2.1.3 CEQA Exemptions

A number of projects are exempt from CEQA either by law or because they fall within classes of projects that have been determined generally not to have a significant effect on the environment.

Statutory Exemptions

Statutory exemptions, found in CEQA Guidelines Sections 15260 to 15285 [http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html), are provisions in CEQA or other statutes that indicate that by law certain projects are either completely or partially exempt from CEQA’s environmental review requirements, or have special requirements.

A number of University of California projects are frequently exempt from CEQA under the following statutory exemptions:

- Feasibility and planning studies that are not legally binding and which have not been approved, adopted or funded (CEQA Statutes Section 21102 [http://ceres.ca.gov/ceqa/stat/chap3.html](http://ceres.ca.gov/ceqa/stat/chap3.html), CEQA Guidelines Section 15262 [http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html)).

- Ministerial projects including issuance of building permits and approval of individual utility service connections and disconnections (CEQA Guidelines Section 15268 [http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html)). Projects that have both ministerial and discretionary aspects should be considered discretionary overall and subject to CEQA.

- Emergency projects such as actions required to restore damaged facilities or mitigate an emergency (CEQA Guidelines Section 15269 [http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html)).

- Special rules also apply to projects in areas subject to redevelopment plans or military base reuse plans. (CEQA Statutes Section 21083.8.1 and 21090 [http://ceres.ca.gov/ceqa/stat/chap2_6.html](http://ceres.ca.gov/ceqa/stat/chap2_6.html)).

Categorical Exemptions

Categorically exempt projects are classes of projects that the State Resources Agency has determined do not have a significant effect on the environment and therefore do not require preparation of environmental documents. Examples of categorically exempt projects include minor alterations to existing facilities and minor alterations to land. Categorically exempt projects are described in detail in CEQA Guidelines Sections 15300 to 15332 [http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art19.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art19.html).

Notice of Exemption for Categorically Exempt Project Approved by Campus

A Notice of Exemption (NOE) [http://ceres.ca.gov/topic/env_law/ceqa/guidelines/appendices.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/appendices.html) is a brief notice that the campus may file with the State Office of Planning and Research (OPR) after it determines that a project is exempt from CEQA and decides to carry out or approve a project. Directions for
preparing a Notice of Exemption are found in CEQA Guidelines Section 15062 http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html. (See UC CEQA Handbook, Appendix D) If the Regents approve an exempt project, Planning, Design and Construction will file an NOE.

The filing of a Notice of Exemption with OPR begins a 35-day statute of limitations (See CEQA Guidelines Section 15112(c)(2) and http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art8.html) on legal challenges to the campus's decision that the project is exempt from CEQA. A statute of limitations defines the period of time during which a lawsuit may be filed or other legal action taken. If a Notice of Exemption is not filed, a 180-day statute of limitations applies. (See CEQA Guidelines Section 15062(d) http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html).

Steps for Filing a Notice of Exemption

- Prepare approval letter for Chancellor signature (UC CEQA Handbook, Appendix K).
- Recommend that the project be deemed exempt from CEQA.
- Decide whether to file NOE and apply the 35-day statute of limitations or do not file the NOE and apply the 180-day statute of limitations.
- Prepare a Notice of Exemption that includes the following requirements—see Section 15062 of the CEQA Guidelines http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html:
  1. A brief description of the project that supports the specific exemption and explains that no exceptions to the exemption apply;
  2. A finding that the project is exempt from CEQA, including citation to the CEQA Guideline(s) under which it is found to be exempt; and
  3. A brief statement of reasons to support the finding.
- Consult with Offices of the President and General Counsel.
- Send two copies of the Notice of Exemption to OPR. Request that one be date stamped and returned to verify receipt by OPR. Copies of the NOE should be sent to Planning, Design and Construction at the Office of the President, and the Office of General Counsel.
- Campuses can also confirm OPR receipt of Notices by monitoring the on-line State Clearinghouse Newsletter http://www.opr.ca.gov/clearinghouse/Newsletter.shtml.

Exceptions to the Exemptions

Special circumstances can affect exemption status; thus, it is advisable to consider any project in light of the exceptions. In these situations, the Office of the President recommends that the campus prepare an environmental analysis to verify that an exemption from CEQA is appropriate, or to demonstrate that due to an exception, environmental review is required. The
environmental analysis substantiates the decision-making process (See CEQA Guidelines Section 15300.2 [http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art19.html]).

Categorical exemptions cannot be used if the project triggers any of the following exceptions:

- **Sensitive location.** If the project generally would be insignificant, but the location is sensitive resulting in significant effects, Categorical Exemption Classes 3, 4, 5, 6, and 11 cannot be used. For example, the minor expansion of an existing maintenance facility may be an exempt activity. However, if the expansion were to occur on wetlands, the exemption would not be applicable.

- **Cumulative impact.** The cumulative impact of the project and successive similar projects in the same location create a significant impact.

- **Unusual circumstances.** If there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, a categorical exemption shall not be used.

- **Scenic Highway.** A categorical exemption shall not be used if a project will damage scenic resources, including, but not limited to trees, historic buildings, rock outcroppings, or similar resources within an officially designated scenic highway.

- **Hazardous Waste Site.** A categorical exemption shall not be used for a project located on a site which is included on any list of hazardous waste sites (Cortese list, Government Code 65962.5)

- **Historic Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historic resource.