

**DOCKETED**

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## ATTACHMENT 07 CEQA Compliance Form

**All applicants must complete this form, regardless of whether the proposed activity is considered a “project” as defined below. Answer all questions as completely as possible. The Energy Commission may request additional information to clarify the responses provided on this form.**

The California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.) requires public agencies to identify the significant environmental impacts of their actions and to avoid or mitigate them, if feasible.<sup>1</sup> Under CEQA, an activity that may cause either a direct or reasonably foreseeable indirect physical change in the environment is called a “**project**.”<sup>2</sup> An activity funded by a contract, grant, or loan is considered a “project” under CEQA if it will cause a direct or reasonably foreseeable indirect physical change in the environment. Agencies must comply with CEQA before they approve a “project.” This may require the preparation of one or more of the following CEQA documents:

- A Notice of Exemption (if the project is exempt from CEQA under an exemption identified in the CEQA statutes or regulations);<sup>3</sup>
- An Initial Study (if the project may have a significant effect on the environment);<sup>4</sup>
- A Negative Declaration (if the Initial Study shows that the project will not have a significant effect on the environment) or a Mitigated Negative Declaration (if any significant effects identified by the Initial Study can be avoided or mitigated to a level of insignificance);<sup>5</sup> or
- An Environmental Impact Report (if there is substantial evidence that the project will have significant effects).<sup>6</sup>

The **Lead Agency** is the public agency that has the greatest responsibility for carrying out, supervising, or approving a project, and for preparing environmental review documents under CEQA (e.g., initial study, environmental impact report). Where the award recipient is a *public agency*, the Lead Agency is typically the recipient. Where the award recipient is a *private entity*, the Lead Agency is the public agency that has the greatest responsibility for supervising or approving the project as a whole.<sup>7</sup>

When issuing contracts, grants, or loans, the Energy Commission is typically a “**Responsible Agency**” under CEQA, which means that it must make CEQA findings based on review of the funded activities and any environmental documents created by the Lead Agency. If the Energy Commission is the only public agency with responsibility for approving the funded activities and the project is not exempt under CEQA, the Energy Commission must act as the Lead Agency and prepare its own environmental documents before approving the project. This form will help the Energy Commission determine what type of CEQA review is necessary before it can approve the award, and which agency will perform any required environmental review as Lead Agency. It may also help the applicant determine the CEQA process necessary for the proposed activities.

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<sup>1</sup> For a brief description of CEQA, visit <http://www.resources.ca.gov/ceqa/more/faq.html>

<sup>2</sup> California Public Resources Code § 21065.

<sup>3</sup> 14 California Code of Regulations (CCR) §§ 15061 and 15062.

<sup>4</sup> 14 CCR § 15063.

<sup>5</sup> 14 CCR §§ 15070 et seq.

<sup>6</sup> 14 CCR §§ 15080 et seq.

<sup>7</sup> 14 CCR §§ 15050 and 15051. The Lead Agency typically has general governmental powers (such as a city or county), rather than a single or limited purpose (such as an air pollution control district).

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- 1. Describe the permitting required for the project and whether or not the permitting has been completed. If complete, provide appropriate documentation. If local jurisdiction CEQA review and project approval is not complete, applications must include information documenting progress towards and a schedule for achieving compliance under CEQA within the timeframes specified in this solicitation (see Section V.D). All supporting documentation must be included in this Attachment.**

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**2. What are the physical aspects of the proposed activities? (Check all that apply and provide a brief description of work, including the size or dimensions of the project).**

Type of Project	Yes	No	Project Description
Construction (including grading, paving, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
Trenching	<input type="checkbox"/>	<input type="checkbox"/>	
New or replaced pipelines	<input type="checkbox"/>	<input type="checkbox"/>	
Modification or conversion of a facility	<input type="checkbox"/>	<input type="checkbox"/>	
New or modified operation of a facility or equipment	<input type="checkbox"/>	<input type="checkbox"/>	
On-road demonstration	<input type="checkbox"/>	<input type="checkbox"/>	
Paper study (including analyses on economics, feedstock availability, workforce availability, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
Laboratory research	<input type="checkbox"/>	<input type="checkbox"/>	
Temporary or mobile structures (skid-mounted)	<input type="checkbox"/>	<input type="checkbox"/>	
Design/Planning	<input type="checkbox"/>	<input type="checkbox"/>	
Other (describe and attach sheets as necessary)	<input type="checkbox"/>	<input type="checkbox"/>	

**3. Where are the proposed activities located or where will they be located? (Attach additional sheets as necessary.)**

Street Address	City/County	Type of Work to Be Completed at Site

**4. Will the proposed activities potentially have environmental impacts that trigger CEQA review? (Check a box and explain for each question).**

Question	Yes	No	Unsure	Explanation
Is the proposed activity site environmentally sensitive?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the site located on agricultural land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the activities part of a larger project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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<b>Question</b>	<b>Yes</b>	<b>No</b>	<b>Unsure</b>	<b>Explanation</b>
Is there public controversy about the proposed activities or larger project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Will historic resources or historic buildings be impacted by the activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Has the proposed site been identified by the Dept. of Toxic Substances Control and the Secretary of the Environmental Protection as being affected by hazardous wastes or cleanup problems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Will the activities generate noise or odors in excess of permitted levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Will the activities increase traffic at the site, and by what amount?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**5. Will the proposed activities require discretionary permits or determinations, as listed below?**

<b>Permit Type</b>	<b>No.</b>	<b>Modified (M) or New (N)</b>	<b>Approving Public Agency</b>	<b>Reason for Permit, Summary of Process, and Anticipated Issuance Date</b>
Air Quality		M <input type="checkbox"/> N <input type="checkbox"/>		
Water Quality		M <input type="checkbox"/> N <input type="checkbox"/>		
Conditional Use or Variance		M <input type="checkbox"/> N <input type="checkbox"/>		
Building Expansion		M <input type="checkbox"/> N <input type="checkbox"/>		
Hazardous Waste		M <input type="checkbox"/> N <input type="checkbox"/>		
Rezoning		M <input type="checkbox"/> N <input type="checkbox"/>		
Authority to Construct		M <input type="checkbox"/> N <input type="checkbox"/>		
Other (List types):		M <input type="checkbox"/> N <input type="checkbox"/>		

**6. Has any agency listed in #5 indicated that it will be the lead CEQA agency for the project?**

**No.**

**Yes.** Provide the name of and contact information for the lead agency (contact person, phone number, and email address):

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7. Has any agency listed in #5 prepared or indicated that it will prepare environmental documents (e.g., Notice of Exemption, Initial Study/ Negative Declaration/ Mitigated Negative Declaration, Environmental Impact Report) under CEQA for the proposed project?

No.

Yes. Complete the chart below for each agency. **Cut and paste** the chart if more than one agency has prepared environmental documents. **Attach** any document identified below to this form.

<b>Name of Agency:</b>				
<b>Contact person, phone number, email:</b>				
<b>CEQA Determination/Type of Document</b>	<b>Title of Document (<u>Attach document to this form</u>)</b>	<b>State Clearinghouse Number</b>	<b>Completion Date</b>	<b>Planned Completion Date (<u>must be prior to CEC encumbrance deadline</u>)</b>
Not a project <input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Resolution <input type="checkbox"/> Other:		N/A		N/A
Exempt <input type="checkbox"/> Notice of Exemption <input type="checkbox"/> Resolution <input type="checkbox"/> Agenda item approving exemption		N/A		
Initial Study				
Negative Declaration				
Mitigated Negative Declaration				
Notice of Preparation				
Environmental Impact Report				
Master Environmental Impact Report				
Notice of Determination				
NEPA Document <sup>8</sup> (Environmental Assessment, Finding of No Significant Impact, and/or Environmental Impact Statement)				

<sup>8</sup> For additional information about NEPA (the National Environmental Policy Act, 42 U.S.C. 4321 et seq.), see: <http://www.epa.gov/compliance/basics/nepa.html>.

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8. If any agency identified in #5 has indicated that it will prepare CEQA documents and has not done so, explain why no document has been prepared and provide an estimated date for approval (must complete the CEQA process within sufficient time for the Energy Commission to meet its encumbrance deadline, as the Energy Commission in its sole and absolute discretion may determine):