

ES 60 Environmental Law CEQA Summary

1. **CEQA is the California Environmental Quality Act of 1970.** CEQA sets statewide policies that require both state and local agencies to consider the environmental consequences of decisions that involve changes to the environment. The purposes of CEQA are to:
 - a. Provide information about the environmental effects of projects
 - b. Identify ways that environmental damage can be avoided or reduced
 - c. Prevent significant environmental damage through mitigation measures or alternatives
 - d. Disclose the reasons why a project was approved despite significant environmental impacts
2. **Environmental Review: CEQA requires public agencies to conduct Environmental Review prior to taking action or prior to project approval.** Environmental review is a set of procedures used to identify a project's potential impacts, develop ways to reduce those impacts, and report the results of the analysis to the public.
3. **Local governments must follow a three-step process in applying CEQA to a particular development project.**
 - a. **Is the action in question a project under CEQA?**
 - b. **The Initial Study**
 - c. **The Environmental Impact Report (EIR)**
4. **Is the action a project under CEQA?**
 - a. CEQA applies to projects that require discretionary approval by a government agency. A discretionary approval requires the use of judgment or subjective criteria on the part of the approver.
 - i) For example, if a developer wants to have property rezoned to allow the land to be subdivided for housing, a discretionary action would need to be taken by the Planning Department, Planning Commission, and/or the Board of Supervisors. This simply means that these agencies could approve or disapprove the request. If that is the case, your proposal would be considered a **project** for the purposes of CEQA and would need to conform with the CEQA review process.
 - b. A Project is a discretionary proposal which might result in physical changes to the environment. Some examples of projects are applications to change adopted plans, road development projects, use permit request, and subdivisions of property.
 - c. Examples of proposals not subject to CEQA review include emergency repairs, school closings, water hook-ups in existing neighborhoods, and remodels in existing buildings.

5. **The Initial Study**

- a. The Initial Study is a preliminary analysis of a project intended to: 1) provide information; 2) enable an agency to identify methods for changing a project with the intent of eliminating or reducing (mitigating) substantial environmental damage; 3) assist in the preparation of EIRs by identifying the environmental damages upon which an EIR should focus; 4) identify possible appropriate mitigation measures; and 5) ensure that all potential areas of environmental damage are identified.
 - b. Initial Study preparers will generally complete an Initial Study Checklist as part of the Initial Study Process. The Initial Study Checklist includes categories of physical damage, such as air quality, noise impacts, traffic impacts, etc., and provides a preliminary summary of potential for environmental damage in each area.
 - c. In the event that no significant environmental impacts are identified in the Initial Study, a **Negative Declaration** may be prepared. A Negative Declaration is a statement that a project will not create significant environmental harm, or that the environmental damage has been mitigated to a less-than-significant level.
 - i) The term **significant impact** is defined as, “substantial adverse damage to the physical environment.” An Initial Study is prepared to assess a project’s potential for causing environmental damage. The Initial Study will use the CEQA implementation guidelines which contain a list of the types of projects which generally cause environmental damage.
 - ii) A **mitigation measure** is a strategy taken to reduce or eliminate a project’s expected environmental harm. Sometimes, mitigation measures are designed to repair, restore, or rehabilitate a damaged area. Others may provide compensation for losses by providing substitute resources or environments.
6. When an Initial Study indicates that a project has the potential to cause one or more significant impacts, CEQA requires preparation of an **Environmental Impact Report (EIR)**.
- a. An EIR is an informational document to be used by the public and by decision-makers when making choices about projects. Significant environmental effects are identified, methods for reducing or avoiding the damage are identified, and project alternatives are developed which seek to reduce or avoid adverse environmental effects.
7. An agency is permitted to approve projects which cause significant environmental damage. However, the agency must make findings which clearly explain the circumstances surrounding the project analysis and the approval.
- a. The agency must explain their decision to approve the project, despite expected environmental damage, by adopting a **Statement of Overriding Considerations**. This type of statement points out the reasons why a project’s benefits outweigh its environmental costs.
8. In the event that a project requires a local and federal permit, (Ex., the filling of wetlands to build a shopping center), then the project will require both NEPA and CEQA reviews. CEQA encourages the preparation of joint NEPA/CEQA reviews.