

2.2.7 Thirty Day Statute of Limitations

A statute of limitations defines the period of time in which a lawsuit may be filed to challenge a CEQA decision.

Under CEQA, a 30-day statute of limitations applies after an NOD has been received by the Office of Planning and Research (OPR) following adoption of a Negative Declaration or Mitigated Negative Declaration and approval of the project.

The period ends 30 calendar days later, or on the first working day following a weekend or holiday. If no NOD is filed, a lawsuit may be filed up to 180 days after approval of the project. (*CEQA Statutes Section 21167*) The statute of limitations can be 180 days from approval OR, if a project is undertaken without a formal decision by a public agency, the statute of limitations is 180 days from the date of commencement of the project. (*CEQA Guidelines Sections 15075(e)* http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art6.html and *15094(f)* http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art7.html).

The University may learn about a CEQA lawsuit a number of ways including formal service on the Regents, direct communications, or press reports or inquiries. If any University entity learns of a CEQA lawsuit, promptly alert the Office of General Counsel, Office of the President and the campus.

It is advisable, but not required, to delay project implementation and the mobilization of contractors until after the 30-day period expires and no lawsuit has been filed.