

California Environmental Quality Act

How does it support sustainability in planning?
California, USA

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Topics

- Provisions applicable to sustainability in planning
- Current application of those provisions
- Benefits & challenges
- Contribution to sustainability

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Focus

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- National Environmental Policy Act (NEPA)
- California Environmental Quality Act (CEQA)
 - 1970
 - supplement/complement/extend NEPA
 - Environmental Impact Report (EIR)
- Both allow for project-specific and planning/programmatic environmental assessments
- Talk to focus on CEQA

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Purpose and Objectives

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- Disclose information – specifically environmental impacts from physical changes
- Whole of the project – **no piecemealing**
- Trigger – a Government action = “Project”
 - Agency’s own undertaking
 - Discretionary permit to private party
- Feasible mitigation measures & alternatives required for significant impacts
- CEQA OK separate from approval of project

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Evolution

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- Capture big issues
- Early in planning cycle to allow for changes
- Law suits → more precision → more detail
 - More engineering information
 - Later in decision process or out of usual order
- Added Master EIR

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Key features

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- Self-executing statute
 - Each agency has responsibility for execution
 - Enforced by public – legal action
 - No formal oversight or review by State agency
- Significant impacts
 - Must mitigate to maximum extent feasible
 - Must adopt feasible & aligned alternative
- Mitigations
 - Legally enforceable by lead/responsible agencies
 - Nexus with & in proportion to significant impacts

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“Strategic” EIRs (vs Project-specific EIR) **AECOM**

- Staged EIR, Program EIR, Master EIR
- All:
 - General in nature & similar in scope
 - Consider all components/phases
 - Identify legally binding mitigation measures
 - **Subsequent actions/phases subject to review & maybe additional analysis & even new or revised mitigations**

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Planning EIRs **AECOM**

- Staged
 - Large capital project;
 - One component to start 2 years before balance
- Program
 - Series of connected actions
- Master has explicit, 5-year limit
 - Planning document

Most overlap between Program and Master

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“Strategic” EIRs (vs Project-specific EIR) **AECOM**

- Advantages
 - Limit duplication and reduce paperwork
 - Increase planning confidence
 - Assess cumulative impacts better
- Challenges
 - Clearly define later stages
 - Identify appropriate alternatives
 - Identify feasible mitigations
 - Provide certainty to proponents
 - Time saving ???

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Requirements **AECOM**

- Describe all phases
 - Early phases – more detail
 - Later phases – more conceptual if necessary
- Identify all environmental impacts
 - Direct from activities
 - Indirect from associated effects
 - Economic if associated with physical changes to the environment

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Subsequent assessments **AECOM**

- Addendum to EIR or ND,
 - Minor project change
 - Administrative
- Supplement to EIR
 - Revise or clarify issues
 - Focused on few issues
- Subsequent EIR
 - Significant changes to conditions
 - Comprehensive re-evaluation

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Legal basis **AECOM**

- Mitigation Monitoring Plan
 - Required for approval of EIR
 - Ultimately responsibility of Lead Agency
 - Conditions commonly in permit conditions
- Permits from Lead & Responsible Agencies

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Contribution to Sustainability

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- Examine whole of project
- Consider cumulative impacts
- Provides for subsequent analysis if:
 - Conditions change significantly
 - Project different from described/analysed
- Provides for subsequent analysis when:
 - Later phases have sufficient definition
- Requires monitoring and reporting of mitigation – adaptive management