



COUNTY OF HUMBOLDT

For the meeting of: 8/15/2023

File #: 23-1085

To: Board of Supervisors

From: County Counsel

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:

Delegation of Specified Responsibilities to Staff in Administering the California Environmental Quality Act (CEQA) Pursuant to 14 California Code of Regulations (CCR) Section 15025

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the attached resolution assigning specified functions in administering CEQA to the Departments of Public Works and Health and Human Services-Division of Environmental Health and reaffirming the prior delegation to the Planning and Building Department, as authorized by 14 CCR 15025.

SOURCE OF FUNDING:

Public Works Department (1200-331)

Health and Human Services-Division of Environmental Health (1175-406)

Planning and Building Department (1100-277)

DISCUSSION:

This request is for the Board to delegate to staff certain responsibilities that must be performed under the California Environmental Quality Act (CEQA) as permitted by law.

Title 14 of the California Code of Regulations, section 15025 (14 CCF 15025) states:

§ 15025. Delegation of Responsibilities

(a) A public agency may assign specific functions to its staff to assist in administering CEQA.

Functions which may be delegated include but are not limited to:

- (1) Determining whether a project is exempt.
- (2) Conducting an initial study and deciding whether to prepare a draft EIR or negative declaration.
- (3) Preparing a negative declaration or EIR.
- (4) Determining that a negative declaration has been completed within a period of 180

days.

(5) Preparing responses to comments on environmental documents.

(6) Filing of notices.

(b) The decision making; body of a public agency shall not delegate the following functions:

(1) Reviewing and considering a final EIR or approving a negative declaration prior to approving a project.

(2) The making of findings as required by Sections 15091 and 15093.

(c) Where an advisory body such as a planning commission is required to make a recommendation on a project to the decision-making body, the advisory body shall also review and consider the EIR or negative declaration in draft or final form.

The Public Works Department, the Division of Environmental Health, and Planning all work with projects requiring CEQA review and determination. This may take the form of processing permits from the public or evaluating projects proposed by the county or other municipalities. A delegation of authority of the following functions to staff would improve governmental efficiency and could result in an overall decrease in cost: (1) Determining whether a project is exempt from CEQA; (2) Conducting an initial study and deciding whether to prepare a draft Environmental Impact Report (EIR) or negative declaration; (3) Preparing a negative declaration or EIR; (4) Determining that a negative declaration has been completed within a period of 180 days; (5) Preparing responses to comments on environmental documents; and (6) Filing of notices. Delegation of these responsibilities to department staff will reduce the time and staff energy needed to bring such decisions to the Board for action.

Environmental Impact Reports, Mitigated Negative Declarations, and Negative Declarations, along with associated findings, would continue to come to the Planning Commission and/or Board of Supervisors for consideration/approval as required by law. Appeal provisions contained in state law and County Code would continue to apply.

This action would re-affirm a previous delegation of authority to the Planning and Building Department on February 15, 1977, via adoption of the county CEQA Guidelines (as amended November 29, 1999).

FINANCIAL IMPACT:

For county-driven projects, costs shall be borne by the respective Department and/or County General Fund to pay for undertaking environmental review and the associated filing fees. For Applicant-driven projects, costs shall be passed through and borne by the applicant in the form of permit fees to include consideration of environmental review and filing fee costs.

STAFFING IMPACT:

This action has no anticipated staffing impact.

STRATEGIC FRAMEWORK:

This action supports the following areas of your Board's Strategic Framework.

Core Roles: Enforce laws and regulations to protect residents

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New Initiatives: Manage our resources to ensure sustainability of services

Strategic Plan: 4.1 - Identify synergies between all county departments and cities to increase efficiency and effectiveness

OTHER AGENCY INVOLVEMENT:

Public Works Department, Department of Health and Human Services, --Division of Environmental Health Planning and Building Department

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not approve staff's recommendation. This is not recommended as denial will result in reduced efficiencies and less timely completion of projects.

ATTACHMENTS:

Attachment 1: Resolution Re: Delegation of Responsibilities in Administering the California Environmental Quality Act Pursuant to 14 CCR 15025.

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A