

APPENDIX D

California Environmental Quality Act (CEQA)

Notice of Adoption of Federal Document

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (Pub. Res. Code 21000-21178.1), commonly referred to as CEQA, was adopted in 1970 and applies to most public agency decisions to carry out, authorize or approve projects that may have adverse environmental impacts. CEQA requires that agencies inform themselves about the environmental effects of their proposed actions, consider all relevant information, provide the public an opportunity to comment on the environmental issues, and avoid or reduce potential environmental harm whenever feasible.

The CEQA process begins with a preliminary review as to whether CEQA applies to the project in question. Generally, a project is subject to CEQA if it involves discretionary action by an agency that may cause a significant effect on the environment. Once the agency determines that the “project” is subject to CEQA, the lead agency must then determine whether the action is exempt under either a statutory or categorical exemption (14 Cal. Code Regs. 15061).

If the lead agency determines that the project is not exempt, then an initial study must be prepared to determine whether the project may have a potentially significant effect on the environment (14 Cal. Code Regs. 15063). To meet the requirements of this section, the lead agency may use an environmental assessment prepared pursuant to NEPA. Based on the initial study, the lead agency determines the type of CEQA documentation that will be prepared. The test for determining whether an environmental impact report (EIR) or negative declaration must be prepared is whether a fair argument can be made based on substantial evidence that the project may have a significant adverse effect on the environment (Pub. Res. Code 21068, 14 Cal. Code Regs. 15063).

The state lead agency (CDFG) considers a number of these projects to be categorically exempt pursuant to: (1) 14 Cal. Code of Regs. Section 15304, “Minor alterations to land, water or vegetation”, (2) 14 Cal. Code of Regs. Section 15307, “Actions by regulatory agencies for protection of natural resources” and (3) 14 Cal. Code Regs. Section 15308, “Actions by regulatory agencies for the protection of the environment.” Nonetheless, the state lead agency, in coordination with the federal trustee, decided to proceed with further CEQA documentation. The trustees have integrated this Restoration Plan with the NEPA and CEQA processes to comply, in part, with those requirements.

This Restoration Plan/Environmental Assessment is intended to address the initial study requirements under CEQA by: (1) summarizing the current environmental setting, (2) describing the purpose and need for restoration action, (3) identifying alternative actions, (4) assessing the preferred actions’ environmental consequences, and (5) summarizing opportunities for public participation in the decision process. Additional project-specific NEPA and CEQA documents will be needed for some of the proposed restoration projects. The Trustees anticipate that an Environmental Assessment (EA)/EIR will be developed by various governmental agencies and other groups for the watershed-wide invasive plant species control effort in the Santa Clara River. Other projects may fall within an existing EA, Environmental Impact Statement (EIS) or EIR.

CEQA encourages the use of an EIS or finding of no significant impact (FONSI) or combined state/federal documents in place of a separate EIR or negative declaration (Pub. Res. Code 21083.5, 21083.7, 14 Cal. Code Regs. 15221-15222). The state lead agency intends to adopt the FONSI by the USFWS in place of a separate negative declaration.

CALIFORNIA DEPARTMENT OF FISH AND GAME
NOTICE OF ADOPTION OF FEDERAL DOCUMENT

In the Matter of Final Restoration Plan and Environmental Assessment (RP/EA)
for the
January 17, 1994, Santa Clara River ARCO Pipeline Oil Spill

NOTICE IS HEREBY GIVEN that the California Department of Fish and Game, Office of Spill Prevention and Response (DFG/OSPR) will adopt and use the Finding of No Significant Impact (FONSI) prepared by the U.S. Fish and Wildlife Service (USFWS) in the matter of the Final Restoration Plan and Environmental Assessment (RP/EA) for the ARCO Pipeline Oil Spill. The document will be used in place of a negative declaration. The DFG/OSPR believes that the Federal document meets the requirements of the California Environmental Quality Act.

A Final RP/EA for the January 17, 1994, Santa Clara River ARCO Pipeline Oil Spill has been prepared. The public has been provided two (2) opportunities to review and provide input on the restoration alternatives contained in the RP/EA. Initially, a public scoping meeting was held on October 28, 1998 in Fillmore, California. A second public meeting was held in Ventura, California on January 15, 2002 to present the Draft RP/EA to the public. Additionally, the Draft RP/EA was made available to the public for the forty-five (45) day comment period beginning on January 3, 2002 and closing on February 16, 2002.

Upon environmental review and evaluation of the Final RP/EA, the USFWS determined the proposed action did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended.

Copies of the Federal documents (RP/EA and FONSI) may be obtained by calling Mr. Ken Wilson at (805) 568-1229.


Harlan Henderson, Administrator
Office of Spill Prevention and Response

Date: OCT 31, 2002

Notice of Determination

TO: State of California
Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814

FROM: Department of Fish and Game
Office of Spill Prevention and Response
1700 K Street, Suite 250
Sacramento, California 95814

SUBJECT: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

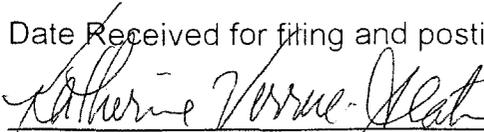
Project Title			
Restoration Plan and Environmental Assessment (RP/EA) for the January 17, 1994, Santa Clara River ARCO Pipeline Oil Spill			
State Clearinghouse Number (If submitted to State Clearinghouse): <i>2002 111605</i>			
Contact Person	Area Code	Phone	Extension
Ken Wilson / Katherine Verrue-Slater	(805) 568-1229 / (916)	324-9813	
Project Location – Specific			
Santa Clara River Watershed - Los Angeles and Ventura County Locations, CA			
Project Location – City		Project Location – County	
Various city locations within Los Angeles and Ventura Counties, along the Santa Clara River			
Description of Nature, Purpose, and Beneficiaries of Project			
Land Acquisition/Conservation Easements concerning land protection, management and restoration; Invasive Non-Native Plant Species Control; Information and Education concerning the Santa Clara River, its associated resources, restoration, and oil spill awareness; and Watershed Evaluation and Monitoring to gain a better understanding of watershed processes, associated habitats and wildlife. The beneficiaries of the project are: Fish, Wildlife, Riparian Habitat, Watershed, and Human and Recreational Use			

This is to advise that the Department of Fish and Game, Office of Spill Prevention and Response has approved the above-described project on December 20, 2002 and has made the following determinations regarding the above-described project:

1. The project will have a significant effect on the environment.
 will not have a significant effect on the environment
- A Finding of No Significant Impact was prepared for this project and adopted as a Negative Declaration by the Lead State Agency pursuant to CEQA provisions.
2. Mitigation measures were, were not, made a condition of the approval of the project.
3. A statement of Overriding considerations was, was not, adopted for this project.

This is to certify that the final FONSI and RP/EA with comments and responses and record of project approval is available to the General Public by calling: Ken Wilson at (805) 568-1229

Date Received for filing and posting at OPR: _____

 Signature (Public Agency)	Office of Spill Prevention and Response Staff Counsel III Title
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