



CEQA Guidelines Update

Public Workshop

October 6, 2015

Background

- California Environmental Quality Act (Pub. Resources Code §§ 21000 *et seq.*)
- CEQA Guidelines (14 CCR 15000 *et seq.*)
 - Regulations for public agencies on implementation
 - Developed by OPR, adopted by Natural Resources Agency following a rulemaking process
 - Review for updates every two years
- Must be consistent with statute and case law
- Last comprehensive update: late 1990s

Objectives

- Make the environmental review process more **efficient** and **meaningful**
- Reflect adopted policy priorities
- Conform to statutory changes to CEQA and cases interpreting CEQA

Process

- Listening Tour (early 2011)
- Legislative Improvements (2011)
- Infill Streamlining Update (2012)
- Solicitation for Input (summer 2013)
- Possible Topics List (winter 2013)
- Preliminary Discussion Draft (August 2015)

What is in the Package?

- Text of Proposed Changes
 - **Efficiency** Improvements
 - **Substance** Improvements
 - **Technical** Improvements
- Background and Explanations
- Questions for Reviewers

Efficiency Improvements

- *The role of regulatory standards in CEQA*
- Determining Significance – 15064
 - Use of thresholds in determining significance
 - Follow *CBE* Guidance re fair argument
- Thresholds of Significance – 15064.7
 - Can use environments standards as thresholds
 - Define “environmental standard”

Efficiency Improvements

- *Putting existing environmental review to use*
 - Clarify that rules in 15152 only apply to tiering
 - Clarify “**within the scope**” for program EIRs

Efficiency Improvements

- *Updating Commonly Used Exemptions*
 - 15182: Projects Consistent with Specific Plans
 - New Public Resources Code Section 21155.4
 - 15301: Existing Facilities
 - Clarify that agency may consider actual historic use in determining whether project would cause an expansion of an existing facility
 - Include bicycle, pedestrian and streetscape improvements within the public right of way

Efficiency Improvements

- *Updating Appendix G – Initial Study Checklist*
- Remove redundant questions
- Consolidate related topics – esp. **open spaces**
- Update questions to be consistent with cases
- Add new questions
 - Energy
 - Wildfire
- Placeholder questions for tribal cultural resources (AB 52) and transportation analysis (SB 743)

Efficiency Improvements

- *Remedies and Remand*
 - New Section 15234
 - Clarifies that all or portions of a project may continue depending on the remand
 - Clarifies the scope of additional review following remand

Substance Improvements

- *Energy Impacts Analysis*
- Add to 15126.2 and App G
- Clarify analysis includes
 - energy use over all projects phases, including both building and transportation energy
 - Relevant factors may include project size, location, and incorporation of renewable features
 - Rule of Reason

Substance Improvements

- *Water Supply Analysis*
- Add *Vineyard* principles to Section 15155
 - Pros and cons of use
 - Analyze supply for all phases over the life of the project
 - Acknowledge any uncertainty in availability
 - If insufficient supplies, consider alternatives including curtailment

Technical Improvements

- When to use a **baseline** other than existing conditions?
- When to defer **mitigation details**?
- When does a general **response** suffice?
- And many more...

What is **Not** in the Package?

- Issues currently before the California Supreme Court
- Tribal Cultural Resources (AB 52)
- Transportation Analysis (SB 743)

Next Steps

- Evaluate comments in light of update objectives, underlying statute and case law
- Depending on scope of possible revisions, may seek additional public review
- Once OPR develops a final draft, the Natural Resources Agency will conduct a formal APA rulemaking process
- Update materials available at www.opr.ca.gov

Providing Input on This Draft

- Consider limits on time and resources
- Provide factual and legal support for suggestions
- Submit electronically:
CEQA.Guidelines@resources.ca.gov
- Submit before **October 12, 2015**

Public Comment

- Please remember:
 - Identify yourself and your affiliation
 - We may limit time to accommodate all participants wishing to speak
 - Comments will be webcast and recorded
- If participating via webcast:
 - E-mail CEQA.Guidelines@resources.ca.gov

Resources and Additional Information

- Existing CEQA Statute and Guidelines
 - <http://ceres.ca.gov/ceqa/>
- Published Cases
 - <http://www.lexisnexis.com/clients/CACourts/>
- Office of Administrative Law, “How to Participate in the Rulemaking Process”
 - <http://oal.ca.gov/res/docs/pdf/HowToParticipate.pdf>
 - *Note, the formal rulemaking process begins after OPR submits the draft Guidelines to the Natural Resources Agency*

Thank you!