

2.2 Negative Declaration

2.2.1 Preparation of a Negative Declaration/Mitigated Negative Declaration

A Negative Declaration or a Mitigated Negative Declaration should be prepared for a project when there is no substantial evidence that the project or any of its aspects could result in significant adverse impacts (*CEQA Guidelines Section 15063(b)(2)*

http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html).

A Negative Declaration or a Mitigated Negative Declaration shall be prepared when the Initial Study shows that: (1) there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment; or (2) the Initial Study identifies potentially significant effects, but revisions to the project agreed to prior to public review would avoid the significant effects, or reduce them to a less-than-significant level; and there is no substantial evidence that the revised project would result in a significant environmental effect (See *CEQA Guidelines Section 15070*

http://ceres.ca.gov/topic/env_law/guidelines/art6.html).

A Negative Declaration or Mitigated Negative Declaration is a short document that describes the proposed project, presents findings related to environmental conditions, includes a copy of the Initial Study which documents the reasons to support the findings, and includes mitigation measures, if any, included in the project to avoid potentially significant effects (Mitigated Negative Declaration). See *UC CEQA Handbook, Appendix H*.

Mitigated Negative Declaration

As described above, the campus may prepare a Mitigated Negative Declaration if the Initial Study identified potentially significant environmental effects of the project and the project is revised to eliminate or mitigate impacts to less than significant levels. A Mitigated Negative Declaration may be adopted when there is no substantial evidence in light of the whole record that the project, as revised by incorporation of the mitigation measures, may have a significant effect on the environment. (*CEQA Statutes Section 21064.5* http://www.ceres.ca.gov/ceqa/stat/chap2_5.html and *CEQA Guidelines Section 15070*

http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art6.html).

Mitigation measures that are made part of the project can be considered in reaching the conclusion that the project will not result in a significant impact. These measures must be incorporated into the project, described in the project description, and circulated for public review before certification of the Negative Declaration. (See *UC CEQA Handbook Section 2.2.2*). If a Mitigated Negative Declaration is prepared, the campus will need to prepare an accompanying Mitigation Monitoring Program to document who is responsible for mitigation measure implementation and monitoring, and how and when mitigations will be implemented and monitored. (See *UC CEQA Handbook Section 2.2.4 and Chapter 5*).

Practical Considerations

Process for filing a Negative Declaration/Mitigated Negative Declaration

The Initial Study is attached to a:

- Notice of Intent to Adopt a Negative Declaration (or Mitigated Negative Declaration) (*UC CEQA Handbook, Appendix G*) and
- an Environmental Document Transmittal Form (*CEQA Guidelines Appendix C* (http://ceres.ca.gov/topic/env_law/ceqa/guidelines/pdf/appen_c.pdf) when sent to the State Clearinghouse.
- Receipt of the notice by the Clearinghouse starts the 30-day review period for State agencies.

Distribution

The State Clearinghouse should receive:

- One (1) Environmental Document Transmittal Form
- 15 copies of the Notice of Intent to Adopt a Negative Declaration with Initial Study attached

The following should receive copies (“cc’s”) of the Notice of Intent to Adopt and the Initial Study:

- Office of the President, Planning, Design, and Construction
- Office of General Counsel
- Regional Clearinghouse
- Responsible agencies if applicable
- Trustee agencies if applicable
- Relevant City or County
- Individuals who and organizations which have previously requested such notices in writing.
- Transportation planning agencies and public agencies which have transportation facilities within their jurisdiction which could be affected by the project, if the project is of statewide, regional or areawide significance

Contents of a Notice of Intent to Adopt a Negative Declaration

See *UC CEQA Handbook, Appendix H* for sample format

1. Brief description of project and location.
2. Starting and ending dates for public review.
3. Date, time and place of any scheduled public meetings or hearings to be held by the lead agency on the project if known at the time of the notice.
4. Address(es) where copies of proposed Negative Declaration or Mitigated Negative Declaration and all referenced documents are available for review. The location is to be available during normal working hours.
5. Whether the site is listed on any hazardous site lists per California Government Code 65962.5 <http://www.leginfo.ca.gov/calaw.html>.
6. Other information required by statute or regulation for a particular project or type of project.