private development projects, not more than 180 days (except where otherwise provided by law) from the date on which project application is received and accepted as complete. Extension is permitted once, if justified, and applicant consents, for a period of not more than 90 days (State CEQA Guidelines Section 15107). For private development projects, the decision on the project shall be made within 60 days of adoption of the ND or MND. (Gov. Code Section 65950(a)(4))
If EIR is required for project, send a <i>Notice of Preparation</i> to each <i>responsible agency</i> , <i>trustee agency</i> , LCI, any federal agency or US Department of Defense or Armed Forces if applicable; file the notice with the county clerk:	Immediately after determination. (State CEQA Guidelines Section 15082(a))
Upon receipt of a <i>Notice of Preparation</i> , <i>responsible agency</i> and <i>trustee agency</i> must notify <i>lead agency</i> of scope and content of information to be included in EIR:	30 days from receipt of the <i>Notice of Preparation</i> . (State CEQA Guidelines Section 15082(b), Section 15103)

Requirement	Deadline
If <i>responsible agency</i> or applicant requests a meeting to assist <i>lead agency</i> in determining scope of EIR, <i>lead agency</i> must convene a meeting:	Not later than 30 days after request. (State CEQA Guidelines Section 15082(c), Section 15104)
If project is of <i>statewide, regional, or areawide significance</i> , the <i>lead agency</i> must convene a public scoping meeting.	30 days from receipt of <i>Notice of Preparation</i> .
Public review period for draft EIR:	Not less than 30 days (or not less than 45 days if sent to the State Clearinghouse for review by State agencies) and no longer than 60 days. (State CEQA Guidelines Section 15105)
Complete and certify EIR when acting as <i>lead agency</i> :	For private development projects, within one year (except where otherwise provided by law) when the <i>lead agency</i> accepted the application as complete (State CEQA Guidelines Section 15108). Extension is permitted once, if justified and applicant consents, for a period of not more than 90 days. For private development projects, the decision on the project shall be made within the period established under the Permit Streamlining Act. (Govt. Code Section 65950)

14. DEFINITIONS

The definitions contained within this Section 14 are limited to those most frequently used by the County of Ventura. See Article 20 of the State CEQA Guidelines and PRC Section 21060 to 21072 for additional CEQA definitions.

Affected Agency. Any *public agency*, other than a *responsible agency* or *trustee agency*, whose facilities or services may be impacted by the project. This term includes other counties, cities, special districts, and agencies of the federal government.

Cumulative Impacts. Two or more individual *effects* which, when considered together, are considerable or which compound or increase other environmental impacts.

- The individual *effects* may be changes resulting from a single project or a number of separate projects.
- The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. *Cumulative impacts* can result from individually minor but collectively significant projects taking place over a period of time.

(State CEQA Guidelines Section 15355)

Discretionary Project. Also referred to as “discretionary.” A project which requires the exercise of judgment or deliberation when the *public agency* or body decides to approve or disapprove a particular activity, as distinguished from situations where the *public agency* or body merely has to determine whether there has been conformity with applicable statutes, ordinances, regulations, or

other fixed standards. The key question is whether the *public agency* can use its subjective judgment to decide whether and how to carry out or approve a project. (State CEQA Guidelines Section 15357)

Effects. *Effects* and “impacts” as used in this Supplement and the State CEQA Guidelines are synonymous. *Effects* include direct or primary effects which are caused by the project and occur at the same time and place; and indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems. *Effects* analyzed under CEQA must be related to a physical change. (State CEQA Guidelines Section 15358)

Emergency. A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage. (State CEQA Guidelines Section 15359)

Environment. The physical conditions that exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which *significant effects* would occur either directly or indirectly as a result of the project. The environment includes both natural and human-made conditions. (State CEQA Guidelines Section 15360)

Environmental Documents. Initial Studies, NDs, and draft and final EIRs, documents prepared as substitutes for EIRs and NDs under a program certified pursuant to PRC Section 21080.5, and documents prepared under the National Environmental Policy Act and used by a state or local agency in the place of an *Initial Study*, ND, or an EIR. (State CEQA Guidelines Section 15361)

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (State CEQA Guidelines Section 15364)

Initial Study. A preliminary analysis prepared by the *lead agency* to determine whether an EIR or a ND must be prepared or to identify the *significant environmental effects* to be analyzed in an EIR. Use of the *Initial Study* is discussed in Article 5, commencing with Section 15060 of the State CEQA Guidelines. (State CEQA Guidelines Section 15365)

Lead Agency. The *public agency* which has the principal responsibility for carrying out or approving a project. The *lead agency* will decide whether an EIR or ND will be required for the project and will cause the document to be prepared. Criteria for determining which agency will be the *lead agency* for a project are contained in State CEQA Guidelines Section 15051. (State CEQA Guidelines Section 15367)

Lead County Agency. The County agency/department responsible for making CEQA determinations and preparing and processing *environmental documents* for projects under its administrative jurisdiction. Notwithstanding use of this defined term in this Implementation Manual, the County of Ventura (or other legal entity governed by the Board of Supervisors when acting as the *lead County agency* for a project) shall be identified as the *lead agency* on official CEQA documents such as Notices of Exemption and Notices of Determination.

Ministerial. A governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the

facts as presented but uses no special discretion or judgment in reaching a decision. A *ministerial* decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. (State CEQA Guidelines Section 15369)

Notice of Completion. A brief notice filed with the Governor's Office of Land Use and Climate Innovation by a *lead agency* as soon as it has completed a draft EIR and is prepared to send out copies for review. The contents of this notice are explained in State CEQA Guidelines Section 15085. (State CEQA Guidelines Section 15372)

Notice of Determination. A brief notice to be filed by a *public agency* after it approves or determines to carry out a project which is subject to the requirements of CEQA. The contents of this notice are explained in State CEQA Guidelines Section 15075 and Section 15094. (State CEQA Guidelines Section 15373)

Notice of Exemption. A brief notice which may be filed by a *public agency* after it has decided to carry out or approve a project and has determined that the project is exempt from CEQA as being *ministerial*, categorically exempt, an emergency, or subject to another exemption from CEQA. Such a notice may also be filed by an applicant where such a determination has been made by a *public agency* which must approve the project. The contents of this notice are explained in State CEQA Guidelines Section 15062. (State CEQA Guidelines Section 15374)

Notice of Preparation. A brief notice sent by a *lead agency* to notify the *responsible agencies*, *trustee agencies*, the Governor's Office of Land Use and Climate Innovation, and involved federal agencies that the *lead agency* plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR. *Public agencies* are free to develop their own formats for this notice. The contents of this notice are described in State CEQA Guidelines Section 15082. (State CEQA Guidelines Section 15375)

Private Project. A project which will be carried out by a person other than a governmental agency, but the project will need a discretionary approval from one or more governmental agencies for a contract or financial assistance; or a lease, permit, license, certificate, or other entitlement for use. (State CEQA Guidelines Section 15377)

Public Agency. Any state agency, board, or commission and any local or regional agency as defined in the State CEQA Guidelines. It does not include the courts of the State. This term does not include agencies of the federal government. (State CEQA Guidelines Section 15379)

Responsible Agency. A *public agency* which proposes to carry out or approve a project, for which a *lead agency* is preparing or has prepared an EIR or ND. For the purposes of CEQA, the term "*responsible agency*" includes all *public agencies* other than the *lead agency* which have discretionary approval power over the project. (State CEQA Guidelines Section 15381)

Significant Effect on the Environment. Also referred to as "significant environmental effect," "significant effect," "significant environmental impact," or "significant impact." A substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a *significant effect on the environment*. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. (State CEQA Guidelines Section 15382)

Statewide, Regional, or Areawide Significance. A proposed project is of *statewide, regional, or areawide significance* if the project meets any of the following criteria:

- A proposed local general plan, element, or amendment thereof for which an EIR was prepared. If a ND/MND was prepared for the plan, element, or amendment, the document need not be submitted to the State Clearinghouse for review.
- A project has the potential for causing *significant effects on the environment* extending beyond the city or county in which the project would be located. Examples of the *effects* include generating significant amounts of traffic or interfering with the attainment or maintenance of state or national air quality standards. Projects subject to this subdivision include:
 - A proposed residential development of more than 500 dwelling units.
 - A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.
 - A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space.
 - A proposed hotel/motel development of more than 500 rooms.
 - A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area.
- A project which would result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 (Williamson Act) for any parcel of 100 or more acres.
- A project for which an EIR and not a ND was prepared which would be located in and would substantially impact the following areas of critical environmental sensitivity in Ventura County:
 - The Santa Monica Mountains Zone as defined by Section 33105 of the Public Resources Code.
 - The California Coastal Zone as defined in, and mapped pursuant to, Section 30103 of the Public Resources Code.
 - An area within 1/4 mile of a wild and scenic river as defined by Section 5093.5 of the Public Resources Code.
- A project which would substantially affect sensitive wildlife habitats including but not limited to riparian lands, wetlands, bays, estuaries, marshes, and habitats for endangered, rare and threatened species as defined by Section 15380 of this Chapter.
- A project which would interfere with attainment of regional water quality standards as stated in the approved areawide waste treatment management plan.
- A project which would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

(State CEQA Guidelines Section 15206)

Tiering. The coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs or ultimately site-specific EIRs incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared. *Tiering* is appropriate when the sequence of EIRs is:

- From a general plan, policy, or program EIR to a program, plan, or policy EIR of lesser scope or to a site-specific EIR.
- From an EIR on a specific action at an early stage to a subsequent EIR or a supplement to an EIR at a later stage. *Tiering* in such cases is appropriate when it helps the *lead agency* to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

(State CEQA Guidelines Section 15385)

Transportation Planning Agency. The following is a list of the *transportation planning agencies* near Ventura County:

County	Transportation Planning Agency
Ventura	Ventura County Transportation Commission Southern California Association of Governments
Los Angeles	Southern California Association of Governments Los Angeles Metropolitan Transportation Authority
Santa Barbara	Santa Barbara County Association of Governments
Kern	Kern County Council of Governments

Trustee Agency. A State agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. *Trustee agencies* include: the California Department of Fish and Wildlife with regard to the fish and wildlife of the State, to designated rare or endangered native plants, and to game refuges, ecological reserves, and other areas administered by the department; the State Lands Commission with regard to State owned “sovereign” lands such as the beds of navigable waters and State school lands; the State Department of Parks and Recreation with regard to units of the State Park System; and the University of California with regard to sites within the Natural Land and Water Reserves System. (State CEQA Guidelines Section 15386)

Urbanized Area. A central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. (State CEQA Guidelines Section 15387)

APPENDIX A. COUNTY AGENCY/DEPARTMENT EXPERTISE ON ENVIRONMENTAL ISSUES

The following County agencies/departments are responsible for reviewing specific sections of the ISAGs, making determinations of environmental significance on a project-by-project basis, and evaluating the technical adequacy of *environmental documents* for the environmental issues listed in the following table. Note that the Ventura County Air Pollution Control District is a separate entity, independent of the County of Ventura, whose authority is established by Division 26 of the California Health and Safety Code.

Environmental Issue / ISAG Section	County Agency/Department											Ventura County Air Pollution Control District
	Agriculture/Weights & Measures	County Executive Office Sustainability Division	Department of Airports	Fire Protection District	General Services Agency	Library Services	Public Works Agency	Watershed Protection District	RMA Environmental Health Division	RMA Planning Division	Sheriff's Office	
1. Introduction												
2. Agriculture & Forestry	●											
3. Air Quality												●
4. Greenhouse Gases												●
5. Energy		●										
6. Biological Resources										●		
7. Hydrology							●	●				
8. Beaches and Coastal Sand Dunes										●		
9. Water Resources							●					
10. Paleontological Resources										●		
11. Mineral Resources										●		
12. Aesthetics										●		
13. Historical Resources										●		
14. Archaeological Resources										●		
15. Tribal Cultural Resources										●		

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Environmental Issue / ISAG Section	County Agency/Department											Ventura County Air Pollution Control District
	Agriculture/Weights & Measures	County Executive Office Sustainability Division	Department of Airports	Fire Protection District	General Services Agency	Library Services	Public Works Agency	Watershed Protection District	RMA Environmental Health Division	RMA Planning Division	Sheriff's Office	
16. Land Use & Planning			●							●		
17. Population & Housing										●		
18. Recreation					●							
19. Aviation Hazards			●									
20. Noise & Vibration										●		
21. Geological Hazards							●					
22. Wildfire Hazards				●								
23. Hazardous Materials & Waste									●			
24. Public Services				●		●					●	
25. Utilities & Service Systems				●			●		●			
26. Transportation			●	●			●					

APPENDIX B. REFERENCE LIBRARY

The following resources are provided to assist the *lead County agency* in carrying out the environmental review process pursuant to the CEQA. The authority to update each listed resource rests with the applicable County agency/department that has administrative jurisdiction over the respective source document, which may be updated independently of the Implementation Manual. Consult directly with the appropriate listed agency/department and notify the RMA Planning Division should it be discovered that the availability of a resource has changed or has been superseded by a newer version or another relevant resource.

Resource	Managing Agency/Department	Online Access
Assessment Guidelines and Templates		
Ventura County Initial Study Assessment Guidelines	Ventura County Resource Management Agency (RMA), Planning Division	PDF Website
Ventura County Initial Study Checklist Template	Ventura County RMA Planning Division	PDF Website
Ventura County Air Quality Assessment Guidelines	Ventura County Air Pollution Control District	PDF Website
Ventura County Standards for Initial Study Biological Assessments	Ventura County RMA Planning Division	PDF Website
Ventura County Noise and Vibration Assessment Guidelines	Ventura County RMA Planning Division	PDF Website
County-Specific Websites & Resources		
Active Policy Projects	Ventura County RMA Planning Division	Website
CEQA Implementation & Environmental Review	Ventura County RMA Planning Division	Website
Cities and Counties Adjacent to Ventura County	Ventura County RMA Planning Division	PDF Website
Recently Approved and Pending Projects	Ventura County RMA Planning Division	Website
Recently Approved Policy Projects	Ventura County RMA Planning Division	Website
Other Websites & Resources		
CEQAnet Web Portal	Governor's Office of Land Use and Climate Innovation (LCI)	Website
CEQA Statute & Guidelines	California Association of Environmental Professionals	Website
CEQA: The Environmental Quality Act	LCI	Website
Environmental Document Submission	LCI	Website
State Clearinghouse	LCI	Website