

CEQA INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION FAQ

WHAT IS CEQA?

The California Environmental Quality Act (CEQA) requires government agencies to consider the environmental consequences of their actions before approving plans and policies or committing to a course of action on a project.

WHAT IS A CEQA LEAD AGENCY?

A Lead Agency is a public agency that has the principal responsibility for carrying out or approving a project. The Lead Agency is responsible for determining whether its approvals are subject to CEQA environmental review and, if so, determining whether a Negative Declaration (ND), Mitigated Negative Declaration (MND), or Environmental Impact Report (EIR) needs to be prepared. The Lead Agency is responsible for preparation of the required ND, MND, or EIR.

WHAT IS AN INITIAL STUDY?

An Initial Study is a preliminary analysis conducted by the lead agency to determine if a project may have a significant effect on the environment. The Initial Study also aids in determining what type of environmental document to prepare.

HOW DOES CEQA DEFINE "SIGNIFICANT"?

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. In CEQA analysis, "significant" is not the common usage of the word. Instead, it is related to thresholds of significance that are established by governmental agencies or best practices guided by case law.

WHAT IS THE REQUIRED CONTENT OF A MITIGATED NEGATIVE DECLARATION?

A Mitigated Negative Declaration (MND) is a ND prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed MND and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole of the record before the Lead Agency that the project, as revised, may have a significant effect on the environment.

A MND circulated for public review must include:

- A brief description of the project,
- Location of the project,
- Name of the project proponent,
- A proposed finding that the project will not have a significant effect on the environment, and
- An attached copy of the initial study documenting reasons to support the finding.

(State CEQA Guidelines §§ 15369.5 and 15071)

WHAT ARE THE REQUIRED STEPS IN THE NEGATIVE DECLARATION PROCESS?

A summary of the steps in the ND or MND process is presented below:

- Prepare an Initial Study for the proposed project.
- If the Initial Study concludes that the proposed project would not result in any significant impact, prepare a ND or MND.
- Prepare and distribute/post a Notice of Intent to Adopt a ND or MND. (State CEQA Guidelines § 15072)
- Accept comments on the proposed ND or MND for not less than 20 days or not less than 30 days if submitted to the State Clearinghouse. (State CEQA Guidelines § 15073)
- Lead Agency decision makers consider comments received on the proposed ND or MND and decide whether to adopt the ND or MND prior to taking action to approve the project. (State CEQA Guidelines § 15074(b))
- If an MND is adopted and the project is approved, the Lead Agency decision makers also adopt a mitigation monitoring or reporting program.
- The Lead Agency pays the California Department of Fish and Wildlife CEQA fee and files a Notice of Determination within 5 days of project approval.

WHAT IS THE REQUIRED PUBLIC REVIEW PERIOD FOR A PROPOSED MND?

Agencies and the public must be allowed at least 20 days to review and comment on a proposed ND or MND. When the Lead Agency is a State agency, the public review period shall be as long as the review period established by the State Clearinghouse, which is normally 30 days. (State CEQA Guidelines § 15073 and PRC § 21091)

IS ADOPTION OF A MITIGATION MONITORING OR REPORTING PROGRAM (MMRP) REQUIRED FOR A MITIGATED NEGATIVE DECLARATION?

Yes. When adopting a MND, the Lead Agency must also adopt a program for reporting on or monitoring the changes that it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects. (Public Resources Code § 21083 and State CEQA Guidelines § 15074(d))