



University of California
California Environmental Quality Act
Implementation Guidance
Frequently Asked Questions

Introduction

1. What is the purpose of the California Environmental Quality Act (CEQA)?

In 1970, the California legislature enacted CEQA (Public Resources Code § 21000 *et seq.*), requiring public agencies to consider and disclose to the public the environmental implications of their actions, as well as to avoid or reduce significant environmental impacts of these actions when it is feasible to do so. The primary purposes of CEQA are to avoid, reduce or prevent environmental damage, and foster an informed and transparent public decision-making process by providing information to decision-makers and the public concerning the environmental effects of projects either undertaken or approved by lead agencies.

2. Are University of California projects subject to CEQA?

Yes. As a constitutionally created entity of the State of California, The Regents of the University of California (UC or University) is subject to CEQA. Additionally, UC has adopted the state's "CEQA Guidelines" (Cal. Code Regs., Title 14, § 15000 *et seq.*); thus, these Guidelines in their entirety and any subsequent updates are automatically applicable to University projects.

3. Where can I find a copy of CEQA and the CEQA Guidelines?

CEQA is codified in the Public Resources Code, sections 21000-21189:

<http://resources.ca.gov/ceqa/>

The CEQA Guidelines are in Title 14, sections 15000-15387, of the California Code of Regulations:

<http://resources.ca.gov/ceqa/guidelines/art1.html>

CEQA and the University of California

4. How is CEQA applied to University of California projects?

UC is unique among public agencies because it is a constitutionally created entity of the State of California with "full powers of organization and government" (Cal. Const. Art. IX, Section 9). As a constitutionally created State entity, the UC) is not subject to local governments' regulations, such as City or County General Plans or land use ordinances, on property owned or controlled by the University and used in furtherance of the University's mission. Therefore, UC typically acts as both the project proponent and lead agency under CEQA.

Although there is no formal mechanism or requirement for joint planning with local communities, UC campuses¹ may consider, for coordination purposes, aspects of local plans and policies when it is appropriate and feasible, but the University is not bound by those plans and policies in its planning efforts. Campuses generally seek to maintain an ongoing exchange of ideas and information and to pursue mutually acceptable solutions for issues that confront both the campus and its surrounding community.

¹ For the purposes of this document, "campus" includes any associated medical center; both campuses and medical centers must follow the same CEQA requirements.

5. How is CEQA applied to Long Range Development Plans and enrollment growth?

Section 21080.09 of CEQA specifies how CEQA applies to public higher education and long range development plans (LRDPs), defined as a “physical development and land use plan to meet the academic and institutional objectives for a particular campus or medical center of public higher education.” LRDPs have been prepared for all main campuses and medical centers, but not all UC-owned property is included in an LRDP. LRDP approval is subject to CEQA and requires the preparation of an environmental impact report (EIR).

LRDP EIRs analyze the environmental impacts of academic and enrollment plans as captured by the physical development proposed within the LRDP. LRDP EIRs generally analyze campus development at a programmatic level (*i.e.*, higher, less detailed) and enable the campus to streamline the environmental review process for subsequent projects that implement the LRDP. CEQA consideration of specific subsequent projects must still occur, but the process is generally shorter and/or more focused because it can leverage LRDP EIR analyses and identification of mitigation measures. This CEQA process is generally referred to as “tiering.” In certain situations, additional analysis may be unnecessary based on information previously disclosed in the LRDP EIR and a showing that the subsequent project would not result in new or more severe previously identified significant environmental effects.

An LRDP is not a mandate for growth and does not commit the University to any specific enrollment level, campus population, or development. Facility development may not keep pace with demonstrated need due to funding constraints. Similarly, enrollment and population may or may not grow at the rates projected in the LRDP.

LRDPs and their associated EIRs do not expire; an LRDP is in effect until it is replaced. LRDPs present a “horizon year,” which simply provides an estimate for identifying the development needed to accommodate estimated enrollment, campus population growth, anticipated project completion, or other parameters, through a defined period. LRDPs typically cover a 10 to 15 year planning period.

6. What is considered a project under CEQA?

CEQA applies to "discretionary projects proposed to be approved or carried out by public agencies." (Pub. Res. Code §21080(a).) The term "project" refers to the whole of an action and to the underlying activity being approved, not to each governmental approval. (CEQA Guidelines §15378(a), (c)–(d).) This definition ensures that the action reviewed under CEQA is not the approval itself but the development or other activities that will result from the approval.

A "project" has two essential elements. First, it is an activity that may cause a direct (or reasonably foreseeable indirect) physical environmental change. Second, it is an activity directly undertaken by a public agency, an activity supported in whole or in part by a public agency, or an activity involving the issuance by a public agency of some form of entitlement, permit, or other authorization. (Cal. Pub. Res. Code § 21065). For the University of California, examples of projects that could have an effect on the environment include capital construction projects, LRDPs and LRDP amendments, substantial changes in the use of facilities, and series of actions such as seismic renovation or asbestos removal. Real estate transactions such as leases, licenses, and acquisitions of property may also be considered projects under CEQA and therefore require environmental review.

7. Who is the “lead agency” for UC projects?

For University projects, the UC (or UC Regents) is typically identified as both the lead agency (Cal. Pub. Res. Code § 21067) and the applicant on the same project. While UC typically acts as lead agency for its projects, it may act as a responsible agency in instances where the University has a discretionary approval over a project under another public agency’s jurisdiction. For example, UC may be a responsible agency for a highway project directly adjacent to one of its campuses for which UC is requested to grant an easement to accommodate the project, or when UC partners with another entity for a project that is being entitled through a local jurisdiction that is acting as lead agency. In both instances, UC’s role as a responsible agency is to provide comments on any issue within the scope of UC’s project-related approval and to ensure that any environmental document prepared for the project is adequate for the University to undertake its approval action in compliance with CEQA.

University of California CEQA Practices

8. Who has the approval authority to adopt or certify CEQA documents for University of California projects?

Projects are approved at various levels within the UC system, from the Regents to the University President to the Chancellors at individual campuses. Per Regents Policy 8103: Policy on Capital Project Matters, the certification and adoption of environmental documents is undertaken at the level of associated project approval.

9. How does the University of California make CEQA determinations?

The Environmental Impact Classification Form (EIC) is a University of California form that is used in the initial stages of project planning to determine whether a University project or action will qualify for an exemption from CEQA, or if not, what environmental documentation is anticipated. EICs are required for all projects as defined under CEQA.

The EIC provides a brief description of the project, the type of environmental documentation anticipated for the project, and whether the project is consistent with an LRDP. If a proposed project is expected to qualify for an exemption from CEQA, the EIC and any necessary attachments must provide justification for the exemption pursuant to the criteria set forth in CEQA and the CEQA Guidelines.

10. What are the different types of CEQA documents the University may prepare?

The EIC will help UC determine what type of environmental documentation is required for the project. Projects can be exempt, which may require some documentation to demonstrate the relevant exemption’s applicability, or can be analyzed through an initial study/negative declaration, initial study/mitigated negative declaration, addendum to a previously prepared EIR, or a new EIR altogether. In certain circumstances, CEQA may simply require findings that document the full consideration of the project within a prior CEQA document, such as an LRDP EIR.

If a project will or may create a significant impact on the environment, an EIR must be prepared. The EIR evaluates the project’s environmental effects, and recommends mitigation measures to avoid or reduce significant effects. Per the [Amended University Procedures for](#)

Implementation of CEQA, a public hearing following the publication of a Draft EIR, is required for all projects for which an EIR will be prepared.

11. How long does it take for a CEQA document to be prepared?

Preparation of a CEQA document can commence when there is a stable project description with sufficient specific information to allow for a complete evaluation and review of its environmental impacts. An accurate, stable, and finite project description is an essential element of an informative and legally defensible CEQA document. Before starting the environmental document, it is important to carefully consider any uncertainty (such as funding sources) and any potentially significant or controversial environmental impacts. The amount of time to prepare the appropriate environmental documentation depends on the type of CEQA document required, the project scope, funding source, and other variables. Typically, it takes approximately six months to prepare an initial study and over a year to prepare an EIR. Please refer to CEQA process flowchart in “Other Resources below.

12. When will an environmental document be prepared?

Choosing the precise time for CEQA compliance involves balancing of competing factors, but generally CEQA review should take place as early as feasible in the planning process to enable environmental considerations to influence project program and design, but not so early as to preclude the availability of meaningful information for environmental assessment (CEQA Guidelines § 15004). It is UC practice to prepare the CEQA document at the time of UC’s irrevocable commitment to the project. Typically, for capital projects and design-build projects, the University will complete CEQA review at the time of design approval; for real estate transactions such as a lease or acquisition, the University will usually complete CEQA review at the time of approval of the transaction; and for LRDPs, the University will complete CEQA review at the time of LRDP approval.

13. What are CEQA findings, and when are they required?

Certain CEQA findings are required for any UC discretionary action for which the University has prepared an EIR, mitigated negative declaration, or negative declaration, including situations in which these documents are tiered from a prior CEQA document (CEQA Guidelines §§ 15071, 15074, 15091). This applies when UC is acting as either a lead or responsible agency under CEQA.

When a project has significant effects (the vast majority of projects tiering from campus LRDP EIRs are likely to fall into this category), the University must make findings for each of those significant impacts. In certain instances where UC has adopted or certified a prior CEQA document and is taking a subsequent discretionary action, findings should be prepared to indicate that the project does not trigger any of the conditions of CEQA Guidelines § 15162 (subsequent EIRs and negative declarations) and that no further environmental analysis is therefore required; in such instances, the University’s CEQA process may include readopting and affirming findings for a previously prepared CEQA document.

14. When is a Notice of Determination or Notice of Exemption required?

Notices of determination (NODs) and notices of exemption (NOEs) are filed with the **State Clearinghouse** by the University of California Office of the President (UCOP) for projects

approved by the Regents or authorities within UCOP. NODs and NOEs are filed by the campuses for projects approved at the campus level.

For all projects analyzed through an EIR, mitigated negative declaration, or negative declaration, NODs² must be filed within five working days after the decision to carry out or approve the project. The filing of the NOD starts a 30-day statute of limitations on court challenges under CEQA. CEQA Guidelines sections 15075 and 15094 list the required contents of NODs.

Agencies are not required to file NOEs, but if a public agency decides to file an NOE, it should do so as soon as possible after the project is approved. Filing of the NOE starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. If an NOE is not filed, a 180-day statute of limitations applies.

15. How and when should campuses provide notification of UC project approvals?

Campuses must provide a notice of impending approval for all capital projects identified on their website, regardless of the type of CEQA document in question, at least 10 days prior to the final approval action (typically for design). Following final approval of the project, project CEQA documents should be maintained on the campus website for at least 40 days following the filing of a NOD. For Regents items, final CEQA documents are due approximately two weeks prior to the Regents meeting and will be published as part of the meeting agenda on the Regents website at least 10 days prior to the meeting. (See the [UCOP environmental document submission webpage](#) for specific due dates.)

16. What are mitigation measures, and what is a mitigation monitoring reporting program?

Mitigation measures are project components, actions or conditions designed to avoid or reduce a project's significant environmental effects. The implementation of mitigation measures is triggered only when environmental impacts actually occur, typically at the time of construction (as opposed to when a project is approved). Mitigation measures are tracked via a mitigation monitoring and reporting program (MMRP), which is a required component of EIRs under CEQA. The MMRP will outline the environmental impacts of the project and corresponding mitigation measures associated with each impact, as well as the party responsible for implementing each mitigation measure and the anticipated timeline for implementation. Each campus is responsible for ensuring the implementation of the MMRP for their LRDPs or campus projects.

17. What is the role of the California Office of Historic Preservation in relation to the University of California?

Historical resources are recognized as part of the environment under CEQA and the California Register of Historical Resources (managed by the California Office of Historic Preservation). The California Register is an authoritative guide to the state's historical resources and properties that are considered historically significant for the purposes of CEQA; it includes resources listed in or formally determined eligible for listing in the National Register of Historic Places, as well as some California State Landmarks and Points of Historical Interest. However, a resource does not need to be identified previously, either through listing or survey, to be considered significant

² NODs with a negative declaration, mitigated negative declaration, or environmental impact report must be filed with a check for the appropriate Department of Fish & Wildlife CEQA document filing fee, updated annually: <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>

under CEQA. In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate potential historical resources against the California Register criteria prior to making a finding as to a proposed project's impacts to historical resources (CEQA Guidelines § 15064.5(a)(3)). In certain instances, a local jurisdiction may have previously identified a property or structure as a historic resource; however, that does not limit the University in making its own findings of historical significance.

18. What if an UC Project requires compliance with both CEQA and the National Environmental Policy Act (joint CEQA/NEPA)?

Some examples of UC projects that may require compliance with both CEQA and NEPA are projects that utilize federal funds or require the approval of a federal agency. For projects that require joint compliance, CEQA advises the preparation of NEPA environmental documents (finding of no significant impact (FONSI) or environmental impact statement (EIS)) in lieu of CEQA environmental documents (initial study or environmental impact report), particularly if NEPA environmental documentation has already commenced (Cal. Pub. Res. Code § 21083.7).

The University of California may also prepare a combined negative declaration-FONSI or an EIR/EIS, depending on the level of potential environmental impact. Since CEQA and NEPA may apply differing standards of significance, an EIR/FONSI combination may also be appropriate.

In the event that a project requires a joint CEQA/NEPA document, the lead agency may waive the time limits outlined by CEQA if it finds that additional time is necessary to prepare the combined document and the time required to prepare the combined document would be shorter than that required to produce each document separately.

Other Resources

The California Association of Environmental Professionals (AEP) CEQA Statute and Guidelines Handbook with annual updates:

<https://www.califaep.org/policy/statute-and-guidelines>

Regents Policy 8103: Policy on Capital Project Matters:

<http://regents.universityofcalifornia.edu/governance/policies/8103.html>

CEQA Process Flowchart:

<http://resources.ca.gov/ceqa/flowchart/>