



ENVIRONMENTAL REVIEW

As a public agency, LAFCo must comply with the provisions of the California Environmental Quality Act (CEQA). CEQA requires public agencies to assess the potential environmental impact of their actions. LAFCo is responsible for complying with CEQA when it considers an action that constitutes a "project" as defined by CEQA. These projects typically involve jurisdictional changes (e.g., district and city annexations, detachments, incorporations, etc.), and the adoption of or amendments to spheres of influence. A summary of the relevant CEQA provisions that apply to LAFCo follows. For further information about CEQA, refer to Public Resources Code Sections 21000-21177 and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387).

Lead Agency

If a city, special district, or the county is the proponent, that entity usually assumes the role of lead agency. Lead agency responsibilities include conducting environmental review, making the appropriate environmental determination, and certifying that finding. In some cases, LAFCo assumes the lead agency role and makes the appropriate environmental determination in accordance with CEQA. Typically, LAFCo is the lead agency for proposals such as city incorporations and district formations. It sometimes is lead agency for district consolidations, mergers, and adoption of spheres of influence. In cases where another public agency has not acted as lead agency, LAFCo must carry out that function. LAFCo has the authority to initiate specific changes of organization such as district consolidations, dissolutions, mergers, as well as the establishment of subsidiary special districts, or a reorganization that includes any of these changes of organization (56375). In these instances, LAFCo would be the lead agency. To ensure that environmental documents address the concerns of all agencies, LAFCo will solicit comments on its environmental documents from other affected agencies.

Responsible Agency

More often, LAFCo functions as a responsible agency. As a responsible agency, LAFCo will review and consider the lead agency's environmental documents before making its own project decisions, or make a finding that the project is exempt from environmental review pursuant to the CEQA Guidelines. This involves the review, evaluation, and certification of an environmental document previously prepared for the project by the lead agency. As responsible agency, LAFCo must be given the opportunity to provide input and comments to the lead agency during the preparation of all environmental documents. In this way, the Commission ensures that environmental documents address LAFCo's concerns. LAFCo is typically a responsible agency for proposals such as city annexations and detachments, and district initiated annexations detachments, consolidations, and authorization of latent powers.

Environmental Determinations

In accordance with CEQA, one of the following environmental determinations must be made by either a city, a special district, the county, or LAFCo for actions that constitute a project:

- A. Exemption:** If the project is exempt from the provisions of CEQA, a Notice of Exemption will be prepared by the lead agency and LAFCo. If LAFCo is the lead agency, the Executive Officer will determine which projects are exempt. Some LAFCo activities may be exempt under various sections of the CEQA Guidelines, including 15061(b)(3), 15262, 15303, 15306, 15319(a), 15319(b), and 15320.
- B. Negative Declaration:** A Negative Declaration (ND) will be prepared by the lead agency if an initial study finds that no significant impact will occur to the environment. Mitigation measures may be included in the project to avoid potentially significant effects. If LAFCo is the lead agency, the Executive Officer will determine whether to prepare an ND or MND. When an ND or MND has been prepared, it will be scheduled for adoption by the Commission at a public hearing. A Notice of Intent to Adopt a ND or MND will be provided 20 days prior to the hearing in accordance with CEQA Guidelines section 15072. A Notice of Determination will be prepared by the lead agency and LAFCo.
- C. Environmental Impact Report:** If an Initial Study reveals that significant impacts will occur, an Environmental Impact Report (EIR), which identifies mitigation measures and alternatives, is prepared and certified. If LAFCo is the lead agency, the Executive Officer will determine, based on information contained in the initial study and application documents, whether to require the preparation of a Draft EIR.

LAFCo's Concerns

LAFCo has specific responsibility for evaluating certain impacts and environmental issues to fulfill its responsibilities under the Cortese-Knox-Hertzberg Act. Issues that should typically be addressed in an environmental document, and which are of particular jurisdictional importance to LAFCo include the following:

- Cumulative and regional impacts.
- Impacts to public services and facilities including, but not limited to, water supply and distribution systems; wastewater treatment and sewer collection systems; solid waste disposal capacity and collection; and fire protection.
- Conversion of agricultural lands or forest land to urban uses.
- Growth inducement.
- Lead agency commitment to implement and monitor appropriate mitigation measures (when LAFCo is a responsible agency).