**All applicants must complete this form, regardless of whether the proposed activity is considered a “project” as defined below. Answer all questions as completely as possible. The Energy Commission may request additional information in order to clarify the responses provided on this form.**

**Section 1: Information Regarding Applicant**

1. Is the applicant a federally recognized tribe?

ð Yes (If Yes, please answer remaining Questions within Section 1 and then proceed to Section 2)

ð No (If no, please skip to Section 2 regarding the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.))

1. Is any portion of the proposed project on the tribe’s reservation lands or otherwise in Indian Country?

ð Yes

ð No

If the answer to Question 2 was “Yes,” please provide documentation to identify the status of the parcels on which the project is located.

1. Has the applicant prepared any environmental assessment required by the National Environmental Policy Act (NEPA), applicable Tribal law, and/or a Tribal-State Gaming Compact?[[1]](#footnote-1)[[2]](#footnote-2)

ð Yes

ð No

If the answer to Question 3 was “Yes,” please provide all supporting documentation regarding all environmental assessment conducted under NEPA, applicable tribal law, and/or a tribal-state gaming compact. Documentation may include, but is not necessarily limited to, the following: a copy of the tribe’s applicable environmental ordinance(s), tribal document(s) with environmental assessment and finding, NEPA documents (Categorical Exclusion Determination, Environmental Assessment, Environmental Impact Statement), a copy of the environmental review provisions within a tribal-state gaming compact.

If the answer to Question 3 was “No,” please explain what environmental assessment is required for the proposed project and provide an estimated timeline for approval:

**Section 2: California Environmental Quality Act**

Please answer the questions within this Section 2 as they relate to any potential **environmental impacts to lands within the jurisdiction of the State of California from the project** to assist the Energy Commission’s CEQA determination. Examples of off-reservation impacts include any off-reservation traffic, permits, and other foreseeable environmental impacts not occurring on tribal land.

CEQA requires public agencies to identify the significant environmental impacts of their actions and to avoid or mitigate them, if feasible.[[3]](#footnote-3) Under CEQA, an activity that may cause either a direct or reasonably foreseeable indirect physical change in the environment is called a **“project.”[[4]](#footnote-4)**  An activity funded by a contract, grant, or loan is considered a “project” under CEQA if it will cause a direct or reasonably foreseeable indirect physical change in the environment. Agencies must comply with CEQA before they approve a “project.” This may require the preparation of one or more of the following CEQA documents:

* A Notice of Exemption (if the project is exempt from CEQA under an exemption identified in the CEQA statutes or regulations);[[5]](#footnote-5)
* An Initial Study (if the project may have a significant effect on the environment);[[6]](#footnote-6)
* A Negative Declaration (if the Initial Study shows that the project will not have a significant effect on the environment) or a Mitigated Negative Declaration (if any significant effects identified by the Initial Study can be avoided or mitigated to a level of insignificance);[[7]](#footnote-7) or
* An Environmental Impact Report (if there is substantial evidence that the project will have significant effects).[[8]](#footnote-8)

The **Lead Agency** is the public agency that has the greatest responsibility for carrying out, supervising, or approving a project, and for preparing environmental review documents under CEQA (e.g., initial study, environmental impact report). Where the award recipient is a *public agency,* the Lead Agency is typically the recipient. Where the award recipient is a *private entity,* the Lead Agency is the public agency that has the greatest responsibility for supervising or approving the project as a whole.[[9]](#footnote-9)

When issuing contracts, grants, or loans, the Energy Commission is typically a **“Responsible Agency”** under CEQA, which means that it must make CEQA findings based on review of the funded activities and any environmental documents created by the Lead Agency, which may be a city, county, or another state agency. If the Energy Commission is the only public agency with responsibility for approving the funded activities and the project is not exempt under CEQA, the Energy Commission must act as the Lead Agency and prepare its own environmental documents before approving the project. This form will help the Energy Commission determine what type of CEQA review is necessary before it can approve the award, and which agency will perform any required environmental review as Lead Agency. It may also help the applicant determine the CEQA process necessary for the proposed activities.

* 1. **Describe the permitting required for the project, if any, and whether or not the permitting has been completed. If complete, provide appropriate documentation. If local jurisdiction CEQA review and project approval is not complete, applications must include information documenting progress towards and a schedule for achieving compliance under CEQA within the timeframes specified in this solicitation (see Section I.I). All supporting documentation must be included in this Attachment.**
  2. **What are the physical aspects of the proposed activities? (Check all that apply and provide a brief description of work, including the size or dimensions of the project).**

| **Type of Project** | **Yes** | **No** | **Project Description** |
| --- | --- | --- | --- |
| Construction (including grading, paving, etc.) |  |  |  |
| Trenching |  |  |  |
| New or replaced pipelines |  |  |  |
| Modification or conversion of a facility |  |  |  |
| New or modified operation of a facility or equipment |  |  |  |
| On-road demonstration |  |  |  |
| Paper study (including analyses on economics, feedstock availability, workforce availability, etc.) |  |  |  |
| Laboratory research |  |  |  |
| Temporary or mobile structures (skid-mounted) |  |  |  |
| Design/Planning |  |  |  |
| Other (describe and attach sheets as necessary) |  |  |  |

* 1. **Where are the proposed activities located or where will they be located? (Attach additional sheets as necessary.)**

| **Street Address** | **City/ County** | **Type of Work to Be Completed at Site** | **Land Ownership/Management Status of the Site** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |

* 1. **Will the proposed activities potentially have environmental impacts that trigger CEQA review? (Check a box and explain for each question).**

| **Question** | **Yes** | **No** | **Unsure** | **Explanation** |
| --- | --- | --- | --- | --- |
| Is the proposed activity site environmentally sensitive? |  |  |  |  |
| Is the site located on agricultural land? |  |  |  |  |
| Are the activities part of a larger project? |  |  |  |  |
| Is there public controversy about the proposed activities or larger project? |  |  |  |  |
| Will historic resources or historic buildings be impacted by the activities? |  |  |  |  |
| Has the proposed site been identified by the Dept. of Toxic Substances Control and the Secretary of the Environmental Protection as being affected by hazardous wastes or cleanup problems? |  |  |  |  |
| Will the activities generate noise or odors in excess of permitted levels? |  |  |  |  |
| Will the activities increase traffic at the site, and by what amount? |  |  |  |  |

* 1. **Will the proposed activities require discretionary permits or determinations, as listed below?**

| **Permit Type** | **No.** | **Modified (M) or New (N)** | **Approving Public Agency** | **Reason for Permit, Summary of Process, and Anticipated Issuance Date** |
| --- | --- | --- | --- | --- |
| Air Quality |  | M  N |  |  |
| Water Quality |  | M  N |  |  |
| Conditional Use or Variance |  | M  N |  |  |
| Building Expansion |  | M  N |  |  |
| Hazardous Waste |  | M  N |  |  |
| Rezoning |  | M  N |  |  |
| Authority to Construct |  | M  N |  |  |
| Other (List types): |  | M  N |  |  |

**If you indicated No for each item in Question 5, please proceed to Attachment 7. If you indicated Yes (Modified or New) for one or more Permit Type in Question 5, please continue filling out Questions 6-8.**

* 1. **Has any agency listed in #5 indicated that it will be the lead CEQA agency for the project?**

**No.**

**Yes**. Provide the name of and contact information for the lead agency (contact person, phone number, and email address):

* 1. **Has any agency listed in #5 prepared or indicated that it will prepare environmental documents (e.g., Notice of Exemption, Initial Study/ Negative Declaration/ Mitigated Negative Declaration, Environmental Impact Report) under CEQA for the proposed project?**

**No.**

**Yes.** Complete the chart below for each agency. **Cut and paste** the chart if more than one agency has prepared environmental documents. **Attach** any document identified below to this form.

**Name of Agency:**

**Contact person, phone number, email:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **CEQA Determination/Type of Document** | **Title of Document (Attach the document to this form)** | **State Clearinghouse Number** | **Completion Date** | **Planned Completion Date (must be prior to Energy Commission encumbrance deadline )** |
| Not a project  Email  Letter  Resolution  Other: |  | N/A |  | N/A |
| Exempt  Notice of Exemption  Resolution  Agenda item  approving exemption |  | N/A |  |  |
| Initial Study |  |  |  |  |
| Negative Declaration |  |  |  |  |
| Mitigated Negative Declaration |  |  |  |  |
| Notice of Preparation |  |  |  |  |
| Environmental Impact Report |  |  |  |  |
| Master Environmental Impact Report |  |  |  |  |
| Notice of Determination |  |  |  |  |
| NEPA Document[[10]](#footnote-10) (Environmental Assessment, Finding of No Significant Impact, and/or Environmental Impact Statement) |  |  |  |  |

* 1. **If any agency identified in #5 has indicated that it will prepare CEQA documents and has not done so, provide an estimated date for approval:**

1. Cal. Code Regs., tit. 14, section 15277 states:

   CEQA does not apply to any project or portion thereof located outside of California which will be subject to environmental impact review pursuant to the National Environmental Policy Act of 1969 or pursuant to a law of that state requiring preparation of a document containing essentially the same points of analysis as in an Environmental Impact Statement prepared under the National Environmental Policy Act of 1969. Any emissions or discharges that would have a significant effect on the environment in the State of California are subject to CEQA where a California public agency has authority over the emissions or discharges. [↑](#footnote-ref-1)
2. The Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.) requires a Tribe to enter into a Tribal-State compact with a State if the Tribe is planning to develop a new gaming facility that includes Class III games or gaming devices. The Tribal Government Gaming and Economic Self-Sufficiency Act of 1998 (Cal. Gov. Code § 98000 et seq.) authorized the Governor to enter into compacts with Tribes and established the basic terms of the compacts. Compacts adopted pursuant to Gov. Code § 98000 et seq. may contain environmental review provisions. [↑](#footnote-ref-2)
3. For a brief description of CEQA, visit http://www.resources.ca.gov/ceqa/more/faq.html [↑](#footnote-ref-3)
4. California Public Resources Code, § 21065. [↑](#footnote-ref-4)
5. 14 California Code of Regulations (CCR), §§ 15061 and 15062. [↑](#footnote-ref-5)
6. 14 CCR § 15063. [↑](#footnote-ref-6)
7. 14 CCR §§ 15070 et seq. [↑](#footnote-ref-7)
8. 14 CCR §§ 15080 et seq. [↑](#footnote-ref-8)
9. 14 CCR §§ 15050 and 15051. The Lead Agency typically, but not always, has general governmental powers (such as a city or county), rather than a single or limited purpose (such as an air pollution control district). [↑](#footnote-ref-9)
10. For additional information about NEPA (the National Environmental Policy Act, 42 U.S.C. 4321 et seq.), see: http://www.epa.gov/compliance/basics/nepa.html. [↑](#footnote-ref-10)