

Outline – Week 7

- Announcements
- Freewrite
- Agricultural Resources
- Commenting on a draft document/ new assignment
- Resource Area: Cultural/Historic
- Resource Area: Cultural/Archeological

Freewrite

- What is the biggest obstacle to the sustainability of the big box@ frist project being sustainable for 7 generations (150 years)?
- What mitigations/changes are most environmentally important for the big box development?
- The SJSU campus is 150 years old– what aspects contribute most and least to its sustainability?

RESOURCE AREA: AGRICULTURE RESOURCES

- Conversion of Agricultural land to nonagricultural land threatens long-term health of the State

Environmental Setting

- Do agricultural resources exist on the site?

California Agricultural Land Evaluation and Site Assessment (LESA) Model (1997)

- optional model
 - www.consrv.ca.gov/DLRP/qb_lesa.htm
 - <http://www.consrv.ca.gov/DLRP/LESA/append-a.pdf>
 - ♦ soil resource quality 50%
 - ♦ project's size 15%
 - ♦ water resource availability 15%,
 - ♦ surrounding agricultural lands 15%, and
 - ♦ surrounding protected resource lands 5%.
 - factors are rated, weighted, and combined, resulting in a single score used to project potential significance:
 - Threshold for agricultural importance: 80 points

AGRICULTURAL RESOURCES: Threshold

- If the project would
 - Convert
 - Prime Farmland (best),
http://www.consrv.ca.gov/dlrp/FMMP/overview/prime_farmland_fmmp.htm
 - Unique Farmland (specialized crops), or
 - Farmland of Statewide Importance (Farmland),
 - **Farmland of Local Importance ?
http://www.consrv.ca.gov/dlrp/FMMP/pubs/Local_definitions_00.pdf
 - **Grazing Land ?
 - as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program
<http://www.consrv.ca.gov/dlrp/FMMP/>
 - <http://www.conservation.ca.gov/dlrp/fmmp/trends/TimeSeriesImg/Pages/gilroy.aspx>

- Note: size minimum of 10 acres for map

AGRICULTURAL RESOURCES:

Thresholds

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract
- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use

...then it would result in a significant loss of agricultural land.

AGRICULTURAL RESOURCES: Impact Explanation and Mitigations

- What about urban agriculture/ community gardens?
- Mitigations:
 - Avoid
 - Reduce
 - Rectify
 - Compensate...

Circulation of Init. Study/ND

- Initial Study
 - **preapplication consultation**
 - ♦ with applicant*
 - (preconsultation
 - ♦ w/responsible and trustee agencies)
 - **consultation**
 - ♦ w/responsible and trustee agencies during prep*
 - (applicant consultation
 - ♦ whether would revise project to qualify for ND rather than EIR)
- *=required

- Neg Declaration
 - **Notice of intent to adopt***
 - **Agency consultation***
 - ♦ mediated through SCH (see p. 77)
 - ♦ ARB, BCDC, Coastal Comm, RTC etc.
 - If change mitigation after circulation, must hold **hearing***
 - Notice of Determination w/in 180 days
 - 30 days to file lawsuit

Timeline: Permit Streamlining Act

- From when application is submitted
 - 30 days to decide whether complete
- From when application is complete (varies)
 - 30 days to decide whether recommending EIR or ND
 - ♦ Checklist
 - 45 more days to hire consultants
 - 180 total days to complete ND
 - ♦ initial study only needed

– 365 total days to complete EIR

■ Penalty for late papers?

– Project may be “deemed approved”

Commenting on a Draft Document

■ Address

– Sufficiency of document in

- ♦ identifying and analyzing significant impacts, and
- ♦ how they may be avoided

– Additional possible

- ♦ impacts or
- ♦ mitigations

■ Explain the basis for comments

– use data, references, expert opinion, facts

■ Include

- name address and ph # of contact person
- organization affiliation is good

Comment Letters

■ Public may send in comments during review period:

– 20 days (30 for projects “w/regional importance”)

■ Lead agency must consider comments

■ If the comment does not affect the impact determination,

- the record must show why not, but
- no formal response is required

Other aspects of effective participation

■ Understand agency structure, appeal process

■ ID key individuals who implement CEQA

– write and ask to be put on CEQA notification list

■ Join with established organizations when commenting

■ Monitor newspapers for announcements

■ Submit comments at every opportunity

■ Meet with agency staff to discuss views

New assignment

Historical Resources

■ Environmental Setting: Is it historic?

– In California Register or *eligible* for it

- ♦ http://ohp.parks.ca.gov/default.asp?page_id=21721

♦ Look at text of the statute carefully

<http://ohp.parks.ca.gov/pages/1054/files/California%20Code%20of%20Regulations.pdf>

– In Local Register

– if not *eligible* for CA Register, may or may not be considered significant. Explain reasoning

– http://www.preservation.org/resources/preservation_resources.html

– San Jose:

- <http://www.sanjoseca.gov/planning/Historic/landmarks.asp>

– If important, but not listed, the site may still be protected

Historical Resources

■ Significance Threshold:

– “substantial adverse change:”

- ♦ demolition,
- ♦ destruction,
- ♦ relocation, or
- ♦ alteration of characteristics that qualify site for listing

■ Mitigation:

– Project must conform to Secretary of Interior’s Standards for Rehabilitation of Historic sites (used to accept photo documentation as mitigation)

Archaeological Resources

■ threshold: “important”

– <http://ohp.parks.ca.gov/pages/1054/files/Public%20Resources%20Code.pdf>

– listed in Registers, or

– 100 years old,

– substantial stratigraphic integrity, and

– involve important research questions

■ mitigations:

– maintenance intact is preferred over excavation

– applicant must pay at least half mitigation cost, but total is limited by statute

Cultural Resources

■ Historical

■ Archaeological

■ See Appendix G

– significantly revised in 1998