

How to Participate in the Environmental Review Process



September 29, 2016

Training for Citizen Participants

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Purposes

- De-mystify public processes and roles
- Explain environmental review within context of larger development review process
- Help you communicate efficiently and effectively

Parallel Tracks

Environmental (CEQA)



- Governed by State law
- Formal system for public review and comment
- Focus on process

Policy



- Advisory Commission recommendations
- Public comment
- City Council determination
- **Is this a good idea?**

Terminology

- California Environmental Quality Act (CEQA)
- IS – Initial Study
- ND – Negative Declaration
- EIR – Environmental Impact Report
 - DEIR – Draft EIR
 - FEIR – Final EIR

Purpose of CEQA

- It's **only** a disclosure process.
- Requires state and local agencies to identify significant environmental impacts of projects and to avoid, or reduce, impacts when feasible.
- Technical perfection not required, but document should allow informed decision-making.
- **Won't tell whether project should be approved.**

Roles

- Agency: Tell the truth; exercise independent judgment
- Community: Contribute information and opinions
- Consultants: Technical experts for Agency
- Applicants: Make a proposal and advocate for it
- *Courts - settle disputes*

What Are Environmental Impacts?

- Agriculture and Biology
- Air Quality and Traffic
- Noise and Hazards
- Aesthetics and Cultural Resources
- Utilities and Public Services
- Physical blight

What Aren't Environmental Impacts?

- Community angst
- Property values
- Most economic impacts
- Policy shifts
- “Quality of Life”
- Fiscal impacts to Agency
- **These can still be very real policy issues**

What is a Significant Impact?

- The courts have been deciding this since 1970!
- Working definition: a substantial adverse change in a physical condition of an area or site due to a project.
- Substantial adverse: defined by each agency based on thresholds of significance (ex: LOS for traffic).

EIR Process Flow Chart

City decides to prepare an EIR



City issues Notice of Preparation



Scoping - meeting and/or written comments



City prepares and releases Draft EIR for
public review and comment



EIR Process Flow Chart (cont.)

Public and Agencies make comments on
adequacy of DEIR

(meetings and/or written)



City prepares Final EIR including responses
to comments on Draft EIR



EIR Process Flow Chart (cont.)

Planning Commission public hearing on project, recommendation to Council



City Council public hearing on project



Certification of EIR by City Council and action on applications

EIR Documents

DEIR (Draft EIR)

- May have appendices
- Still a working document
- Comments improve accuracy

EIR Documents (cont.)

FEIR (Final EIR)

- May have appendices
- Response to comments
- Additional evaluations, if any
- If new significant impacts are identified, then re-circulation is required

EIR Documents (cont.)

- Findings of Fact – this may include rejecting alternatives or mitigation measures as infeasible
- Statement of Overriding Considerations
“We’re doing this anyway, because...”
- Mitigation Monitoring Plan
- Notice of Determination

Public Review and Comment

- Draft EIR Released for Public Comment
- 45 day review period
- Comments submitted in writing for public record
- Oral comments at designated meeting
- All comments will get response in FEIR
- EIR may not reflect all project and policy issues.

Reviewing the DEIR

How much time do I have to review?

- 30 minutes – summary table
- 1 hour – executive summary
- 5 hours – EIR text
- More – technical appendices

Questions for Reader

- Does this actually describe the project?
- Are impacts accurately described?
 - some will be quantifiable (traffic)
 - some will be qualitative (light, aesthetics)
- Will “mitigation measures” really fix the problem?
- Are there other mitigation measures that should be considered?

EIR May Not Answer All Questions

- For large or phased projects, the EIR may not have all the answers
 - Animals may move
 - Bones may be uncovered
- Does the EIR have a good plan for future studies and performance standards?
- **EIR won't determine whether it's a good project**

How to Comment

- Optimally, in writing
- Focus on whether the EIR asks the right questions and provides enough information to describe the likely impacts of a project
- Responses will be at similar level of detail as the comment
- Not the mechanism to voice support or opposition

Mitigation Measures

- Supposed to reduce or eliminate the impact
- Feasible mitigation measures must be adopted
- Some issues may be addressed in General Plan or standard conditions, and don't require explicit mitigation
- Will the measures work? Are they enforceable? Are there others?

Biological Impacts

- Who did the study? When?
- Usually two components – impacts to resource (plant or animal) itself, and impacts to habitat
- What happens if things change between the time of EIR certification and construction?

Air Quality Impacts

- Construction impacts, such as dust
- Operational impacts – usually coming from any additional vehicle trips

Traffic Impacts

- Is the project accurately described?
- What are the trip generation rates? Where did they come from? Do they match local reality?
- How are trip movements assigned? Is that where people will really go?
- Are the right roads/intersections analyzed?
- Should there be an “alternate routes” analysis?

Public Services

- Not the same as fiscal impacts on the public jurisdiction
- Will project require new facilities that will cause their own impacts?

Cumulative Impacts

- Need to consider project plus reasonably foreseeable future projects
- Could be based on list; could be based on long-term plan or strategy
- Is this the probable future?
- Are impacts accurately described?
- Is mitigation adequate?

Conclusion

- A project with “significant and unavoidable impacts” may still be approved.
- A project with “significant and unavoidable impacts” may still be a good project.
- An adequate EIR does not mandate project approval.
- Public review and comment is integral part of CEQA process **AND THE PUBLIC REVIEW PROCESS**

Thank You!