



# ENVIRONMENTAL IMPACT REPORT PREPARATION PROCESS

DEPARTMENT OF PLANNING AND BUILDING SERVICES  
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## CONSULTANT SELECTION AND CONTRACTING PROCEDURES

The following process sets forth the procedure for the selection of consultants for preparation of Environmental Impact Reports (EIR's) for projects in Lassen County in cases where the Planning Commission or Board of Supervisors is the "Lead Agency." This process is designed to minimize expenses to the County of Lassen and the applicant, while ensuring that the EIR will be both objective and adequate for the purpose of evaluating and mitigating potentially significant adverse environmental impacts.

The following excerpts are from the CEQA Guidelines:

### ***Section 15084***

- (a) The draft EIR shall be prepared directly by or under contract to the Lead Agency.
  
- (e) Before using a draft prepared by another person, the Lead Agency shall subject the draft to the agency's own review and analysis. The draft EIR which is sent out for public review must reflect the independent judgment of the Lead Agency. The Lead Agency is responsible for adequacy and objectivity of the draft EIR.

### ***Summary of Process***

The EIR process starts with the determination by the Lead Agency to prepare an EIR (see CEQA Guidelines section 15081).

Following the determination that an EIR will be required for a proposed project, the Planning and Building Services Department (Department) shall notify the applicant of the determination and of known environmental issues that will need to be addressed in the EIR, and shall advise the applicant of the EIR process as set forth herein. Whenever possible, applicants shall be encouraged to meet with Department staff after a determination to prepare an EIR to discuss the project and explore possible amendments to the project which may avoid or mitigate the extent of potential impacts and which could affect the scope of an EIR or the manner in which the EIR will be prepared.

The EIR will be prepared through one of the following mechanisms:

1. By far the most common and preferred arrangement for preparing an EIR for private projects in Lassen County is through a third-party contract to govern preparation of the EIR by a consultant through an independent contract with Lassen County. The applicant is not a party to the contract and the selected consultant reports directly to Lassen County.
  
2. In rare cases, Lassen County prepares the EIR itself, but this is admittedly unusual. Given normal staff workloads and the infrequency of EIRs in Lassen County, Lassen County does not generally have sufficient available staff time (or a staff member dedicated to EIRs) needed for

the County to prepare the EIR in a timely, economical manner, and therefore number 1 above is the most common approach.

3. Last, and only with advance written approval, the Department may allow submittal of a proposed draft EIR that was commissioned by the applicant. Any EIR that was not prepared directly under contract to Lassen County must undergo third-party review by a consultant that is under contract to Lassen County.

***Application Fees and Costs are as follows:***

- In accordance with Lassen County Code section 3.18.020, the EIR application fee is \$2,619.
- In addition, the applicant must pay all contracted consultant fees and costs in advance or through a funding agreement, which must be executed before an EIR application can be accepted as complete. This requirement applies regardless of whether the EIR was prepared directly under contract to Lassen County or for third-party review conducted by a consultant under contract to Lassen County for any EIR commissioned and submitted by the applicant.
- Lassen County Code section 3.18.020 requires payment of an administration fee equal to ten percent of the total contract costs if the EIR is prepared under contract to Lassen County or if third-party review is conducted under contract to Lassen County. This fee must also be paid before an EIR application can be accepted as complete.
- In cases where the EIR is prepared directly by Lassen County staff, Lassen County Code section 3.18.020 requires the applicant to pay the actual costs (time and materials) Lassen County incurs that exceed the \$2,619 application fee. Applicant's will be billed as said costs are incurred, and, if costs are not paid, the application preparation process and timeline will be placed on hold until said costs are paid.

***Application Process***

The applicant may initiate the preparation of the EIR by filing the following with the Department:

1. Affirmation that the applicant wishes to proceed with the application and that he/she agrees to participate in preparation of the EIR.
2. Submittal of the EIR filing fee and application. The filing fee is \$2,619.00. This is in addition to the \$2,000.00 Initial Study application fee (if an Initial Study was completed).
3. The Department shall prepare a Request for Proposals (RFP) and mail it to consultants who are on the list of consultants the county maintains. The Department may also mail the RFP to any other appropriate consultants that may be identified. The applicant may request, in writing, that the RFP be mailed to any other consultants.
4. Bid proposals will be submitted to the Planning and Building Services Department by the date specified in the RFP. The submitted proposals shall at a minimum agree with the scope of

services and proposal specifications as outlined in the RFP, and shall be valid for a definite period of time. Incomplete proposals may be rejected.

The Department shall review and evaluate the scope, content and completeness of the bid proposals in order to determine the proposal which best demonstrates the ability and qualified staff to provide the services required. The Department may hold interviews with any or all of the selected consultants to help in arriving at a decision. The scope, content, completeness and quality of services provided will be of equal importance with cost. The Department shall select a consultant for each EIR.

5. The Department's selection shall be contained in a letter to the applicant indicating the date of expiration of the proposal. Upon receipt of a letter from the applicant indicating concurrence with the environmental consultant selected, and funds sufficient to cover the consultant's fee (or execution of a funding agreement), the Planning and Building Services Department shall execute the contract. Depending on the amount, the contract may require approval by the Board of Supervisors in accordance with Lassen County's Purchasing Policy.

If it is the judgement of the Department that exceptional circumstances exist which preclude acceptance of any of the submitted proposals, following discussion with the applicant, the Department may choose an alternate consultant, or, at the request of the applicant, may release a second RFP.

Consultants with a possible conflict of interest with a project, directly or indirectly, shall not be considered as a consultant for preparation of a project's EIR.

### ***EIR Preparation***

The EIR will be prepared in compliance with the State's CEQA Guidelines. Draft EIR's shall contain the information required by Article 9.

The contract offered to the consultant selected to prepare the EIR shall specify a schedule for preparation and review so that the EIR can be processed within the required timeframes. Section 15108 of the CEQA Guidelines states:

With a private project, the Lead Agency shall complete and certify the final EIR as provided in Section 15090 within one year after the date when the Lead Agency accepted the application as complete.

This one-year limit may be extended once for a period of not more than 90 days upon consent of the Lead Agency and the applicant.

The laws and rules governing the CEQA process are contained in the CEQA statute (Public Resources Code Section 21000 and following), the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures.

The Governor's Office of Planning and Research (OPR) serves several important functions in the administration of CEQA. First, together with the Natural Resources Agency, OPR develops the CEQA

Guidelines. The CEQA Guidelines are administrative regulations interpreting the CEQA statute and published court decisions. Second, OPR runs the State Clearinghouse which coordinates state level review of CEQA documents. Finally, OPR provides technical assistance to state and local government agencies, including the development of technical advisories on selected CEQA topics.

Additional information regarding the CEQA statute, the CEQA Guidelines, published court decisions involving CEQA, OPR's technical advisories and updates on addressing greenhouse gas emissions in CEQA documents can be found by visiting OPR's website: <https://opr.ca.gov/ceqa/>

If you have any questions about Lassen County's role in the CEQA process and the preparation of EIR's for projects in Lassen County, contact the Lassen County Planning and Building Services Department, 707 Nevada Street, Suite 5, Susanville, California 96130, (530) 251-8269.

Attachment:

CEQA Flowchart for Local Agencies, CEQA Guidelines Appendix A