

15001. SHORT TITLE

These Guidelines may be cited as the “State CEQA Guidelines.” Existing references to the “State EIR Guidelines” shall be construed to be references to the State CEQA Guidelines.

Note: Authority cited: Sections 21083, Public Resources Code; Reference: Section 21083, Public Resources Code.

15002. GENERAL CONCEPTS

- (a) Basic Purposes of CEQA. The basic purposes of CEQA are to:
- (1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
 - (2) Identify the ways that environmental damage can be avoided or significantly reduced.
 - (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
 - (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.
- (b) Governmental Action. CEQA applies to governmental action. This action may involve:
- (1) Activities directly undertaken by a governmental agency,
 - (2) Activities financed in whole or in part by a governmental agency, or
 - (3) Private activities which require approval from a governmental agency.
- (c) Private Action. Private action is not subject to CEQA unless the action involves governmental participation, financing, or approval.
- (d) Project. A “project” is an activity subject to CEQA. The term “project” has been interpreted to mean far more than the ordinary dictionary definition of the term. (See: Section 15378.)
- (e) Time for Compliance. A governmental agency is required to comply with CEQA procedures when the agency proposes to carry out or approve the activity. (See: Section 15004.)
- (f) Environmental Impact Reports and Negative Declarations. An Environmental Impact Report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.
- (1) An EIR is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment. (See: Section 15064(a)(1).)
 - (2) When the agency finds that there is no substantial evidence that a project may have a significant environmental effect, the agency will prepare a “Negative Declaration” instead of an EIR. (See: Section 15070.)
- (g) Significant Effect on the Environment. A significant effect on the environment is defined as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project. (See: Section 15382.) Further, when an EIR identifies a significant effect, the government agency approving the project must make findings on whether the adverse environmental effects have been substantially reduced or if not, why not. (See: Section 15091.)
- (h) Methods for Protecting the Environment. CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods:

- (1) Changing a proposed project
 - (2) Imposing conditions on the approval of the project;
 - (3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
 - (4) Choosing an alternative way of meeting the same need;
 - (5) Disapproving the project;
 - (6) Finding that changing or altering the project is not feasible;
 - (7) Finding that the unavoidable significant environmental damage is acceptable as provided in Section 15093.
- (i) Discretionary Action. CEQA applies in situations where a governmental agency can use its judgment in deciding whether and how to carry out or approve a project. A project subject to such judgmental controls is called a “discretionary project.” (See: Section 15357.)
- (1) Where the law requires a governmental agency to act on a project in a set way without allowing the agency to use its own judgment, the project is called “ministerial,” and CEQA does not apply. (See: Section 15369.)
 - (2) Whether an agency has discretionary or ministerial controls over a project depends on the authority granted by the law providing the controls over the activity. Similar projects may be subject to discretionary controls in one city or county and only ministerial controls in another. (See: Section 15268.)
- (j) Public Involvement. Under CEQA, an agency must solicit and respond to comments from the public and other agencies concerned with the project. (See: Sections 15073, 15086, 15087, and 15088.)
- (k) Three Step Process. An agency will normally take up to three separate steps in deciding which document to prepare for a project subject to CEQA.
- (1) In the first step the Lead Agency examines the project to determine whether the project is subject to CEQA at all. If the project is exempt, the process does not need to proceed anyfarther. The agency may prepare a Notice of Exemption. (See: Sections 15061 and 15062.)
 - (2) If the project is not exempt, the Lead Agency takes the second step and conducts an Initial Study (Section 15063) to determine whether the project may have a significant effect on the environment. If the Initial Study shows that there is no substantial evidence that the project may have a significant effect, the Lead Agency prepares a Negative Declaration. (See: Sections 15070 et seq.)
 - (3) If the Initial Study shows that the project may have a significant effect, the Lead Agency takes the third step and prepares an EIR. (See: Sections 15080 et seq.)
- (l) Certified Equivalent Programs. A number of environmental regulatory programs have been certified by the Secretary of the Resources Agency as involving essentially the same consideration of environmental issues as is provided by use of EIRs and Negative Declarations. Certified programs are exempt from preparing EIRs and Negative Declarations but use other documents instead. Certified programs are discussed in Article 17 and are listed in Section 15251.
- (m) This section is intended to present the general concepts of CEQA in a simplified and introductory manner. If there are any conflicts between the short statement of a concept in this section and the provisions of other sections of these Guidelines, the other sections shall prevail.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21000–21176, Public Resources Code; *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68 (1974); *Running Fence Corp. v. Superior Court*, 51 Cal. App. 3d 400 (1975).

APPENDIX A: CEQA PROCESS FLOW CHART

