

MARIPOSA COUNTY ORDINANCE NO. 793

1 AN ORDINANCE AMENDING THE MARIPOSA COUNTY ENVIRONMENTAL REVIEW  
2 POLICIES AND PROCEDURES FOR THE PURPOSE OF IMPLEMENTING THE  
3 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE CEQA  
4 GUIDELINES.

5 WHEREAS, Section 15022(a) of Title 14, Division 6,  
6 Chapter 3 of the California Administrative Code requires public  
7 agencies to adopt objectives, criteria, and specific procedures  
8 consistent with CEQA and the CEQA Guidelines for administering  
9 its responsibilities under CEQA, including the orderly  
10 evaluation of projects and the preparation of environmental  
11 documents; and

12 WHEREAS, Mariposa County adopted comprehensive  
13 Environmental Review Policies and Procedures for the purpose of  
14 implementing CEQA and the CEQA Guidelines within the County of  
15 Mariposa, on May 13, 1986 by Resolution 86-151 and by ordinance  
16 on July 19, 1988; and

17 WHEREAS, the State has established fees to assist in  
18 the funding of the State Department of Fish and Game through the  
19 adoption of AB 3180 that require County implementation within  
20 the environmental review process, and it is desirable to  
21 formalize the implementation procedures by revision to the  
22 County's Environmental Review Policies and Procedures;

23 NOW THEREFORE, the Board of Supervisors ordains the  
24 following additions to the Environmental review Policies and  
25 Procedures:

26 SECTION I: A Section 2.300(13) shall be added:

27 Determining whether or not projects are subject to the  
28 Department of Fish and Game fees in accordance with the

procedures established in this title.

SECTION II: A Section 3215 A., B., and C., shall be added:

3.215 Determining Applicability of Fish and Game Fee

Section 7111.4 et. seq. of the California Fish and Game Code requires the payment of a fee for all projects approved with a Negative Declaration or an Environmental Impact Report. The code provides an exemption of the fee payment for those projects determined by the lead agency to have a "De Minimus" impact on wildlife resources. This section provides administrative procedures for determining projects that have a de minimus impact on wildlife resources.

A. All projects located within areas containing rare and endangered wildlife species identified on the Mariposa County Natural Diversity Data Base Mapping or within areas identified as containing special biological importance as identified on the Department of Fish and Games Areas of Special Biological Importance Map No. 22 shall be subject to the fee payment unless a finding is made, based upon substantial evidence, that the project will not have a significant effect on wildlife. Such evidence may include project revisions or conditions agreed to by the project proponent.

B. All projects located outside areas containing rare and endangered wildlife species identified on the Mariposa County Natural Diversity Data Base Mapping or

1 outside areas identified as containing special biological  
2 importance as identified on the Department of Fish and  
3 Game Areas of Special Biological Significance Map No. 22  
4 shall be exempt from the fee unless a finding is made,  
5 based upon substantial evidence, that the project will  
6 have a significant impact on wildlife.

7 C. The preliminary determination relative to the  
8 applicability of the fee shall be made by the Planning  
9 Department at/or before the time the initial study is  
10 completed. The preliminary finding of exemption or  
11 applicability of the fee shall be provided to the  
12 Department of Fish and Game as part of the early  
13 consultation process. The Department of Fish and Game  
14 shall have 30 days from the date of mailing to respond to  
15 the preliminary finding. If no response is provided, it  
16 shall be conclusively determined that the Department of  
17 Fish and Game concurs with the preliminary finding.  
18 Information submitted by the Department of Fish and Game  
19 shall be considered by the Planning Department in  
20 formulating the findings set forth in paragraphs A. or B.  
21 of this section. A project applicant, interested party,  
22 or the Department of Fish and Game may object to the  
23 preliminary staff determination at any time prior to the  
24 final environmental determination by the lead agency. If  
25 an objection is received, the lead agency shall determine  
26 whether or not the project will have a de-minimus effect  
27 on wildlife at the time the environmental determination

is considered.

SECTION III: A section 3.220 (C) shall be added:

3.220 C. Prior to completing the initial study, the lead agency shall identify and consult with all known local and State responsible, affected and trustee agencies. Comments from these agencies shall be considered in the final preparation of the initial study. The preliminary finding of the applicability of the State Department of Fish and Game fees (Section 3.215) shall be forwarded to the State Department of Fish and Game during this consultation process.

SECTION IV: A section 3.320 (B)(7) shall be added:

3.320 B.

7. A statement relative to the applicability of the State Department of Fish and Game fee and whether or not it was paid at the time of filing of the Notice of Determination.

SECTION V. This ordinance shall become effective thirty (30) days from the date of final passage pursuant to California Government Code Section 25123.

PASSED AND ADOPTED this 22nd day of January , 1991 by the Mariposa County Board of Supervisors by the following vote:

AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH, TABER

NOES: NONE

ABSTAINED: NONE

EXCUSED: NONE

/ / / /

*George Radanovich*

GEORGE RADANOVICH, Chairman  
Mariposa County Board of Supervisors

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ATTEST:

*Margie Williams*

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

*Jeffrey A. Green*

JEFFREY GREEN, County Counsel