



**RESPONSIBLE AGENCY
FORM FOR MAKING FINDINGS
(PRC § 21081, 14 CCR § 15091)
NON-KERN COUNTY PROJECTS**

Revised: December 19, 2023

Note: This form is for proposed projects that are not in Kern County.

Instruction is in blue text

Examples are in green text

Purpose: This form shall be completed when CalGEM acts as a responsible agency (RA) under CEQA for projects outside of Kern County and makes findings according to CEQA and the CEQA Guidelines in relying on a previously certified EIR. (PRC § 21081, 14 CCR § 15091.) As the RA, CalGEM reviews and analyzes the EIR that the operator submitted. This form documents CalGEM's findings upon considering the EIR and the proposed project activities and explains the rationale for each finding. Findings must be supported by substantial evidence in the record. (14 CCR § 15091(b).)

A. Project Description
<i>Provide a brief project description including Permit Applicant and CalGEM Project Name.</i>
B. CEQA Document
<i>Provide name of the EIR relied upon, including State Clearinghouse number.</i>

C. Review of Each Potential Significant Effect by CEQA Environmental Factor (Section D)

Review each significant effect identified in the EIR that relates to the proposed project and make one or more of the following findings. Memorialize the findings in Section E of this form.

Changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the significant effects on the environment. * (*Avoided or mitigated*)

The changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.** (*Other Agency*)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained works, make infeasible the mitigation measures or alternatives identified in the EIR.*** (*Infeasible*)

* When making the finding of #1, the agency shall adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or mitigate (i.e., substantially lessen) significant effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

** The findings in #2 shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.

*** The finding in #3 shall describe the specific reasons for rejecting identified mitigation measures and proposed project alternatives, which reasons must be supported by substantial evidence.

D. Environmental Factor and Findings Checklist				
Impact From XXX City / County EIR	Proposed Permit Activity Impact?	Mitigation Applicable	Finding PRC § 21080, 14 CCR § 15091	Rationale, Conclusion and Citation
Aesthetics <i>List brief summary of impact</i> Aesthetics Impact AES-1: Construction and restoration activities associated with the proposed project would create new sources of light, or glare, as lighting would be used during early morning and evening work activities.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i> This potentially significant impact can be reduced to a less-than-significant level through implementation of Mitigation Measure AES-1: Lighting Plan . Prior to issuance of a grading permit for each site, a Lighting Plan for the site shall be developed and submitted to the City of Blue Sky Planning and Development Services Department, that requires all exterior lighting to be directed downward and focused away from adjacent sensitive uses and habitats to encourage wayfinding and provide security and safety for individuals walking to and from parking areas and working at the oil facilities at 5th and Main streets. Compliance with the approved Lighting Plan shall be implemented through the City's development review and building place check process.	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	<i>The Division has reviewed Mitigation Measure AES-1 and determined that because the Lighting Plan requires all exterior lighting be directed downward and focused away from adjacent sensitive uses and habitats, the impacts from light and glare will be reduced to a less-than significant level.</i> See EIR, Chapter 3, Environmental Setting, Impacts, and Mitigation Measures, Section 3.1 Aesthetics. pgs 3.1-1 to 3.1-50 See EIR, Chapter 11, Mitigation Monitoring and Reporting Program, Mitigation Measure AES-1
Agricultural <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	

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<p>Air Quality</p> <p>Air Quality Impact AQ-1:</p> <p>Individual phases of construction would not exceed the AQMD regional thresholds, however, some of the phases of construction could overlap with other phases of construction. If all phases of construction occurred simultaneously, then the emissions for VOC and NOX would exceed the thresholds.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p><i>This potentially significant impact is significant and unavoidable even with the implementation of Mitigation Measures AQ-1 and AQ-2:</i></p> <p>MM AQ-1: Construction-Period Use of Low-VOC Paints. The Applicant for the proposed project shall be responsible for the use of AQMD Rule 1113-compliant paints with a VOC content of 50 grams per liter or less.</p> <p>MM AQ-2: Construction NOX Reduction Measures. The Applicant for the proposed project shall be responsible for the implementation of the following construction-related NOX reduction measures:</p> <ul style="list-style-type: none"> Require all off-road diesel-powered construction equipment greater than 50 hp (e.g., excavators, graders, dozers, scrapers, tractors, loaders, etc.) to comply with EPA-Certified Tier IV emission controls where commercially available. Documentation of all off-road diesel equipment used for this project including Tier IV certification, or lack of commercial availability if applicable, shall be maintained and made available by the contractor to the City for inspection upon request. In addition, all construction 	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	<p><i>The Division has determined the environmental impact identified in AQ- is significant and unavoidable because, while the adopted mitigations measures require the use of construction equipment that meets the most stringent emission standards, NOX emissions would not be fully mitigated in the event that all five construction phases of the project are underway at the same time.</i></p> <p><i>Additionally, the EIR considered alternatives to the project but found that none of the project alternatives reduces the significant unavoidable impacts associated with air quality.</i></p> <p><i>See EIR, Chapter 3, Environmental Setting, Impacts, and Mitigation Measures, Section 3.2 Air Quality. pgs 3.2-1 to 3.2-60</i></p> <p><i>See EIR, Chapter 4, Other CEQA Considerations, 4.2 Significant and Unavoidable Impacts. pgs. 4-1, 4-2</i></p> <p><i>See EIR, Chapter 5, Alternatives, pgs 5-1 to 5-60</i></p> <p><i>See EIR, Chapter 11, Mitigation Monitoring and Reporting Program, Mitigation Measure AQ-1, AQ-2</i></p>

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		<p><i>equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB such as certified Level 3 Diesel Particulate Filter or equivalent. A copy of each unit's certified tier specification, BACT documentation, and CARB or AQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. If Tier IV construction equipment is not available, the City shall require the contractor to implement other feasible alternative measures, such as reducing the number and/or hp rating of construction equipment, and/or limiting the number of individual construction phases occurring simultaneously. The determination of commercial availability of Tier IV construction equipment shall be made by the City prior to issuance of grading or building permits based on applicant-provided evidence of the availability or unavailability of Tier IV equipment and/or evidence obtained by the City from expert sources such as construction contractors in the region.</i></p> <ul style="list-style-type: none">● <i>Eliminate the use of all portable generators. Require the use of electricity from power poles rather than temporary diesel or gasoline power generators.</i>		

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		<ul style="list-style-type: none">● Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow, including during the transportation of oversized equipment and vehicles.● Provide dedicated turn lanes for movement of construction trucks and equipment on and off site. The location of these dedicated lanes shall be addressed in the Construction Trip Management Plan.● Reroute construction trucks away from congested streets or sensitive receptor areas.● Prohibit the idling of on-road trucks and off-road equipment in excess of 5 continuous minutes, except for trucks and equipment where idling is a necessary function of the activity, such as concrete pour trucks. The Applicant or construction contractor(s) shall post signs at the entry/exit gate(s), storage/lay down areas, and at highly visible areas throughout the active portions of the construction site of the idling limit.● On-road heavy-duty diesel haul trucks with a gross vehicle weight rating of 19,500 pounds or greater used to transport construction materials and soil to and from the project site shall be engine model year 2010 or later or shall		

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		<i>comply with the USEPA 2007 on-road emissions standards.</i>		
Biological Resources <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Cultural Resources <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Energy <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Geology and Soils <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
GHG <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Hazards/Hazardous Materials	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated	

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<i>List brief summary of impact</i>			<input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Hydrology/Water Quality <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Land Use and Planning <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Mineral Resources <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Noise <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Population and Housing <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	

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Public Services <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Recreation <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Transportation/Traffic <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Tribal Cultural Resources <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Utilities/Services <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency <input type="checkbox"/> Infeasible	
Wildfire <i>List brief summary of impact</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Mitigation measure here</i>	<input type="checkbox"/> Avoided or Mitigated <input type="checkbox"/> Other Agency	

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			<input type="checkbox"/> Infeasible	
Mandatory Finding of Significance: Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Mandatory Finding of Significance: Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Mandatory Finding of Significance: Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? <input type="checkbox"/> Yes <input type="checkbox"/> No				

E. SIGNATURES AND DATES COMPLETED			
Prepared by:	Reviewer's name	Date:	Date completed
	Title		
	California Geologic Energy Management Division		
Quality Assurance and Quality Control Officer:	Reviewer's name	Date:	Date reviewed
	Title		
	California Geologic Energy Management Division		

CalGEM is the custodian of the documents and any other material which constitute the record of proceedings upon which CalGEM based its decision. Records are available at CalGEM headquarters:

California Department of Conservation
715 P Street, MS 1803
Sacramento, CA 95814.