



NAPA COUNTY REGIONAL PARK &
OPEN SPACE DISTRICT

LOCAL PROCEDURES
FOR IMPLEMENTING THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

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Napa County Regional Park and Open Space District

LOCAL PROCEDURES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

(*State CEQA Guidelines* Section 15022(a) requires that each public agency issue local procedures for implementing the *State CEQA Guidelines* in order to ensure the orderly evaluation and preparation of environmental documents. Such procedures shall be revised when needed to be kept current with changes to the *State CEQA Guidelines*; however, *State CEQA Guidelines* shall take precedence even if the local procedures are not updated).

CHAPTER I. INTENT AND GENERAL PROVISIONS

Section 100. Intent.

These local *District CEQA Guidelines* are established, adopted, and intended to meet the requirements of Section 15022(a) ~~the~~ of the *State CEQA Guidelines* and to provide the public with information on the procedures used by the District in the environmental review process.

Section 101. Applicability. [*State CEQA Guidelines* §15022(b)]

The procedures established in these guidelines are applicable to both public and private projects under the jurisdiction of the District

Section 102. Compliance Required Prior to Project Approval. [*State CEQA Guidelines* §15004]

No project or permit shall be approved nor shall any permit be issued or approval given by any District official or body until all procedures required by the *State* and *District CEQA Guidelines* have been completed, including, if required, the preparation and certification of a Final Environmental Impact Report (FEIR) by the District. Compliance with CEQA shall be included in the planning process as early as possible in order to allow incorporation of environmental considerations into the design of the project.

Section 103. Public Records. [*Public Records Act*]

- (a) All final documents prepared pursuant to these procedures shall be available for public inspection by prior appointment at the official office for the District, which is the Conservation, Development and Planning, Building, and Environmental Services Department of the County of Napa, 1195 Third Street, Room 210, Napa, California. Drafts and working papers shall not be considered final documents.
- (b) All reports and documents submitted other than proprietary reports, confidential archaeological and special status species location studies, and other confidential

information shall be available for public inspection by prior appointment at the official office for the District.

Section 104. Use of Consultants. *[Authorized by State CEQA Guidelines §§15045, 15074, 15090, 15356, implemented via local procedure below]*

- (a) The District may from time to time use consultants to fulfill its obligations under CEQA including, but not limited to, the preparation of Initial Studies, Negative/Mitigated Negative Declarations, and EIRs.
- (b) All consultant-prepared environmental documents utilized shall be prepared under contract with the District using the most current version of the District's Professional Services Agreement.
- (c) For projects not sponsored by the District, the project sponsor shall pay the full costs of draft and final document preparation including both consultant and District oversight and review costs. A deposit to cover District oversight and review costs shall be paid at the time of application. The deposit shall be made prior to the District contracting with a consultant and prior to commencement of document preparation and in no case later than thirty (30) days after issuance of the letter from the General Manager indicating the estimated cost to produce the document(s) involved.
- (d) When the General Manager determines that it is necessary to contract with a consultant to prepare an environmental document or document(s) for a public project, the ~~final~~ choice of consultant shall be made by the General Manager or, for contracts over \$~~1025~~,000, the District Board of Directors:
- (e) No firm or person having a financial interest in a project shall be employed to prepare environmental documents on that project, except that the General Manager may authorize non-profit organizations and their employees or agents to prepare draft environmental documents for their projects for use by the District.

Section 105. Notice Generally. *[State CEQA Guidelines §§15072 and 15087]*

- (a) The General Manager should make a concerted effort to provide early notice and solicit comments on environmental documents from the public and interested organizations so that a broad range of interests and opinions are available to decision-makers regarding the impacts of projects.
- (b) Any required notice shall be deemed given on the date of mailing, the date of posting, or the first day of publication, whichever is later.
- (c) Errors, irregularities, or neglect in the preparation of any required notice shall not in any way affect the validity or legality of the adoption or certification of environmental documents or approval or disapproval of a project unless such error, irregularity, or neglect is clearly substantial and prejudicial and that by reason of such error, irregularity, or neglect the party complaining suffered substantial injury and that a different result would have been probable if such error, irregularity, or neglect had not occurred.

CHAPTER 2. DEFINITIONS

Section 200. General.

The following definitions, which are specific to the District, are intended to supplement the definitions found in Article 20 of the *State CEQA Guidelines*:

“**Baseline Data Report**” (BDR) refers to the comprehensive inventory of the environmental and resource conditions completed by Napa County in 2005 and updated as needed to describe the baseline for analysis of environmental impacts in a given area of the County. Information from the BDR may be incorporated by reference into future environmental documents consistent with *State CEQA Guidelines Section 15150*.

“**Board**” means the Board of Directors of the Napa County Regional Park and Open Space District

“**County**” means the County of Napa.

“**Days**” means business days, Saturdays, Sundays, and County-recognized holidays, unless otherwise stated.

“**Decision-Making Body**” means the Board or District Official that has the ultimate responsibility for approving the project or permit under consideration.

“**District Official**” means the General Manager or other District staff member responsible for approving the project or permit under consideration.

“**Environmental Resource Mapping System**” means a set of hardcopy and electronic maps and related information maintained by the County Planning, [Building, and Environmental Services](#) Department delineating, among other things, environmental resources and hazards within the County.

“**Environmentally Sensitive Area**” means an area containing one or more environmental resources or hazards that may affect or be affected by the specific project involved.

“**General Rule Finding**” means a finding that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [*State CEQA Guidelines §15061(b)(3)*]

“**Groundwater Deficient Area**” means the area shown on Map 13-1 (as may be amended), in Chapter 13.15 of the Napa County Code as well as any additional area formally identified by an ordinance adopted by the Board of Supervisors.

~~“**Permit**” means any permit, lease, license, certificate, approval, or other entitlement for use.~~

“**General Manager**” means the employee or contractor appointed by the Board as the General Manager of the District, or [his/herttheir](#) designee.

“**Permit**” means any permit, lease, license, certificate, approval, or other entitlement for use.

CHAPTER 3. RESPONSIBILITIES

The responsibilities for implementation of CEQA for the District are as follows:

Section 300. Board of Directors.

When the Board of Directors is the decision-making body on a project, the Board is responsible for certifying the Final EIR, adopting a Negative/Mitigated Negative Declaration, or determining that the project is exempt from environmental review; considering the environmental document prepared prior to taking action on the project; and ~~for~~ making the findings required by *State CEQA Guidelines* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

The Board of Directors shall also act as the appeal board for District Official actions on environmental determinations, Negative/Mitigated Negative Declaration adoptions, determinations that an EIR is required, and Final EIR certifications. In addition, the Board shall set the procedures for implementing CEQA in the District by adopting [these District CEQA Guidelines](#), and shall be responsible for adopting any thresholds of significance pursuant to *State CEQA Guidelines* Section 15064.7, if desired.

Section 301. [reserved](#)

Section 302. District Official.

When a District Official is the decision-making body on a project, he/she is responsible for certifying the Final EIR, adopting a Negative/Mitigated Negative Declaration, or determining that the project is exempt from environmental review; considering the environmental document prepared prior to taking action on the project; and ~~for~~ making the findings required by *State CEQA Guidelines* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

Section 303. General Manager.

The General Manager or [his/her/their](#) designee is responsible for:

- (a) carrying out all environmental reviews undertaken by the District;
- (b) obtaining comments from other agencies on the expected environmental effects of a project;
- (c) identifying appropriate measures to reduce the potentially significant effects of a project to non-significant levels;
- (d) preparing and processing all environmental documents prepared by the District;
- (e) preparing Mitigation Monitoring and Reporting Programs where required;
- (f) reviewing and commenting on environmental documents submitted to the District by other public agencies;
- (g) preparing, distributing, and filing applicable environmental notices, including a Notice of Intent, Notice of Preparation, and Notice of Completion, and those

Notices of Exemption and Notices of Determination for projects approved by the Board or District Official;

- (h) developing, coordinating, and implementing the District's environmental review procedures consistent with policy direction provided by the Board of Directors;
- (i) establishing informal working thresholds of significance and proposing formal thresholds.

Section 304. County Clerk/Recorder.

The Napa County Clerk/Recorder is responsible for filing and posting all Notices of Intent, Completion, Exemption, and Determination for projects approved by the District. In addition, the Clerk/Recorder receives all Fish and Game fees collected and, distributes them to the State.

CHAPTER 4. INITIAL ENVIRONMENTAL REVIEW

Section 400. *reserved*

Section 401. ~~*reserved* Project Completeness and Acceptance for Filing. [State CEQA Guidelines §§15101 and 15111]~~

- ~~(a) No application for a permit shall be deemed complete until:~~
 - ~~(1) all information required by the General Manager to complete an Initial Study or make a determination that the underlying project is categorically exempt has been received, OR~~
 - ~~(2) the General Manager has determined pursuant to these and the State CEQA Guidelines that the underlying project is not a project under CEQA, is ministerial rather than discretionary in nature, clearly has no potential to have a significant effect on the environment, or is statutorily exempt from environmental review.~~
- ~~(b) If the General Manager determines that adequate information has not been submitted to complete a preliminary environmental review and, if necessary, an Initial Study, the project sponsor shall be notified in writing within thirty (30) days of application receipt that the application is incomplete. Any such notification shall state what additional information including fees must be submitted before the application can be considered complete.~~
 - ~~(1) This preliminary determination of incompleteness may be challenged by the project sponsor in writing within ten (10) working days and appealed to the Board if re-confirmed by the General Manager.~~
 - ~~(2) Failure to provide the required information within one hundred twenty (120) days of issuance of a Completeness Determination or thirty (30) days of issuance of a Request For Deposit Submission shall cause the application to be deemed "abandoned" without further notice or action~~

~~unless the General Manager gives a written extension to the deadline involved. Once an application is deemed abandoned, no further work shall be done on the project without submission of a new application and payment of new fees.~~

- ~~(c) Notwithstanding subsection (a), accepting an application as complete does not limit the District's authority to require the applicant to submit additional information needed for environmental evaluation of the project if the project sponsor makes changes to the project or if there are changes in circumstances that could not be anticipated during the initial review. Failure to provide this information within one hundred twenty (120) days of issuance of a Request For Additional Environmental Information or a Request For Additional Deposit Submission shall be treated in the same manner as failure to provide the information requested in a Completeness Determination (see Section 401(b)(2) above).~~

Section 402. Project Segmenting. *[State CEQA Guidelines §15378]*

A project is defined as the “whole of an action” and may not be segmented nor divided into smaller parts in an attempt to avoid full consideration of its environmental impacts. Thus, all of the separate permits and approvals for a particular project shall be considered together (along with the underlying activity itself) when determining the project's environmental effects. The environmental review of a project must include an analysis of the environmental effects of future expansion or other action if: (a) such future expansion or other action is a reasonably foreseeable consequence of the initial project; and (b) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. When actions are remote or speculative, so that meaningful information regarding their impacts is unavailable, they are not reasonably foreseeable parts of a particular project and therefore need not be considered at the same time. Speculative future phases of a project need not be analyzed provided the project under consideration has independent utility and logical termini.

Section 403. Project Revisions.

Any revised or amended project shall be treated as a new project for purposes of determining the time period within which CEQA processing must be completed and the project approved or denied unless the revision is found by the Planning Director, General Manager or their designee to be minor and/or technical.

Section 404. Early Consultation. *[State CEQA Guidelines §15063(g)]*

The General Manager or his/her/their designee shall distribute a request for comments on the expected environmental effects of the project to all responsible agencies, trustee agencies, and other agencies and organizations that in the opinion of the General Manager have an interest in the project or applicable special expertise. ~~The request may occur before or after an application is deemed complete, and~~ may be combined with the request for comments on the project itself. At a minimum such requests shall include a request to identify potential impacts, possible mitigation measures, including needed

project revisions, and comments on the type of environmental document that should be prepared.

Section 405. Preliminary Environmental Evaluation. *[State CEQA Guidelines §§15060 and 15061]*

The General Manager is responsible for conducting a preliminary evaluation to decide whether or not an Initial Study is required, or whether the project is excluded or exempt from review under CEQA.

A list of non-discretionary (ministerial) projects for the District is contained in Appendix A. The District projects that are typically categorically exempt are identified in Appendix B.

If the General Manager determines that a proposal is excluded or exempt from review under CEQA, no further environmental review is required and the General Manager shall document this finding in the record. The General Manager may also prepare and file a Notice of Exemption.

Section 406. Initial Study Preparation. *[State CEQA Guidelines §§15063 and 15064]*

If a proposed project is not excluded or exempt from CEQA, the General Manager or ~~his/her~~their designee shall prepare an Initial Study to determine whether a Negative/Mitigated Negative Declaration or an EIR is required for the proposed project. If it is clear that the project may have an unavoidable significant effect on the environment, the General Manager may proceed with preparation of an EIR without preparing an Initial Study. ~~—~~A standard Initial Study checklist form is contained in Appendix C.

If the Initial Study determines, based on substantial evidence in light of the whole record, that the project has no potential to have a significant effect on the environment, then a ~~N~~egative ~~D~~eclaration ~~must~~shall be prepared (see Chapter 6). ~~If~~ the project may have one or more significant impacts on the environment, then preparation of an EIR (see Chapter 7) is required. ~~However,~~ if revisions or mitigation measures can be applied to the project that would clearly reduce all impacts to a level of insignificance, ~~AND the project sponsor agrees to these in writing,~~ then a ~~M~~itigated ~~N~~egative ~~D~~eclaration may be prepared (see Chapter 6).

Section 407. *reserved*

Section 408. Previously Prepared District Environmental Document. *[State CEQA Guidelines §15162(a)]*

- (a) If a previous EIR or Negative/Mitigated Negative Declaration has been certified/adopted by the District and the General Manager determines that none of the circumstances requiring the preparation of a subsequent environmental document exists, the General Manager shall document that determination in the record, and the decision-making body may utilize the earlier document.

Documentation of the General Manager's determination may take the form of a memorandum, and may be based on preparation of an Initial Study if desired.

CHAPTER 5. EXEMPT PROJECTS

Section 500. General.

Projects that are ministerial in nature, meet General Rule findings, are statutorily exempt, are categorically exempt, or are denied do not require the preparation of an Initial Study, ~~an EIR or~~ a Negative/Mitigated Negative Declaration, or an EIR.

Section 501. Ministerial Projects. *[State CEQA Guidelines §15268]*

Appendix A contains the list of projects that the Board has found to be ministerial in nature. ~~However, when a project involves elements, some of which are ministerial in nature and some of which are discretionary, the overall project will be deemed discretionary and subject to CEQA review.~~

Section 502. General Rule. *[State CEQA Guidelines §15061(b)(3)]*

CEQA does not apply to a project where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

Section 503. Statutory Exemptions. *[State CEQA Guidelines §15260]*

Those exemptions granted by the State legislature are listed in *State CEQA Guidelines* §sections 15260 through 15285; ~~and~~ as they may be amended.

Section 504. Categorical Exemptions. *[State CEQA Guidelines §15301-15332]*

In addition to those specific projects listed above, the Board has found several other kinds of projects that typically do not have a significant impact on the environment. Therefore, pursuant to Section 15300.4 of the *State CEQA Guidelines*, the District hereby adds the activities and permits listed in Appendix B to the list of Class Numbers 1, 3, 4, ~~and 5~~ activities that are categorically exempt for the District.

Section 505. Categorical Exemption Use Limitations. *[State CEQA Guidelines §15300.2(a)-(f) and local ordinance (g)]*

A categorical exemption shall not be used if the conditions in *State CEQA Guidelines* Section 15300.2 apply.:

Section 506. Denial of Projects. *[State CEQA Guidelines §15061(b)(4)]*

Projects that the District rejects or disapproves are not subject to CEQA. ~~This provision, however, does not relieve a project sponsor from paying the costs for an EIR, Negative/Mitigated Negative Declaration, Initial Study, or preliminary environmental evaluation if prepared.~~

CHAPTER 6. NEGATIVE/MITIGATED NEGATIVE DECLARATION PROCESS

The following provisions are added as procedural clarifications of *State CEQA Guidelines* Sections 15070 - 15075 with respect to Negative/Mitigated Negative Declarations for the District.

Section 600. Negative Declaration. [State CEQA Guidelines §15070]

If the General Manager finds, based on the Initial Study, that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment, the General Manager or ~~his/her~~their designee shall prepare a Negative Declaration for consideration by the decision-making body for the project(s) or permit(s) involved.

Section 601. Mitigated Negative Declaration. [State CEQA Guidelines §15070]

If the General Manager finds, based on the Initial Study, that the proposed project may have possible adverse significant impacts on the environment, but through revisions to the project or imposition of mitigation measures, such impacts would be mitigated or avoided so that no significant impacts remain, AND there is no substantial evidence in the record as a whole that significant impacts would result from the revised project; then the General Manager ~~shall notify the project sponsor(s) and provide them with a copy of the list of proposed mitigation measures that the project could incorporate to avoid all potentially significant effects. If the project sponsor agrees in writing to these or functionally equivalent revisions/mitigation, the General Manager will then shall~~ prepare a Mitigated Negative Declaration for public review and consideration by the decision-making body ~~on~~for the project(s) or permit(s) involved.

Section 602. Contents. [State CEQA Guidelines §15071]

The Negative/Mitigated Negative Declaration must contain all items required by *State CEQA Guidelines* Section 15071.

Section 603. Public Notice and Review. [State CEQA Guidelines §15072 and 15073]

A Notice of Intent to Adopt a Negative/Mitigated Negative Declaration shall be provided to the public, trustee agencies, and the county clerk in accordance with *State CEQA Guidelines* Section 15072. To allow the public the review period provided under State CEQA Guidelines Section 15105, a direct mailing to the owners and occupants of property contiguous to the project shall occur. Owners of such property shall be identified as shown on the latest equalized assessment roll. If a comment is not received during the public review period from an agency or person, it shall be assumed, absent a request for a specific extension of time, that said agency or person has no comment to make.

Section 604. Notice of Determination. [State CEQA Guidelines §15075]

- (a) Whenever the Board or a District Official approves a permit or authorizes a project for which a Negative/Mitigated Negative Declaration has been prepared,

- the General Manager or his/herttheir designee shall file within 5 **working** days of their action a Notice of Determination with the County Clerk/Recorder.
- (b) In instances where multiple approval actions by the District are required, the Notice of Determination shall be filed after the final decision to approve a project.
- (c) If the project requires discretionary approvals from one or more state agencies, the Notice of Determination shall also be filed with the State Office of Planning and Research within this same 5-day period. ~~Payment of any Fish and Game fees due to the State at the time a Notice of Determination is filed is the responsibility of the project sponsor. When the project sponsor is not the District, the project sponsor must submit the fee to the District before the District holds a hearing on or decides on the adequacy of the Negative/Mitigated Negative Declaration prepared.~~

CHAPTER 7. ENVIRONMENTAL IMPACT REPORT (EIR) PROCESS

The following provisions are added as procedural clarifications of *State CEQA Guidelines* Sections 15080 ~~-~~15097, 15120 ~~-~~15132, and 15140 ~~-~~15154 with respect to the preparation and processing of EIRs for the District.

Section 700. EIR Preparation. *[State CEQA Guidelines §§15081 and 15081.5]*

If the General Manager finds during preliminary review or based on an Initial Study that there is substantial evidence in the record as a whole that a project may have a significant adverse effect on the environment, or if an EIR is required by statute, the General Manager shall ~~notify the project sponsor in writing within thirty (30) days that an EIR must be prepared. The decision of the General Manager's decision may be appealed to the District Board of Directors direct that an EIR be prepared.~~

Section 701. Contents of an EIR. *[State CEQA Guidelines §15120-15132]*

An EIR produced by/for the District must contain all items required by *State CEQA Guidelines* Sections 15120 ~~-~~ 15132. ~~In addition, it must meet the requirements of State CEQA Guidelines Sections,~~ 15140-15152, and 15154.

Section 702. Notice of Preparation (NOP). *[State CEQA Guidelines §15082]*

A Notice of Preparation notifying responsible and interested agencies about the project and soliciting their comments on the scope and content of the EIR shall be prepared by the General Manager or his/herttheir designee. ~~This notice shall be sent by certified mail to the project sponsor,~~ all responsible and trustee agencies, the county clerk, and all federal agencies involved in approving or funding the project. ~~If State agencies are involved,~~ then the NOP shall also be sent to the State Clearinghouse. A copy of the NOP shall also be delivered to the County Clerk/Recorder for posting for thirty (30) days.

Section 702.1 Scoping. *[State CEQA Guidelines §15083]*

The scope of the EIR prepared is determined using the following sources: the Initial Study, if one is produced, previous environmental documents, responses to the NOP,

consultation with other agencies, and public scoping meetings, if held. -A public scoping meeting may be incorporated into the NOP process and is typically held by the consultant preparing the EIR with assistance from the General Manager or [his/herttheir](#) designee.

Section 702.2 Preparation of Administrative Draft EIR.

The pre-circulation draft of an EIR is referred to as the administrative draft. -This draft is considered a working document to be circulated among District staff, agents, contractors and other experts as needed for their comment on its accuracy and adequacy. -It is not available for public review and copies of the administrative draft EIR shall be destroyed upon release of the [Draft](#) EIR.

Section 702.3 Public Review of Draft EIR. *[State CEQA Guidelines §§15085, 15087, 15105]*

- (a) The General Manager shall provide public notice of the availability of the Draft EIR for review and comment in the same manner as specified in Section 603 for a Negative Declaration. -In addition, a copy of the Draft EIR shall be sent to the nearest branch of the Napa City/County Library at the same time a Notice of Completion is sent to the State Office of Planning and Research. -The contents of the public notice shall be as specified in *State CEQA Guidelines* Section 15087(c).
- (b) The normal public review period for a Draft EIR in the District shall be 45 days unless a shorter period of not less than 30 days is approved by the State Clearinghouse. *[State CEQA Guidelines §15105]* The General Manager may set a public review period of up to 60 days when circumstances indicate that a longer than normal review period is appropriate.
- (c) A public hearing on a Draft EIR is not required under CEQA and is not typically held by the District when the decision-making body is the General Manager or [his/herttheir](#) designee. When the decision-making body is the Board, a public hearing ~~should~~shall be held during the public review period to solicit public comments.

Section 702.4 Final EIR. *[State CEQA Guidelines §15132]*

The Final EIR consists of the text of the Draft EIR revised as necessary to reflect those comments received that require text changes, all comments received on the Draft EIR, the District's responses to said comments, -a list of all persons and agencies that were asked to comment or commented on the Draft EIR, and any other information added by the District.

Section 702.5 Notice of Determination (NOD). *[State CEQA Guidelines §15094]*

After certification of the final EIR and approval of the project, the General Manager or [his/herttheir](#) designee shall prepare and file a Notice of Determination with the County Clerk/Recorder following the same procedure and with the same restrictions as specified in Section 604.

CHAPTER 8. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Section 800. General. *[State CEQA Guidelines §15097]*

Pursuant to Public Resources Code Section 21081.6, all jurisdictions must have a method for monitoring compliance and implementation of adopted mitigation measures. The District Mitigation Monitoring and Reporting programs (i.e., MMRPs) shall be in conformance with *State CEQA Guidelines* Section 15097 as augmented by the provisions listed below.

Section 801. Adoption. *[State CEQA Guidelines §15097]*

- (a) At the time the District makes the required CEQA findings regarding the Mitigated Negative Declaration or EIR being used, the decision-making body shall adopt a program for monitoring and reporting on the mitigation measures as part of the project. ~~Conformance with this program shall be a condition of project approval.~~
- (b) The resultant adopted MMRP shall be distributed to all agencies, departments, and parties with monitoring or review responsibility thereunder.

Section 802. Contents.

MMRPs shall include at a minimum the following information for each mitigation measure:

- (a) identification of the individual, department, agency, or other entity responsible for performing the mitigation measure;
- (b) identification of the timing for implementation of the mitigation measure;
- (c) identification of the specific results or performance standards that the mitigation is intended to accomplish if not clearly stated in the mitigation measure;
- (d) identification of the individual, department, agency, or other entity responsible for ensuring implementation of the mitigation measure;
- (e) identification of the frequency of inspections or other monitoring activities;
- (f) identification of when compliance is completed;
- (g) ~~a statement that the project sponsor shall pay all monitoring costs including but not limited to those included by the District; AND~~
- ~~(h) a signature block for the project sponsor and the property owner.~~

Section 803. Compliance Assurance Responsibilities.

- (a) Overall compliance shall be coordinated by the General Manager or his/herttheir designee unless otherwise indicated in the adopted MMRP.
- (b) The General Manager or his/herttheir designee may hire an outside consultant where mitigation measure compliance ~~cannot be verified through the planning clearance process,~~ where monitoring requires specialized expertise; or when District staff is unavailable to do the necessary work. ~~The cost of said consultant shall be paid by the project sponsor.~~
- (c) Other agencies shall monitor the mitigation measures that they request or that are within their area of expertise. ~~The General Manager or his/herttheir designee~~

shall notify these agencies of the mitigation monitoring required. -These agencies shall inform the District in writing when each of their mitigation measures has been complied with completely.

Section 804. ~~reserved Fees.~~ [State CEQA Guidelines §15045]

- ~~(a) The District shall charge and collect from the project sponsor a fee in an amount equal to the actual costs to the District of implementing the adopted MMRP. This includes the costs associated with use of an outside consultant where the General Manager finds said use to be either necessary and/or convenient.~~
- ~~(b) An initial deposit in an amount equal to the District's total estimated costs of implementing the adopted MMRP for the first three (3) years shall be submitted to the General Manager or his/her/their designee prior to issuance of the first building permit needed to commence work on the project. Any unused portion of this initial deposit that is not needed to pay for permanent or long term monitoring will be refunded to the project sponsor upon fulfillment of all those MMRP provisions that do not involve such monitoring.~~
- ~~(c) The project sponsor shall replenish the initial deposit every two (2) years so that the balance is high enough to pay for the estimated costs of monitoring compliance for three (3) years for those measures that require long term or ongoing monitoring.~~

**CHAPTER 9. NAPA COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT AS A
RESPONSIBLE AGENCY**

[State CEQA Guidelines §§15096 and 15253]

The following provisions are added as procedural clarifications of *State CEQA Guidelines* Sections 15096 and 15253 with respect to the responsible agency process for the District.

Section 900. Commenting on a Lead Agency's Environmental Document. [State CEQA Guidelines §15096]

- (a) The General Manager or his/her/their designee shall make every effort to provide written comments on the draft Negative/Mitigated Negative Declaration, Notice of Preparation, and/or Draft EIR prepared by the Lead Agency within the time frames specified in the *State CEQA Guidelines*.
- (b) The comments provided shall be limited to activities within the District's area of expertise or jurisdiction. -They shall at a minimum identify District standards, permit requirements, potentially significant impacts, alternatives to be analyzed, and any mitigation measures to be considered. -In addition, a recommendation as to whether a Negative/Mitigated Negative Declaration, or EIR is the appropriate document for the Lead Agency to prepare may be provided. -The focus of the comments shall be to assist the Lead Agency in producing a defensible environmental document that meets the District's needs.

Section 901. Failure of Lead Agency to Consult With District or Adequately Respond to Comments Provided. *[State CEQA Guidelines §15096]*

- (a) If the Lead Agency fails to consult with the District prior to adopting a Negative/Mitigated Negative Declaration or certifying an EIR for a project over which the District has ~~discretionary permit~~-authority, the ~~Planning Department~~District will review the document prepared. -If the General Manager finds based on the review done that the document is adequate for District purposes, the District shall follow the procedures specified in Sections 903 and 904 below. -However, if the General Manager finds that the document is inadequate for District purposes, then the District may take over the role of Lead Agency. The General Manager or ~~his/her~~their designee shall in that case follow the procedures specified ~~herein~~-in Chapters 4, 5, and 6 to prepare and process the environmental document needed.
- (b) If the Lead Agency fails in the opinion of the General Manager to adequately respond to the comments provided, the General Manager shall consult with District Counsel and jointly recommend a course of action pursuant to CEQA guidelines Section 15096(e)

Section 902. Approval of Project By District Acting as a Responsible Agency. *[State CEQA Guidelines §15096]*

- (a) In issuing approvals or taking any other discretionary action on a project for which the District is a responsible agency, the District shall certify that it has reviewed and considered the environmental effects of the project as shown in the Negative/Mitigated Negative Declaration or EIR prepared by the Lead Agency.
- (b) If an EIR has been produced, the District decision-making body shall adopt findings as set forth in *State CEQA Guidelines* Sections 15091 and 15093, if necessary.
- (c) Where the District decision-making body requires the implementation of mitigation measures or other project changes to substantially lessen or avoid significant environmental effects of activities under its statutory control, an MMRP consistent with Chapter 8 of these guidelines covering those changes and measures shall be adopted at the time of project approval.

Section 903. Limitations on the Power of District as a Responsible Agency to Require Changes in Project.

- (a) When the District acts as a responsible agency for a project, it may only require those changes in a project that lessen or avoid the effects, either direct or indirect, of that part of the project that the District will be called upon to carry out or approve.
- (b) When the District acts as a responsible agency, it may refuse to approve a project only in order to avoid direct or indirect adverse environmental effects of that part of the project that the District must carry out or approve.

Section 904. Certified Equivalent Program: -Use of Environmental Document Prepared In Lieu of a Negative/Mitigated Negative Declaration or EIR.
[State CEQA Guidelines §§15250-15253]

An environmental analysis document prepared for a project pursuant to a certified equivalent program shall be used by the District as a substitute for ~~an EIR or~~ Negative Declaration/Mitigated Negative Declaration or EIR and no additional environmental document shall be required if the conditions in *State CEQA Guidelines* Section 15253(b) are met.

CHAPTER 10. APPEALS

Section 1000. Appeals Permitted. [Local Procedure]

- (a) Any interested person may appeal to the Board the determination of the General Manager that a project is/is not exempt from review, or that an EIR is required, subject to the payment of all District costs associated with processing the appeal.
- (b) Any decision by the General Manager to adopt a ~~N~~egative ~~D~~eclaration, to adopt a ~~M~~itigate ~~N~~egative ~~D~~eclaration, or to certify a Final EIR may also be appealed to the Board, subject to the payment of all District costs associated with processing the appeal.
- (c) Any appeal filed pursuant to this Section will suspend any further consideration of the project until a decision on the appeal is made by the Board.
- (d) Appeals must be filed in writing with the District Secretary within ten (10) working days of the decision being appealed. ~~The appeal must contain a detailed statement supported by substantial evidence for each cause of appeal. Arguments and/or evidence not included in the written appeal shall not be considered by the Board. The appeal must also be accompanied by an appeal fee, which shall be reasonably related to the expected full cost to the District of processing the appeal, as determined by the General Manager. Upon conclusion of the appeal process, if the actual cost to the District is less than the amount of the fee collected, the excess amount shall be returned to the appellant.~~

APPENDICES

- A. Ministerially Exempt Projects for the District
- B. Additional Categorically Exempt Projects for the District
- C. Initial Study Checklist

APPENDIX A

MINISTERIALLY EXEMPT PROJECTS FOR THE DISTRICT

Pursuant to Sections 15022 and 15268 of the *State CEQA Guidelines* issuance/approval of the following permits by the District shall be conclusively presumed to be ministerially exempt from the requirements of CEQA and thus preparation of an environmental document is not required. However, where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed discretionary and will be subject to the requirements of CEQA.

No permits meeting this criteria have been identified at this time.

APPENDIX B

ADDITIONAL CATEGORICALLY EXEMPT PROJECTS FOR THE DISTRICT

In addition to the exemptions contained in the *State CEQA Guidelines*, pursuant to Sections 15022(a)(1)(C) and 15300.4, ~~of the *State CEQA Guidelines*~~ the Board has found that the following types of projects typically do not have a significant effect on the environment and therefore qualify for a categorical exemption under the class of categorical exemptions listed below. Listing here does not guarantee a project is exempt if due to location or other unique circumstances the project would have a significant impact on the environment. The *State CEQA Guidelines* provide many examples of when an otherwise exempt project may no longer be exempt. The following list should therefore be read in conjunction with the *State CEQA Guidelines*.

Class I: Existing Facilities [*State CEQA Guidelines* §15301]

- I. ~~1.~~ Repair, maintenance, reconstruction, replacement, and minor expansion of existing roads, streets, highways, bicycle and pedestrian paths and trails, and appurtenant facilities, including, but not limited to:
 - (a) reconstructing, resurfacing, and/or seal coating of existing roads and trails;
 - (b) paving existing unpaved road shoulders;
 - (c) widening existing roads and/or trails by less than ~~8-10~~ feet of paved or unpaved surface and 4 feet of unpaved shoulders;
 - (d) adding short auxiliary lanes when required for localized purposes such as weaving, turning, climbing, lane changing, or accelerating or decelerating;
 - (e) adding non-motorized trails and walkways parallel to the existing roadway to separate such non-motorized uses from motorized traffic;
 - (f) installing landscaping in and around existing buildings, roads, and trails that involves minimal earth disturbing activities;
 - (g) working on clear-span bridge structures, reconstructing existing stream crossings and making minor operational improvements to drainage facilities, provided that the construction of temporary stream bypasses is not involved;
 - (h) modifying to improve existing roadside or trailside safety features such as curbs, pikes, headwalls, slopes, and ditches, adding or replacing devices such as fencing, guardrails, safety barriers, guideposts, and markers, or installing, removing, or modifying regulatory, warning, or informational signs;
 - (i) adding, removing, and/or replacing distinctive roadway markings such as painted stripes, raised pavement markers, thermoplastic, tape, or raised bars; ~~OR~~
 - (j) minor rerouting of roads or trails to correct erosion problems, reduce impacts to environmentally sensitive features, and/or improve safety;

- (k) paving of existing unpaved roads and trails, provided water runoff is not concentrated in such a way as to cause downstream erosion and/or water quality impacts; or

~~2.~~ OR

- ~~2.~~ (l) construction of water bars, drain dips, swales, and other minor water management and erosion control features on roads and trails, provided water runoff is not concentrated in such a way as to cause downstream erosion and/or water quality impacts.

~~2.~~ 2. Applications for minor modifications of existing use permits

3. Operation and Maintenance Activities, including but not limited to:

- (a) ~~a.~~ Cleaning, painting and repair of existing structures and facilities; OR
- (b) ~~b.~~ On-going rental, lease, or use of existing facilities by District staff, contractors, agents, and/or volunteers.

Class 3: New Construction or Conversion of Small Structures [State CEQA Guidelines §15303]

- 1. ~~1.~~ Installation and/or operation of water wells in accordance with County of Napa ~~Department of Environmental Management Health Division~~ requirements .
- 2. ~~2.~~ New fencing to protect resources, limit trespass, control grazing, improve safety, and/or restrict public access, provided the fencing is of a variety and in locations where it will not significantly impede wildlife movement.
- 3. ~~3.~~ Installation of solar panels on or adjacent to existing structures.
- ~~4.~~ 4. Repair, upgrading, and extension of utilities.
- ~~4.5.~~ Installation or construction of works of art or craft on a temporary or permanent basis.

Class 4: Minor Alterations to Land [State CEQA Guidelines §15304]

- 1. ~~1.~~ New access roads and driveways that would:
 - (a) ~~(a)~~ not disturb more than 2 acres of land;
 - (b) ~~(b)~~ not move more than 2,000 cubic yards of soil;
 - (c) ~~(c)~~ not traverse slopes that are steeper than 29.9%; AND
 - (d) ~~(d)~~ not discharge concentrated runoff within a stream setback area.
- 2. ~~2.~~ Mechanical or chemical control of invasive plants that is consistent with best management practices.
- ~~3.~~ 3. Routine vegetation management including but not limited to pruning, fuel load reduction, and fuel clearance around structures, to reduce wildfire hazard that is consistent with the recommendations of the County of Napa Fire Marshall.
- ~~3.4.~~ Vegetation management such as grazing, prescribed fire, and vegetation thinning to reduce wildfire hazard.
- ~~5.~~ 4. Minor temporary use of land having negligible or no permanent effects on the environments, including volunteer work parties, meetings, educational tours and activities, etc.

6. New trails of natural pervious surface that would not:

- (a) Be located in the vicinity of any candidate, sensitive, or special status species;
- (b) Be located within riparian habitat or other sensitive natural community;
- (c) Have an adverse effect on state or federally protected wetlands;
- (d) Be located in the vicinity of any known cultural resources as shown in Napa County sensitivity mapping;
- (e) Be located or result in unstable soils such that there is a potential for damaging ground failure, landslide, or collapse.; or
- (f) Substantially alter existing drainage patterns in a manner that would result in substantial erosion or siltation, increase surface runoff, or impede or redirect flows.

Class 5: Minor Alterations in Land Use Limitations [State CEQA Guidelines §15305]

- ~~1.~~ 1. — Acceptance or granting of easements or other land use agreements which protect natural resources and viewsheds.
- ~~1.2.~~ 2. — Acceptance of interests in property, including easements, leases, etc.
- ~~2.3.~~ 3. — Lot line adjustments and parcel mergers or divisions ~~which~~ that do not create new development rights.
- ~~3.4.~~ 4. — Applications for variances or exceptions to standards for permitted projects.

Class 23: Normal Operations of Facilities for Public Gatherings [State CEQA Guidelines §15323]

- 1. Normal operations of developed and undeveloped campgrounds.
- 2. Dispersed camping (at least 100 feet from any stream or water source and at least 150 feet from any roadway) where allowed by District regulation.
- 3. Public gatherings for nature appreciation, sport, science, or public education of a scale and type normally to be expected at a regional park or open space.

APPENDIX C
INITIAL STUDY CHECKLIST FORM