



## WESTCARB Phase II Kickoff

### ***NEPA and CEQA Processes and Documentation***




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## Environmental Review Laws

- **National Environmental Policy Act of 1969 (NEPA)**
  - 42 U.S.C. 4321
  - Applies to Federal actions
  - Outlines approach to environmental analysis for decision makers
  - Agencies adopt own procedures based on general guidance [CFR 1500]
- **California Environmental Quality Act (CEQA)**
  - Calif Public Resources Code [PRC 21000 – 21178]
  - Applies to official discretionary actions having the potential to affect the environment
  - Agencies follow CEQA Guidelines [CCR 15000-15387]



## NEPA Purpose

- **Declare a national policy regarding environmental protection**
- **Promote efforts to eliminate damage**
- **Enrich understanding of natural resources**
- **Establish Council on Environmental Quality**



## NEPA Important Aspects

- **Action-forcing procedures**
  - Agencies required to consider environmental effects
  - Documentation requirements specified
- **Substantive effect**
  - NEPA is “essentially procedural”
  - Environmental consequences of actions must be *considered*
- **Lead Agency vs. Cooperating Agencies**
- **Little change in procedures since enactment**
- **Evaluation of alternatives at similar levels of analysis**



## NEPA Environmental Review Process

- **Categorical Exclusion or other Exemption**
- **Environmental Assessment**
  - No Impact, then make Finding of No Significant Impact (FONSI)
  - Potential Impact leads to an EIS
- **Environmental Impact Statement Process**
  - Notice of Intent (NOI)
  - Scoping process
  - Draft EIS
  - Review
  - Final EIS
  - Record of Decision (ROD)



## NEPA Relation to WESTCARB

- **The Federal Connection**
  - DOE's financial support is a Federal action triggering NEPA review and DOE approval
- **Department of Energy's Approach**
  - Screen projects using an Environmental Questionnaire (a detailed annotated checklist)
  - DOE determines if further NEPA review is needed (EA or EIS)



## NEPA Actions by WESTCARB

- **Environmental effects documentation**
  - Complete individual DOE Environmental Questionnaires
    - Terrestrial Projects
    - Geologic Projects
- **DOE reviews and approves *each* project**



## CEQA Purpose

- **Inform decision-makers and the public about adverse effects of a project and provide opportunity for comments**
- **Identify and prevent or reduce damage from a proposed project through mitigation measures or project alternatives**
- **Disclose to the public reasons for approval if significant adverse effects are involved**



## CEQA Important Aspects

- Consideration of reasonable alternatives, including no project
- Use of a checklist/initial study to make initial assessment of effects
- Specified procedures and processes for notices, review comments, and decision-making
- Frequent changes in requirements due to judicial and legislative directives



## CEQA Environmental Review Process

- Complete the Project Description
- Determine if Categorical Exemption (CE)
- Initial Study (IS)
- Negative Declaration (ND) or Mitigated Negative Declaration (MND)
- Environmental Impact Report (EIR)



## CEQA and WESTCARB

- Applies to only California-based projects
- Applies if a discretionary decision is required from a public body
- Certain time periods and actions are mandatory



## CEQA Actions by WESTCARB

- Identify Lead Agency
- Review exemptions and categorical exclusions
- Prepare initial study
- Determine appropriate documentation
  - Exemption or categorical exclusion
  - Negative declaration
  - Mitigated negative declaration
  - [Environmental Impact Statement]



## Next Steps

### ■ NEPA

- Prepare detailed project descriptions
- Complete and submit Environmental Questionnaire to DOE
- Await review decision from DOE

### ■ CEQA

- Prepare detailed project descriptions (as above)
- Identify Lead Agency for each project
- Submit appropriate documentation
- Obtain concurrence of Lead Agency and Responsible Agencies



## Key Starting Point and Planned Schedule

- **Key: Project description detailed enough to allow adequate environmental review**
- **Goal: Completion of environmental review process by Spring 2006**

### NEPA :

- Obtain DOE clearance

### CEQA:

- Obtain Lead Agency concurrence and complete CEQA documentation and notice requirements

