2.3.11 Recirculation of an EIR

Recirculation of an EIR Prior to Certification

If, subsequent to public review and interagency consultation but prior to final certification, the campus changes the project in a manner that may result in new or increased levels of environmental impacts, or if “significant new information” is added to the Draft EIR in response to comments, the campus may be required to recirculate a revised Draft EIR for additional comments.


CEQA Guidelines Section 15088.5 http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art7.html requires that a lead agency recirculate an EIR when significant new information is added to the EIR after public notice for public review of the Draft EIR, but prior to certification. “Information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:

1. a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

2. a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

3. a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project proponents decline to adopt it; and/or

4. the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified (CEQA Guidelines Section 15088.5 (c) http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art7.html).


A decision not to recirculate an EIR must be supported by substantial evidence in the administrative
Practical Considerations for Recirculation Prior to Certification

In deciding whether to recirculate the EIR, the campus needs to evaluate how much information has changed and the level of concern the community is likely to express about the specific issues. This decision should be discussed with the Offices of the President and the General Counsel.

Generally, if information has changed substantially, the campus revises and then recirculates the original EIR. If the EIR is to be recirculated, the campus must again provide public notice (see UC CEQA Handbook Section 2.3.8), consult with Responsible Agencies and other public agencies with jurisdiction over the project, hold a new public hearing, and grant an additional 45-day review period. In addition to responding to comments on the initial Draft EIR, all oral and written comments received during the second review period must be responded to in the Final EIR. To distinguish between responses to comments on the initial Draft EIR and the recirculated EIR, responses to comments on each of the drafts should be placed in a separate section or document.

If the new information or project changes are not significant, the project description should be revised and included in the Final EIR.

Changes to the EIR After Certification of an EIR

Once an EIR has been certified, then the procedures in CEQA Guidelines Sections 15162, 15163 and 15164 http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art11.html apply in determining whether a subsequent EIR, a supplement, or addendum to an EIR must be prepared. Circulation of subsequent or supplemental EIRs is not “recirculation.”