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The California Environmental Quality Act (CEQA)

GENERAL INFORMATION AND FREQUENTLY ASKED QUESTIONS

General Information

The basic goal of the California Environmental Quality Act (CEQA) is to develop and maintain a high-quality environment now and in the future. The specific goals of CEQA are for California's public agencies to:

- 1) identify the significant environmental effects of their actions; and, either
- 2) avoid those significant environmental effects, where feasible; or
- 3) mitigate those significant environmental effects, where feasible.

CEQA applies to "projects" proposed to be undertaken or requiring approval by State and local government agencies. "Projects" are activities which have the potential to have a physical impact on the environment and may include the enactment of zoning ordinances, the issuance of conditional use permits and the approval of tentative maps.

Where a project requires approvals from more than one public agency, CEQA requires one of these public agencies to serve as the "lead agency." A "lead agency" must complete the environmental review process required by CEQA. The most basic steps of the environmental review process are:

- 1) Determine if the activity is a "project" subject to CEQA;
- 2) Determine if the "project" is exempt from CEQA;
- 3) If the project is subject to CEQA, perform an Initial Study to identify the environmental impacts of the project and determine whether the identified impacts are "significant." Based on its findings of "significance", the lead agency prepares one of the following environmental review documents:
 - a) Negative Declaration if there is no substantial evidence of a significant impact;
 - b) Mitigated Negative Declaration if potentially significant impacts have been identified but revisions to the project plans would avoid the impacts or if the impacts can be mitigated to a point where clearly no significant impacts would occur;
 - c) Environmental Impact Report (EIR) if it finds "significant" impacts.

The purpose of an EIR is to provide State and local agencies and the general public with detailed information on the potentially significant environmental effects which a proposed project is likely to have and to list ways which the significant environmental effects may be minimized and indicate alternatives to the projects.

Frequently Asked Questions

What is CEQA?

CEQA, or the California Environmental Quality Act, is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

Who must comply with CEQA?

CEQA applies to certain activities of State and local public agencies. A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a “project.” A project is an activity undertaken by a public agency or a private activity which must receive some discretionary approval from a government agency which may cause either a direct physical change in the environment or a reasonable foreseeable indirect change in the environment.

Most proposals for physical development in California are subject to the provisions of CEQA, as are many governmental decisions which do not immediately result in physical development, e.g., such as adoption of a general plan. Every development project which requires a discretionary governmental approval will require at least some environmental review pursuant to CEQA, unless an exemption applies.

If it applies, what are the basic requirements of environmental review under CEQA?

The environmental review required imposes both procedural and substantive requirements. At a minimum, an initial review of the project and its environmental effects must be conducted. Depending on the potential effects, a further, and more substantial, review may be conducted in the form of an environmental impact report (EIR).

What are the CEQA Guidelines?

The Guidelines are the regulations that explain and interpret the law for both the public agencies required to administer CEQA and for the public generally. They are found in the California Code of Regulations, in Chapter 3 of Title 14. The Guidelines provide objectives, criteria and procedures for the orderly evaluation of projects and the preparation of environmental impact reports, negative declarations, and mitigated negative declarations by public agencies. The fundamental purpose of the Guidelines is to make the CEQA process comprehensible to those who administer it, to those subject to it, and to those for whose benefit it exists. To that end, the Guidelines are more than mere regulations which implement CEQA as they incorporate and interpret both the statutory mandates of CEQA and the principles advanced by judicial decisions.

Who enforces CEQA?

CEQA is a self-executing statute. Public agencies are entrusted with compliance with CEQA and its provisions are enforced, as necessary, by the public through litigation and the threat thereof. It is each public agency’s duty to determine what is and is not subject to CEQA.