



# 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](http://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](mailto: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](mailto: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!