3.4 Findings Contents

Findings are the document that makes the connection between the analysis in the environmental document and the decision by the decision makers. CEQA Guidelines Section 15091 [http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art7.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art7.html) requires that an EIR may not be certified for a project which has one or more significant environmental effects unless one of three possible findings is made for each significant effect:

1) That changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

2) That such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency.

3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

The findings made above are to be supported by substantial evidence. If making a finding that a mitigation measure or alternative is infeasible, specific reasons for rejecting mitigation measures and project alternatives must be given. If claiming that significant impacts are reduced to a less than significant level through changes or alterations to the project, such changes must be made a condition of approval and be fully enforceable through permit conditions, agreements or other measures. The findings must include the location and custodian of the documents which constitute the record of proceedings upon which the decision is based. A Statement of Overriding Considerations does not substitute for findings.

When preparing findings, or having outside counsel prepare findings for a project, please consult with the Office of the President Planning Design & Construction for examples of findings that are similar to the proposed project. The Office of General Counsel and Planning Design & Construction need to review all draft findings prior to submission of the findings for design approval of a project. Findings for projects since May 2000 are on the Regents website with the design approval items listed under the Grounds and Buildings Committee [http://www.ucop.edu/regents/aar/aar.html](http://www.ucop.edu/regents/aar/aar.html).

Negative Declaration Findings Format
The suggested organization and general headings for findings for a Negative Declaration are as follows.
Title: California Environmental Quality Act Findings in connection with the Approval of the Design of the project, and UC (campus name).

I. APPROVAL OF THE ENVIRONMENTAL DOCUMENT

This section indicates that pursuant to CEQA, an environmental document has been prepared and reviewed by The Regents. It contains the finding that the environmental document reflects the independent judgment and analysis of the University and that The Regents approves the environmental document.

II. FINDINGS

This section includes findings to be adopted pursuant to Section 15074 of Title 14 of the California Code of Regulations, in conjunction with the Approval of the project.

A. Environmental Review Process
   This section provides information about the time period of the environmental review, and information about tiering if relevant.

B. Relation of the Project to the LRDP EIR
   If the project is tiered from the LRDP EIR, this section explains the integration of LRDP EIR mitigation measures into the project.

C. Environmental Summary
   This section elaborates on the disposition of the potentially significant impacts of the project which are mitigable to a less than significant level.

D. Additional Findings

1. Incorporation by reference of the project environmental document, the LRDP, the LRDP EIR, and the Findings adopted by the Regents in relation to the LRDP EIR.

2. Adoption of the project mitigation monitoring program (if there are project specific mitigation measures) and/or acknowledgement that LRDP EIR mitigation measures which apply to the project will be monitored as part of the overall LRDP EIR Mitigation Monitoring program.

3. Location of documents that constitute the record of proceedings and identification of the custodian.

4. Finding regarding the Department of Fish and Game fee. If there are no impacts on fish or wildlife, or the habitat upon which the wildlife depends, the presumption of adverse impacts may be rebutted.

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E. Summary

1. Changes or alterations have been required in, or incorporated into, the approval of the Project that mitigate or avoid significant environmental effects.

2. There is no substantial evidence in the record that the project as revised may have any significant effect on the environment.

III. APPROVALS

This section repeats the actions taken by The Regents or the Chancellor in approving the environmental document and the project.

Environmental Impact Report Findings Format

Findings, and Approval of Design for the (_____Project name), _____ Campus Certification of the Final EIR for the _____project

I. CERTIFICATION OF THE FINAL EIR

This section indicates that pursuant to CEQA, an Environmental Impact Report has been prepared and reviewed by The Regents. It contains the finding that the document reflects the independent judgment and analysis of the University and that The Regents approves the environmental document.

II. FINDINGS

The introduction to this section states that the findings are to be adopted pursuant to Public Resources Code Sections 21081, 20181.5 and 21081.6 and Title 14, California Code of Regulations, Sections 15091 through 15093 in conjunction with the approval of the project as described in Section III.

A. ENVIRONMENTAL REVIEW PROCESS

This section provides information about the project and describes the environmental review process. If the EIR is tiered, information about the EIR from which it is tiered is provided. State which environmental topics are considered to have been adequately covered in the LRDP or program EIR, and which topics are covered in the project EIR. List the dates of the Notice of Preparation, Notice of Completion, public hearing, and public review period. Summarize comments received.
B. SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS AND DISPOSITION OF RELATED MITIGATION MEASURES

Summarize the significant unavoidable adverse impacts and related mitigation measures.

C. SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF “NOT SIGNIFICANT” OR “LESS THAN SIGNIFICANT” BY MITIGATION MEASURES INCORPORATED INTO THE PROJECT

Summarize the significant impacts that are reduced to a “less than significant” level through incorporation of mitigation measures.

D. LESS-THAN-SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR FOR WHICH MITIGATION MEASURES HAVE BEEN INCORPORATED INTO THIS PROJECT TO FURTHER REDUCE THE IDENTIFIED IMPACTS

Mitigation measures are not required for impacts which are not significant, however some environmental impact reports identify mitigations which can further reduce impacts which are less than significant. Summarize these impacts and mitigation measures if appropriate.

E. MITIGATION MONITORING PROGRAM

Adoption of the mitigation monitoring program.

F. ALTERNATIVES

Summarize the alternatives evaluated in the Environmental Impact Report.

G. STATEMENT OF OVERRIDING CONSIDERATIONS

(if applicable)
If there are significant unavoidable impacts, include the statement that the Regents have balanced the benefits of the Project against these unavoidable environmental risks and have determined that the benefits of the project outweigh the unavoidable adverse environmental effects. If the Regents have previously adopted a Statement of Overriding Considerations in conjunction with the LRDP EIR or Program EIR, from which the project EIR is tiered, reference this previous finding as well. Summarize the benefits of the project which provide the basis for finding its benefits outweigh the significant unavoidable impacts.

H. INCORPORATION BY REFERENCE

List which documents are incorporated by reference. Incorporation by reference is intended to elaborate on the scope and nature of mitigation measures, the basis
for determining the significance of impacts, the comparative analysis of alternatives and the reason for approving the Project.

I. RECORD OF PROCEEDINGS

State where documents referenced in the EIR and the record of proceedings are located, along with the custodian for these records.

J. SUMMARY

Make the following summary findings:
Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other public agency.

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Based on the foregoing Findings and the information contained in the record, it is determined that:

a. All significant effects on the environment due to the approval of the Project have been eliminated or substantially lessened where feasible.

b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Findings and Statement of Overriding Considerations adopted by the Regents in connection with the LRDP EIR and in Section __ above.

IV. APPROVALS

This section repeats the actions taken by The Regents or the Chancellor in approving the environmental document and the project.