

Outline - Lecture 2

- Review
- Announcements and bureaucracy
- Overview of Impact Assessment in California
- Starting the assessment process – Exemptions from Environmental Review
- Questions for me

Review

- Free write:
 - How does voting in today's election relate to environmental impact assessment?
 - What's the name of the California document that is written
 - ♦ For a project that is likely to have significant environmental impacts?
 - ♦ For a project that is NOT likely to have significant environmental impacts?

Announcements and bureaucracy

- Class lists
 - Errors and omissions?
- Hand in Meeting plans
 - Questions?

Overview of Impact Assessment in California

- PROCESS
 - How to write docs/critique them
 - ♦ Filing deadlines, disclosures etc.
- SUBSTANCE
 - Science of assessing impacts

PROCESS – Where can you find the California laws?

- In your book!
- Appendix 1 is law (“statute”) Public Resources Code Sections 21000-21178.1
- Appendix 2 is “guidelines”
 - PRC Sections 15000-15387, Appendices A-J
 - ♦ updated bi-yearly
 - ♦ codify current standards for interpretation of CEQA itself
- On the web
 - www.ceqanet.ca.gov
 - <http://ceres.ca.gov/ceqa/index.html>

California process(p.13)

Definitions: What's a Decisionmaker?

- Any decision-making governmental agency
 - City Council
 - County Supervisors
 - State Legislature
 - State Universities
 - Regional Water Boards
 - California Department of Fish and Game
 - Coastal Commission
 - etc.

What's the lead agency?

- The agency doing the project
- The agency that has **physical jurisdiction** over the project

What's a responsible agency?

- Other agencies that govern locally affected communities
 - E.g. County for a city project

Trustee?

- Specific governmental agencies that take care of one resource throughout the State. E.g.:
 - Plants and Animals:
 - ♦ California Department of Fish and Game
 - Parks:
 - ♦ California Dept of Parks and Recreation

California process(p.13)

What's a Decision?

- Public Agency decides whether to do something (e.g. sell land, build a city hall)

Courts interpret the law – the first watershed

- 1972 Friends of Mammoth case
 - CEQA to include all discretionary actions

What's a Decision?

- “Discretionary Action”
 - Public Agency decides whether to *allow* a private agency to do something (e.g. bend a zoning code rule, build a set of trails)

How does the public participate?

- Public comment on environmental impact assessment is essential
 - Written comments **MUST** be answered
 - public hearings are encouraged
- Local residents have “standing” to sue
- citizens elect decisionmakers

California process(p.13)

SUBSTANCE – What resources do you consider in a California EIA?

- Checklist for entire state of CA
- Each city/county may have stricter standards
- Other states, federal (US) and International standards are different

E.g.: IV a) Candidate, sensitive or special status species

- identified
 - in local or regional plans, policies, or regulations
 - by California Dept of Fish and Game (CDFG)
 - by US Fish and Wildlife Service (USFWS)
 - ♦ <http://www.dfg.ca.gov/biogeodata/>

Outcome: what does the law require if a project will cause significant impacts?

- Require changes to lessen impacts
 - “Mitigations”
- Disapprove the project

- Approve the project if benefits outweigh environmental effects

- “Significant overriding considerations”

State agencies that administer CEQA

- Governor’s Office of Planning and Research (OPR)
 - ✦ runs State Clearinghouse (SCH)
 - networks among agencies and the public
 - Keeps searchable records of all EIA docs in CA
 - ✦ <http://www.opr.ca.gov/>
 - ✦ <http://www.ceqanet.ca.gov/>
 - ✦ recommends guideline changes and exemptions
 - ✦ publishes technical advice
- California Resources Agency
 - ✦ adopts guidelines
 - ✦ certifies state agency regulatory programs
 - ✦ Runs CERES <http://ceres.ca.gov/index.html>

Who pays for the EIA?

- The “Proponent”

Starting the assessment process

- Phase one - Scoping
 - Define project
 - Check for exemptions
- Phase two - Initial Study
 - checklist
- Phase three - Evaluation of significance
 - Negative Declaration or
 - Environmental Impact Report
- Decision

Steps in CA Impact Assessment(p. 21)

Scoping: What’s not a project? Exemptions from Environmental Review (you don’t have to do it)

- Statutory exemptions
- Categorical exemptions
- (Partial Exemptions)

Notice of Exemption Project

- Take out notices of exemption you brought, identify and discuss
 - project description
 - reference to applicable exemption section
 - statement of reasons supporting finding of exemption
 - As members of the public, are these notices accessible and meaningful?
 - Might the project have affected the envt?
- Sign notices/ group notes; hand in

Statutory Exemptions

- tend to be very specific, absolute, and limited - *no exceptions*
 - ministerial projects -- not discretionary
 - specific activities exempted by state law (Bass p. 26-27)

- emergencies

Categorical Exemptions

- 32 broad *classes* (p.29):
 - maintenance or replacement (1,2)
 - small construction (fewer than 3 homes) (3)
 - minor vegetation or water, lot line alteration (4,5)
 - research, enhancement, restoration (6,7,8)
 - inspections (9), etc.

Exceptions to Categorical Exemptions

- Otherwise exempt project has potential for significant environmental impacts because:
 - it is in a *designated* sensitive environment
 - ✦ wetlands
 - ✦ endangered species habitat
 - ✦ flood or seismic hazard, etc.
 - other unusual circumstances make a significant effect likely
 - project is cumulatively significant
 - it is located on a listed toxic site
 - it affects official scenic resources
 - it substantially affects designated historic site

Partial exemptions

- Certified programs with the purpose to protect the environment may prepare a *substitute* document
 - *substitute document* must fulfill all CEQA goals
 - ✦ content
 - ✦ circulation and disclosure
 - ✦ mitigation and monitoring

Public Notice of Exemption

- Optional
 - reduces *statute of limitations* from 180 to 35 days
 - may be filed by lead agency or applicant
- Posted at *County Clerk’s* office for 30 days
- Retained by Lead Agency for 9 months

Questions:

What was the muddiest part of today’s lecture?

What one question would you like to be answered?

What was the most interesting part of today’s class?

