



SAN FRANCISQUITO CREEK

**Joint Powers Authority**

[www.sfcjpa.org](http://www.sfcjpa.org)

East Palo Alto, Menlo Park, Palo Alto, San Mateo County Flood Control District, and the Santa Clara Valley Water District

**Notice of Annual Meeting of the  
SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY BOARD**

City of Palo Alto Council Chambers

250 Hamilton Avenue, Palo Alto, California

Chairperson: Honorable Heyward Robinson

**Thursday, January 28, 4:00 p.m.**

AGENDA

- 1) ROLL CALL
- 2) APPROVAL OF MEETING MINUTES: DECEMBER 17, 2009 BOARD MEETINGS
- 3) APPROVAL OF AGENDA
- 4) CONSENT CALENDAR – *None*
- 5) PUBLIC COMMENT – *Limited time for public comment on items not on the agenda.*
- 6) REGULAR BUSINESS – EXECUTIVE DIRECTOR'S REPORT
  - a) Board organization: appointments to Board Committees
  - b) Proposed SFCJPA California Environmental Quality Act (CEQA) Guidelines
  - c) Federal Fiscal Year 2011 funding requests to Senator Feinstein and Representative Eshoo
- 7) INFORMATIONAL ITEMS
  - a) January storm events
  - b) Alternatives to provide flood protection and other benefits from Hwy. 101 to El Camino Real
  - c) S.F. Bay to Highway 101 capital project update
  - d) New SFCJPA website
  - e) 2010 Board meeting schedule
- 8) BOARD AND ASSOCIATE MEMBER REPORTS – *Agendized reports from Board and/or Associate Members requesting Board action.*
- 9) BOARD AND ASSOCIATE MEMBER MATTERS - *Non-agendized comments, requests, or announcements by Board and/or Associate members, no action may be taken.*
- 10) ADJOURNMENT

PLEASE NOTE: *Agenda packet will be posted by 4:00 p.m. on Monday, January 25, 2009 at: [www.sfcjpa.org](http://www.sfcjpa.org), scroll down to "JPA Meetings".*

NEXT MEETING: February 25, 2010, 4:00 p.m. at the City of East Palo Alto Council Chambers.

**San Francisquito Creek Joint Powers Authority**

**January 28, 2010 Board Meeting**

**Agenda Item 2**

**December 17, 2009 Board Meeting Minutes**

Chairperson Robinson called the meeting to order at 4:11 p.m. at the City of Menlo Park Council Chambers, Menlo Park, CA.

**DRAFT**

**1) ROLL CALL**

Members Present: Chairperson Robinson, City of Menlo Park  
Director Kwok, Santa Clara Valley Water District  
Director Abrica, City of East Palo Alto  
Director Drekmeier, City of Palo Alto

Members Absent: Director Gordon, San Mateo County Flood Control

Alternates Present: Director Romero, City of East Palo Alto

Associate Member: Tom Zigterman, Stanford

JPA Staff Present: Len Materman, Executive Director  
Kevin Murray, Staff  
Miyko Harris-Parker, Staff

Legal Counsel Present: None

Others Present: Art Kraemer, Palo Alto Resident; Trish Mulvey, Palo Alto resident; John Schaefer, Palo Alto resident; Chris Elias, Santa Clara Valley Water District; Jason Christie, Santa Clara Valley Water District; Ann Stillman, San Mateo County Flood Control District; Brian Molver, San Mateo County OES; Anthony Docto, City of East Palo Alto Public Works; Joe Teresi, City of Palo Alto Public Works; Matt Jacobs, Supervisor Rich Gordon's office, San Mateo County Flood Control District; Chief Harold Schapelhouman; Menlo Parke Fire District

**2) APPROVAL OF MEETING MINUTES: OCTOBER 22 and NOVEMBER 30, 2009 BOARD MEETINGS**

Minutes approved 4-0.

**3) APPROVAL OF AGENDA**

Agenda approved 4-0.

**4) CONSENT CALENDAR**

None.

**5) PUBLIC COMMENT**

None.

**6) REGULAR BUSINESS – EXECUTIVE DIRECTOR'S REPORT**

**San Francisquito Creek Joint Powers Authority**

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New [www.SFCJPA.org](http://www.SFCJPA.org) Website in January 2010

Mr. Materman opened his report by thanking Joe Teresi, City of Palo Alto Public works, and the City of Palo Alto for hosting the JPA's website for so long. Mr. Materman stated that Mr. Teresi has been tireless in his efforts to support the JPA and that JPA staff truly appreciates everything that he has done. Mr. Materman then presented to the Board draft copies of the new JPA website. Mr. Materman explained the details of each section of the website and asked the Board and members of the public for comments.

Chairperson Robinson asked if the website was easily maintained by staff. Mr. Materman stated that as far as adding information and making general edits yes it is. Chairperson Robinson stated that one of the issues with the current website is the fact that there are a lot of documents posted on the site.

Director Kwok asked if there has been any consideration in translating the website in other languages besides English. Mr. Materman replied saying yes there has been some consideration and he reminded the Board that the JPA has just started translating meeting information to Spanish and that we are looking at possibly translating the meeting information to two additional languages.

Mr. Materman proceeded giving the Board a brief background of the history of the Creek monitoring system. Mr. Materman then showed the Board examples of the new San Francisquito Creek monitoring system would be accessed through the new JPA website, and said that he has met with Menlo Park Fire District and Palo Alto Fire Department and other OES services to discuss their needs regarding the new alert system. Mr. Materman continued saying that rather than list the height of the crossing in feet we would display a percentage of capacity. Mr. Materman said that we are trying to translate water to depth to percentage being filled and that this number would be automatically entered in the website. Mr. Materman showed the Board an example of a trans-display that would be on the website.

Chairperson Robinson said that the draft website and early warning pages look fabulous and that when the site is up and running we should take the opportunity to promote it to key people in the Federal Government; like Congresswoman Eshoo's office as it will convey a clearer message of what is happening in the Creek. Chairperson Robinson said that it would be beneficial to have the data from historical events on the site so that people can go back and get a reference point.

Director Drekmeier asked how the e-mail list for communicating the alerts will be handled and whether or not the list is one master list. Mr. Murray said that we currently have several master list and we would send out to everyone we have if necessary, however we need to be cautious as we would not want to send information that is only for OES services to the Public. Mr. Murray stated that the details are still being ironed out. Director Drekmeier said that it is good to have a space that will allow people to leave their contact information for update requests. Mr. Materman said that one of the tabs on the top of the site is called get involved where people can leave their contact information and request. Mr. Materman continued saying that what we have shown you on the website is based off of an actual website that does exist but is not yet ready for launching. Mr. Materman introduced and thanked Chief Harold Schapelhouman, Menlo Park Fire Protection District, for his support with the website and new rain gage.

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Chief Harold Schapelhouman thanked Mr. Materman and Mr. Murray for working on this project. Chief Schapelhouman stated that the Menlo Park Fire Protection District has interest in seeing this project completed as it is a benefit to the District and all OES services that will provide us all with more time to plan in case an event occurs. Chief Schapelhouman is optimistic that the Huddart park rain gauge system will provide at least 3 hours advance notice. Chief Schapelhouman continued saying that during the 1998 flood there was not enough attention paid to the issues in the City of East Palo Alto and he is looking forward to now having this connection with the JPA. Chief Schapelhouman stated that all jurisdictions need to have similar response systems dealing with the Creek and that we need to iron out all of the polices and setups during an event. Chief Schapelhouman stated that he believes that this system will get us closer to that level and that the last flood really proved that a having a system like this is needed. Chief Schapelhouman said we don't want law and fire to be in conflict. Chief Schapelhouman stated that the City of East Palo Alto is in danger and he continued saying that he really appreciates all the work that has gone into make some really great changes and that Mr. Materman and Mr. Murray are to be commended for their achievements.

Director Kwok thanked the Menlo Park Fire Protection District for their involvement in this process. Director Drekmeier gave his appreciation of the Menlo Park Fire Protection District's work and thanked the District for providing the great office space for the JPA headquarters.

Director Abrica said that the JPA needs to play a certain role in emergency response even if we are not fully equipped. Director Abrica reminded the Board of the two big meetings with OES services across the creek and he stated that with this system we should follow up on those meetings and create a cross the creek communication plan. Director Abrica said that the JPA can facilitate this.

Chief Schapelhouman said that a color code system will be tremendous help with the cross agency communication. Chairperson Robinson agreed with Chief Schapelhouman and Director Abrica and he stated that with the additional warning we all will be better prepared.

Mr. Materman said that essentially what we are presenting is a result of those two meetings we had with all of the OES services across the Creek. Mr. Materman gave a big thanks to San Mateo County OES for setting up the rain gage and to Joe Teresi for all of his hard work during this process.

Updates: SFCJPA Bay-101 Capital Project and Caltrans Highway 101 Project

Mr. Murray provided the Board with a brief update on the Capital Project and the Caltrans highway 101 project.

Mr. Materman informed the Board that the draft communication plan is out and being reviewed by the team. Mr. Materman said that the communication is an important piece to the project as we want to make sure we are able to communicate with as many people affected by the creek as possible. Mr. Materman said that staff is working on developing fact sheets in several languages and thinking about ways to get out into the community.

Director Kwok asked if we have any easements or right of entries that we have to acquire. Mr. Materman responded saying that we are very fortunate that most of the land for this project is public property owned by the City of Palo Alto.

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Art Kraemer, Palo Alto Resident, asked if the schedule is still calling for construction in 2011. Mr. Materman responded saying that is still the goal.

**7) INFORMATIONAL ITEMS**

**Fiscal Year 2008-09 Summary Report**

Mr. Materman presented the 2008/2009 final quarterly report to the Board. Mr. Materman outlined the surpluses and discrepancies to the Board.

**Activities and Milestones in 2009, and a Look Ahead to 2010**

Mr. Materman began by reflecting on the fact that at times the public seems to forget all the hard work that was done prior to his coming to the JPA. Mr. Materman said that without that work we would not have had such a successful year in 2009 and he commended Cynthia D'Agosta, previous Executive Director, JPA staff and the staff of the member agencies for their outstanding work. Mr. Materman then presented the 2009 activities and milestones.

Director Abrica noted that there was a lot more coordination this year with the Federal Government and he stated that another accomplishment that was not mentioned was success of the OES services meetings.

Mr. Materman presented the Board with the seven goals of the JPA for 2010.

- Oversee the successful design and CEQA process -- within budget and ahead of schedule – of the SFCJPA Bay-101 Capital Project.
- Work closely with Caltrans -- so that the design, environmental documents, and schedules of their Highway 101 project and our Bay-101 Project and upstream of Highway 101 projects – are complementary.
- Develop a preferred alternative to address flooding between Highway 101 and El Camino Real by detaining water upstream and/or increasing capacity in this reach, utilizing comprehensive watershed planning approaches and recognizing ecological and recreational values.
- Aggressively seek federal support for fully funding the Corps Feasibility Study and authorizing and funding SFCJPA capital projects.
- Finalize and implement a strategy to raise additional local funding to implement SFCJPA capital projects.
- Accelerate the Corps Feasibility Study by advancing local funding and assuming all possible tasks.
- Complete SFCJPA Strategic Plan, and focus on public outreach and new policies.

Mr. Materman stated that of these seven areas, we anticipate the greatest challenges in completing to priorities 3 and 5 and that each of these items will be discussed in detail in the upcoming JPA Board meetings.

- 8) BOARD AND ASSOCIATE MEMBER REPORTS - *Agendized reports from Board and/or Associate Members requesting Board action.***  
None.

- 9) BOARD AND ASSOCIATE MEMBER MATTERS - *Non-agendized comments, requests, or announcements by Board and/or Associate members, no action may be taken.***

**San Francisquito Creek Joint Powers Authority**

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Director Kwok reminded the Board of the homework he was given at the December meeting when he was asked to verify if the use of the Measure B funds for San Francisquito Creek had a condition in that required a match from San Mateo County agencies. Director Kwok stated that Measure B does have a condition that requires money from the Sand Mateo County agencies in order for the funds to be used.

Chairperson Robinson presented to Director Drekmeier a thank you and good bye gift on behalf of the JPA Board and staff. Mr. Materman opened the thanks and goodbye to Director Drekmeier by thanking him for his energy and his political wisdom and activism. Mr. Materman gave thanks on behalf of the JPA staff for Director Drekmeier's commitment and support.

Director Abrica seconded the thoughts of Mr. Materman and stated that when Director Drekmeier speaks you always want to pay attention. Director Abrica stated that he has really enjoyed working with Director Drekmeier.

Director Kwok thanked Director Drekmeier for his real passion and hard work and he stated the joy he had working with Director Drekmeier

Trish Mulvey, Palo Alto resident, said that in her eyes this is not a goodbye but a welcome back as she is looking forward to having Director Drekmeier back in an advocacy role. Mrs. Mulvey thanked Director Drekmeier for all of his work and dedication.

Chairperson Robinson said that the Board will miss Director Drekmeier's presence on the Board. Chairperson Robinson continued giving his appreciation of Director Drekmeier's real depth connection to the creek and water and recognition that we live on this earth and this small planet. Chairperson Robinson stated that we are all going to miss Director Drekmeier.

Matt Jacobs from Supervisor Rich Gordon's office stated that Supervisor Gordon was disappointed to have missed the opportunity to personally thank Director Drekmeier, but he wanted to make sure that his thanks was captured publicly by Mr. Jacobs. On behalf of Supervisor Gordon, he thanked Director Drekmeier for his years of service and he appreciates of Director Drekmeier's knowledge and strength in pursuing the mission. Mr. Jacobs stated that Supervisor Gordon looks forward to working with Director Drekmeier in the future.

Director Drekmeier thanked everyone for their touching comments. Director Drekmeier continued saying that this experience has been one of the most meaningful things he has ever done and that he has learned so much from the other Board members. Director Drekmeier stated that he is most proud of hiring Mr. Materman. Director Drekmeier gave his appreciation to the many people who have stuck with this for so many years and noted that we are all family and that he is sticking with the family. Director Drekmeier said that he will now have more time spend in the creek and more time advocating from the resident perspective as he and his wife just purchased a house 1 block from the creek. Director Drekmeier stated that he is looking forward to introducing his son to the creek when he is older. Mr. Drekmeier thanked everyone for their support and kindness.

**10) ADJOURNMENT:**

Chairperson Robinson adjourned the meeting at 5:33 pm.

Minutes Prepared by Clerk of the Board: Miyko Harris-Parker.

**San Francisquito Creek Joint Powers Authority**  
**January 28, 2009 Board Meeting**  
**Agenda Item 6**  
**Executive Director's Report**

With the help of Kevin Murray and Miyko Harris-Parker, I am pleased to submit the following:

a) Board organization: appointments to Board Committees

This being the Regular or annual meeting of the JPA Board, any open positions on Board committees must be filled. The departure of Peter Drekmeier from the Board leaves one open position on the Personnel Committee, which must be filled by a decision of the Board. The Board members serving as Chair (Robinson) and Vice Chair (Kwok) are in the middle of their two-year appointments and thus do not need to be changed. The current Board members serving on SFCJPA committees include Robinson and Kwok on the Finance Committee and Abrica on the Personnel Committee.

b) Proposed SFCJPA California Environmental Quality Act (CEQA) Guidelines

With the SFCJPA now engaged as the Lead Agency on a CEQA review of our Bay-101 project, and with other potential SFCJPA projects on the way, our General Counsel has drafted new CEQA-related Guidelines for the Board to adopt. Attached is a memo from General Counsel Greg Stepanich to the Board, the proposed Guidelines, and a proposed Board Resolution adopting the Guidelines.

**Proposed Board Action: Pass Resolution No. 10-01-28, adopting the California Environmental Quality Act Environmental Review Guidelines.**

c) Federal Fiscal Year 2011 funding requests to Senator Feinstein and Representative Eshoo

The deadlines for submitting Fiscal Year 2011 federal appropriations requests to Senator Feinstein and Congresswoman Eshoo are February 5 and February 17 respectively. This year's SFCJPA request is for the federal share of the \$2 million Corps' capability on our project, or \$1 million appropriation. The federal funding history of this project and the attached draft letters from Board members to Feinstein and Boxer will be discussed at the SFCJPA Board meeting.

**Proposed Board Action: Provide comment on the enclosed letter to Senator Feinstein and Congresswoman Eshoo, and support the inclusion of each Board member's name on it.**

Submitted by:



Len Materman  
Executive Director



RICHARDS | WATSON | GERSHON

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## MEMORANDUM

to: Chair and Board Members, San Francisquito Creek Joint Powers Authority  
cc: Len Materman, Executive Director, San Francisquito Creek Joint Powers Authority  
from: Greg Stepanicich, General Counsel  
date: January 15, 2010  
subject: Local CEQA Guidelines

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We have prepared for the Board's review and adoption California Environmental Quality Act ("CEQA") Environmental Review Guidelines. Public Resources Code Section 21082 and State CEQA Guidelines Section 15022 together require public agencies in California to adopt by ordinance or resolution objectives, criteria and procedures for the evaluation of what are considered projects under CEQA. These procedures are required to address the preparation of categorical exemptions, negative declarations and environmental impact reports. These objectives, criteria and procedures are commonly referred to as local CEQA Guidelines. The local guidelines must be consistent with both the CEQA statute contained at Section 21000 et seq. of the Public Resources Code and the State CEQA Guidelines.

The Environmental Review Guidelines prepared by our office meet the requirements of state law and will constitute the local CEQA Guidelines for the San Francisquito Creek Joint Powers Authority. These Guidelines will apply to the preparation of the EIR for the Authority's proposed floodwater conveyance improvements from East Bayshore Boulevard to the San Francisco Bay. We recommend that the Environmental Review Guidelines be adopted by resolution by the Board.

**San Francisquito Creek  
Joint Powers Authority**

**California Environmental Quality Act  
Environmental Review Guidelines**

**December 2009**

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## I. INTRODUCTION

The San Francisquito Creek Joint Powers Authority (the “Authority”) is comprised of five member entities, including the San Mateo County Flood Control District, the Santa Clara Valley Water District, and the cities of Palo Alto, Menlo Park, and East Palo Alto. The purpose of the Authority is to study, plan, construct and manage flood control measures and projects and preserve and enhance environmental values along the San Francisquito Creek (the “Creek”).

The Authority’s activities have or may include: facilitating and performing bank stabilization and channel clearing along the Creek, planning flood control measures for the Creek, taking actions necessary to preserve and enhance the environmental values and instream uses of the Creek, and coordinating emergency response activities along the Creek.

These environmental review guidelines are adopted pursuant to the California Environmental Quality Act, Public Resources Code §§ 21000 *et seq.* (CEQA), and the State CEQA Guidelines, 14 California Code of Regulations §§ 15000 *et seq.* (State Guidelines). Specifically, CEQA Section 21082 and State Guidelines Section 15022 require public agencies to adopt local CEQA guidelines and implementing procedures. These Guidelines are intended to meet the Authority’s obligation in this regard.

Pursuant to State Guidelines Section 15022 (d), the Authority is permitted to adopt the State Guidelines by reference, and augment the State Guidelines with specific provisions and procedures necessary to tailor the general provisions of the State Guidelines to the specific operations of the Authority. The Authority hereby adopts the State Guidelines as its local guidelines, with the following provisions that reflect the specific operations of the Authority.

## II. DEFINITIONS

The following definitions are adopted to supplement definitions found in Article 20 of the State CEQA Guidelines:

*Environmental Checklist:* An inclusive list of environmental effects used as a format for findings of significance (or insignificance) that is included in the Initial Study for use by the Environmental Coordinator to determine whether or not an EIR is required. The Authority’s standard checklist is attached as Appendix A. However, the checklist set forth in Exhibit A may be revised from time to time to conform to changes in the State Guidelines Appendix G.

*Environmental Coordinator:* The Executive Director, or his or her designee. The duties of the Environmental Coordinator include, without limitation, evaluating the Initial Study so as to determine whether or not a project will have a significant effect on the environment; determining whether or not an EIR must be prepared; consulting with other public agencies and the public regarding the environmental impacts of projects; interpreting and clarifying these guidelines as necessary.

*Environmental Data Submission:* Information submitted by a project applicant that describes the nature of the project and the changes it could produce in the environment. This information is used to assist with the preparation of the Environmental Checklist. The Environmental Data Submission form to be used by an applicant is attached hereto as **Appendix D.**

### III. ENVIRONMENTAL DOCUMENTS AND PROCEDURES.

#### A. Review for Exemption

The following provisions are added as procedural clarifications of Section 15061 of the State CEQA Guidelines with respect to determinations of CEQA exemption.

1. In addition to the exemptions referenced in Section 15061 of the State CEQA Guidelines, the Authority staff should consider whether the action is a ministerially exempt project, as discussed in Appendix B, during the initial review for exemption.
2. The Authority staff shall then make a preliminary determination as to whether a project is exempt from CEQA by consulting these Guidelines and the State Guidelines. For a project that requires approval by the Authority Board, the Authority Board shall consider the preliminary determination and make its own independent decision regarding CEQA compliance prior to approving a project, and the Authority staff's preliminary determination is not appealable, but may be raised as an issue during review of the project by the Authority Board.
3. If the Environmental Coordinator determines that a project is exempt from CEQA and Authority staff approves or determines to carry out the project, the decision that the project is exempt may be appealed to the Authority Board in writing within five (5) days of the decision.
4. Appeal of the determination of exemption shall suspend any further consideration of the project until the Authority Board renders a decision on the appeal. The Authority Board shall hold a duly noticed public hearing on any timely appeals.

#### B. Notice of Draft Negative Declaration or Draft Mitigated Negative DeclarationTo augment the notification requirements of Section 15072 of the State CEQA Guidelines, the Authority shall perform the following noticing for all Draft Negative Declarations and Draft Mitigated Negative Declarations:

1. For all projects that require preparation of a negative declaration or mitigated negative declaration, the Authority shall publish a notice at least one time in a newspaper of general circulation in any area affected by the project; shall mail a notice to owners of property within 300 feet of any project boundaries, as such owners are shown on the latest equalized

assessment rolls; and a notice shall be posted outside the Authority's office and on the Authority's website. Notices described in this paragraph should be combined with other required notices, to the extent feasible.

2. Notice shall be provided to all organizations or individuals who have previously requested such notice in writing.

C. Adoption of a Negative Declaration or Mitigated Negative Declaration; Appeals

The following provisions are added as procedural clarifications of State CEQA Guidelines Section 15074 with respect to adoption of Negative Declarations or Mitigated Negative Declarations.

1. The Authority must, after independently considering the record including public comments received during the public review period, adopt a Negative Declaration or a Mitigated Negative Declaration before approving a project. If the Authority Board of Directors disapproves the project, no CEQA findings or determinations need be made, and the decision can be treated as exempt from CEQA pursuant to State Guidelines Section 15270.
2. Any person may appeal the decision of Authority staff recommending adoption of a Negative Declaration or Mitigated Negative Declaration. Appeals must be in writing specifying the issues being appealed, and shall be filed within ten (10) days of the decision. Appeal of the Negative Declaration or Mitigated Negative Declaration shall suspend any further consideration of the project until a decision on the appeal is made by the Authority Board.

D. Environmental Impact Report Process

1. Decision to Prepare an EIR

The following provision assigns responsibility for the decision to prepare an EIR in clarification of Section 15081 of the State CEQA Guidelines. It also establishes an appeal process for such decisions:

If the Environmental Coordinator has determined that a project may have a significant impact on the environment, a Draft EIR shall be prepared. This decision may be appealed to the Authority Board in writing within ten (10) days of the decision. The decision of the Authority Board shall be final. All time elapsed during the course of the appeal shall be considered a suspension of the time periods pursuant to Section 15109 of the State CEQA Guidelines.

2. Public Scoping Session

The following provision provides for the holding of a public scoping session in clarification of Section 15083 of the State CEQA Guidelines:

Except where explicitly required by CEQA or the State CEQA Guidelines, the Authority Board or appropriate Authority staff may host a public scoping session once the decision to prepare a Draft EIR is finalized. This scoping session should be held during the 30-day response period for the Notice of Preparation. Failure to achieve a quorum of the Board of Directors shall not prevent the public scoping session from proceeding.

3. Notice of Preparation

In addition to notification required by Section 15082 of the State CEQA Guidelines, the Authority shall also perform the following notification of the Notice of Preparation for an EIR.

- a. Notification shall be mailed to all interested groups and agencies as shown on the NOP Distribution List maintained by the Environmental Coordinator, or as otherwise determined appropriate by the Environmental Coordinator. At a minimum, notification shall be provided to the State Office of Planning and Research and each responsible and trustee agency for the project.

4. Preparation of EIR

The following section clarifies, for the Authority's purposes, provisions of Section 15084 of the State CEQA Guidelines regarding who may prepare an EIR:

An EIR may be prepared by Authority staff or an independent consultant selected by the Authority. Any applicant for a non-Authority initiated project shall be informed of the Authority's Guideline of Procedures for EIR Preparation as set forth in **Appendix C**. The contract with the EIR consultant shall contain specific deadlines for each step in the EIR process, so as to facilitate completion of the EIR within the timeframes provided by CEQA.

5. Notice of Draft EIR Availability

To augment the notification requirements of Section 15087 of the State CEQA Guidelines, the Authority shall perform the following noticing of the availability of a Draft EIR, at roughly the same time as the Notice of Completion is sent to the State Clearinghouse, by the following methods:

- a. Notification shall be published at least one time in a newspaper of general circulation.
- b. If applicable, notification shall be mailed to all property owners within 300 feet of any proposed project site, as shown on the latest equalized assessment roll.
- c. Notification shall be posted outside the Authority's office and on the Authority's website.
- d. Notice shall be provided to all organizations or individuals who have previously requested such notice in writing.
- e. Notice shall specify the date set for the public meeting to consider the adequacy of the Draft EIR, if known.

6. Evaluation and Response to Comments; Preparation of Final EIR

The following procedures are adopted to augment and clarify for the Authority's purposes provisions of Sections 15088, 15088.5 and 15089 of the State CEQA Guidelines:

- a. After the public review period is completed, the EIR consultant or staff shall immediately begin preparing response to comments.
- b. The Authority Board shall hold a public meeting, at which it shall hear and consider the recommendation of the Environmental Coordinator as to whether "significant new information" that would require recirculation has been received during the public comment period. If not, then the Final EIR shall be completed and released. For purposes of this section, "significant new information" shall mean information that requires recirculation under the applicable State Guidelines.
- c. If recirculation is required pursuant to § 6(b), the recirculation process shall commence in accordance with the State Guidelines.
- d. Any applicant for a non-Authority initiated project shall be notified of the decision to require recirculation of the Draft EIR immediately. Any necessary information required of any applicant to complete the Draft EIR in conformance with CEQA shall be provided as expeditiously as possible.
- e. Any decision by the Authority regarding recirculation of the Draft EIR is appealable to the Authority Board within ten (10) days of the decision. Said appeal shall be heard at the next feasible Authority Board meeting, notwithstanding any adopted policies or regulations concerning appeals to the contrary.

7. Contents of a Final EIR

In addition to the contents of a Final EIR as specified in Section 15132 of the State CEQA Guidelines, any Final EIR prepared by or for the Authority shall contain a draft Mitigation Monitoring Program.

8. Certification of a Final EIR

The following provisions are added as procedural clarifications of State CEQA Guidelines Section 15090 with respect to certification of a Final EIR:

- a. The Authority Board shall review, consider, and certify the Final EIR at a public hearing before approving the project. Prior to approving a project, but after or concurrent with certification, the Authority shall make one or more written findings for any significant effects identified in the Final EIR. Such findings shall be in compliance with CEQA Guideline 15091. If the Authority Board disapproves the project, no CEQA findings or determinations need be made.
- b. Any person may appeal the decision of Authority staff recommending certification of a Final EIR. Appeals must be in writing specifying the issues of EIR adequacy being appealed, and shall be filed within ten (10) days of the decision. Appeal of the Final EIR certification shall suspend any further consideration of the project until a decision on the appeal is made by the Authority Board.

E. Mitigation Monitoring ProgramsThe following section augments Section 15097 of the State CEQA Guidelines with respect to mitigation monitoring:

1. Implementation

- a. A Draft Mitigation Monitoring Program shall be part of any Final EIR prepared by or for the Authority.
- b. A Final Mitigation Monitoring Program shall be adopted with all project approvals for which an EIR has been certified or a Mitigated Negative Declaration adopted by the Authority.
- c. Adopted Mitigation Monitoring Programs shall be distributed to all agencies or parties with monitoring or review responsibility defined in the Program.

2. Responsibility

- a. Requirements of the Mitigation Monitoring Program shall be made

conditions of project approval and shall be treated in a like manner to all other conditions of approval. As such, failure to comply with those conditions would have a direct bearing on the provisional rights of the discretionary permit granted in the same manner as other conditions of approval.

- b. Overall compliance shall be coordinated by Authority staff unless otherwise indicated in the Mitigation Monitoring Program.
- c. The Authority's efforts shall focus on monitoring, not reporting. A memorandum shall be prepared by Authority staff, upon completion of the implementation of all mitigation measures, for inclusion in the project file to document satisfactory completion of the Mitigation Monitoring Program.

- F. Authority Comment on Environmental Documents Submitted for Review. When the Authority is a responsible or interested agency and receives environmental documents from other agencies for review, the Authority shall review such documents to determine if comments are needed and if so, shall comment when necessary.
- G. Filing Documents. The Authority Board authorizes the Executive Director, or his or her designee, to file necessary notices and documents as required and allowed under CEQA and the State Guidelines. The Authority Board also authorizes the Executive Director to file requests for shortened review, pursuant to the provisions of Appendix K of the State Guidelines.

**APPENDIX A**

**INITIAL STUDY CHECKLIST**

	<b>ENVIRONMENTAL INITIAL STUDY</b>
--	------------------------------------

1. Project Title:
2. Lead Agency Name and Address:
3. Contact Person and Phone Number:
4. Project Location:
5. Project Sponsor's Name and Address:
6. General Plan Designation:
7. Zoning:
8. Description of the Project:
9. Surrounding Land uses and Setting:
10. Other public agencies whose review/approval is required: (e.g., permits, financing approval, or participation agreement)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors marked below (X) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Greenhouse Gas Emissions		Population/Housing
	Agriculture Resources		Hazards & Hazardous Materials		Public Services
	Air Quality		Hydrology/Water Quality		Recreation
	Biological Resources		Land Use/Planning		Transportation/Traffic
	Cultural Resources		Mineral Resources		Utilities/Service Systems
	Geology/Soils		Noise		Mandatory Findings of Significance

**DETERMINATION:** (To be completed by the Lead Agency).

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A <b>MITIGATED NEGATIVE DECLARATION</b> will be prepared.	
I find that the proposed project MAY have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required.	
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An <b>ENVIRONMENTAL IMPACT REPORT</b> is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or <b>NEGATIVE DECLARATION</b> pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or <b>NEGATIVE DECLARATION</b> , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

\_\_\_\_\_  
 [Name]  
 [Title]

\_\_\_\_\_  
 Date

<b>1. AESTHETICS.</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?				
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway				
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				
<b>2. AGRICULTURE AND FOREST RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				

d) Result in the loss of forest land or conversion of forest land to non-forest use?				
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				
<b>3. AIR QUALITY:</b> Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				
d) Expose sensitive receptors to substantial pollutant concentrations?				
e) Create objectionable odors affecting a substantial number of people?				
<b>4. BIOLOGICAL RESOURCES.</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or				

special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites.				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?				
<b>5. CULTURAL RESOURCES.</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				
d) Disturb any human remains, including those interred outside of formal cemeteries?				
<b>6. GEOLOGY AND SOILS.</b> Would the project				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
ii) Strong seismic ground shaking?				
iii) Seismic-related ground failure, including liquefaction?				
iv) Landslides?				
b) Result in substantial soil erosion or the loss of topsoil?				
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				
<b>7. GREENHOUSE GAS EMISSIONS.</b> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				
<b>8. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				
d) Be located on a site which is included on a list of hazardous				

materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				
<b>9. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements?				
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area,				

including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				
f) Otherwise substantially degrade water quality?				
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				
j) Inundation by seiche, tsunami, or mudflow?				
<b>10. LAND USE AND PLANNING.</b> Would the project:				
a) Physically divide an established community?				

b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?				
<b>11. MINERAL RESOURCES.</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				
<b>12. NOISE.</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				
d) A substantial temporary or periodic increase in ambient noise levels				

in the project vicinity above levels existing without the project?				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				
<b>13. POPULATION AND HOUSING.</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				
<b>14. PUBLIC SERVICES.</b> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?				
b) Police protection?				

c) Schools?				
d) Parks?				
e) Other public facilities?				
<b>15. RECREATION.</b>				
a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				
<b>16. TRANSPORTATION/TRAFFIC.</b> Would the project:				
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				

d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e. g. farm equipment)?				
e) Result in inadequate emergency access?				
f) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				
<b>17. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				
g) Comply with federal, state, and local statutes and regulations related to solid waste?				
<b>18. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				

**References:**

- [List documents that are referenced in the above discussions.]

## **APPENDIX B**

### **MINISTERIALLY EXEMPT PROJECTS**

1. Pursuant to Sections 15022 and 15268 of the State CEQA Guidelines, the Authority's guidelines must include a list of common actions of the Authority that will be treated as ministerial and thus exempt from the provisions of the California Environmental Quality Act. Most of the foreseeable actions that would be subject to CEQA will relate to programs, and projects to be undertaken by the Authority, with relatively few actions that would involve applications for approvals from other entities. To the extent that future Authority programs involve issuance of ministerial approvals, such approvals would be treated as exempt from CEQA.

## APPENDIX C

### **GUIDELINE OF PROCEDURES FOR EIR PREPARATION**

When the Authority has determined that a project will or may have a significant effect on the environment, the Authority shall prepare or cause to have prepared an Environmental Impact Report. The following procedural guidelines are set forth to assist staff, applicants for non-Authority initiated projects, and consultants.

- A. **POLICY:** The Authority 's policy is that either Authority staff or an Authority selected consultant shall prepare an EIR.
- B. **SELECTION:** The Authority will select and retain an EIR consultant in accordance with any applicable contracting procedures. The Authority will select a consultant primarily based on their professional expertise (as indicated by, without limitation, past work for the Authority, references, and any proposal that may be submitted); ability to perform the work in a timely fashion; and at reasonable cost.
- C. **REQUEST FOR PROPOSAL:** Where possible, the Authority staff shall prepare a Request for Proposal (RFP) to prepare an EIR. The RFP shall be mailed to at least three firms on the Environmental Coordinator's list of EIR consultants. Consultants shall have at least ten (10) working days from the date the RFP is postmarked to respond with a written proposal. Any submitted proposal should show that the EIR will provide the Authority decision-makers with an accurate and complete report that meets the requirements of State law and these guidelines and provides sufficient information to reach a decision on the project, all in accordance with the timeframes established by CEQA. If the Environmental Coordinator determines that the use of an RFP process will jeopardize compliance with legal time deadlines, or otherwise conflicts with the Authority's interest, the Coordinator may use an expedited selection process.
- D. **REQUIREMENTS FOR PROPOSAL:** Any proposal submitted in response to an RFP must include the following minimum requirements:
  - 1. The names and qualifications of all persons who will be working on this project including all subcontractors. The proposal must identify a contact person in charge of the preparation of the EIR.
  - 2. A detailed estimate of the number of hours each of the above-named persons will contribute to the total report, the areas on which they will be working, and their hourly rate.
  - 3. The costs of the consultant attending a maximum of three to four public hearings (and possibly a scoping session).
  - 4. An estimate of all clerical costs including typing, reproduction and binding in preparation of the Administrative Draft, Draft, and the Final EIR's.
  - 5. Based on the above, a total fixed bid price for preparation of the EIR.

6. The date on which work can commence and the number of weeks required to finish the Draft and Final EIR, including time for staff review of the administrative draft and preparation of responses to comments on the Draft EIR.
7. A listing of previous EIR's prepared pursuant to the California Environmental Quality Act pertinent to the project in question.
8. Compliance with any additional requirements set forth in the RFP.
9. A statement attesting that there is no current or foreseeable conflict of interest on the part of the EIR preparer relative to the project being analyzed, its owners, applicants, or representatives.

E. EVALUATION OF PROPOSAL

1. Upon receipt, the Authority staff shall evaluate each proposal based upon these guidelines.
2. The Authority staff shall provide any applicant for a non-Authority initiated project with copies of all proposals. After discussion with any applicant, the Authority staff shall select the consultant who will perform the work. Consultants whose proposals have not been accepted shall be so notified.
3. When the consultant has been chosen, any applicant for a non-Authority initiated project must, within ten (10) calendar days of said choice, deposit with the Authority the full amount of the consultant's total bid figure for services. The Authority will then execute a contract between the consultant and the Authority on contract forms provided by the Authority. If the project is initiated by the Authority, the Authority shall have full discretion in execution of a contract between the Consultant and the Authority.

F. FORMAT FOR EIR

1. The information contained in an EIR, including technical data, maps, plot plans and diagrams shall be presented in such a manner as to permit full assessment of significant environmental impacts by reviewing agencies and the public. Use of clear and descriptive graphics is especially encouraged. Placement of highly technical or specialized data should be provided in appendices.
2. EIR's shall be produced on 8 1/2 x 11 inch paper and reproduced on both sides. They shall be bound so as to allow revisions and additions to be incorporated.
3. The EIR shall be prepared using a systematic, well-documented approach. The EIR shall reference all documents used in its preparation including a citation to the page and section number of documents used as the basis for any statements in the EIR. All EIR sections written by someone other than an employee of the consultation firm shall be credited to the appropriate author(s).

4. The EIR should discuss environmental effects in proportion to their severity and probability of occurrence. Effects dismissed in an Initial Study as clearly insignificant need not be discussed further unless the Authority subsequently receives information inconsistent with the finding in the Initial Study.
5. The EIR shall include standards for determining the significance of each type of impact and a justification of those standards.
6. If, after thorough investigation, the Authority or consultant finds that a particular impact is too speculative for evaluation, the report should note this conclusion and terminate discussion of the impact.
7. An EIR may incorporate by reference all or portions of other documents that contain information relevant to the EIR. The incorporated document shall be available to the public at the Authority's office. Where an EIR uses incorporation by reference, the incorporated part of the document shall be briefly summarized in the EIR.
8. The discussion of mitigation measures shall distinguish between the measures that are proposed to be included in the project and other measures that are not included but could also reduce adverse impacts. This discussion shall identify levels to which impacts will be reduced by mitigation and the basis upon which such levels were predicted. Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified.
9. All mitigation measures that are proposed to be included in the project shall include a detailed description of the steps to be taken to ensure implementation. The discussion shall include an item by item identification of the specific mitigation, the monitoring action, criteria and standards used, process for signing off completion of task and noncompliance issues.

## **APPENDIX D**

### **ENVIRONMENTAL DATA SUBMISSIONS**

Any applicant for a non-Authority initiated project seeking approval from the Authority for a project that is not ministerially or categorically exempt or of an emergency nature must submit sufficient information to enable staff to complete an Initial Study to be used by the Environmental Coordinator to determine whether an EIR must be prepared or whether a negative declaration may be issued. Project applicants shall provide the following information in the format indicated in an accompanying text entitled "Environmental Data Submission" to be submitted at the time an application is filed. Additionally, Authority staff shall also make use of this "Environmental Data Submission" where appropriate. The Environmental Data Submission and project application materials have separate purposes and separate requirements. One document may not simply refer to material contained in the other; the Environmental Data Submission must give an adequate description of the project for environmental review purposes. If there are phases to the project, the submission may discuss them by phase so long as a cumulative impact discussion is also provided.

This outline is intended to serve as a guide to staff and other preparers of Environmental Data Submissions. The Authority staff may require additional information. Authority staff will use this outline to determine the completeness of an Environmental Data Submission. Some projects may require additional information in order to evaluate possible environmental impacts. Some types of projects may not require the level of information regarding environmental setting indicated. Questions should be directed to the Authority staff.

The Environmental Data Submission is divided into four distinct sections:

- 1) project information;
- 2) environmental setting;
- 3) impacts;
- 4) mitigation measures and alternatives.

These sections must be presented separately. Information sources should be cited wherever possible.

## **ENVIRONMENTAL DATA SUBMISSION**

### A. Project Information

1. Applicants' Name (owner or legally authorized party in interest):  
Address:  
Telephone:  
Fax:  
E-Mail:
2. Person preparing this submission:  
Address:  
Telephone:  
Fax:  
E-Mail:
3. Project Number(s):
4. Assessor's Parcel No(s), if applicable:
5. Type of approval(s) sought:
6. Location of project (attach vicinity map), if applicable:
7. Size of subject property:
8. Present and previous use of site or structures:
9. Any applicable existing General Plan and Zoning designations; any applicable Master and/or Precise Plans applicable to the site:
10. General description of project:
  - a. Intent of project (be as specific as possible; include goals for applicant and community, proposed uses, number and size of lots, etc.).
  - b. Map showing use(s) to which land will be put (may be a duplicate of a map exhibit submitted with project application).
  - c. Major activities contemplated and their sequence (construction-

related and permanent).

- d. Indicate: amount of area covered by structures, permeable surfaces, landscaping and natural open space; number of floors, floor area, employees and shifts for commercial projects; and types and numbers of units for residential units.
11. Other agencies from which permits or approvals will be required, specifying type and granting body.
12. A map showing the location of the project with relation to adjacent streets shall be included for site specific projects.

B. Environmental Setting

1. Topography: Average slopes, significant topographic features.
2. Geology:
  - a. Geologic type.
  - b. Slope stability (landslides and debris flows, size and extent; is repair of landslide proposed?)
  - c. Seismic hazards (tsunami, liquefaction, ground shaking, subsidence, etc.)
3. Air Quality: Exposure to or generation of air pollutants or odors, including a discussion of any potential greenhouse gas emissions to be emitted by the proposed project.
4. Hydrology: Existing hydrologic features - streams, marsh, bay, lake, etc; drainage patterns; flood zones and any alterations proposed.
5. Water Quality; percolation rate if known, depth of groundwater if known, any wells in the area, quality of any surface water and any sources of contamination (such as parking lot runoff) existing in the vicinity of or resulting from project.
6. Biology: Major plant types, known habitats of special status flora or fauna, and identification of all trees by species and trunk circumference two feet above the ground.
7. Noise: Any significant noise generators in the area.
8. Visual/Scenic Resources: Is the site a scenic resource, either by itself or as a part of a larger area resource? Describe visual characteristics including impacts to ridge lines, view corridors, and adjacent property views. Will

the project create substantial sun shadow, light intrusion, or glare problems?

9. Grading: If the project requires grading, how many cubic yards? Will it be balanced on-site and, if not, where will it be deposited or obtained? If there is grading, provide a cut/fill map and, if it is unbalanced, a map delineating the borrow and/or deposit site and haul route.
10. Archaeological/Cultural Resources: Is this an area of archaeological sensitivity? If so, or if there is a known archaeological site within 300 yards, an archaeological reconnaissance should be included in the Environmental Data Submission. Are there cultural/historic or prehistoric resources on or adjacent to the site?
11. Population and Housing Characteristics: Is the site adjacent to a populated area? What are the housing characteristics of the adjacent area?
12. Circulation: Circulation patterns, latest traffic counts available, alterations in existing or proposed street improvements, availability of public transportation, pedestrian and bicycle trails.
13. Public Service and Utilities: Availability of public services and infrastructure to serve site. Distance and/or response time to sewer, water, gas, electricity, police fire, parks; method of sewage disposal proposed.
14. Health and Safety:
  - a. Identify any flammable, reactive or explosive materials to be located on site (including pressurized tanks).
  - b. Indicate distance to nearest high fire hazard (i.e., brush, stored flammable, etc).
  - c. Identify any proposed use storage or production of hazardous materials and procedure for disposal.
  - d. Identify disposal procedures for all waste products.
  - e. Indicate distance to nearest sensitive receptors (i.e., schools, hospitals, residences) if there is a potential hazardous emissions source proposed or vice versa for proposed sensitive receptor.

C. Impacts

Provide a preliminary estimate of impacts from the proposal on any of the topic areas listed above, considered over the life of the project. The discussion must document specific environmental topic areas impacted, the nature of the impact and the relative measure of the severity of the impact.

D. Mitigation Measures and Alternatives

1. Identify mitigation measures that have been incorporated into the project design to lessen or eliminate (specify which) potential adverse environmental effects. These measures should be distinguished from mitigation measures which could be part of the proposed project, but are not. The description should include a discussion of the implementation and monitoring procedures anticipated.
2. Provide a discussion of alternatives to the project location or design. Also provide a brief discussion of significant impacts of alternatives, if different than project impacts.

E. Certification

1. Attach the following statement as part of the submission:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

For: \_\_\_\_\_



SAN FRANCISQUITO CREEK

**Joint Powers Authority**

www.sfcjpa.org

East Palo Alto, Menlo Park, Palo Alto, San Mateo County Flood Control District, and Santa Clara Valley Water District

**RESOLUTION No. 10-01-28**

**Resolution of the Board of Directors of the San Francisquito Creek Joint Powers Authority**

**ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT ENVIRONMENTAL REVIEW GUIDELINES**

WHEREAS, Public Resources Code Section 21082 and California Environmental Quality Act (CEQA) Guidelines Section 15022 require public agencies in California to adopt by ordinance or resolution objectives, criteria and procedures for the evaluation of what are considered projects under CEQA, and

WHEREAS, these criteria and procedures are required to address the preparation of categorical exemptions, negative declarations and environmental impact reports for projects commissioned by public agencies, and

WHEREAS, the Joint Powers Agreement creating the San Francisquito Creek Joint Powers Authority (the "SFCJPA"), dated May 18, 1999 and the Roster of Public Agencies (Government Code Section 53051) filed in the office of the Secretary of State of the State of California on May 31, 2001 established the SFCJPA as a public agency, and

WHEREAS, the SFCJPA has initiated the planning and design of a project to provide flood protection, ecological restoration, and recreational benefits to the communities of the SFCJPA, on which the SFCJPA will be the CEQA Lead Agency, and

WHEREAS, it is the intent of the SFCJPA to initiate planning and design activities for additional projects on which the SFCJPA will be the CEQA Lead Agency, and

WHEREAS, SFCJPA Legal Counsel has proposed Environmental Review Guidelines for the agency, and

WHEREAS, the proposed Environmental Review Guidelines meet the requirements of state law and will constitute the local CEQA Guidelines for the SFCJPA.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Francisquito Creek Joint Powers Authority hereby adopts the proposed California Environmental Quality Act Environmental Review Guidelines.

INTRODUCED AND PASSED on January 28, 2010:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

\_\_\_\_\_  
Vice Chairperson

Date:

\_\_\_\_\_  
Chairperson

Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
Legal Counsel

\_\_\_\_\_  
Date



SAN FRANCISQUITO CREEK

**Joint Powers Authority**

[www.sfcjpa.org](http://www.sfcjpa.org)

East Palo Alto, Menlo Park, Palo Alto, San Mateo County Flood Control District, and the Santa Clara Valley Water District

January 28, 2010

The Honorable Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Feinstein:

As members of the San Francisquito Creek Joint Powers Authority (SFCJPA) Board of Directors, which includes elected leaders from the cities of East Palo Alto, Menlo Park, and Palo Alto, and the counties of San Mateo and Santa Clara, we unanimously write to thank you for your efforts to protect local residents in the twelve years since a flood damaged approximately 2,000 properties in our watershed.

We appreciate your efforts last year to secure FY 2010 appropriations to the Corps for our project. We write at this time to request an FY 2011 appropriation to the Corps of Engineers for their continued work on the San Francisquito Feasibility Study.

As you know, federal support for this project serves to match what the SFCJPA is advancing to the Corps for the long-term Study, and, through federal credit, what the SFCJPA is spending to design and conduct environmental reviews of capital projects that will address the flood prevention, environmental, and recreational needs of local residents before the Study is completed and implemented in several years.

The SFCJPA's FY 2011 Appropriations Request for the Energy and Water Development Appropriations Bill is described in the enclosed documents. We seek continued federal funding for one-half of the \$2,000,000 annual Corps capability on this project. An infusion of \$1,000,000 in federal money and \$1,000,000 in local money into this Study would significantly accelerate the completion of our Feasibility Study, which was authorized six years ago. The Santa Clara Valley Water District and the City of Palo Alto also submitted this request to your office.

Additionally, the SFCJPA's FY 2010 Request seeks federal support – matched by local funds – for the construction of a project that will protect residents and businesses in East Palo Alto and Palo Alto, and provide environmental and recreational benefits, well before the completion of the Feasibility Study.

Thank you for your consideration of this request. If you have any questions, please contact JPA Executive Director Len Materman at 650-561-4580 or [len@sfcjpa.org](mailto:len@sfcjpa.org).

Sincerely,

Ruben Abrica  
Councilmember, East Palo Alto

Pat Burt  
Mayor of Palo Alto

Heyward Robinson  
Councilmember, Menlo Park

Rich Gordon  
Supervisor, San Mateo County

Patrick Kwok  
Director, Santa Clara Valley Water District



SAN FRANCISQUITO CREEK

**Joint Powers Authority**

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East Palo Alto, Menlo Park, Palo Alto, San Mateo County Flood Control District, and the Santa Clara Valley Water District

January 28, 2010

The Honorable Anna G. Eshoo  
U.S. House of Representatives  
205 Cannon Building  
Washington, DC 20515

Dear Representative Eshoo:

As members of the San Francisquito Creek Joint Powers Authority (SFCJPA) Board of Directors, which includes elected leaders from the cities of East Palo Alto, Menlo Park, and Palo Alto, and the counties of San Mateo and Santa Clara, we unanimously write to thank you for your consistent efforts to protect local residents in the twelve years since a flood damaged approximately 2,000 properties in our watershed.

We appreciate your efforts over the past year to secure FY 2010 appropriations to the Corps for our project and for supporting our project for construction authorization in the next Water Resources Development Act. We write at this time to request an FY 2011 appropriation to the Corps of Engineers for their continued work on the San Francisquito Feasibility Study.

As you know, federal support for this project serves to match what the SFCJPA is advancing to the Corps for the long-term Study, and, through federal credit, what the SFCJPA is spending to design and conduct environmental reviews of capital projects that address the flood prevention, environmental, and recreational needs of local residents before the Study is completed and implemented in several years.

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Director, Santa Clara Valley Water District

**San Francisquito Creek Joint Powers Authority**

**January 28, 2009 Board Meeting**

**Agenda Item 7**

**Informational Items**

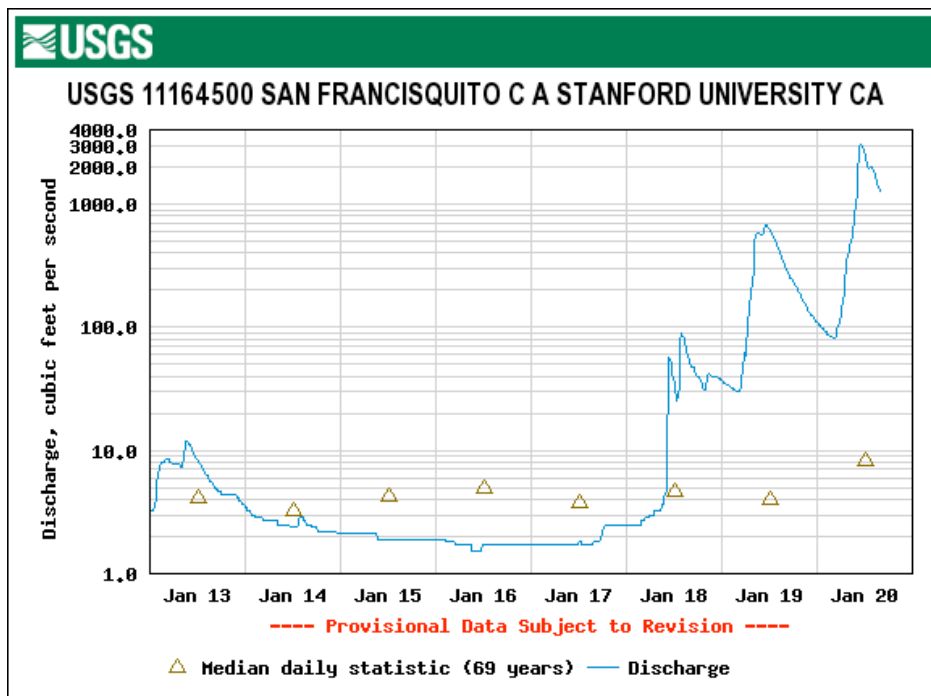
a) January storm events

The Western United States experienced a series of strong rain storms during the week of January 17-21, 2010. San Francisquito Creek experienced significant flow levels during this time, with a peak discharge of approximately 3,000 cubic feet per second at about 10:00 a.m. on Wednesday, January 20.

Based on updated hydrologic modeling of the San Francisquito Creek Watershed, this flow is considered to be a 5-year flow event. This means that the statistical return interval for a flow of this magnitude is once in 5 years, or that this flow level has a 20% chance of occurring in any given year. The last time San Francisquito Creek was this high was the morning of January 1, 2006.

Water levels at the two bridge crossings most vulnerable to flooding were watched closely by SFCJPA staff, member agency staff, and numerous residents. At the Pope/Chaucer bridge, flow occupied about 60% of the hydraulic capacity at the structure. At West Bayshore Road, where flooding can be exasperated during high tide, the creek achieved 75% of the hydraulic capacity of the structure.

The hydrograph image below shows that the flow peaked at just above 3000 cfs, making it the fifth-largest flow event experienced in San Francisquito Creek since 1998.



Even though the creek did not top its banks as a result of these recent storms, the flow levels observed were alarming, and are a reminder of the urgency for the SFCJPA and its member agencies to expedite the planning and implementation of capital projects that will protect the community from flooding, and potentially remove all of the parcels in the floodplain from FEMA requirements for participation in the National Flood Insurance Program.

**San Francisquito Creek Joint Powers Authority**

**January 28, 2009 Board Meeting**

**Agenda Item 7**

**Informational Items**

b) Alternatives to provide flood protection and other benefits from Hwy. 101 to El Camino Real

The JPA and the Santa Clara Valley Water District (SCVWD) are conducting an analysis of alternatives to provide 100-year flood protection and ecological restoration and recreational benefits for this reach. The result of this exercise will be to a proposal to the SFCJPA Board for one or more suites of options that take into account the entire watershed, and include capital work in this area, perhaps in combination with upstream detention west of El Camino Real. This would be part of the Corps' Feasibility Study so that the costs of the analysis are eligible for credit against future federal appropriations for the Study.

The criteria used to develop a suite of alternatives will likely include many of the following:

1. Protecting from flooding and erosion, and eliminating the Creek's 100-year floodplain
2. Acceptability to residents, including aesthetic and property issues
3. Financial cost
4. Supporting ecosystems and natural watershed functions
5. Enhancing recreational opportunities
6. Minimizing maintenance and other life-cycle costs

The project consists of evaluating alternatives between El Camino Real and U.S. Highway 101/West Bayshore Road to determine a preferred Comprehensive Plan. The project will result in a report that provides 30% design documentation. This level of design will be adequate for defining a construction project that the SFCJPA will take to member agencies and the community to build support for local funding initiatives to finance construction of the project elements. These elements could include: modifying bridges, widening the channel, increasing flood walls, building a bypass channel, and upstream detention.

As the Local Sponsor for the Feasibility Study, and as the Lead Agency under CEQA for a 101-El Camino Real, the JPA will approve the scope of the project and the environmental documents, and be responsible for public and agency outreach and coordination. With its substantial flood control engineering and environmental planning expertise, and as a possible owner of one half of the constructed project, the SCVWD is providing engineering and other technical analysis.

Over the past two months, initial hydraulic analysis of this reach has been conducted by SCVWD, using new modeling information from the Corps, with contributions from Tom Rindfleisch, a resident and member of the JPA's Technical Advisory Committee. This analysis is the first to include the hydraulic changes that are likely to result from SFCJPA capital project between the Bay and Highway 101 and the Caltrans work at Highway 101. These improvements appear to have a more positive effect on the upstream reaches than was originally anticipated, meaning that construction elements to contain the 100-year event in the stream reach between Highway 101 and El Camino Real may be smaller in scale than originally thought.

Staff will update the Board regularly on progress of the analysis, and will present conceptual designs for the reach at Board and public outreach meetings throughout 2010.

c) SF Bay to Highway 101 capital project update

Over the next few weeks, crews will be in the field along the project reach collecting data needed for the design and environmental documentation of the SF Bay to 101 project. The JPA is coordinating contractor crews with the City of East Palo Alto, Palo Alto Municipal Golf Course,

**San Francisquito Creek Joint Powers Authority**

**January 28, 2009 Board Meeting**

**Agenda Item 7**

**Informational Items**

and the Palo Alto Baylands Preserve to provide access and make arrangements for temporary closures of the trails along the levee and portions of the golf course. A survey of existing utilities in the area is underway, but has met some delay due to weather conditions.

The most significant presence of crews over the next two weeks is planned for Wednesday, 1/27 and Thursday 1/28, as our geotechnical engineering firm will be drilling soil borings in the area. The drilling can be done in one day for each side of the creek (two days total), and a public notice informing the neighbors of the planned work will be distributed at least 24 hours prior to entry.

d) New SFCJPA website

At the previous Board meeting, draft designs for the new agency website were discussed with the Board. The comments of Board members and others were taken into account, and the new website is being completed this week.

e) 2010 Board meeting schedule

The attached schedule is for all Board members, Board alternates and members of public. All Board meetings are currently scheduled for the fourth Thursday of every month, except November and December when it is the third Thursday.

## San Francisquito Creek Joint Powers Authority

### 2010 Board Meeting Schedule

The San Francisquito Creek Joint Powers Authority Board meets on an as needed basis and therefore meetings may be canceled or rescheduled to suit the needs of the agency and the Board. The public will be notified of any changes through the agency website and other electronic means.

#### **Thursday, January 28**

4:00 - 6:00 p.m.  
JPA Regular Meeting  
City of Palo Alto Council Chambers  
250 Hamilton Avenue  
Palo Alto

#### **Thursday, February 25**

4:00 - 6:00 p.m.  
JPA Special Meeting  
City of East Palo Alto Council Chambers  
2415 University Avenue  
East Palo Alto

#### **Thursday, March 25**

4:00 - 6:00 p.m.  
JPA Special Meeting  
City of Menlo Park Council Chambers  
701 Laurel Street  
Menlo Park

#### **Thursday, April 22**

4:00 - 6:00 p.m.  
JPA Special Meeting  
City of Palo Alto Council Chambers  
250 Hamilton Avenue  
Palo Alto

#### **Thursday, May 27**

4:00 - 6:00 p.m.  
JPA Special Meeting  
City of East Palo Alto Council Chambers  
2415 University Avenue  
East Palo Alto

#### **Thursday, June 24**

4:00 - 6:00 p.m.  
JPA Special Meeting  
City of Menlo Park Council Chambers  
701 Laurel Street  
Menlo Park

#### **Thursday, July 22**

4:00 - 6:00 p.m.  
JPA Special Meeting  
City of Palo Alto Council Chambers  
250 Hamilton Avenue  
Palo Alto

#### **Thursday, August 26**

4:00 - 6:00 p.m.  
JPA Annual Meeting  
City of East Palo Alto Council Chambers  
2415 University Avenue  
East Palo Alto

#### **Thursday, September 23**

4:00 - 6:00 p.m.  
JPA Special Meeting  
City of Menlo Park Council Chambers  
701 Laurel Street  
Menlo Park

#### **Thursday, October 28**

4:00 - 6:00 p.m.  
JPA Special Meeting  
City of Palo Alto Council Chambers  
250 Hamilton Avenue  
Palo Alto

#### **Thursday, November 18**

4:00 - 6:00 p.m.  
JPA Special Meeting  
City of East Palo Alto Council Chambers  
2415 University Avenue  
East Palo Alto

#### **Thursday, December 16**

4:00 - 6:00 p.m.  
JPA Special Meeting  
City of Menlo Park Council Chambers  
701 Laurel Street  
Menlo Park