

## 2.1.4 Initial Study

The Initial Study, described in Section 15063

[http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/art5.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html) of the CEQA Guidelines, serves as a preliminary investigative tool to identify potential environmental effects. It is recommended as the basis for determining whether to prepare an EIR or Negative Declaration. The possible outcomes of an Initial Study are as follows:

### General Exemption

A General Exemption applies in situations "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment..." (See *CEQA Guidelines Section 15061(b)(3)* [http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/art5.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html)). In such cases, it is not necessary for the lead agency to prepare an Initial Study, but it does help substantiate such an exemption where appropriate.

### Categorical Exemption

There are 32 classes (types) of projects that are normally considered exempt from CEQA. (See *CEQA Guidelines Section 15300-15332* [http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/art19.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art19.html)). In order to verify the classification, it is useful, but not required, to prepare an Initial Study for projects that are determined to be categorically exempt from CEQA. The Initial Study should evaluate whether the project fits within the scope of the exemption, as well as whether one or more of the exceptions in the *CEQA Guidelines Section 15300.2* [http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/art19.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art19.html), would preclude reliance on the exemption. The most common exceptions apply in situations where the project would have significant impacts due to unusual circumstances, where cumulative impacts would be significant, or where the project may cause a substantial adverse change in the significance of a historical resource.

The substantive requirements for an Initial Study are set forth in Section 3.1 of this Handbook.

### Findings

If the potential significant environmental effects of the proposed project have been adequately considered in a Program EIR or Negative Declaration, and impacts have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, or are imposed upon the proposed project, no further environmental document is required and findings may be prepared based on the existing environmental document(s).

Consult with the Office of the President for advice regarding this option.

### Negative Declaration

A Negative Declaration should be prepared when the proposed project either has no impacts, or adverse impacts that are not significant (See *UC CEQA Handbook Section 2.1.7*).

## **Tiered Negative Declaration**

When the proposed project could have adverse impacts which were not considered in a Program EIR (e.g. LRDP EIR), but those impacts are not significant, a Tiered Negative Declaration should be prepared.

## **Mitigated Negative Declaration**

A Mitigated Negative Declaration applies where the proposed project could have significant effect(s) on the environment, but mitigation measures would be a required condition of project approval, which would mitigate the effects to a point where clearly no significant effects would occur.

## **Tiered Mitigated Negative Declaration**

A Tiered Mitigated Negative Declaration applies where the proposed project could have significant effect(s) on the environment, these effects have been analyzed and mitigated in a Program EIR (e.g. LRDP EIR), and there will not be a significant effect because program mitigation measures and new project specific mitigation measures will be required as a condition of project approval, and would mitigate the effects to a point where clearly no significant effects would occur.

## **EIR**

If the proposed project may have one or more significant effects that were not adequately analyzed in the LRDP or program EIR, an EIR would be prepared.

## **Tiered EIR**

If the proposed project may have one or more new significant effects that were not considered in a Program EIR, or which may be substantially worse than identified in a Program EIR, but some impacts were adequately analyzed, a Tiered EIR should be prepared, as described in *CEQA Guidelines Section 15152(f)* [http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/art10.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art10.html).

Significant impacts are considered to have been adequately addressed by a previous EIR where:

- The impacts were mitigated or avoided in connection with a previous EIR.
- The impacts were examined at a sufficient level of detail in the prior EIR to enable the effects to be mitigated or avoided by project-level revisions, conditions, or other means.

If a project is not exempt from CEQA, the campus should prepare an Initial Study to determine the scope of environmental impacts attributable to the project. If the campus determines that an EIR will clearly be required for the project, an Initial Study is not required. It is, however, still useful to prepare an Initial Study to provide a mechanism to involve campus decision makers in the preliminary review process, to substantiate the decision-making process, to ascertain probable costs of preparing an environmental document and, if appropriate, focus an EIR that may be tiered from analysis in an LRDP

EIR.

If the Initial Study indicates there is substantial evidence that any aspect of a project, either individually or cumulatively, may have a significant effect on the environment, the campus should:

- prepare an EIR;
- demonstrate that a previous EIR (such as an LRDP EIR or other program EIR) adequately analyzes the project; or, if possible,
- modify the project to eliminate all significant impacts or reduce them to less-than-significant levels.

### **Initial Study to Findings**

For projects that are part of a larger project or program for which a program EIR has already been prepared, an Initial Study should be prepared to determine whether the project would result in any potential impacts not evaluated or mitigated in the program EIR. One of the possible determinations of such an Initial Study is that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental document is required. Findings consistent with the determination will be prepared.

### **Practice Tip**

The campus environmental planner should give the applicable LRDP EIR mitigation measures to the consultant at the outset of the project environmental review, so that the consultant can determine if further mitigations are necessary. Appending the entire LRDP EIR mitigation list only confuses the reader as to which mitigations apply to the project.

Review LRDP EIR mitigation measures to determine the timing of implementation (e.g., geotechnical evaluation should be done and reported on in the Tiered Initial Study to enable determination if further mitigations are required or if design changes are needed).