

*Association for a Cleaner Environment v. Yosemite Community College District* (2004) 116 Cal.App.4<sup>th</sup> 629

The District decided to close and move an on-campus shooting range and transfer shooting classes off-site. It found the action exempt from CEQA on the basis of Class 22 (termination of an educational program) and Class 30 (minor cleanup action) categorical exemptions. The range had been in use for many years, was a source of lead contamination, and had now become a hazard due to incompatible uses that had been built around it. In addition, the District had long been on record as planning to close it.

The District argued that its action consisted solely of closing the facility, not its future demolition and clean up. The court disagreed in that CEQA requires consideration of “the whole of an action” and the record clearly showed that demolition and clean up were part of the program. Further, the action would certainly have the potential to result in a physical change in the environment, such as the spread of lead contamination from the removal of the range. Neither of the categorical exemptions cited by the District adequately addressed the whole project.

The District also argued that the matter was moot because it had already taken action. The court held that it was not moot since preparation of an initial study could still lead to either an MND or EIR containing mitigation measures. The court ordered the District to prepare an initial study and comply with the mandates of CEQA.