

How to Read an Environmental Impact Report (EIR)



Basic Purposes of CEQA

The basic purposes of CEQA are to:

1. Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.

2. Identify the ways that environmental damage can be avoided or significantly reduced.

3. Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.

4. Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

(California State CEQA Guidelines Section 15002)

The EIR is to inform other governmental agencies and the public generally of the environmental impact of a proposed project.

CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure.

A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document.

(Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692)

The text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages.

(California CEQA Guidelines Section 15141)

EIRs shall be written in plain language and may use appropriate graphics so that decision-makers and the public can rapidly understand the documents.

(California CEQA Guidelines Section 15140)

The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind.

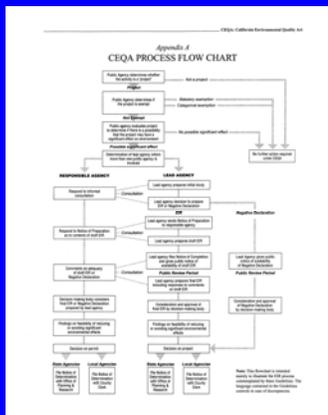
(Bozung v. LAFCO (1975) 13 Cal.3d 263)

The EIR process will enable the public to determine the environmental and economic values of their elected and appointed officials thus allowing for appropriate action come election day should a majority of the voters disagree.

(People v. County of Kern, 39 Cal. App. 3d 830.)

CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement.

(Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553)



Contents of an EIR:

1. Introduction/Executive Summary
2. Environmental Setting
3. Thresholds of Significance
4. Analysis

Contents of an EIR:

- 5. Mitigation Measures
- 6. Ultimate Impact after Mitigation
- 7. Cumulative Impacts
- 8. Alternatives

Ten Tips for Effectively Reading an EIR

- 1. Keep in Mind Your Ultimate Purpose/Goal

A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:

1. The project as approved will not have a significant effect on the environment, or
2. The agency has:
 A. Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and

 B. Determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns.

(California CEQA Guidelines Section 15092)

Questions that should be asked as you are reading the EIR:

Has the EIR identified each of the significant impacts of the Project?

If so, have they been mitigated?

If so, do you think that the mitigation measures are a good idea?

If not, why not? Is there a good reason that mitigation measures or alternatives have not been adopted?

Is the project worthwhile? Do the benefits of the project outweigh the environmental impact being brought about by the project?

The “Statement of Overriding Considerations”

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(California CEQA Guidelines Section 15093)

2. Thresholds of Significance – Understand the Trigger

SAMPLE THRESHOLDS FOR DETERMINING SIGNIFICANCE

Biological Resources Impacts

Project impacts on biological resources are considered significant if the project results in the reduction of numbers of species or habitat of any species listed in state or federal inventories as threatened or endangered; and (1) impacted species cannot be transported to comparable habitats; or (2) comparable habitat is not available off-site for relocation of species and preservation as habitat.

2. Noise Impacts

Noise impacts are considered significant if noise levels exceed 65 dB CNEL at noise sensitive locations. Noise-sensitive locations include, but are not limited to , residences, schools, hospitals, hotels/motels, churches, and outdoor recreational areas.

Noise levels which increase the ambient noise level by three to five decibels but are below 65 dB CNEL at noise-sensitive areas will be considered to have an adverse but not significant impact.

3. Traffic Impacts
A project is considered to have a significant adverse effect on the environment if it results in an increase of more than two percentage points on the volume/capacity ratio on a roadway or intersection, and that roadway segment or intersection operates at an unacceptable Level of Service (LOS E or worse).

Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. Thresholds of significance to be adopted for general use must be developed through a public review process.

(California CEQA Guidelines Section 15064.7)

3. Examine how the Threshold has been broken? Not all impacts are the same.

4. Evaluate the Mitigation Measures

A public agency shall provide that the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements or other measures.

(California Public Resources Code Section 21081.6)

For each mitigation measure you have 3 choices:

1. Adopt the mitigation measure
2. Make a finding that the mitigation measure is not within your jurisdiction, but within the jurisdiction of another agency.

3. Determine that specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make the mitigation measure infeasible.

(California CEQA Guidelines Section 15091)

The City Council finds that it is socially unacceptable to expose a residential neighborhood to increased traffic levels in order to provide a small incremental improvement to congestion at an intersection, especially when the improvement will still not reduce cumulative congestion impacts at that intersection to an insignificant level.

5. Focus on the Impact after Mitigation

6. Revisit the Project Objectives

Each project description should include a statement of the objectives sought by the project. The statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate the EIR.

(California CEQA Guidelines Section 15124)

7. Alternatives – The True Impacts of the Project?

The “No Project” alternative shall discuss the existing conditions at the time the notice of preparation is published as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved.

(California CEQA Guidelines Section 15126.6(3)(2))

The range of potential alternatives shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more significant impacts.

(CEQA Guidelines Section 15126.6(c))

8. Public Comments and Responses to Comments:
Act as the Gate Keeper

Every comment that raises environmental issues must receive a written response.

(California CEQA Guidelines Section 15088)

9. Cumulative Impacts – Look for the Forest

A Cumulative Impact is the combined impact of the proposed project in combination with other projects that will produce similar impacts.

(California CEQA Guidelines Section 15355)

10. Don't Look for All of the Answers in the EIR

Economic and Social Information may be included in the EIR or may be presented in any other form.

(California CEQA Guidelines Section 15131)
