

# CEQA: A Nutshell Overview

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City Council Presentation October 2, 2012  
By Community Development Department



# What is CEQA?

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**C**alifornia  
**E**nvironmental  
**Q**uality  
**A**ct

CEQA requires public agency decisionmakers to disclose and consider the environmental implications of their actions and decisions.



# When Does CEQA Apply?

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- The activity requires discretionary governmental approval.
- The activity has the potential to cause direct or indirect physical changes in the environment.
- The activity falls within the CEQA definition of a "Project".

# What is a “Project” under CEQA?

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Basically, an activity is considered a **project** when an agency builds it,



# What is a “Project” under CEQA?

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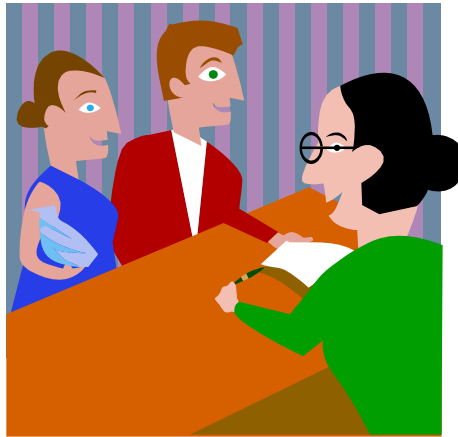
.....or funds it,



# What is a “Project” under CEQA?

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.....or issues a permit for it.





# Why is CEQA Important?

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- Discloses the potentially significant environmental effects of projects to local decisionmakers and the public.
- Identifies ways to avoid or reduce those environmental impacts by requiring implementation of feasible alternatives or mitigation measures.



# Why is CEQA Important?

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- Fosters interagency coordination in the review of projects.
- Enhances public participation in the planning process.
- Requires that public agencies disclose to the public their reasons for sometimes approving projects despite their significant environmental effects.





## Who Implements CEQA?

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There are three levels of agency responsibility in CEQA:

**Lead Agency** - Agency with the principal responsibility for carrying out or approving a project. The Lead Agency must complete the CEQA analysis.



## Who Implements CEQA?

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**Responsible Agency** – Agency, other than the Lead Agency, that has some legal responsibility for carrying out or approving a project.



## Who Implements CEQA?

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**Trustee Agency** – Agency that has jurisdiction by law over certain resources held in trust for the people of California (e.g. Department of Fish & Game).



# What is the CEQA Process?

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Once an activity is proposed, the Lead Agency (City) first determines if the activity is a “Project” subject to CEQA.

If it meets the definition of Project, the Lead Agency next determines if it qualifies for a CEQA Exemption.



# CEQA Exemptions

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**Statutory Exemptions-** A list of projects that the Legislature specifically identified in the CEQA Statute as not requiring CEQA review.

**Categorical Exemptions-** A list of classes of projects generally recognized as not having significant environmental effects (with certain exceptions listed in the statute).

**General Rule Exemption-** The “common sense exemption” when it can be seen with certainty that the project will not have significant environmental effects.



# CEQA Process-Initial Study

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An Initial Study (IS) is a preliminary analysis of a project's potential environmental effects.

It helps the agency determine the appropriate CEQA document to prepare and provides the supporting documentation for that determination.

# Excerpt from an Initial Study

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>I. AESTHETICS.</u></b> 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"/>



# Initial Study Topic Areas

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Aesthetics

Agriculture/Forestry

Air Quality

Biological Resources

Climate Change

Cultural Resources

Hazards/Hazardous  
Materials

Hydrology/Water Quality

Land Use/Planning

Mineral Resources

Noise

Population/Housing

Public Services

Recreation

Stormwater Quality

Transportation/Traffic

Utilities/Service Systems





# CEQA Process-Which Document?

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**Negative Declaration (ND)**- A ND is prepared when the Agency decides there is no substantial evidence in the record that the project may have potentially significant environmental impacts.

**Mitigated Negative Declaration (MND)**– An MND is basically a ND with project revisions or mitigation measures that eliminate or reduce adverse effects on the environment to a less than significant level.



# CEQA Process-Which Document?

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## **Environmental Impact Report**

(EIR) – The EIR is the level of documentation used for the kinds of projects that CEQA was really created: those that have the potential to significantly affect the environment.



# CEQA Public Review

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The Lead Agency must provide notice of a public review period for whichever level of CEQA document is prepared.

The notice is generally circulated through the State Clearinghouse, published in the local newspaper, and posted on the city's website.

It is an opportunity for the public and other governmental agencies to review the document and provide comments.



# CEQA-Response to Comments

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After the review period, the Lead Agency considers the comments and decides whether to revise their document.

In the case of an EIR, all comments must be responded to in writing. Those comments and the Lead Agency's responses thereto become part of the final EIR.



# CEQA-Adoption of ND/MND

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Once the environmental document is complete, the decisionmakers must consider the document as well as all comments and testimony in the public record and, using their independent judgement, adopt/certify the CEQA document before approving the project itself.

For a MND, a Mitigation Monitoring and Reporting Program must also be adopted.



# CEQA-Certification of Final EIR

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For an EIR, specific detailed findings must be made by the Lead Agency when necessary to demonstrate that it gave meaningful consideration to proposed alternatives and mitigation measures in the EIR and decided to approve the project despite any remaining significant environmental effects.

Statements of Overriding Consideration may also be made explaining the reasons the Lead Agency is approving the project despite its unmitigated significant impacts. Generally, the SOC's are based on creating more jobs, generating taxes and providing housing.



# CEQA- Notice of Determination

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Once the project is approved, for which a CEQA analysis was prepared, a Notice of Determination (NOD) is filed with the County Clerk-Recorder and usually the State Clearinghouse.

The NOD is the final step in the CEQA process and starts the Statute of Limitations for a legal challenge to a CEQA document.



# Thank You

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For more information, please contact the Galt Planning Department at 209-366-7230 or visit us at 495 Industrial Drive in Galt.