

# THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

## UC UC Cooperative Extension CE Land Use Fact Sheet Series

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Governments are required to consider potential environmental impacts of a project **before** they decide to approve it.

*The purpose of CEQA is to disclose potential impacts of a project, suggest ways to minimize those impacts and discuss alternatives to the project so that decision makers can make informed decisions.*

“Project” is defined broadly in CEQA and includes many things from annexation to zoning. Amendments to County and City General Plans usually require CEQA.

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The California Environmental Quality Act or CEQA is a complex law with a great deal of subtlety and local variation. *This fact sheet is a general overview of the CEQA law and Environmental Impact Report (EIR) process.* Contact your local planning department or go online (<http://www.ceres.ca.gov/ceqa>) to review *The California Environmental Quality Act: Statutes and Guidelines* for details about local government’s responsibilities.

### Lead Agency

The agency (usually the planning dept.) responsible for issuing permits to a project is the “lead agency” and as such is responsible for seeing that environmental reviews are done according to CEQA and when necessary environmental analyses are prepared. The “lead agency” may do the environmental analysis themselves or contract the work out.



### Preliminary Review

Analyzing a project’s potential environmental effect is a multi-step process. Many minor projects like single-family homes, remodeling, accessory structures and minor lot divisions are exempt from CEQA requirements and do not require an environmental review.

When a project is subject to CEQA, the lead agency prepares an “initial study” to assess the proposal’s potential adverse physical impacts.

### Negative Declarations and EIRs

If the initial study shows that the project will not cause a “significant” impact on the environment or when it has been revised to eliminate all such impacts, a “negative declaration” is prepared. The negative declaration or ‘negative dec’ is an informational document that describes the reasons why the project will not have a significant effect and may propose measures (called “mitigation measures”) to

completely alleviate or avoid any possible detrimental effects.

If significant environmental effects are identified, then an Environmental Impact Report (EIR) must be written before the project can be considered by decision makers. An EIR discusses the proposed project, its environmental setting, its probable impacts, realistic means of reducing or eliminating those impacts, its

cumulative effects, and alternatives to the project.

CEQA requires that draft Negative Declarations and EIRs be made available for public review prior to consideration of the project. The review period allows concerned citizens and agencies to comment on the completeness and adequacy of the environmental review prior to its completion.

When a decision making body (City



Council, Board of Supervisors, etc.) approves a project, it must certify the adequacy of the environmental review. If its decision to approve a project will result in unavoidable significant impacts, the decision making body must not only certify

the EIR, but also state, in writing, its overriding reasons for granting the approval and how the impacts are to be addressed.

The Negative Declaration or an EIR is an *information document*. It does not, in itself, approve or deny a project. Environmental analysis must be done as

early as possible in the process of considering a project and must address the entire project. **There are several different types of EIRs** that may be prepared depending upon the project. They are described in the CEQA Statutes and Guidelines. (source: Governor's Office of Planning and Research)

**An Environmental Impact Report or EIR must:**

- ◆ Describe the existing local and regional environment, including any rare or unique resources.
- ◆ Describe the significant environmental effects that may result from the plan.
- ◆ Evaluate the proposed plan's impacts on existing environmental conditions as well as on the environmental conditions envisioned by the existing plan.
- ◆ Focus on the secondary effects of the plan. In addition to the direct impacts of any immediate projects described in the plan, the EIR must consider cumulative and growth-inducing consequences.
- ◆ Identify ways to avoid or minimize potential impacts.

- ◆ Incorporate those mitigation measures.
- ◆ Describe a reasonable range of alternatives and analyze each for its effects.
- ◆ Evaluate the "no project" alternative; that is, the report must consider what might happen if the plan were not adopted.

**Preparing an EIR is a four-step process.**

**Step 1: Notice of Preparation (NOP)**

The city or county notifies interested parties that it is preparing an EIR and solicits input. This information helps to identify important issues and to focus the scope and content of the draft report. The city or county must provide for at least one meeting to receive this feedback.

**Step 2: Draft EIR**

Using the comments from step 1, the city or county prepares a draft report and circulates it for review. This public review period lasts 45 days. CEQA does not mandate that local governments hold a public meeting on the draft report, but many have one or more. Such meetings may consider both the EIR and the General Plan.

**Step 3: Final EIR**

After the review period, the city or county prepares a final EIR containing the comments received during the review period and its written responses to them.

**Step 4: Adoption and Certification**

The city or county considers the final report and certifies its adequacy. The city council or county supervisors must explain how the environmental effects have been or should be mitigated, and offer rationales for any unmitigated effects. They must also adopt a reporting program to assure that the mitigation measures are carried out.



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