

LAKE COUNTY OFFICE OF EDUCATION
Office of the Superintendent

Environmental Effect of the Proposed Unification of the Upper
Lake Union High School District and the Upper Lake Union
Elementary School District in Lake County.

ISSUE

The County Board of Education acting as the County Committee on School District Organization must take action to comply with California Environmental Quality Act (CEQA) requirements before it can approve the unification of the Upper Lake Union High School District and the Upper Lake Union Elementary School District, if it chooses to do so.

PREVIOUS ACTIVITY

Presentation of CEQA requirements June 3, 2015 meeting.

DISCUSSION

The Lake County Committee on School District Organization is the lead agency in the county for all aspects of school district unifications, including reviewing potential impacts on the environment in accordance with CEQA. The first activity of the review is to determine whether the reorganization is a CEQA project. The California Public Resources Code (PRC), Section 21065, defines project in pertinent part as “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” Further, the California Code of Regulations, Title 14 (14 CCR) Section 15378(b)(5), states that “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” are not projects under CEQA.

If the unification is approved, existing school sites in the districts will continue to serve the same student populations. No students will be required to change schools and no new classrooms, nor modification of any facilities, will be required to serve the current students. Thus, the County Office of Education has determined that the proposed unification will not result in direct or reasonably foreseeable indirect physical changes in the environment.

If the County Committee on School District Organization determines that the proposed unification (which essentially is a change in legal entities within a specified geographical area) is not a CEQA project, no further action is required under CEQA.

FISCAL, STAFFING AND FACILITIES ISSUES

There is no fiscal effect in determining the proposed unification is not a project under CEQA.

On the other hand, if the County Committee determines the reorganization is a project under CEQA, it will not be able to approve the reorganization if it determines the proposal has merit prior to taking actions to comply with CEQA. Those actions could result insignificant financial costs depending on the level and type of environmental effects identified, and may include the following:

- A contract with an environmental consultant for the initial study.
- An environmental impact report or negative declaration, depending on the findings of the initial study.

The County Committee may charge and collect reasonable fees for the costs associated with the environmental studies from the persons or entities proposing the project (14 *CCR*, Section 15045).

The County Committee also has the option, if it determines the proposed unification is a project, of delaying action on the proposal pending local completion of the environmental review, with costs borne solely by local districts.

RECOMMENDATION

The County Superintendent of Schools recommends that the County Board of Education, acting as the County Committee on School District Organization, determine that the proposed unification of the Upper Lake UHSD and the Upper Lake UESD is not a project under CEQA as defined in *PRC* Section 21065 and 14 *CCR* Section 15378(b)(5).

Report prepared by Brock Falkenberg, County Superintendent of Schools.