



The California Environmental Quality Act

CEQA BASICS

Prepared for:

Orange County Department of Education

Prepared by:



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CEQA / Environmental Process

The Beginning

- 1969: President Nixon signs National Environmental Policy Act (NEPA)
- 1970: Governor Reagan signs California Environmental Quality Act (CEQA)



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Applicability

CEQA applies to ‘all’ projects subject to public agency discretionary action



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Objectives of CEQA

Protect the Environment

- Seek ways to avoid or minimize environmental damage
- Generally, through mitigation measures and alternatives

Public Disclosure

- Inform decision makers about the environmental consequences
- Disclose to the public why decisions were made



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The Rules

The Statute

- Public Resources Code §§ 21000-21178

The Guidelines

- California Code of Regulations Title 14, §15000 et seq.

The Courts

- Ongoing case law

CEQA Statute and Guidelines available online for free: <http://ceres.ca.gov/ceqa/>



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Agency Roles

Lead Agency

- has primary approval authority over the project

Responsible Agency

- has approval authority over some aspect of project

Trustee Agency

- has authority over some resources (e.g., CA Department of Fish & Game)



CEQA / Environmental Process

Four Phases of CEQA

1. Preliminary Review

2. Initial Study (IS)

3. Negative Declaration (ND) / Mitigated Negative Declaration (MND) / Environmental Impact Report (EIR)

4. Project Consideration/Approval

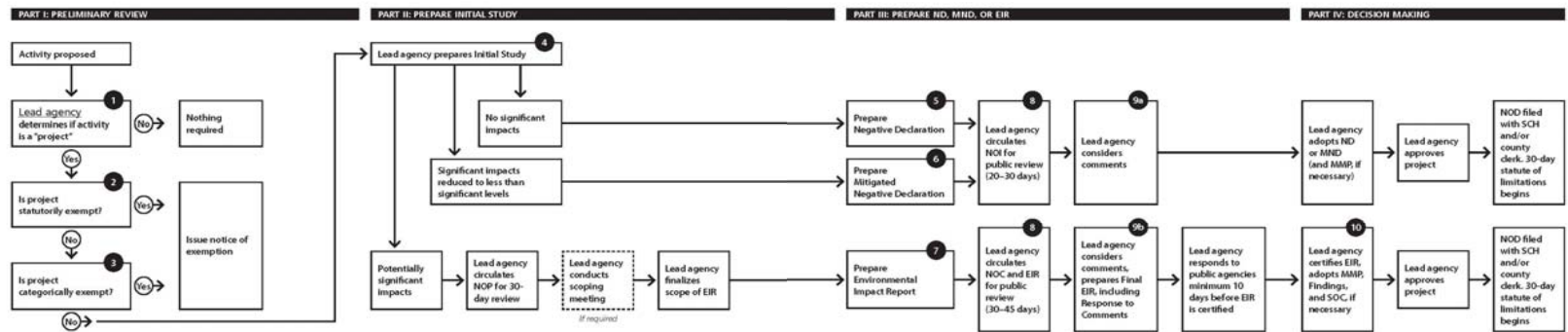


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The CEQA Process

the process in a nutshell

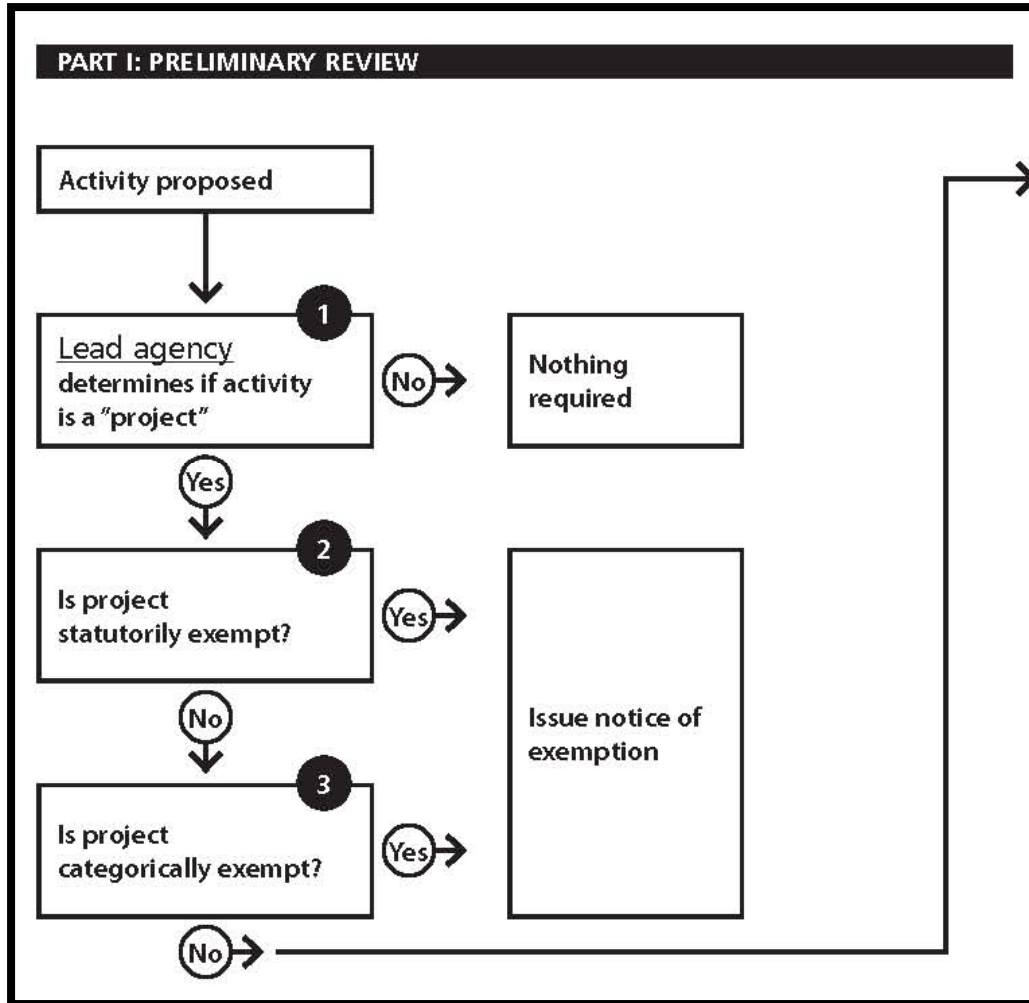
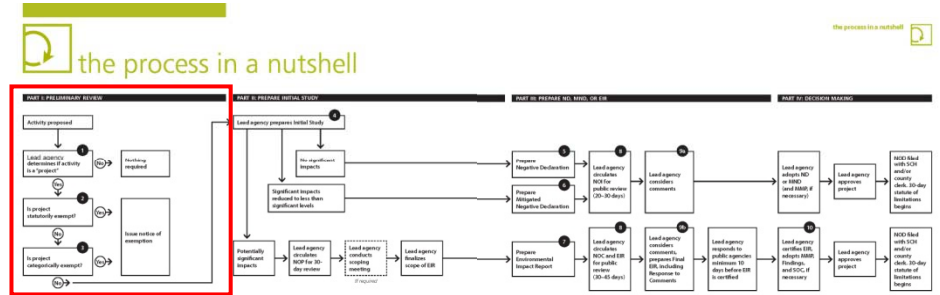
the process in a nutshell





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Part I: Preliminary Review





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Exempt from CEQA?

Three Types of Exemptions:

1. Statutorial

- blanket exemptions given by Legislature

2. Categorical

- types or classes of projects determined by Secretary of Resources Agency not to have significant impact

3. “Common Sense” Rule

- CEQA applies only to projects with potential for significant impact on environment



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Exempt from CEQA? Statutory Exemptions

- Ongoing projects
- Emergency Repairs
- Feasibility and Planning Studies
- Ministerial Approvals (absence of discretion)
- School closures (where actions at receiving schools are exempt)
- Others



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Exempt from CEQA? Categorical Exemptions

- Class 1: Existing Facilities
- Class 2: Replacement or Reconstruction
- Class 3: New construction/minor conversion of small structures
- Class 4: Minor alterations to land
- Class 14: Minor additions to schools, but limited to:
 - 10 classrooms, or
 - 25% net capacity increase, whichever is less
- A total of 30+ categories



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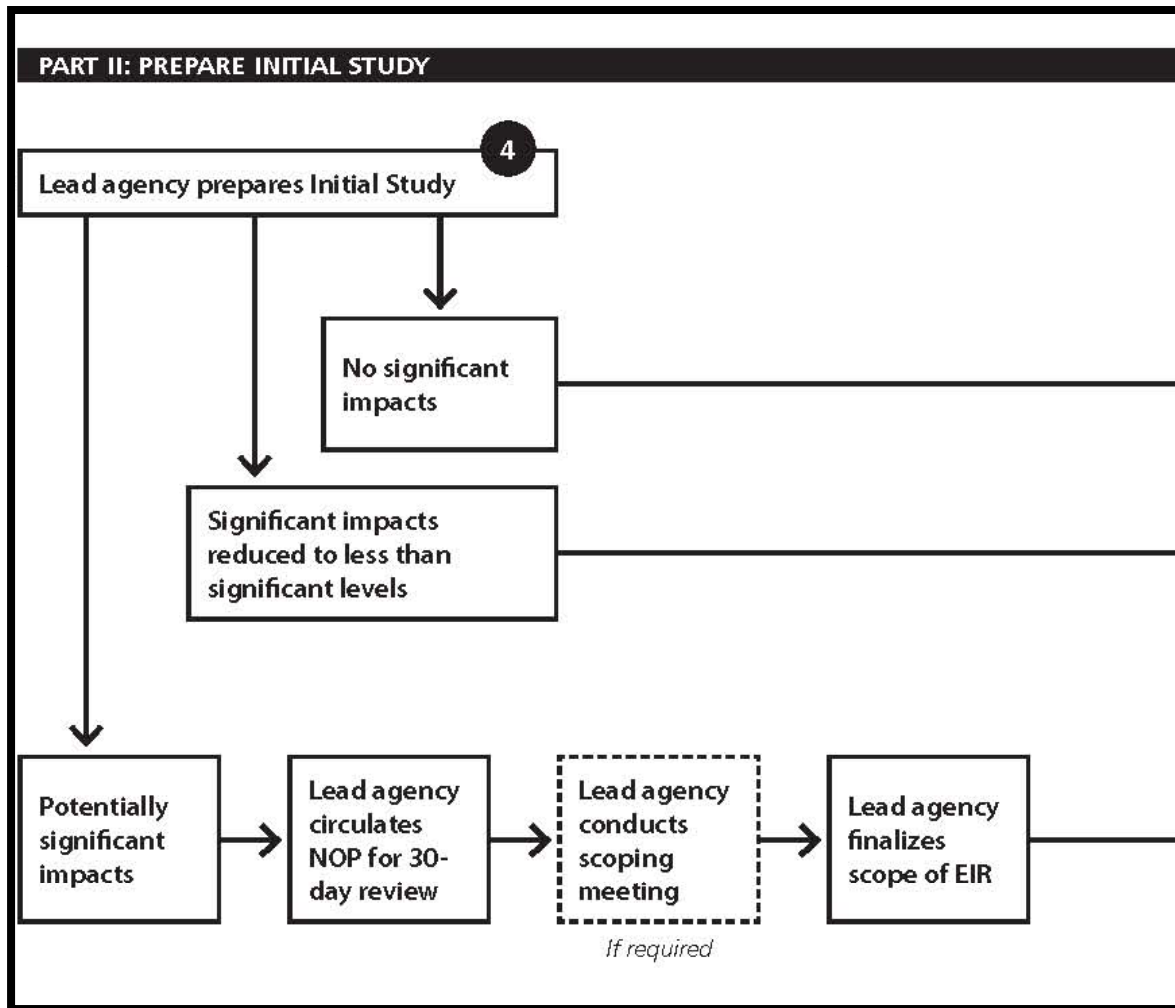
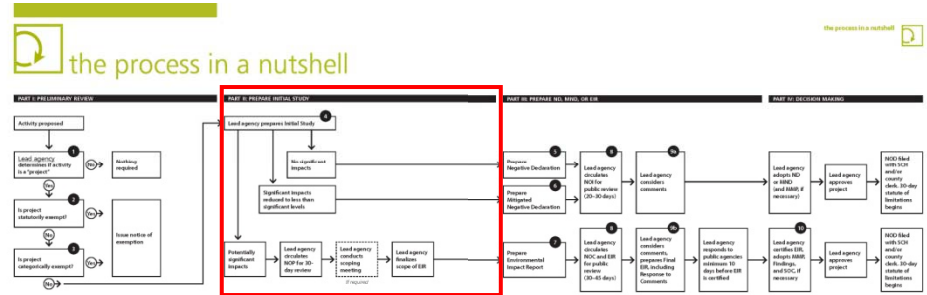
Exempt from CEQA? Categorical Exemptions

- Even where project falls within one of the exemption classes, the exemption is not permitted if one of these exceptions is triggered:
 - Sensitive location
 - Cumulative impact
 - Significant impact
 - Scenic highways
 - Hazardous waste sites
 - Historic resources



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Part II: Prepare Initial Study





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CEQA Checklist Topics

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality



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CEQA Checklist Topics

- Land Use and Planning
- Mineral Resources
- Noise
- Population
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems
- Mandatory Findings of Significance



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CEQA Checklist Topics

SAMPLE QUESTION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Issues:				
<u>I. AESTHETICS</u> -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>II. AGRICULTURE RESOURCES:</u> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>III. AIR QUALITY</u> -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				

This is the first page of the CEQA Checklist. The appropriate box must be checked and supporting documentation justifying the determination must be provided.

If any significant impact is identified and cannot be mitigated, an EIR must be prepared.

If all impacts are not significant or mitigated to a less than significant level, a Negative Declaration or Mitigated Negative Declaration will be prepared.



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Determining Significant Impacts

“Significant Impact”

- a substantial or potentially substantial adverse change in physical conditions

“Less than Significant Impact”

- a change in physical conditions that is not substantial



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Determining Significant Impacts

No Significant Impacts:

- Negative Declaration (ND)

Significant Impacts Can be Mitigated to Less than Significant:

- Mitigated Negative Declaration (MND)

Some impacts cannot be avoided or mitigated:

- Environmental Impact Report (EIR)



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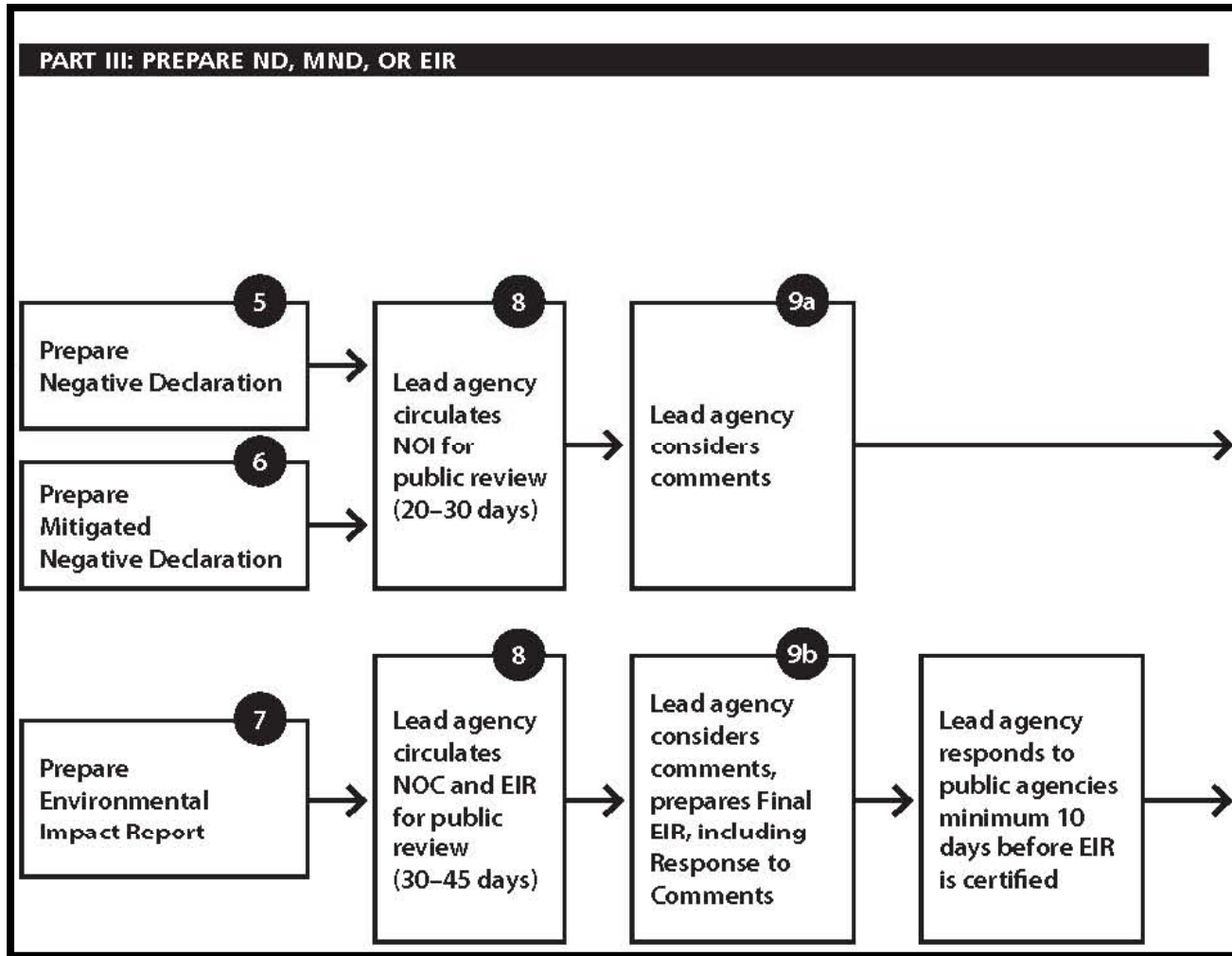
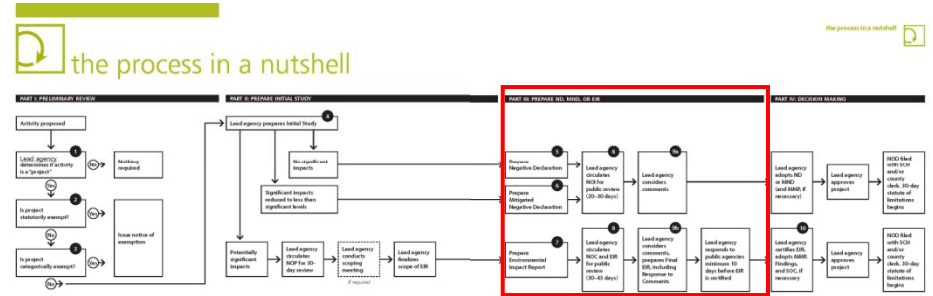
Determining Significance of Cumulative Impacts

- “Considerable” Contribution to Cumulative Impact
- Not Cumulatively Considerable if:
 - Project’s contribution substantially reduced
 - Project would comply with mitigation program



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Part III: Prepare ND or EIR





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Contents of Negative Declaration or MND

- Brief Description of project, location, proponent's name
- Proposed finding that the project will have No Significant Impact
- Initial Study (IS) documenting basis for finding
- Mitigation Measures (MND only)
- Mitigation Monitoring & Reporting Plan (MND only)



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Major Steps for an ND/MND

Where no significant impacts will occur:

- Negative Declaration
 - Circulate ND and IS
 - Short review (20-30 days)
 - No significant impacts
- Mitigated Negative Declaration
 - Circulate MND and IS
 - Short review (20-30 days)
 - Impacts mitigated to Less than Significant impact



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Contents of an Environmental Impact Report

Where significant impacts are possible:

- Table of Contents
- Summary
- Project Description
- Environmental Setting
- Consideration and discussion of Impacts
- Significance Thresholds
- Significant Effects
- Mitigation Measures
- Alternatives
- Cumulative Impacts
- Significant Irreversible Changes
- Growth-Inducing Impacts
- Effects Found Not to be Significant
- Organizations/Persons Consulted



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Major Steps with an Environmental Impact Report

- Notice of Preparation for 30 days (typically circulated with IS)
- Scoping meeting required under certain circumstances
- Draft EIR circulated for 45 days with Notice of Completion and Notice of Availability
- Public Hearings on Draft EIR are discretionary



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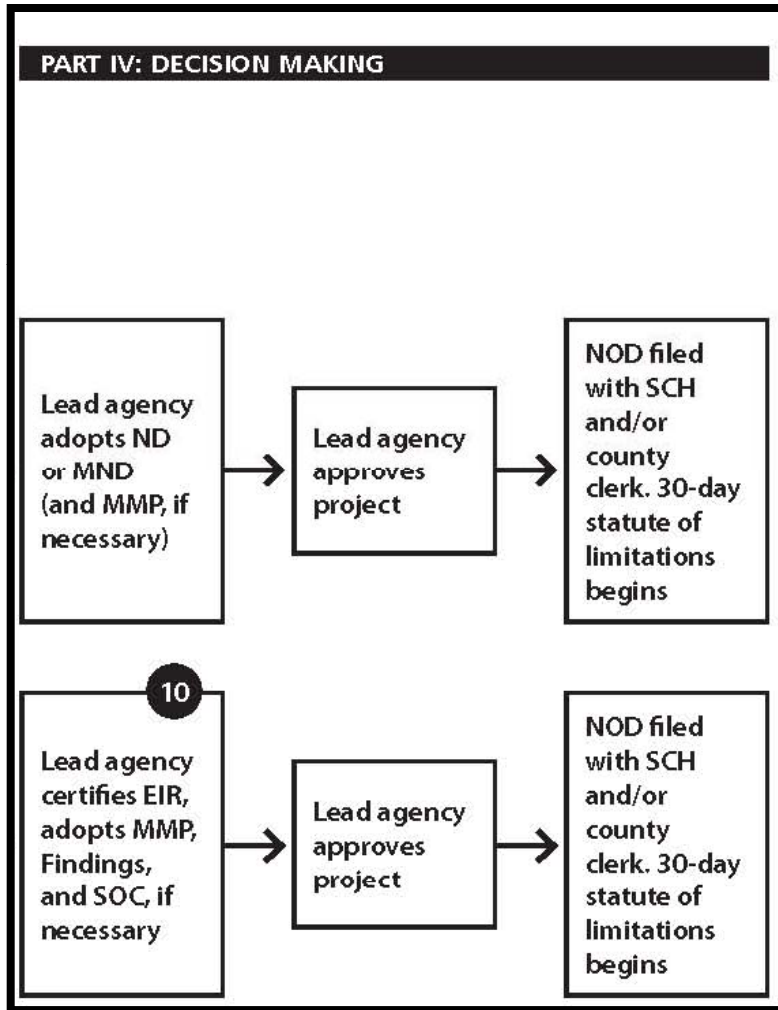
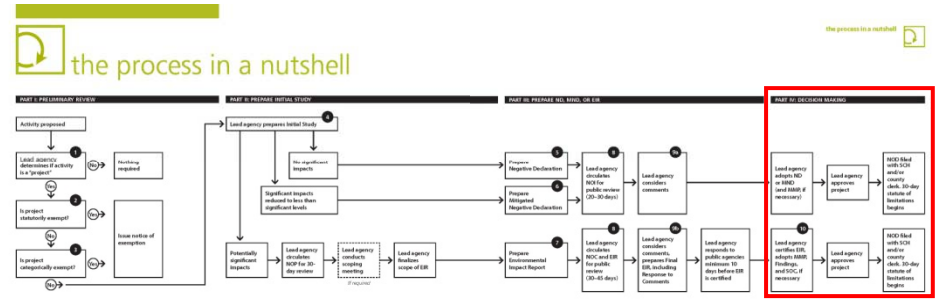
Major Steps with an Environmental Impact Report (continued)

- Proposed responses to comments sent to responding public agencies 10 days prior to certification
- Public hearing generally held for discretionary approval
- EIR certification, project approval, CEQA findings, statement of overriding considerations
- Notice of Determination is filed, which starts 30-day statute of limitations



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Part IV: Decision Making





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Final Steps for an ND/MND

- Public hearing generally held for discretionary approval
- ND or MND is approved
- Mitigation monitoring and reporting plan is approved (for MND only)
- Notice of Determination is filed, which begins the 30-day statute of limitations



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Final Steps for an EIR

- Findings
- Mitigation Monitoring Plan
- Statement of Overriding Considerations
- Project Approval
- File Notice of Determination
- 30-Day Statute of Limitations