

**CALIFORNIA RESOURCES AGENCY  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION**

**June 2006**

**INTRODUCTION**

The California Resources Agency (“the Resources Agency”) is proposing this action to update certain guidelines implementing the California Environmental Quality Act, sections 21000 - 21177 of the Public Resources Code (“CEQA”), in order to reflect certain legislative changes to CEQA.

CEQA requires public agencies to review the environmental impacts of proposed projects, to prepare and review environmental impact reports (EIRs), negative declarations, and mitigated negative declarations, and to consider feasible alternatives and mitigation measures that would substantially reduce significant adverse environmental effects. Section 21083 of the Public Resources Code requires the adoption of guidelines to provide public agencies and members of the public with guidance about the procedures and criteria for implementing CEQA. The guidelines required by section 21083 of the Public Resources Code are promulgated in the California Code of Regulations, title 14, sections 15000-15387 (the “Guidelines”). At present, public agencies, project proponents, and third parties who wish to enforce the requirements of CEQA, rely on the Guidelines to provide a comprehensive guide to how a lead agency’s obligations under CEQA should be fulfilled. Subdivision (f) of section 21083 requires the Resources Agency, in consultation with the Office of Planning and Research, to certify, adopt and amend the Guidelines at least once every two years.

In proposing this action, the Resources Agency reviewed the Guidelines and determined that in some cases, the Guidelines had not been updated to reflect legislative changes to CEQA that had been enacted during the period from 2001 through 2005. The purpose of the proposed action is to clarify and update the Guidelines to be consistent with these recent legislative enactments that have modified CEQA. The Resources Agency proposes the following changes to the Guidelines:

Add sections: 15155, 15190.5 and Article 12.5, which includes sections 15191, 15192, 15193, 15194, 15195, and 15196.

Amend sections: 15053, 15061, 15062, 15072, 15073, 15074, 15082, 15087, 15105, 15179, 15180, and 15186.

Repeal section: 15083.5.

In certain cases, the Resources Agency is proposing to include language in the Guidelines that is similar or identical to the language of the recently enacted legislation. The Resources Agency took this step to ensure the Guidelines would best serve their function of providing a comprehensive guide to public agencies, project proponents, and third parties who want to enforce the requirements of CEQA. The Guidelines provide a

carefully organized, step-by-step guide to the environmental review process. If the Guidelines did not include all requirements imposed by CEQA, the Guidelines would be incomplete. Users of the Guidelines could become confused if certain statutory requirements were not contained in the Guidelines, and the Guidelines themselves would be unclear. Accordingly, the Resources Agency determined that it was necessary to overlap or duplicate portions of the recent legislative enactments in certain instances in order to ensure that the meaning of the Guidelines would be easily understood by those persons directly affected by them.

This action does not mandate the use of specific technologies or equipment. Because this proposed action implements and reflects recent statutory changes, the Secretary did not rely upon any technical, theoretical, or empirical study, report or similar document in proposing this action.

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no additional substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the recent statutory requirements.

The Resources Agency has also initially determined that the proposed action will not have a significant adverse economic impact on business. The Resources Agency has initially determined that most of the proposed changes in this action have no or de minimis impacts on project proponents. However, the Resources Agency is aware that certain of the statutory changes enacted by the Legislature that are reflected in this proposed action could have an economic impact on project proponents, including businesses. Among other things, project proponents could incur additional costs in assisting lead agencies to comply with SB 610 (reflected in Guidelines section 15155), which revises the requirements imposed on cities and counties to prepare or obtain certain analyses relating to water availability and requires the inclusion of the water supply assessment and other information in any environmental document prepared for the project under specified circumstances. In addition, project proponents could incur additional costs in assisting lead agencies to comply with PRC sections 21151.4 and 21151.8 (reflected in Guidelines section 15186), which require certain public agencies and certain school districts to make a number of determinations relating to air quality in the vicinity of a school or proposed school site before approving certain projects. However, the proposed changes to the Guidelines merely reflect these legislative requirements. The proposed action clarifies and updates the Guidelines to be consistent with recent legislative enactments that have modified CEQA, but does not

impose any new requirements. Therefore, the proposed action does not itself have a significant, adverse economic impact on business.

The proposed action does not duplicate or conflict with any federal statutes or regulations. CEQA is similar in some respects to the National Environmental Policy Act (“NEPA”), 42 U.S.C. sections 4321-4343, but NEPA requires environmental review of federal actions by federal agencies while CEQA requires environmental review of state and local projects by state and local agencies in California. Moreover, although both NEPA and CEQA require an analysis of environmental impacts, the substantive and procedural requirements of the two statutes are different. Most significantly, CEQA requires feasible mitigation of environmental impacts, while NEPA does not require mitigation. A state or local agency must complete a CEQA review even for those projects for which NEPA review is also applicable, although Guidelines sections 15220-15229 allow state, local and federal agencies to coordinate a review when projects are subject to both CEQA and NEPA. Because a state or local agency cannot avoid CEQA review, and because CEQA and NEPA are not identical, guidelines for CEQA are necessary and do not duplicate the Code of Federal Regulations.

Following are the Resources Agency’s proposed amendments and additions to the Guidelines:

## **SECTION 15053. DESIGNATION OF LEAD AGENCY BY THE OFFICE OF PLANNING AND RESEARCH**

### **Specific Purposes of the Amendment**

Guidelines section 15053 describes the process that agencies may use to submit a dispute to OPR for resolution and designation of a lead agency. The proposed amendments to subdivisions (a) and (c) of Guidelines section 15053, and the proposed addition of subdivision (b) to Guidelines section 15053, implement and make specific the provisions of Senate Bill (“SB”) 648 (Chapter 267, Statutes of 2005), which amended PRC section 21165. As amended, PRC section 21165 defines the term “dispute” and provides that OPR shall not designate a lead agency in the absence of such a dispute. The purpose of the proposed amendments to subdivisions (a) and (c) of Guidelines section 15053, and the proposed addition of subdivision (b) to Guidelines section 15053, is to reflect the amendments to PRC section 21165. Additionally, the proposed action makes non-substantive clarifying changes to the numbering.

### **Necessity**

The proposed amendments to subdivisions (a) and (c) of Guidelines section 15053 and the proposed addition of subdivision (b) to Guidelines section 15053 are reasonably necessary to reflect the legislative changes. The updated language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the

use of public agencies, project proponents, and other persons directly affected by CEQA.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

### **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15061. REVIEW OF EXEMPTION.**

### **Specific Purposes of the Amendment**

Guidelines section 15061 describes when a project or activity is exempt from CEQA. The proposed addition of subdivision (b)(5) to Guidelines section 15061 implements and makes specific the provisions of SB 1925 (Chapter 1039, Statutes of 2002). SB 1925 added PRC sections 21159.20-21159.26, which set forth statutory exemptions from CEQA for agricultural employee housing, low-income housing (affordable housing), and residential infill projects under specified circumstances. The purpose of the proposed addition of subdivision (b)(5) to Guidelines section 15061 is to reflect the additional exemptions from CEQA provided due to the enactment of PRC sections 21159.20-21159.26.

The proposed addition of subdivision (e) to Guidelines section 15061 implements and makes specific the provisions of SB 1393 (Chapter 1121, Statutes of 2002), amending PRC section 21151. As amended, PRC section 21151 provides that a decision by a non-elected decisionmaking body of a local lead agency to certify an EIR, approve a negative declaration or mitigated negative declaration, or determine that a

project is exempt from CEQA, may be appealed to the agency's elected decisionmaking body. The purpose of the proposed addition of subdivision (e) to Guidelines section 15061 is to reflect the change to PRC section 21151 with respect to projects exempt from CEQA.

Additionally, the Resources Agency proposes to update the reference citations to this section to reflect the statutory changes.

### **Necessity**

The proposed additions of subdivisions (b)(5) and (e) to Guidelines section 15061 are reasonably necessary to reflect the legislative changes. The updated language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

### **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15062. NOTICE OF EXEMPTION**

### **Specific Purposes of the Amendment**

Guidelines section 15062 describes the use and required content of the notice of exemption when a public agency approves or determines to carry out a project that is exempt from CEQA.

The purpose of the proposed amendment to subdivision (a) of Guidelines section 15062 is to clarify the applicability of Guidelines section 15062 by a cross-reference to Guidelines section 15061.

The proposed addition of subdivision (e) to Guidelines section 15062 implements and makes specific the provisions of Assembly Bill ("AB") 677 (Chapter 837, Statutes of 2003), which added PRC section 21152.1. PRC section 21152.1 requires a local agency or project proponent to file notice with OPR that a project is exempt from CEQA under PRC sections 21159.22, 21159.23, or 21159.24. The purpose of the proposed amendment to Guidelines section 15062, subdivision (e), is to reflect the requirements set forth within PRC section 21152.1.

Additionally, the Resources Agency proposes to update the reference citations to this section to reflect the statutory changes.

### **Necessity**

The proposed amendment to subdivision (a) of Guidelines section 15062 is reasonably necessary to clarify the applicability of Guidelines section 15062 by a cross-reference to Guidelines section 15061. The proposed addition of subdivision (e) to Guidelines section 15062 is reasonably necessary to reflect the legislative changes. The new language in subdivision (e) overlaps the legislative language in PRC section 21152.1 to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative

because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

### **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15072. NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION**

### **Specific Purposes of the Amendment**

Guidelines section 15072 describes a lead agency's obligations to provide notices of intent to specified recipients before the lead agency adopts a negative declaration or a mitigated negative declaration.

The proposed addition of subdivision (f) to Guidelines section 15072 implements and makes specific the provisions of AB 1108 (Chapter 638, Statutes of 2002), which added PRC section 21098. PRC section 21098 provides that if the U.S. Department of Defense or a military service provides notice to a lead agency identifying specified areas of concern, such lead agency must submit a notice of preparation of an EIR, notice of availability of a draft EIR, or a notice of intent to adopt a negative declaration or mitigated negative declaration to that military agency for certain projects located within the specified areas of concern. The purpose of the proposed addition of subdivision (f) to Guidelines section 15072 is to reflect the requirements of PRC section 21098 with respect to notices of intent to adopt negative declarations or mitigated negative declarations.

Additionally, the Resources Agency proposes to update the reference citations to this section to reflect the statutory changes.

### **Necessity**

The proposed addition of subdivision (f) to Guidelines section 15072 is reasonably necessary to reflect the legislative changes. The updated language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

## **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

### **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15073. PUBLIC REVIEW OF A PROPOSED NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION**

### **Specific Purposes of the Amendment**

Guidelines section 15073 requires a lead agency to provide a public review period when a negative declaration or mitigated negative declaration and initial study are submitted to the State Clearinghouse. The proposed amendments to subdivision (b) of Guidelines section 15073 are to implement and make specific the provisions of SB 648 (Chapter 267, Statutes of 2005), which amended PRC section 21091. As amended, PRC section 21091 specifies the time for commencing the public review period and the state agency review period for draft EIRs, proposed negative declarations, and proposed mitigated negative declarations, specifies how the state agency review period must be calculated, and specifies the time frame for the State Clearinghouse's distribution of CEQA documents. The purpose of the proposed amendments to Guidelines section 15073 is to reflect the changes to PRC section 21091.



## **Necessity**

The proposed amendments to subdivision (b) of Guidelines section 15073 are reasonably necessary to reflect the legislative changes. The updated language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

## **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

## **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15074. CONSIDERATION AND ADOPTION OF A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION**

### **Specific Purposes of the Amendment**

Guidelines section 15074 describes the process by which a negative declaration or mitigated negative declaration should be considered and, if applicable, adopted by a decisionmaking body. The proposed addition of subdivision (f) to Guidelines section 15074 implements and makes specific the provisions of SB 1393 (Chapter 1121, Statutes of 2002), amending PRC section 21151. As amended, PRC section 21151 provides that a decision by a non-elected decisionmaking body of a local lead agency to certify an EIR, approve a negative declaration or mitigated negative declaration, or

determine that a project is exempt from CEQA, may be appealed to the agency's elected decisionmaking body.

The purpose of the proposed addition of subdivision (f) to Guidelines section 15074 is to reflect the change in PRC section 21151 with respect to negative declarations and mitigated negative declarations.

Additionally, the Resources Agency proposes to update the reference citations to this section to reflect the statutory changes.

### **Necessity**

The proposed addition of subdivision (f) to Guidelines section 15074 is reasonably necessary to reflect the legislative changes. The new language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

### **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15082. NOTICE OF PREPARATION AND DETERMINATION OF SCOPE OF EIR**

### **Specific Purposes of the Amendment**

Guidelines section 15082 describes the consultation process (commonly referred to as “scoping”), including the use of a notice of preparation of a draft EIR, among a lead agency and responsible and trustee agencies where the lead agency is preparing an EIR that will be used by these agencies in reviewing and approving a project.

The proposed amendment to subdivision (a) of Guidelines section 15082 implements and makes specific the provisions of AB 1108 (Chapter 638, Statutes of 2002), adding PRC section 21098. PRC section 21098 provides that if the U.S. Department of Defense or a military service provides notice to a lead agency identifying specified areas of concern, such lead agency must submit a notice of preparation of an EIR, notice of availability of a draft EIR, or a notice of intent to adopt a negative declaration or mitigated negative declaration to that military agency for certain projects located within the specified areas of concern. The purpose of the proposed amendment to subdivision (a) of Guidelines section 15082, is to reflect the requirements of PRC section 21098 with respect to notices of preparation of an EIR.

The proposed amendment to subdivision (c)(1) of Guidelines section 15082 implements and makes specific the provisions of AB 1108 (Chapter 638, Statutes of 2002), amending PRC section 21083.9. As amended, PRC section 21083.9 states that any scoping meeting conducted in the city or county in which a project is located pursuant to NEPA will satisfy the state scoping meeting requirement for projects of statewide, regional or areawide significance provided certain additional requirements are met. The purpose of the proposed amendment to subdivision (c)(1) of Guidelines section 15082 is to reflect the changes to PRC section 21083.9. Non-substantive changes to the format and layout of subdivisions (c)(1)-(c)(3) of Guidelines section 21083.9 and non-substantive clarifying changes to the numbering were also made.

Additionally, the Resources Agency proposes to update the reference citations to this section to reflect the statutory changes.

### **Necessity**

The proposed amendments to subdivisions (a) and (c)(1) of Guidelines section 15082 are reasonably necessary to reflect the legislative changes. The updated language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

## **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

## **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15083.5. CITY OR COUNTY CONSULTATION WITH WATER AGENCIES [Repeal]**

### **Specific Purposes of the Amendment**

The existing Guidelines section 15083.5 generally addresses analyses and determinations regarding water supply availability that must be undertaken by lead agencies for specified projects. The existing Guidelines section 15083.5 was based on SB 901 (Chapter 881, Statutes of 1995), which enacted, among other things, PRC section 21151.9 and Government Code sections 10910-10915. SB 901 was amended by SB 610 (Chapter 643, Statutes of 2001). Among other things, SB 610 amended PRC section 21151.9 of the Public Resources Code and sections 10910, 10912, 10915 of the Water Code, and repealed section 10913 of the Water Code. Because SB 610 made extensive revisions to the statutes which were enacted by SB 901 and reflected in existing Guidelines section 15083.5, the Resources Agency determined that deleting the existing Guidelines section 15083.5 in its entirety and replacing it with proposed new Guidelines section 15155 would provide greater clarity and be more helpful to the public than making extensive revisions to existing Guidelines section 15083.5. In addition, because SB 610 made the requirement to include a water supply analysis applicable to all CEQA documents (not just to EIRs), the Resources Agency concluded that it would

be more helpful to the public if this section were relocated from Article 7 (EIR Process) to Article 10 (Considerations in Preparing EIRs and Negative Declarations). The purpose of this action is to delete Guidelines section 15083.5 and to replace it with proposed new Guidelines section 15155 to reflect the changes enacted in SB 610. Proposed new Guidelines section 15155 will be discussed below.

### **Necessity**

The proposed repeal of Guidelines section 15083.5 (and its replacement by the proposed addition of Guidelines section 15155) is reasonably necessary to reflect the legislative change described above.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

### **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15087. PUBLIC REVIEW AND DRAFT EIR**

### **Specific Purposes of the Amendment**

Guidelines section 15087 sets forth procedures for public notice and public review of draft EIRs.

The proposed amendment to subdivision (a) of Guidelines section 15087 implements and makes specific the provisions of AB 1108 (Chapter 638, Statutes of 2002), which added PRC section 21098. PRC section 21098 provides that if the U.S. Department of Defense or a military service provides notice to a lead agency identifying

specified areas of concern, such lead agency must submit a notice of preparation of an EIR, notice of availability of a draft EIR, or a notice of intent to adopt a negative declaration or mitigated negative declaration to that military agency for certain projects located within the specified areas of concern. The purpose of the proposed amendment to Guidelines section 15087 is to reflect the requirements of PRC section 21098 with respect to notices of availability of a draft EIR.

The proposed amendment to subdivision (e) of Guidelines section 15087 implements and makes specific the provisions of SB 648 (Chapter 267, Statutes of 2005), which amended PRC section 21091. As amended, PRC section 21091 specifies the time for commencing the public review period and the state agency review period for draft EIRs, proposed negative declarations, and proposed mitigated negative declarations, specifies how the state agency review period must be calculated, and specifies the time frame for the State Clearinghouse's distribution of CEQA documents. The purpose of the proposed amendment to subdivision (e) of Guidelines section 15087 is to reflect the changes to PRC section 21091.

Additionally, the Resources Agency proposes to update the reference citations to this section to reflect the statutory changes.

### **Necessity**

The proposed amendments to subdivisions (a) and (e) of Guidelines section 15087 are reasonably necessary to reflect the legislative changes. The updated language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

## **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15105. PUBLIC REVIEW PERIOD FOR A DRAFT EIR OR A PROPOSED NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION**

### **Specific Purposes of the Amendment**

Guidelines section 15105 describes the time periods required for the public review of a draft EIR, proposed negative declaration, or mitigated negative declaration. The proposed amendment to subdivision (c) of Guidelines section 15105, and the proposed addition of subdivision (e) to Guidelines section 15105, implement and make specific the provisions of SB 648 (Chapter 267, Statutes of 2005), which amended PRC section 21091. As amended, PRC section 21091 specifies the time for commencing the public review period and the state agency review period for draft EIRs, proposed negative declarations, and proposed mitigated negative declarations, specifies how the state agency review period must be calculated, and specifies the time frame for the State Clearinghouse's distribution of CEQA documents. The purpose of the proposed amendment to subdivision (c) of Guidelines section 15105, and the proposed addition of subdivision (e) to Guidelines section 15105, is to reflect the changes to PRC section 21091.

### **Necessity**

The proposed amendment to subdivision (c) of Guidelines section 15105, and the proposed addition of subdivision (e) to Guidelines section 15105 are reasonably necessary to reflect the legislative changes. The updated language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative

enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

### **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **15155. CITY OR COUNTY CONSULTATION WITH WATER AGENCIES [New Section]**

### **Specific Purposes of the Amendment**

The proposed addition of Guidelines section 15155 implements and makes specific the provisions of SB 610 (Chapter 643, Statutes of 2001). Guidelines section 15155 would replace existing Guidelines section 15083.5, which is proposed to be repealed. The existing Guidelines section 15083.5 generally addresses analyses regarding water supply availability that must be undertaken by lead agencies for specified projects. The existing Guidelines section 15083.5 was based on SB 901 (Chapter 881, Statutes of 1995), which enacted, among other things, PRC section 21151.9 and Government Code sections 10910-10915. SB 901 was amended by SB 610 (Chapter 643, Statutes of 2001). Among other things, SB 610 amended PRC section 21151.9 of the Public Resources Code and sections 10910, 10912, 10915 of the Water Code, and repealed section 10913 of the Water Code. Because SB 610 made extensive revisions to the statutes which were enacted by SB 901 and reflected in existing Guidelines section 15083.5, the Resources Agency determined that deleting the existing Guidelines section 15083.5 in its entirety and replacing it with proposed new Guidelines section 15155 would provide greater clarity and be more helpful to the public than making extensive revisions to existing Guidelines section 15083.5. In addition, because SB 610 made the requirement to include a water supply analysis applicable to all CEQA documents (not just to EIRs), the Resources Agency concluded that it would be more helpful to the public if this section were relocated from Article 7 (EIR Process) to Article 10 (Considerations in Preparing EIRs and Negative Declarations).

The purpose of the proposed addition of Guidelines section 15155 is to reflect the changes to PRC sections 21151.9 as well as the changes to Water Code sections 10910, 10911, 10912, and 10914, and the repeal of Water Code section 10913, as they apply to a lead agency's obligations under CEQA.



## **Necessity**

The proposed addition of Guidelines section 15155 (replacing 15083.5) is reasonably necessary to reflect the legislative changes. The language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

## **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

## **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15179. LIMITATIONS ON THE USE OF THE MASTER EIR**

### **Specific Purposes of the Amendment**

Guidelines section 15179 specifies limitations on the use of a Master EIR. The proposed amendment to subdivisions (a) and (b) of Guidelines section 15179 implement and make specific the provisions of AB 2922 (Chapter 684, Statutes of 2004), which amended PRC section 21157.6. As amended, PRC section 21157.6 revises one of the limitations on the use of a Master EIR and allows a Master EIR that was certified more than 5 years prior to the filing of an application for the subsequent project to be used if the lead agency takes specified steps. The purpose of the proposed amendments to subdivisions (a) and (b) of Guidelines section 15179 is to reflect the changes to PRC section 21157.6. In addition, the purpose of this action is to remove the discussion section that follows this Guideline because the proposed action

makes this discussion section outdated. These discussion sections are potentially sources of confusion, because it is not clear whether discussion sections are part of the Guidelines or have any legal effect. Additionally, the proposed amendments make non-substantive clarifying changes to the numbering.

## **Necessity**

The proposed amendments to subdivisions (a) and (b) of Guidelines section 15179 are reasonably necessary to reflect the legislative changes. The updated language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

## **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

## **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15180. REDEVELOPMENT PROJECTS**

### **Specific Purposes of the Amendment**

Guidelines section 15180 describes special environmental review considerations for redevelopment projects. The proposed addition of subdivisions (a) and (c) of Guidelines section 15180, and the proposed amendment to subdivision (b) of Guidelines section 15180, implements and makes specific the provisions of SB 649

(Chapter 625, Statutes of 2002), amending PRC section 21090. As amended, PRC section 21090 provides that an EIR for a redevelopment project may be a master, program or project EIR, and the EIR must state the type of EIR that is being prepared for the redevelopment project. The purpose of the proposed addition of subdivisions (a) and (c) of Guidelines section 15180, and the proposed amendment to subdivision (b) of Guidelines section 15180, is to reflect the changes to PRC section 21090.

In addition, the purpose of this action is to remove the discussion section that follows this Guideline because the proposed action makes this discussion section outdated. These discussion sections are potentially sources of confusion, because it is not clear whether discussion sections are part of the Guidelines or have any legal effect. Additionally, the Resources Agency proposes to update the reference citations to this section to reflect the statutory changes.

### **Necessity**

The proposed addition of subdivisions (a) and (c) of Guidelines section 15180, and the proposed amendment to subdivision (b) of Guidelines section 15180, is reasonably necessary to reflect the legislative changes. The updated language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

### **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15186. SCHOOL FACILITIES**

### **Specific Purposes of the Amendment**

Guidelines section 15186 provides special CEQA requirements that apply to school projects and projects located near schools. The proposed amendments to subdivisions (b), (c), and (e) of Guidelines section 15186 implement and make specific the provisions of SB 945 (Chapter 689, Statutes of 2004) and SB 352 (Chapter 668, Statutes of 2003). SB 945 amended PRC section 21151.4 to change the term “acutely hazardous materials” to “extremely hazardous substances.” SB 352 amended PRC section 21151.8 to require an EIR or negative declaration to disclose specified information relative to the location of a proposed school site and precludes a lead agency from approving certain school projects in specified locations unless certain findings are made. The purpose of the proposed amendments to subdivisions (b), (c), and (e) of Guidelines section 15186 is to reflect the changes made to PRC sections 21151.4 and 21151.8.

In addition, the purpose of this action is to remove the discussion section that follows this Guideline because the proposed amendments make this discussion section outdated. These discussion sections are potentially sources of confusion, because it is not clear whether discussion sections are part of the Guidelines or have any legal effect. Additionally, the proposed amendments make non-substantive clarifying changes to the numbering.

### **Necessity**

The proposed amendments to subdivisions (b), (c), and (e) of Guidelines section 15186 are reasonably necessary to reflect the legislative changes. The updated language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency’s determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative

because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

### **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

### **15190.5. DEPARTMENT OF DEFENSE NOTIFICATION REQUIREMENT [New Section]**

Proposed addition of Guidelines section 15190.5 implements and makes specific the provisions of AB 1108 (Chapter 638, Statutes of 2002), which added PRC section 21098. PRC section 21098 provides that if the U.S. Department of Defense or a military service provides notice to a lead agency identifying specified areas of concern, such lead agency must submit a notice of preparation of an EIR, a notice of availability of a draft EIR, or a notice of intent to adopt a negative declaration or mitigated negative declaration to that military agency for certain projects located within the specified areas of concern. The purpose of the proposed addition of Guidelines section 15190.5 is to reflect the language set forth in new PRC section 21098.

#### **Necessity**

The proposed addition of Guidelines section 15190.5 is reasonably necessary to reflect the legislative changes. The language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no

alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

### **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTIONS 15191-15196. ARTICLE 12.5 EXEMPTIONS FOR AGRICULTURAL HOUSING, AFFORDABLE HOUSING, AND RESIDENTIAL INFILL PROJECTS [New Article and New Sections]**

### **Specific Purposes of the Amendments**

The proposed new Article 12.5 implements and makes specific the provisions of SB 1925 (Chapter 1039, Statutes of 2002) and AB 677 (Chapter 837, Statutes of 2003). SB 1925 added PRC sections 21159.20-21159.26, which set forth statutory exemptions from CEQA for agricultural employee housing, low-income housing (affordable housing), and residential infill projects under specified circumstances. AB 677 amended PRC section 21152.1 to require that an agency notify OPR when it determines that a project is exempt from CEQA under one of the preceding exemptions. The purpose of the proposed addition of Article 12.5 is to organize and set forth new Guidelines sections 15191-15196 which implement and make specific PRC sections 21159.20-21159.26. The specific purpose of each Guidelines section is explained below.

### **Necessity**

The proposed addition of Article 12.5 is reasonably necessary to organize and set forth new Guidelines sections 15191-15196.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered the no action alternative, but did not identify any alternative that would lessen any adverse impact on small business. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. No alternative considered by the Resources Agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected small businesses than the proposed action. Furthermore, there are no alternatives available that would lessen any impacts, as any impacts are due to imposition of the new statutory requirements.

## **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

### **SECTION 15191. DEFINITIONS [New Section]**

The proposed addition of Guidelines section 15191 implements and makes specific the provisions of SB 1925 (Chapter 1039, Statutes of 2002). The purpose of the proposed addition of Guidelines section 15191 is to set forth the definitions provided in various subdivisions of section 21159.20-21159.26. In addition, the purpose of Guidelines section 15191 is to enhance the clarity and ease of use of PRC sections 21159.20 - 21159.23 by clarifying and making more certain the key definitions used in sections 21159.21-21159.24.

Guidelines section 15191, subdivision (a), reflects PRC section 21159.22, which provides that “agricultural employee” has the same meaning as defined by subdivision (b) of section 1140.4 of the Labor Code. Section 15191, subdivision (a), includes the relevant components of this section of the Labor Code.

Guidelines section 15191, subdivision (b), reflects PRC section 21159.20, subdivision (a), which provides the statutory definition of the term “census-defined place.”

Guidelines section 15191, subdivision (c), reflects PRC section 21159.20, subdivision (b), which provides the statutory definition of the term “community-level environmental review.”

Guidelines section 15191, subdivision (d), reflects PRC section 21159.21, subdivision (i)(2) and (3), which provide the statutory definition of the term “developed open space.”

Guidelines section 15191, subdivision (e), reflects PRC section 21061.3, which provide the statutory definition of the term “infill site.”

Guidelines section 15191, subdivision (f), reflects PRC section 21159.20, subdivision (d), which defines the term “low-and moderate-income households” by reference to sections 50093 of the Health and Safety Code. Guidelines section 15191, subdivision (f), includes the relevant components of this section of the Health and Safety Code.

Guidelines section 15191, subdivision (g), reflects PRC section 21159.20, subdivision (c), which defines the term “low income households” by reference to sections 50093 and 50105 of the Health and Safety Code. Guidelines section 15191, subdivision (g), includes the relevant components of these sections of the Health and Safety Code.

Guidelines section 15191, subdivision (h), reflects PRC section 21159.23, subdivision (a)(1), which defines the term “lower income households” by reference to section 50079.5 of the Health and Safety Code. Guidelines section 15191, subdivision (h), includes the relevant components of this section of the Health and Safety Code.

Guidelines section 15191, subdivision (i), reflects PRC section 21064.3, which defines the term “major transit stop.”

Guidelines section 15191, subdivision (j), reflects PRC section 21065.3, which defines the term “project-specific effect.”

Guidelines section 15191, subdivision (k), reflects PRC section 21072 which defines the term “qualified urban use.”

Guidelines section 15191, subdivision (l), reflects PRC sections 21159.23 and 21159.24, which provide the statutory definition of the “residential.”

Guidelines section 15191, subdivision (m), reflects PRC section 21071, which provides the statutory definition of the term “urbanized area.”

## **Necessity**

The proposed addition of Guidelines section 15191 is reasonably necessary to reflect the legislative changes. The language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

## **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency’s determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative



because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

### **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

### **SECTION 15192. THRESHOLD REQUIREMENTS FOR EXEMPTIONS FOR AGRICULTURAL HOUSING, AFFORDABLE HOUSING, AND RESIDENTIAL INFILL PROJECTS**

#### **[New Section]**

The proposed addition of Guidelines section 15192 implements and makes specific the provisions of SB 1925 (Chapter 1039, Statutes of 2002), described above. The purpose of proposed Guidelines section 15192 is to reflect the language set forth in new PRC sections 21159.21 regarding the threshold requirements of availability of the exemptions identified in this Article.

#### **Necessity**

The proposed addition of Guidelines section 15192 is reasonably necessary to reflect the legislative changes. The language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

#### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

## **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

### **SECTION 15193. AGRICULTURAL HOUSING EXEMPTION [New Section]**

The proposed addition of Guidelines section 15193 implements and makes specific the provisions of SB 1925 (Chapter 1039, Statutes of 2002), described above, with respect to the agricultural housing exemption set forth in new PRC section 21159.22. The purpose of proposed Guidelines section 15193 is to reflect the language set forth in new PRC section 21159.22.

#### **Necessity**

The proposed addition of Guidelines section 15193 is reasonably necessary to reflect the legislative changes. The language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

#### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

## **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15194. AFFORDABLE HOUSING EXEMPTION [New Section]**

The proposed addition of Guidelines section 15194 implements and makes specific the provisions of SB 1925 (Chapter 1039, Statutes of 2002), described above, with respect to the affordable housing exemption set forth in new PRC section 21159.23. The purpose of proposed addition of Guidelines section 15194 is to reflect the language set forth in new PRC section 21159.23.

### **Necessity**

The proposed addition of Guidelines section 15194 is reasonably necessary to reflect the legislative changes. The language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

## **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15195. RESIDENTIAL INFILL EXEMPTION [New Section]**

The proposed addition of Guidelines section 15195 implements and makes specific the provisions of SB 1925 (Chapter 1039, Statutes of 2002), described above, with respect to the residential infill exemption set forth in new PRC section 21159.23. The purpose of proposed Guidelines section 15195 is to reflect the language set forth in new PRC section 21159.24.

### **Necessity**

The proposed addition of Guidelines section 15195 is reasonably necessary to reflect the legislative changes. The language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

## **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

## **SECTION 15196. NOTICE OF EXEMPTION FOR AGRICULTURAL HOUSING, AFFORDABLE HOUSING, AND RESIDENTIAL INFILL PROJECTS [New Section]**

The proposed addition of Guidelines section 15196 implements and makes specific the provisions of AB 677 (Chapter 837, Statutes of 2003), which added PRC section 21152.1. PRC section 21152.1 requires a local agency or project proponent to file a notice with OPR that a project is exempt from CEQA under PRC sections 21159.22, 21159.23, or 21159.24. The purpose of proposed Guidelines section 15196 is to reflect the language set forth in new PRC sections 21152.1.

### **Necessity**

The proposed addition of Guidelines section 15196 is reasonably necessary to reflect the legislative changes. The language of this section of the Guidelines overlaps the legislative language to ensure the Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

### **Reasonable Alternatives to the Regulation, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives**

The Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Resources Agency's determination that the proposed action is necessary to update the Guidelines to be consistent with recent legislative enactments that have modified CEQA, and the proposed action adds no new substantive requirements. The Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to imposition of the new statutory requirements.

## **Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business**

The proposed action implements and clarifies existing statutory requirements. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.