

# Long-Term ILRP Informational Session

CEQA and its Effect on the ILRP



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# What Is CEQA?

- The “California Environmental Quality Act”
- CEQA to Public Agencies: Look Before You Leap
- Review the potential for new rules to lead to adverse environmental impacts
- CEQA establishes a process of review and analysis – it does not deny or approve projects



# Objectives of CEQA



- Disclose to decision makers and the public significant environmental effects of proposed activities
- Identify ways to avoid or reduce environmental damage
- Prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures
- Disclose the public reasons for agency approval of projects with significant environmental effects
- Foster interagency coordination in review of projects
- Enhance public participation in planning process

# Key Participants in the CEQA Process



# Purposes of an EIR

- Inform decision makers and public about a project's significant environmental effects and ways to reduce them
- Demonstrate to public that environment is being protected, where feasible
- Ensure political accountability by disclosing the environmental values held by elected and appointed officials
- Demonstrate that the agency has considered the ecological implications of its action



# EIR Process Outline



**Send Notice of Preparation to responsible and trustee agencies**

**Prepare preliminary Draft EIR;  
Lead Agency independent review**

**Prepare and submit Draft EIR;  
file Notice of Completion**

**Public notice and review of  
Draft EIR**

**Lead Agency responds to  
comments in Final EIR**

**CEQA Guidelines sec. 15082, et seq.**

# EIR Process Outline

(Cont.)



**Final EIR certified and CEQA findings made, before project is approved**

**Mitigation reporting and monitoring program adopted**

**Notice of Determination filed and posted**

**Responsible Agency makes decision on project**

# Key Points in the EIR Process

- Notice of Preparation (NOP)
  - 30-day agency/public review and comment period
- Scoping Meeting(s)
  - Completed for the ILRP
- Draft EIR
  - 45-day agency/public review and comment period
- Final EIR
  - Considered by decision makers





# Contents of a Typical Draft EIR

- Project Description
- Environmental Setting(s)
  - Physical environment
  - Applicable regulations
- Impact Analysis
  - Project's effects
  - Determination of significance



# Contents of a Typical Draft EIR

(cont.)

## ■ Mitigation measures

- Changes to the project or specific actions that will reduce or avoid significant impacts

## ■ Project Alternatives

- Reasonable range of alternatives that reduce the project's expected impacts
- “No project” alternative as a point of comparison



# Contents of a Typical Draft EIR (cont.)

- Other Issues
  - Cumulative impact
  - Growth-inducing impact
- List of References
- List of Preparers



# Program EIR

- A “program” EIR will be prepared for the ILRP
- An EIR examines a project at a level of detail commensurate with the project’s detail
- A program EIR is appropriate for a project where site specific details are not known
  - The ILRP program EIR will not be site-specific
- Later actions/activities that are “within the scope” of the program do not require a new EIR
  - Only those actions/activities described and analyzed in the program EIR are within its scope



# Program EIR

- Later actions/activities are subject to CEQA review
- A subsequent/supplemental EIR *would* be required if:
  - Substantial changes in the project;
  - Substantial changes in circumstances; or
  - Substantial new information

Indicate that there is a new or more severe impact



# EIR - Project Description

- Comprehensive description of the program being proposed
  - Includes a statement of *project objectives*
    - Objectives will be used to select alternatives for review
- Project location
  - The Central Valley
  - Some level of greater detail
    - Basins?
    - Watersheds?



# Project Description (Cont.)

- Project Characteristics
  - Narrative explanation of IRLP
  - Proposed activities under the IRLP
- Reasonably foreseeable future phases/activities
  - The description must include the “whole of the action”
  - Needn't include speculative activities



# Environmental Setting

- Existing physical conditions at time environmental analysis commences, including:
  - Project site description
  - Project vicinity description
  - Regional description
  - Policy and planning context
- The setting will **normally** constitute the *baseline* physical conditions that Lead Agency uses to determine impact significance





# Impacts

- Direct Impacts – here and now
- Indirect Impacts – there and later
  - Cumulative impacts
  - Growth inducing impacts
- Effects on:
  - Natural Environment
  - Built Environment
  - Human Health



# Mitigation Measures

- For each significant impact, the EIR must identify one or more feasible mitigation measures
- Mitigation measures must be fully enforceable
- Mitigation measures are not limited to lead agency
  - Off-site mitigation measure may be required
  - Measures undertaken by another agency
- If measure would have its own significant impacts, the EIR must disclose the impact



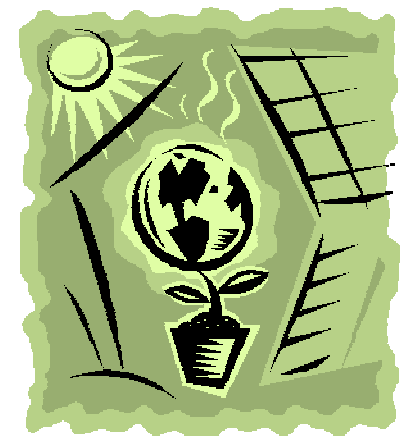
# What Is Mitigation under CEQA?



<b>Avoid</b>	<b>Avoid the impact altogether by not taking certain action or parts of an action</b>
<b>Minimize</b>	<b>Minimize impacts by limiting the degree or magnitude of the action and its implementation</b>
<b>Rectify</b>	<b>Rectify the impact by repairing, rehabilitating, or restoring the affected environment</b>
<b>Reduce or Eliminate</b>	<b>Reduce or eliminate the impact over time through preservation and maintenance during the life of the action</b>
<b>Compensate</b>	<b>Compensate for the impact by replacing or providing substitute resources or environments</b>

# Feasibility of Mitigation Measures

- Consider economic, environmental, legal, social, and technological factors
- Constitution's "Takings" clause is a constraint
  - There must be a "nexus" between impact and its mitigation
  - Mitigation must be roughly proportional to the project's share of impact



# Alternatives

- EIR must analyze a *reasonable range* of feasible alternatives to the project
- EIR must analyze the “No Project” alternative
- Selected alternatives may be analyzed at lesser level of detail than project
  - Must identify alternatives’ significant effects and any needed mitigation measures
- EIR must compare the alternatives’ effects



# Project Alternatives in an EIR

- The advisory group will identify numerous potential alternatives
  - Not every potential alternative that is identified will be analyzed
- Regional Board will select those alternatives that:
  - Meet project objectives,
  - Substantially lessen one or more significant environmental impacts, and
  - Are potentially feasible



# Project Alternatives in an EIR

(Cont.)

- The EIR will describe the full list of potential alternatives and explain why some will not be analyzed further
  - This might be a discussion in the EIR itself
  - This might be a report on the alternatives selection process appended to the EIR
- The basis for rejection: not meeting any one of the three criteria



# Cumulative Impact Analysis

- An EIR must:
  - Discuss cumulative impacts when project's incremental contribution is *cumulatively considerable*
  - Reflect severity of impacts and their likelihood
  - Reasonably analyze cumulative impacts and recommend mitigation measures to reduce project's contribution, where feasible
- Even a less-than-significant project impact may still be cumulatively considerable





# Global Climate Change

- The “Mother of all Cumulative Impacts”
  - No standard methodology for analysis
- EIR must at least:
  - Describe setting/context of climate change relative to the ILRP
  - Describe the ILRP’s GHG emissions to the extent reasonably known
  - Determine whether emissions are “considerable”
  - Include mitigation measures, if feasible
- CEQA is only one tool to reduce CA’s emissions



# Final EIR

- Agency must respond in writing to comments submitted during the Draft EIR review period
- Final EIR is comprised of:
  - Comments
  - Responses to comments
  - Revisions to the draft EIR (if necessary)
  - Names of preparers
  - Draft EIR



# Final EIR's Role in Decision-Making

- Provides decision makers with meaningful information that will influence project program and design
- Identifies impacts, alternatives, and mitigation measures
- Airs agency and public views on potential impacts
- Basis for approval or denial of projects

