

# Lead Agency CEQA Document Preparation

## Standard Operating Procedure

Updated September 27, 2023

This Standard Operating Procedure (SOP) applies when the California Geologic Energy Management Division (CalGEM) is a Lead Agency (LA) under the California Environmental Quality Act (CEQA). The SOP describes how CalGEM's CEQA Program is to create and process environmental documents consistent with CEQA and its implementing regulations in title 14 of the California Code of Regulations (14 CCR). For purposes of this SOP, "environmental document(s)" means an initial study (IS) and a negative declaration (ND), mitigated negative declaration (MND), or an addendum to a previously certified EIR or previously adopted ND.<sup>1</sup> This SOP does not cover environmental impact reports (EIRs). When evaluating and processing a CEQA document, CEQA Program staff and any entity that CalGEM contracts with for preparation of environmental document(s) (Contractor) must follow these procedures. Neither staff nor the Contractor may deviate from these procedures without first obtaining the written approval of the assigned CEQA Program Senior (Senior) and, as appropriate, consulting with Legal.

Definitions for terms used throughout this SOP are noted in the Table of Contents and can be found at the end of this document.

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<sup>1</sup> 14 CCR § 15361. An ND or MND as referred to in this SOP could include a supplement or subsequent ND or MND, as appropriate.

An addendum to an adopted ND or MND may be prepared if only minor technical changes or additions are necessary and none of the conditions described in 14 CCR § 15162 calling for the preparation of a subsequent ND or EIR have occurred. An addendum does not need to be circulated for public review (14 CCR § 15164).

Some of these steps may not be necessary for processing an addendum. Check with the Senior for guidance.

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## Purpose and Background

An Initial Study (IS) is prepared upon the recommendation in a preliminary review (PR) to determine whether CalGEM must prepare an EIR, ND, or MND before approving the proposed project or to identify the significant environmental effects to be analyzed in an EIR for the proposed project.<sup>2</sup> (14 CCR § 15365). The CEQA Program requires an IS after Notifying the project applicant of the need for an IS and the applicant agreeing to move forward with an IS for the proposed project.

If the IS indicates that there is no substantial evidence that the proposed project may cause a significant effect on the environment without or with mitigation, CalGEM will prepare an ND or MND, respectively. (PRC § 21080(c); 14 CCR § 15070.) If the IS indicates that the proposed project may fall within the scope of a previously certified EIR or previously adopted ND but conditions or factors for additional environmental review described in 14 CCR § 15162 or § 15164 apply, CalGEM will prepare a subsequent EIR, subsequent ND, or addendum as appropriate.

In deciding which environmental document(s) to prepare, "substantial evidence" means "enough relevant information and reasonable inferences from this information that a *fair argument* can be made to support a conclusion, even though other conclusions might also be reached." (14 CCR § 15384(a), *italics added*.) Substantial evidence includes facts, reasonable assumptions based upon facts, and expert opinion supported by facts. (14 CCR § 15384(b).) Substantial evidence does not include argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment. (14 CCR § 15384(a).)

If there is any fact-based evidence that the proposed project may have a potentially significant effect, and the effects cannot be fully mitigated or mitigated to a less than significant level, an EIR would be prepared. (14 CCR §§ 15064, 15063.) Such an undertaking will require a CEQA review process that is not covered by this SOP.

## Tasks Throughout the Process

The CEQA Doc Project Manager (PM) will prepare adequate environmental document(s) under CEQA and update the Universal Tracker weekly.<sup>3</sup> The assigned Senior will ensure that updates are made and are up to date weekly.

Throughout the environmental document(s) preparation process, the CEQA Doc PM will:

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<sup>2</sup> The LA can directly prepare an environmental document or can enter into a contract for the environmental document's preparation. (PRC § 21082.1(a).) In either case, the environmental document must reflect the LA's independent judgment. (PRC § 21082.1(c); 14 CCR §§ 15063(a)(4), 15074(b), 15084(e).)

<sup>3</sup> The Universal Tracker is a spreadsheet that logs, and tracks proposed LA projects and their status as they move through the CEQA Program. This tracker may be renamed or modified in the future to focus solely on initial studies. When a change occurs, the SOP will be updated.

1. Build and continuously keep the administrative record updated (see [Administrative Record SOP<sup>4</sup>](#)). For more details regarding what an administrative record includes, see PRC § 21167.6(e) and/or confer with Legal.
  - a. This task includes saving copies of all project-related emails or email chains, meeting notes, phone calls, team chats, etc. and adding information to the [project chronology<sup>5</sup>](#). Saving copies of emails and email chains is particularly important as the Department of Conservation's (DOC) email retention policy may otherwise result in the automatic deletion of emails required for the administrative record.
  - b. The project chronology for the IS phase begins with the Operator Notifying the CEQA Doc PM that they will or will not pursue the proposed project. Chronology includes, but is not limited to, sending or receiving proposed project documents, reports, and other information; significant correspondence and other types of relevant communication; meetings, milestones, goals met, and proposed project setbacks. If you refer to communication in any manner with Legal, use dark red text.
    - i. Receipt of, and sending of, each version of draft environmental document(s) to/from the Contractor or Operator's Consultant will be recorded in the IS Project Chronology.
2. Organize meetings with outside stakeholders and DOC/CalGEM staff.
  - a. All proposed project meetings with outside stakeholders will have an agenda saved with notes taken on the discussions, action items, and next steps. Use the [Meeting Agenda template<sup>6</sup>](#).
  - b. Internal meeting discussions will be recorded in the [IS Updates Meeting Agenda<sup>7</sup>](#) for the particular year and in the project chronology, as needed.
3. Accept and reject track changes in the environmental document(s).
  - a. Get guidance from the Senior on when track changes should be accepted or rejected in the document, as this may change depending on the stage of review.
  - b. Determine whether other reviewers will benefit from seeing track changes of commentor/editor.
  - c. Address all comment bubbles by replying. Once the comment has been fully addressed, reply to the comment by stating 'resolved', 'addressed',

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<sup>4</sup> [Administrative Record Procedures\\_May 2022.docx](#)

<sup>5</sup> [CEQA Project Chronology\\_TEMPLATE.docx](#)

<sup>6</sup> [Meeting Agenda\\_TEMPLATE.docx](#)

<sup>7</sup> [Initial Study Updates](#) link is to the meeting folder. Choose the appropriate agenda year to add discussion topics to.

etc., then further designate the comment as resolved by selecting the ellipses in the upper right corner of the comment.

- d. Accept if you agree with the changes. If you do not agree, discuss with the commentor/editor to resolve the issue.
4. Document proposed project updates in the "Universal Tracker" spreadsheet each week by COB Wednesday.
5. Move files to an archive folder when they are no longer the main document under review.
6. Coordinate regularly with the Senior. Check in, give updates, ask questions, and report progress.
7. Leverage the Contractor to assist with the CEQA review and workload throughout the process as much as possible.
8. Aside from sending the draft environmental document(s) between the Operator's Consultant and the Contractor, **do not share all or part of the draft environmental document(s) with external parties without written approval from the Senior and Legal.**
  - a. When the draft document (all or part) is approved for sharing with external parties (e.g., Responsible or Trustee Agencies and Tribal entities) it must be saved as a PDF before sharing.
9. Always use links when sharing the draft environmental document(s). Do not share a copy of the document. Comments solicited will be in the same document.
  - a. The final document is routed through DocuSign and shared as a PDF.
10. The document will always be indicated as a DRAFT in watermark until there is a final document.
11. Follow the **Initial Study Naming Convention SOP**.<sup>8</sup>
12. Consult with the Senior anytime there is an issue or direction not covered in this SOP.

## PR Transition

Upon completing a PR that recommends an IS, the Preliminary Review PM will Notify the Operator<sup>9</sup> using the "Email Request for an Initial Study" template. The Preliminary Review PM will cc the CEQA Doc PM on the email.

The cc'd email notifies the CEQA Doc PM that they are assigned the PM role for processing the draft IS and MND/ND if or when they are submitted. The CEQA Doc PM is to keep the administrative record for the proposed project and the Universal Tracker up

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<sup>8</sup> [Initial Study Naming Convention FEB 2023.docx](#)

<sup>9</sup> For purposes of this SOP, "Operator" also includes the consultant or other agent(s) representing and working on behalf of the Operator.

to date. The administrative record will include a copy of the email Notifying the Operator of the need for an IS. The Operator may not immediately respond or may choose not to pursue preparing an IS.

The CEQA Doc PM will begin the project chronology when one of the following occurs:

1. The Operator declines pursuing an IS;
2. CEQA Program staff meet with the Operator; or
3. The Operator submits a draft IS and MND/ND.

The CEQA Doc PM will add a copy of the declination to the administrative record. It is up to the Operator to respond if they wish to pursue the proposed project. When they do respond, the CEQA Doc PM will set up a meeting with the Operator and the Operator's Consultant.

### Operator Intends to Move Forward with IS

Once the CEQA Doc PM is notified by the Operator that they intend to submit an IS, the CEQA Doc PM will:

1. Commence proposed project file setup (may be assigned to support staff),
2. Offer to schedule a consultation meeting with the Operator,
3. Request an [Indemnity Agreement](#)<sup>10</sup> from Operator,
4. Begin the informal consultation process, and
5. Begin the tribal notification process.

### Proposed Project File Setup

1. Create IS file folder within the existing proposed project file: confer with the Preliminary Review PM to discern the proposed project file location. (Tasks listed below should be assigned to non-technical (non-tech) CEQA staff, except where stated otherwise.)
  - a. Add the following sub-folders:
    - i. Correspondence,
    - ii. Confidential & Privileged,
    - iii. IS Draft (sub folder: RA & Trustee Agency Consultation),
    - iv. IS Technical reports,
    - v. AB 52 Tribal,

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<sup>10</sup> [Indemnity Agreement 1.12.2022.docx](#). At this time, CalGEM does not require every Operator to sign an Indemnity Agreement but may for specific projects as directed by CalGEM management in consultation with Legal.

- vi. Meetings,
  - vii. Archive,
  - viii. Final environmental document(s) (sub folder: Environmental Documents Reference and MMRP).
- b. Add the following document templates to the IS folder: [project chronology](#),<sup>11</sup> [communication list](#),<sup>12</sup> [CEQA Document Checklist](#),<sup>13</sup> [Project Data for SCH Posting](#).<sup>14</sup>
    - i. Add [Meeting Agenda template](#)<sup>15</sup> to the Meetings folder.
  - c. Rename the draft environmental document(s) received from the Operator's Consultant (draft document package) in accordance with the [Initial Study Naming Convention SOP](#)<sup>16</sup>. (Assigned to CEQA Doc PM)
  - d. Add a copy of the Final PR document/form for the proposed project to the IS folder.
  - e. Create link from the IS folder in the proposed project file to the [Initial Study Project Links](#) folder at: CEQA Program/Documents/General/Initial Study Project Links. Name the link for the proposed project.

## Consultation Meeting with the Operator

The purpose of the consultation meeting is to give the Operator a detailed overview of CalGEM's CEQA review process in relation to the proposed project so that the Operator is clear on what to expect and when. During the consultation meeting, the CEQA Doc PM will describe the IS process, the potential impacts that were identified for the proposed project, the options that the Operator has for continuing the processing of the proposed project application, and the CEQA Program's role. The meeting will not involve discussing why exemptions do not apply. That discussion would happen separately at the Operator's request and in consultation with Legal.

Prior to the consultation meeting, the CEQA Doc PM will:

- 1) Create an agenda for CalGEM discussion topics and send it to the Senior.
  - a. Once approved by the Senior, send to the Operator.
- 2) Organize the materials and information that are relevant to the meeting; and
- 3) Hold a practice run of the meeting with the Senior.

During the consultation meeting the CEQA Doc PM will:

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<sup>11</sup> [CEQA Project Chronology TEMPLATE.docx](#)

<sup>12</sup> [Communication List TEMPLATE.xlsx](#)

<sup>13</sup> [CEQA Document Checklist TEMPLATE](#)

<sup>14</sup> [Project Data for SCH Posting TEMPLATE.xlsx](#)

<sup>15</sup> [Meeting Agenda TEMPLATE.docx](#)

<sup>16</sup> [Initial Study Naming Convention May 2022.docx](#)



- 1) Discuss what can be expected of the CEQA review process within the CalGEM CEQA Program:
  - a. Provide a brief overview of the process, steps, and timeline estimates. Emphasize that complete and accurate information is required throughout the process, including in any environmental document(s) prepared, or the process may be substantially delayed.
  - b. Explain that the environmental document(s) must fully address the CEQA Guidelines Appendix G environmental factors and evaluate the environmental impacts of the proposed project. If scientific information does not already exist in the literature, supporting study plans, surveys from study implementation, and survey interpretation (technical reports) will need to be developed, approved, and completed to disclose potential impacts.
  - c. Factors that may influence the proposed document type:
    - i. Tribal consultation;
    - ii. Responsible and Trustee Agency informal consultation recommendations;
    - iii. Significant impacts and mitigation measures; and
    - iv. Ability to tier off other environmental documents, including incorporation by reference or using the original environmental document(s) as a starting point.
  - d. Options for continuing the processing of the proposed project application:
    - i. Submit an IS without any change to the proposed project;
    - ii. Change the project description/scope to reduce potential impacts;
    - iii. Introduce or propose measures to avoid, minimize, or mitigate potential impacts;
    - iv. Other potential scenarios based on the specifics of the proposed project.
  - e. Describe the phases of review the information will undergo prior to public release and proposed project approval finalization.
    - i. Notify the Operator that a CDFW filing fee will be required prior to posting the environmental document(s) for public review. Share CDFW website and cost with the Operator  
(<https://wildlife.ca.gov/Conservation/Environmental-Review/CEQA/Fees>)

- 2) Share the potential impacts that were identified in the PR Review Form (as discussed with the PR PM) that will need to be addressed in the draft IS;
- 3) Inform the Operator that the IS, and any other environmental document(s), must be to the satisfaction of CalGEM since the process must reflect CalGEM's independent judgment, including whether an ND, MND, addendum, or EIR is appropriate;
- 4) Describe the type of document file required to be submitted (MS Word);
- 5) Exchange contact information;
- 6) Request the Operator contact the CEQA Doc PM within the next two weeks (give a specific date) with information on whether a draft IS will be submitted and when the draft environmental document(s) may be expected.
  - a. If the Operator fails to communicate with the CEQA Doc PM by the due date, CalGEM will attempt to connect with the Operator one more time before:
    - i. Noting the lack of interest on the Operator's part in the project chronology, and
    - ii. Returning or cancelling the NOI(s) or project application associated with the proposed project, in WellSTAR.<sup>17</sup>
- 7) Request an Indemnity Agreement.

### Informal Consultation and Tribal Notification

After CalGEM determines that a proposed project requires an IS and the Operator indicates it will proceed with the project, CalGEM will consult informally with all responsible and trustee agencies responsible for resources affected by the proposed project to obtain the agencies' recommendations as to whether to prepare an EIR, ND, or MND. (14 CCR § 15063(g).) In addition, CEQA requires that within 14 days of determining that an application for a proposed project is complete, a LA must Notify the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice. (PRC § 21080.3.1(d).) However, because sometimes Operators choose to not to pursue a proposed project after learning that CalGEM will require an IS, the CEQA Doc PM will begin the tribal notification process within 14 days of the Operator notifying CalGEM that they intend to submit a draft IS for the proposed project.

The CEQA Doc PM will instruct non-tech CEQA staff to assist with preparing the informal consultation and tribal notification correspondence. Non-tech CEQA staff will gather the proposed project description and maps for consultation and notification purposes

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<sup>17</sup> The CEQA Doc PM will conduct an annual cleanup of projects associated with nonresponsive Operators.

as instructed by the CEQA Doc PM. Non-tech CEQA staff will follow the instructions below and the [AB 52 Tribal Consultation SOP](#)<sup>18</sup> to prepare the draft correspondence.

Proposed project description information and maps may be used from the PR process if the draft environmental document(s) has not yet been submitted. The CEQA Doc PM will:

1. Identify responsible and trustee agency contacts associated with the proposed project area. Add to [Communication List](#) once determined.
2. Review the correspondence, information, and maps prepared by non-tech CEQA staff before sending them to the responsible and trustee agencies.
3. Send Project Description and maps via email (See [15063\(g\) Informal Consultation Template](#)<sup>19</sup>).
4. Report status to the Senior in reoccurring IS Updates meeting.

## Initial Review of Draft IS and Associated Environmental Documents

The purpose of the initial review is to assess the quality of the IS submitted for the proposed project and to identify any deficiencies that need to be addressed in the IS.

### Document Assessment

Upon receiving a draft IS from the Operator's Consultant, the CEQA Doc PM will:

1. Take approximately 30 minutes to scan the submitted IS and any related document(s) for compliance with CalGEM expectations that were communicated in the emailed request for an IS and/or discussed in the consultation meeting with the Operator.
2. Surface-level document review and screening items include:
  - a. Findings/Analysis presented in Appendix G Checklist table
  - b. Narrative form – Findings/Analysis presented in document narrative
  - c. Project Description Applicability
  - d. Citation References, Acronyms, Definitions
3. If any expectations are not met, the CEQA Doc PM will email the Operator's Consultant and include guidance recommendations to address any deficits (E.g., the document submitted is not in IS format, does not contain supporting technical reports, etc. to warrant a review of the submittal at this time).

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<sup>18</sup> [AB 52 Tribal Consultation SOP](#)

<sup>19</sup> [15063\(g\) Informal Consultation TEMPLATE DRAFT 3.2023.docx](#)

4. The Contractor will review the draft IS and provide comments on its deficiencies as discussed in the next section.. The CEQA Doc PM will review the draft IS during the Second Review, described below.

### IS Review Package for Contractor

The CEQA Doc PM will package the draft IS and all attachments, studies, appendices, and other documents accompanying it for the Contractor to review and provide feedback. The documents to be sent to the Contractor include the following:

1. The **Project Summary Sheet**<sup>20</sup> will be filled out by the CEQA Doc PM giving detailed instruction on what documents the Contractor is expected to review and what work product is expected to be delivered back to the CEQA Doc PM.
2. The draft environmental document(s) submitted by the Operator's Consultant (IS and ND, MND, subsequent or supplement to the ND or MND, or an addendum).
  1. MUST be in Microsoft Word
  2. When the draft IS/ND or IS/MND is at the stage when the proposed project can be assessed for potentially significant impacts, the Contractor shall<sup>21</sup> review the significance of the proposed project's environmental effects (14 CCR § 15064) and mandatory findings of significance (14 CCR § –15065).
3. Appendices that may have been submitted will also be sent to the Contractor (PDFs OK) including, but not limited to:
  - i. Air emission models
  - ii. Cultural resource studies
  - iii. Acoustic studies (if noise is a particular concern)
  - iv. Biological studies (if animal/plant species are potentially a concern)
  - v. Reports from one of the regional waterboards or local groundwater analyses (depends on the local geology formations and type of well projects)
  - vi. Technical studies and memoranda
5. Final CalGEM PR document or form, if available.
6. **CEQA Document Checklist with directions to the Contractor on how to complete.**

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<sup>20</sup> [Project Summary Sheet TEMPLATE.docx](#)

<sup>21</sup> The word "shall" is used in this instance, as that is the language used in 14 CCR § 15064. In all instances in this SOP where the CCR or other statute is referenced, and the word "shall" is used, the SOP uses the word "shall". Elsewhere in this document, the word "will" is used.

## Notification to Contractor

The CEQA Doc PM will Notify the Contractor that the documents and associated files are ready for their review. The email will direct the Contractor to show all edits suggested for the draft IS in track changes and to provide comments in the form of comment bubbles. The CEQA Doc PM will update the Project Chronology to show the date that the proposed project documents were sent to the Contractor for review.

When the Contractor completes their review, they will contact the CEQA Doc PM, who will then place the documents in a designated folder in the project file.

## CEQA Doc PM Activities Concurrent to Contractor Review

While the Contractor is reviewing the documents and associated files, the CEQA Doc PM will do the following:

1. Update information in the IS folder: project chronology, save correspondence, add proposed project data in the Universal Tracker, etc.
2. Add information to the [Project Data for SCH Posting](#).<sup>22</sup>
3. If a Tribe reaches out to begin the pre-consultation process, the CEQA Doc PM will follow and implement AB 52 consultation guidance noted in the "[AB 52 Tribal Consultation SOP](#)."<sup>23</sup>
4. Collect responsible agency, trustee agency, and tribal comments in the administrative record. The comments will be forwarded to Operator's Consultant in Post-Contractor Review.
5. Check in with the Senior to report progress.

## Post-Contractor Review

After the CEQA Doc PM has been notified by the Contractor that their review of the draft environmental document(s) is complete, the CEQA Doc PM prepares the draft environmental document(s) to be returned to the Operator's Consultant. Instructions below outline the process to be followed.

1. The CEQA Doc PM will perform the following:
  - a. Review the comments provided by the Contractor.
    - i. Review the [CEQA Document Checklist](#) sent by the Contractor.
    - ii. Review recommendations for completeness (particularly mitigation measure feasibility, environmental analysis, and determinations of significant effects).

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<sup>22</sup> [Project Data for SCH Posting\\_TEMPLATE DRAFT.docx](#)

<sup>23</sup> [AB 52 Tribal Consultation SOP](#)

- b. Provide comments on Contractor comments as necessary. May need to reach out to the Contractor for clarification. May also reach out for legal consultation as necessary.
  - c. Review and prepare summary of comments to be sent to the Operator's Consultant for inclusion in the draft environmental document(s).
    - i. If comments are substantial, send to Contractor to summarize.
    - ii. If work can be performed in less time than it would take to leverage the Contractor, the CEQA Doc PM can summarize the comments.
  - d. Send comments to the Operator's Consultant to be addressed.
- 2. The CEQA Doc PM will check in with the Senior<sup>24</sup> to discuss their analysis of the draft environmental document(s) and recommendations. In that discussion:
  - a. If the environmental document(s) analysis indicates the potential for significant environmental impacts, the CEQA Doc PM, in consultation with the Senior, may initiate a meeting with the Operator to discuss the potential for preparing an EIR or MND and including avoidance and mitigation measures, or, as appropriate, alternatives to the proposed project (See 14 CCR § 15063.) This SOP does not cover EIRs.
- 3. The CEQA Doc PM will use professional judgment to determine if the environmental document(s) has adequately addressed all the items in the **CEQA Document Checklist**, especially those listed under Technical or Other Substantive Feedback and determine when Senior and Legal review is recommended. If the environmental document(s) is expected to need revisions, Senior and Legal review should wait.
  - a. This does not limit the CEQA Doc PM from reaching out for guidance from the Senior or Legal to address items that cannot be resolved by the Contractor, Operator's Consultant, or CEQA Doc PM.
  - b. The environmental document(s) are ready to be routed for Senior Management Review and Legal Consultation when all rows of the **CEQA Document Checklist** have been completed. See the CEQA Document Checklist for instructions.

### Additional Environmental Document Review

Additional review is necessary if the Operator's Consultant did not address and resolve all deficiencies previously noted in the draft environmental document(s) per the **CEQA Document Checklist**, or the environmental document(s) were sent back to the CEQA Doc PM from Senior and Legal review with items that need to be addressed by the Operator's Consultant.

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<sup>24</sup> Reminder – record significant discussion topics and answers in the [Initial Study Updates Agenda](#).

The CEQA Doc PM will repeat steps 1 through 3 as needed (noted above in Post-Contractor Review), to get the draft environmental document(s) to a point where they are ready for Senior Management Review and Legal Consultation.

Upon receiving updated drafts of the environmental document(s) from the Operator's Consultant, the CEQA Doc PM will send the document to the Contractor along with the [CEQA Document Checklist](#) and a [Project Summary Sheet](#) for the Contractor to review and determine whether or not the Operator's Consultant addressed all of the issues and comments. When the annotated draft environmental document(s) is received back from the Contractor<sup>25</sup>, the CEQA Doc PM will review the comments in the environmental document(s) and the [CEQA Document Checklist](#) provided by the Contractor. At this point:

1. The CEQA Doc PM will assess the issues and check in with the Senior if the additional review by the CEQA Doc PM is expected to take more than three hours.
2. The Post Contractor Review steps 1-3 (above) may be used where applicable for additional review(s) of the environmental document(s).
  - a. The intent is to have the Operator's Consultant adequately address all comments to the satisfaction of the CEQA Doc PM and CEQA Document Checklist. However, the CEQA Doc PM should check in with the Senior and Legal (with the Senior's approval) as needed to complete the additional review.

### When Deficiencies are not Addressed

If deficiencies have not been satisfactorily addressed or resolved, the CEQA Doc PM will check in with the assigned Senior to report progress and identify next steps.

The CEQA Doc PM may facilitate a meeting with the Contractor and Operator's Consultant to discuss any outstanding items for clarity and will document outcomes of the meeting.

The CEQA Doc PM will send the environmental document(s) back to the Operator's Consultant with instructions on required updates.

### Senior Management Review and Legal Consultation

After the CEQA Doc PM determines that the all identified deficiencies and issues were addressed and resolved in the environmental document(s), the CEQA Doc PM will make a note in the [CEQA Document Checklist](#) that all deficiencies were adequately addressed and resolved. The CEQA Doc PM will then Notify Senior Management and

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<sup>25</sup> Reminder – Follow the [Initial Study Naming Convention](#) for draft documents received from outside entities.



Legal that the draft environmental document(s) is ready for their review and consultation.<sup>26</sup>

1. When the draft environmental document(s) are ready for Senior and Legal Review:
  - a. Legal Consultation - the CEQA Doc PM will Notify Legal and the Senior via email that the draft environmental document(s) was reviewed by the Contractor and CalGEM Program staff. In that notification, the CEQA Doc PM will:
    - i. Request Legal consultation,
    - ii. Include a link to the draft environmental document(s) & **CEQA Document Checklist**, and
    - iii. The CEQA Doc PM will make a recommendation to the Senior on what type of document should be prepared (ND or MND, Subsequent ND/MND, Supplement ND/MND, addendum, etc.). (14 CCR § 15070; § 15160 - 15164.)
    - iv. Provide the option to meet and discuss the environmental document(s).
  - b. The CEQA Doc PM will set a deadline to collect comments from the Senior and Legal and Notify them of the proposed deadline with a request for them to reach out if more time is required for their review. Be prepared to be flexible with Senior and Legal availability.
2. CEQA Doc PM updates the Universal Tracker and administrative record each time documents and pertinent information about the project area received.
3. Upon notice that Senior Management and Legal have finished reviewing the draft environmental document(s):
  - a. Legal, upper management, senior, and staff commenting identities (in Word, Adobe, or other programs) need to be in the draft environmental document(s) for litigation transparency purposes. But legal and upper management names will be scrubbed before sharing the document with the Operator's Consultant and external parties. Names need not be scrubbed when sharing the environmental document(s) with CalGEM's Contractor.
  - b. After all comments from the Senior and Legal have been received and incorporated, the CEQA Doc PM sends the document(s) the Operator's Consultant and requests the Operator's Consultant to update the draft environmental document(s) by addressing and making in-document

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<sup>26</sup> See *Editor Identity in Track Changes* under *Post-Contractor Review* above.



comments and track changes, as appropriate, and to return the document to CEQA Doc PM once complete.

- i. Check in with the Senior before reaching out to the Operator.
  - c. The CEQA Doc PM will also schedule a meeting with the Operator to discuss any potential mitigation measures; the Operator's responsibility for ensuring their implementation; negotiation of their feasibility (if warranted); and resolution of a signed agreement on the mitigation measures proposed to be included in the final environmental document(s).<sup>27</sup> (PRC §§ 21064.5, 21080(c)(2); 14 CCR §§ 15064(f)(2), 15070(b)(1), 15369.5.)
    - i. Remind the Operator of California Department of Fish and Wildlife (CDFW) filing fees and the general process to be expected from this point forward.
  - d. If additional revisions and corrections are necessary from the Operator's Consultant after Senior Management review, Legal consultation, and Operator agreement on mitigation measures:
    - i. Transmit request to the Operator's Consultant for updated draft document, with in-document comments and updates in Track Changes, and request that the Operator's Consultant address comments in-document with track changes and return the document to the CEQA Doc PM.
    - ii. Once an updated document is received back from the Operator's Consultant, Notify Senior Management and Legal of additional review. Leave track changes for their review.
4. Upon final review of the draft environmental document(s) by Senior Management and Legal and determination that no additional corrections are necessary, the CEQA Doc PM will request concurrence from them via email that their comments are complete. The CEQA Doc PM will then Notify Senior Management and Legal that the environmental document(s) will now be prepared to be used as the final Draft IS/ND or IS/MND for public review and will be deemed 'complete' per CEQA. (14 CCR §§ 15101, 15111.) If an addendum is being prepared, the addendum does not need to be prepared for public review (14 CCR § 15164 (c)), but a brief explanation of the decision not to prepare a subsequent EIR or MND pursuant to 14 CCR § 15162 should be included in an addendum to the EIR, the lead agency's findings on the project, or elsewhere in the record.
5. The CEQA Doc PM will update the Universal Tracker, administrative record, and project chronology.

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<sup>27</sup> See pg. 6, Negotiations, of the Mitigated Negative Declarations, CEQA Technical Advice Series listed in References for information and agreement forms.

6. The CEQA Doc PM will obtain copies of all references identified in the documents reference list and MMRP, and place in the 'IS Folder' (sub-folder 'Environmental Documents Reference and MMRP').

## Final Draft Environmental Document Preparation and Routing

Final Draft Environmental Document Preparation and Routing is split into two sections: Public Release Document Preparation (which outlines how to prepare the environmental document(s) for public review) and Public Review (which outlines actual release of the documents for the public review process).

Before the final Draft IS ND/MND for a proposed project can be released to the public for review and comment, the public release documents need to be created and Senior Management must sign-off on the public release via document routing (DocuSign). An addendum to an existing EIR or Negative Declaration need not be circulated for public review but can be included in or attached to the final EIR or adopted ND or MND (14 CCR § 15164(c)). The CEQA Doc PM will utilize non-tech CEQA staff, where possible.

### Public Release Document Preparation

This section outlines the documents necessary to include with proposed project document routing. These documents will be needed prior to submitting for posting to websites and any other release for public review. **All prepared documents will not be released to the public until Senior Management signs off on the release.** The Senior can request legal review for the notice package. Once sign-off is given, posting of the document(s) needs to happen on the same day at various locations. This will require advance planning to release document(s) on the date stated in the Notice of Intent to Adopt an Environmental Document.

### FINAL ENVIRONMENTAL DOCUMENT AS ACCESSIBLE PDF

CalGEM must post final draft environment documents that meet accessibility standards. The CEQA Doc PM will reach out to the CalGEM Webmaster to obtain current criteria for accessibility. The CEQA Doc PM will then:

1. Share the accessibility criteria with the Operator and request that the Operator's Consultant create an accessible PDF of the final Draft IS ND/MND and all appendices.
2. Hold all received PDF documents until the routing and sign-off process for public review occurs.

### PUBLIC CEQA NOTICE PREPARATION

The CEQA Doc PM will prepare the public notices to submit to the State Clearinghouse's (SCH) CEQAnet website at [CEQAnet.opr.ca.gov](http://CEQAnet.opr.ca.gov). The notices include:

1. Notice of Intent to Adopt an Environmental Document (on CalGEM letterhead);<sup>28</sup>

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<sup>28</sup> [NOI-A ED Public Notice TEMPLATE DRAFT 3.2023.docx](#)

2. Notice of Completion;<sup>29</sup> and
3. OPR Form F (Summary Form for Electronic Document Submittal).<sup>30</sup> (PRC § 21082.1(c)(4).)

The CEQA Doc PM will hold all documents until Senior Management signs off on releasing the final draft IS ND/MND package for public review.

#### MEDIA AND INTERESTED PARTIES PREPARATION PROCESS

The CEQA Doc PM should lay the groundwork for engaging public media and other interested parties early in the review process, especially if it is the first time that CalGEM has prepared an IS ND/MND for a proposed project in that city or county. It is **critical** that the final draft IS ND/MND be fully signed off by Senior Management as mentioned in the Senior Management Review and Legal Consultation for public review (which includes sister agencies) before public notices are released.

The CEQA Doc PM may engage non-tech staff to assist in preparing the final draft IS ND/MND(s) and notices for the SCH, CalGEM Webmaster, local agencies, and media outlets. The CEQA Doc PM will ensure that, at a minimum, notice is given as follows:

1. Local Newspaper - Contact the local newspaper to determine publication deadlines and the process for posting on specific days, so that CEQA notices can be published simultaneously (e.g., 3 days prior notice required: Initiate contact on Monday to secure publication on Thursday through Saturday)
  - a. Identify local newspaper and contact (phone/email)
  - b. Contact CalGEM District Community Outreach staff to place and run ad in local newspaper (as required by CEQA)
    - i. May need to establish procurement Purchase Order process and confirmation with CalGEM District Community Outreach staff (Counties non-Kern, non-Fresno)
  - c. Send introductory email to local newspaper contact giving them a heads-up that a Public Notice Request will be forthcoming from CalGEM regarding a proposed project.
2. County Clerk (to arrive prior to first day of public comment period)
  - a. Initiate contact with County Clerk's Office (phone/email)
  - b. Fill out 'County Clerk's Transmittal Memo' for NOI-A
  - c. Hold on to this form until proposed project approval has been received.
3. Local County Library (to arrive prior to first day of public comment period)
  - a. Initiate contact with County Librarian in charge of Legal Affairs (phone).
  - b. Inquire if hardcopy or electronic file is preferred.

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<sup>29</sup> [Notice of Completion CEQA Form C.pdf](#)

<sup>30</sup> [Summary Form for Electronic Document Submittal TEMPLATE 3.2023.pdf](#)

4. Individuals that requested notice for the proposed project (Interested Parties Letter, OLRA). (PRC § 21092.2.)

### Routing for CalGEM Sign-Off on Public Review Documents

The CEQA Doc PM routes the final Draft IS ND/MND, associated attachments, and public release documents through DocuSign – [Approvals of Documents SOP](#):<sup>31</sup>

1. Complete the sections of the [Routing Memo] applicable to the proposed project:
  - a. Memo Overview
  - b. Project Summary and Background
  - c. Staff Recommendation
2. Note project filenames to be included as attachments or links with the Routing Memo:
  - a. Final IS ND/MND as accessible PDF and appendices
  - b. Operator Acknowledgement – MMRP
  - c. Notice of Intent to Adopt an Environmental Document
  - d. Notice of Completion
  - e. OPR Form F (Summary Form for Electronic Document Submittal)
3. Check in with the Senior to identify document approvers noted for sign-off through DocuSign.
4. Complete Table of Approvers in Routing Memo with their signing order (Full Name, Title, Date Approved).
  - a. Routing Memo for Legal Team to be noted as (Privileged/Confidential)
  - b. Routing Memo for Senior Management
5. Receive Senior Management sign-off on publicly releasing the IS ND/MND and accompanying documents for public review before moving onto next section.

### Public Review

This section describes the steps for the actual release of the environmental document(s) for public review. Where possible from this point forward, leverage non-tech CEQA staff and the Contractor for assistance. This will require coordination with non-tech staff supervisor(s).

### Concurrent Posting of Document and Notice

Upon receiving the sign-off via DocuSign, the final Draft IS ND/MND, associated attachments, and public release documents can be released to their respective

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<sup>31</sup> [Approvals of Documents SOP April 2022 NeedsUpdate.docx](#)

postings (SCH, CalGEM Webmaster, county planning office and their preferred location where the document may be available for public viewing, etc.). Prior planning should result in the IS ND/MND and notices being posted or released on the same day. (PRC § 21092).

Documents that may now be released include, but are not limited to:

- Final Draft IS ND/MND (SCH, CalGEM Website, Local agency – preferred location);
- Notice of Intention to Adopt an Environmental Document (County clerk/planning office, Local agency – preferred location); and
- Notice of Completion (SCH, CalGEM Website).

## Public CEQA Notice Delivery

### ADVERTISEMENT PLACEMENT IN LOCAL NEWSPAPER (PRC § 21092 (b)(3)(A))

The CEQA Doc PM will place the ad with the local newspaper communicated with under the “Media Preparation Process” section above. It is recommended that this ad placement email be sent on Monday (3 days prior notice required: Initiate contact on Monday to secure publication on Thursday through Saturday). The CEQA Doc PM will do all of the following:

1. Send initial email with introduction to the proposed project to identified local newspaper contact (cc: CalGEM District Community Outreach contact):
  - a. Use [CalGEM – Request for Legal Publication](#)<sup>32</sup> and
  - b. Include the ‘Notice of Intent to Adopt an Environmental Document’ as an attachment.
2. Send a follow-up email to affirm ad buy and run time.
3. Upon conclusion of the publication run, receive a ‘Proof of Publication’ document and save this document to the administrative record.

### ANNOUNCEMENT WITH COUNTY CLERK

The CEQA Doc PM will mail (or email if preferred) the Notice of Intention to Adopt an Environmental Document to County Clerk to arrive prior to first day of public comment as noted within the document).

### ENVIRONMENTAL DOCUMENT AVAILABILITY AT PREFERRED LOCATION (LIBRARY)

The CEQA Doc PM will contact the local County (Library). Arrange to send final draft IS ND/MND (either Hardcopy/CD or in Electronic PDF) to Library prior to first day of public comment period. Follow-up by sending Notice of Intent to Adopt (NOI) through email that informs when the hardcopy package including the final draft IS ND/MND (if applicable) is estimated to arrive (14 CCR §§ 15072, 15073.)

### CONFIRMATION OF HARDCOPY RECEIPT (If Applicable)

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<sup>32</sup> [CalGEM - Request for Legal Publication TEMPLATE DRAFT 3.2023 .docx](#)

The CEQA Doc PM will need to confirm that the Notice of Intention to Adopt an Environmental Document was received by the county planning office and their preferred location for availability for public review.

#### POSTING OF NOTICE ON AND OFF SITE (PRC § 21092(b)(3)(B).)

The notice will need to be posted on- and off-site in the area where the project is to be located.

#### DIRECT MAILING TO CONTIGUOUS PROPERTY (PRC § 21092(b)(3)(C).)

Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll (can be found at the local county/city Assessor's Office).

### Public CEQA Notice Posting

#### STATE CLEARINGHOUSE SUBMISSION PROCESS (for SCH#)

The CEQA Doc PM (or non-tech CEQA staff) will use details within the final draft IS ND/MND, notices and forms, and 'Project Data for SCH Posting' to submit proposed project details in the SCH's CEQAnet website. This will allow the SCH# to be issued for the proposed project and ensure that final draft IS ND/MND are routed to identified responsible agencies during the public review and comment period.

The CEQA Doc PM will submit the following documents to the CEQAnet website at CEQAnet.opr.ca.gov for posting (PRC § 21082.1(c)(4)):

1. Final Draft IS ND/MND (Signed and Approved by CalGEM);
2. Notice of Intention to Adopt an Environmental Document (on current CalGEM letterhead);
3. Notice of Completion; and
4. OPR Form F (Summary Form for Electronic Document Submittal).

This posting of the final draft IS ND/MND and notices on CEQAnet is the official start of the public review and comment period (CEQA Countdown start date). (14 CCR § 15073). Upon being entered into CEQAnet, the SCH will send notices electronically to all responsible/trustee agencies and other entities/identified persons noted on the 'Notice of Completion.' The CEQA Doc PM shall send notice to every person who has filed a written request for notices. The Public Review for an ND or MND is at least 30 days. (14 CCR § 15105(b), PRC § 21092.2.)

#### CALGEM PUBLIC WEBSITE POSTING [PRC § 21082.1(d)]

The CEQA Doc PM prepares documents for CalGEM/CEQA Projects website upload as follows (PRC § 21082.1):

1. Initiate contact with CalGEM Webmaster, the Assistant Director of Communications in the Public Affairs Office, and the CalGEM Public Outreach Coordinator in the Public Transparency Office and inform them that proposed

project documents will be forthcoming for uploading to Website one week prior to upload.<sup>33</sup>

2. Use [Web Request – CEQA Document and Notice](#)<sup>34</sup> directing Webmaster to make changes to the CalGEM CEQA Projects website:
  - a. Project Title (noted on Title Page of Final IS ND/MND)
  - b. Project Operator
  - c. SCH # for Project
  - d. Project Location (Section, Township, Range)
  - e. County
  - f. Posted Date (Month, day, year)
  - g. Project document type (NOC): ([pages], [file size (KB/MB)])
  - h. Project document type (MND): ([pages], [file size (KB/MB)])
3. Provide the Notice of Completion and Final IS ND/MND for the proposed project as attachments to the email.

### Close of Public Comment Period

The close of the Public Comment period is documented in the Notice of Intention to Adopt an Environmental Document (Public Notice). The CEQA Doc PM may receive comments during the comment period until it closes. The CEQA Doc PM will pass all public comments received to the Operator's Consultant so they can enter responses into the Public Comment & Summary Response Template<sup>35</sup> for the administrative record. If CalGEM receives comments outside of the comment period, the CEQA Doc PM will consult with the Senior and Legal to discuss the path forward for those comments and discuss with the Transparency Officer and PAO as necessary.

Upon receiving the draft initial responses prepared by the Operator's Consultant, the CEQA Doc PM and/or Contractor should review and make any necessary edits. Significant comments may result in a substantial revision to the final Draft IS ND/MND such that recirculation of the document for public review may be required prior to consideration and adoption. (14 CCR § 15073.5.) If comments received during the public comment period do not warrant recirculating the IS ND/MND, the CEQA Doc PM will recommend adoption of the IS ND/MND.

Once it is determined the public comment and summary response document has adequately assessed and responded to the comments, the CEQA Doc PM will submit it to the Senior and Legal for review with a recommendation on whether the IS ND/MND warrants recirculation or not.

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<sup>33</sup> It is recommended that the webmaster be notified earlier since they may want to double check the accessibility of the document(s) to be posted.

<sup>34</sup> [Web Request - CEQA Document and Notice TEMPLATE DRAFT 3.2023.docx](#)

<sup>35</sup> [Proj Name Public Comment Summary & Response TEMPLATE.docx](#)



If revisions result in a determination that there will be a significant effect on the environment that cannot be avoided or mitigated to less than significant, then CalGEM will prepare an EIR. (14 CCR § 15073.5.)

## Consideration and Adoption of ND or MND

Prior to adopting the IS ND/MND, the proposed project must be approved by the State Oil and Gas Supervisor. (14 CCR § 15074.) The CEQA Doc PM will send the IS ND/MND and the comments and responses from the public review process to the State Oil and Gas Supervisor (through DocuSign) for review and consideration.

The CEQA Doc PM will request the CDFW Filing Fee check from the Operator (if not previously received) [CDFW Environmental Document Filing Fee – Cash Receipt form]. The CEQA Doc PM will add all mitigation measures as Conditions of Approval to the proposed project NOI in WellSTAR, so that the appropriate CalGEM District will incorporate the mitigation measures into the permit. (14 CCR 14 § 15074(d).)

Upon notice that the CalGEM District issued the permit or Project Approval Letter to the Operator, the CEQA Doc PM will hand-deliver the CDFW filing fee check to the SCH and file the Notice of Determination with the SCH within 5 days. (14 CCR § 15075(a).) The CEQA Doc PM will:

- 1) Finalize the IS MND/ND and project chronology;
- 2) Move all drafts of the IS MND/ND and related documents into the Archive file folder;
  - a. Archived documents may be deleted after 90 days if a challenge to the proposed project has not been filed.
- 3) Complete all remaining cells in the UT;
- 4) Evaluate all documents for compliance with the administrative Record SOP, identify documents that may not be needed, display and discuss those documents with the Senior to determine if the documents are required to be kept or can be deleted; and
- 5) Set up a close out meeting with the assigned Senior to discuss any additional tasks.



## Definitions

- Addendum - When the proposed project may be addressed by a previously certified EIR or previously adopted Negative Declaration and changes or additions are necessary but are not described in 14 CCR § 15162, CalGEM will prepare an addendum (14 CCR § 15164).
- CEQA Doc PM – CEQA Project Manager assigned to proposed project for purposes of preparing environmental documents.
- CEQA Document Checklist – An assessment tool for the CEQA Doc PM/Contractor to evaluate CEQA documents uniformly and ensure each review is complete and thorough. This tool assists in evaluating the environmental documents submitted for review regarding flow and organization, formatting, substantive content, spelling, grammar, punctuation, and accessibility.
- Communication list – A spreadsheet that lists individuals involved in the IS process, their names, titles, affiliation, contact information, and contact preferences. A template is provided in the IS TEMPLATES folder.
- Contractor – Contracted firm and associated staff hired by CalGEM or DOC to assist the CalGEM CEQA Program with workload.
- Environmental Document – draft environmental document(s) (IS and ND, or MND, supplement or subsequent to a ND or MND, or addendum) submitted by the Operator, which includes the Operator's Consultant.
- Legal – DOC's attorneys assigned to advise the CEQA Program.
- Non-Technical (non-tech) CEQA staff – Staff in the CEQA Program that have entry level or beginner CEQA skills or are assigned as support staff, such as Staff Service Analysts or Associate Governmental Program Analysts.
- Notify/Notifying – Send an email and follow up with a MS Teams chat or meeting. Begin title of email 'ACTION NEEDED:', then follow with brief description of ask, as necessary. Always include the proposed project name in the email, brief description of the request, and a deadline for response with the option to request more time if needed.
- Operator's Consultant – The Operator's Consultant who is preparing the environmental document(s) on behalf of CalGEM. For purposes of this SOP, "Operator" also includes their consultant(s) or other agent(s) representing and working on behalf of the Operator.
- Preliminary Review (PR) PM – CEQA Project Manager assigned to a proposed project for purposes of processing the preliminary review when CalGEM is the lead agency.

- Project Chronology – A document that outlines and summarizes events and correspondence that occurred during proposed project initiation through finalization. Kept up to date as the proposed project moves forward.
- Project Summary Sheet – Transmittal memo used when sending draft documents and appendices to the Contractor for their review.
- Senior – Senior staff (specialist or supervisor) assigned to provide guidance to the CEQA Doc PM.
- Senior Management – Senior and CEQA Program Manager.

## References

Association of Environmental Professionals (AEP). 2023 CEQA California Environmental Quality Act Statutes & Guidelines. AEP, 2023.

California Code of Regulations at:

[https://govt.westlaw.com/calregs/index?\\_lrTS=20230919191428039&transitionType=Default&contextData=%28sc.Default%29](https://govt.westlaw.com/calregs/index?_lrTS=20230919191428039&transitionType=Default&contextData=%28sc.Default%29). Accessed Sept. 19, 2023.

California Public Resources Code at:

[https://leginfo.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=PRC&division=13.&title=&part=&chapter=&article=&nodetreepath=31](https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=PRC&division=13.&title=&part=&chapter=&article=&nodetreepath=31). Accessed Sept. 19, 2023.

Governor's Office of Planning and Research, State of California. Technical Advisory – AB 52 and Tribal Cultural Resources in CEQA. [https://opr.ca.gov/ceqa/docs/20200224-AB\\_52\\_Technical\\_Advisory\\_Feb\\_2020.pdf](https://opr.ca.gov/ceqa/docs/20200224-AB_52_Technical_Advisory_Feb_2020.pdf). Accessed Sept. 19, 2023.

Governor's Office of Planning and Research, State of California. Mitigated Negative Declarations, CEQA Technical Advice Series. [https://opr.ca.gov/docs/MND\\_Publication\\_2004.pdf](https://opr.ca.gov/docs/MND_Publication_2004.pdf). Accessed Sept. 19, 2023.