



CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS

The California Environmental Quality Act (CEQA) (Public Resources Code 21000-21177) and the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000-15387) establish requirements for conducting an environmental review of projects. They also include a description of required studies, what issues must be studied or evaluated, the scope of review, requirements for interagency coordination, contents of environmental documents, public notice requirements and other important guidance.

CEQA only applies to projects that require discretionary approval by a public agency. A discretionary approval requires use of judgment or subjective criteria on the part of the approving agency. For example, if a project includes an annexation request, LAFCo would consider various factors, apply its adopted policies and approve or disapprove the annexation. The project would be discretionary and CEQA would apply (Section 21080 (a)).

LAFCo may act as either the Lead Agency or Responsible Agency in this environmental review process. Typically, the first agency making a decision on a project is usually responsible for conducting the environmental review and therefore acts as the Lead Agency under CEQA. Other agencies that must also approve the project at a later time are required to consider the environmental review done by the Lead Agency and act as Responsible Agencies.

LEAD AGENCY

A Lead Agency is defined as the “public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect on the environment” (Section 21067). The CEQA Guidelines provide additional guidance for determining the Lead Agency where more than one governmental agency is involved (Section 15051).

LAFCo will primarily function as the Lead Agency when:

- A. The application is made by petition directly to LAFCo and the city, district, or county is unable or unwilling to act as the Lead Agency.
- B. The city, district or county requests that LAFCo act as Lead Agency and the Commission or Executive Officer agrees.
- C. The proposal involves any of the following:
 1. Changes of organization or reorganization when initiated by LAFCo.
 2. Changes of organization or reorganization for a district not involving infrastructure development to be carried out by the district.
 3. Sphere of Influence plans and amendments that are not accompanied by a specific annexation request, and service reviews.
 4. The formation of a new special district.
 5. The consolidation, detachment, or dissolution of cities and/or districts.
 6. The incorporation of a new city.

As the Lead Agency, LAFCo is required to determine whether or not a project qualifies for categorical exemption or requires an initial study to determine if the proposal will cause any significant adverse impact to the environment. When a Negative Declaration is proposed, state law requires the Lead Agency to distribute the document for a twenty-one (21) day review to all agencies affected by the proposal. If no significant adverse impacts will result, a Negative Declaration is issued. If significant adverse impacts will result, an environmental impact report (EIR) will be prepared. The review and comment period for a draft EIR shall not be less than thirty (30) days.

RESPONSIBLE AGENCY

A Responsible Agency is a public agency, other than the Lead Agency, which has responsibility for carrying out or approving a project (Section 21069). A Responsible Agency complies with CEQA by considering the Negative Declaration or EIR prepared by the Lead Agency and reaching its own conclusions on whether and how to approve the project involved (Section 15096 (a)).

LAFCo will primarily function as the Responsible Agency when:

- A. A proposal is initiated by a land use authority, such as a city or county, with annexation required as a condition of project approval.
- B. A city annexation that includes rezoning.
- C. Changes of organization or reorganization for a district which include infrastructure development to be carried out by the district.

When acting as the Responsible Agency, LAFCo will use its authority to comment on notices of preparation, environmental documents, and other requests for review by the Lead Agency for projects that are to become before LAFCo. This is to ensure that the environmental documents prepared by the Lead Agency adequately address the statutory requirements of CEQA and the policies and standards adopted by LAFCo. Therefore, applicants of proposals requiring LAFCo approval are encouraged to consult with LAFCo early in the regulatory process.