



CEQA

deskbook

A STEP-BY-STEP GUIDE ON HOW TO COMPLY WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

Third Edition



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IMPORTANT NOTICE

Before you rely on the information in this book,
please be sure you have the latest edition and are
aware that some changes in statutes, guidelines,
or case law may have gone into effect since the
date of publication. The book, moreover, pro-
vides general information about the law. Readers
should consult their own attorneys before relying
on the representations found herein.

The authors wish to dedicate this book to Robert Jones (1917–1994) who was instrumental in the early development of the California Environmental Quality Act. In 1970 he served as the lead consultant to the State Assembly Select Committee on Environmental Quality. The committee's report, known as the Environmental Bill of Rights, contained the recommendation to enact CEQA. A year later the Legislature followed Bob's advice, and California became the first state to have an environmental impact assessment law. His leadership in guiding CEQA through the Legislature and his subsequent founding of one of the state's first environmental consulting firms were truly pioneering efforts in the field of environmental management in California.



government activity is only subject to CEQA if it involves the exercise of an agency's discretionary powers, has the potential to result in a direct or reasonably foreseeable indirect physical change in the environment, and falls within the definition of a "project" as defined by the Guidelines (Guidelines § 15060). All of these concepts are discussed further below.

Definition of a Project. CEQA applies only to discretionary government activities that are defined as "projects." A project is defined as "the whole of an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment" (Pub. Res. Code § 21065; Guidelines § 15378(a)). Projects can include activities that have no direct effect on the environment, but that will open the way for indirect effects. For example, a general plan adoption or amendment, enactment or amendment of a zoning ordinance, and city annexation for purposes of future development are all projects under CEQA.

Project Segmenting Not Permitted. In determining when a proposed activity is indeed a project, a lead agency must first determine the extent of the activity being evaluated. An agency is generally not permitted to "segment" or "piecemeal" a project into small parts if the effect is to avoid full disclosure of environmental impacts. CEQA defines a project to include the "whole of the action (Guidelines § 15378(a))." This phrase has been interpreted by the California Supreme Court to mean that it is generally inappropriate to chop a project into small segments to avoid preparing an EIR. In an early but frequently cited decision, the California Supreme Court affirmed this principle when it held that an annexation was a "project" even though it was only the first step in the eventually development of the land being annexed (*Bozung v. Local Agency Formation Commission* (1975) 13 Cal. 3d 263). Therefore, an agency may not treat each separate permit or approval as a separate project for purposes of evaluating environmental impacts. Rather, "project" refers to the underlying activities being approved by an agency, not just the government permits necessary to develop such an undertaking (Guidelines § 15378(c)) (see Chapter 7 for more detail on requirements of the project description in an EIR).

The rule against segmenting does not mean that every activity related to a proposed project must be included in the project description of the CEQA document. The California Supreme Court held that related actions only had to be included in a CEQA document when they were reasonably foreseeable, but not when they were remote and speculative (*Laurel Heights Improvement Association of San Francisco v. Regents of the University of California* (1988) 47 Cal. 3d 376). The *Laurel Heights* case also noted that the decision whether related actions must be evaluated in a single CEQA document is determined by the facts and circumstances of each case. Even if these actions are not considered as part of the proposed project, the action's effects may be required for inclusion in the CEQA document either because of the indirect impacts as a reasonably foreseeable consequence of the proposed project or in the cumulative impacts discussion (see Chapter 7).

Definition of a Project

- An activity directly undertaken by a public agency, including:
 - Public works construction activities
 - Clearing or grading of land
 - Improvements to existing public structures
 - Enactment and amendment of zoning ordinances
 - Adoption and amendment of local general plans
- An activity that is supported, in whole or in part, through public agency contracts, grants, subsidies, loans, or other assistance from a public agency
- An activity involving the public agency issuance of a lease, permit, license, certificate, or other entitlement for use by a public agency

"Projects" under CEQA

- an activity directly undertaken by a public agency;
- an activity that is supported, in whole or in part, through public agency contracts, grants, subsidies, loans, or other assistance from a public agency; and
- an activity involving the public agency issuance of a lease, permit, license, certificate, or other entitlement for use by a public agency. As used in CEQA, the term "project" is very broad. In considering whether an activity is a "project" an agency must look at all of the parts, components, and phases of the activity.

