

## OPR Releases Preliminary Discussion Draft of CEQA Guidelines Amendments for Public Comments

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On August 11, 2015, the **Governor's Office of Planning and Research (OPR)** released a Preliminary Discussion Draft of Changes to the **California Environmental Quality Act (CEQA)** Guidelines (Preliminary Discussion Draft). The OPR proposes to amend the CEQA Guidelines (Title 14 of the California Code of Regulations) to provide efficiency, substantive, and technical improvements, which are summarized below. Comments are due by October 12, 2015.

### Proposed Efficiency Improvements

The OPR proposes several efficiency improvements including:

1. Use of thresholds of significance and regulatory standards in determining the significance of project impacts in the CEQA process;
2. Clarification to rules related to tiering and determining when a later project is "within the scope" of a program environmental impact report;
3. Expanding the new exemption for transit oriented development from residential projects to commercial and mixed-use projects as well;
4. Clarification on establishing baseline for using the existing facilities exemption;
5. Updating to the CEQA checklist in Appendix G; and
6. Proposing a new section 15234 in CEQA Guidelines regarding remand and remedies of CEQA litigation.

The major efficiency improvements proposed relate to updating the CEQA checklist in Appendix G. The amendments consolidate the Agriculture and Forest Resources, Geology and Soils, Mineral Resources, and Recreation sections of the CEQA checklist into a new section called "Open Space, Managed Resources and Working Landscapes." The OPR also proposes updates to the CEQA checklist regarding the following topics: Aesthetics, Air Quality, Biological Resources and State

Wetlands, Tribal Cultural Resources, Impervious Surfaces, Groundwater, Land Use, Population Growth, Job/ Housing Fit, Transportation, and Wildfire.

### **Proposed Substantive Improvements**

The OPR proposes substantive improvements for analyzing energy and water supply impacts. This includes adding a new Energy section to the CEQA checklist and providing more guidance related to the energy impacts analysis in Appendix F. These changes would require the project's energy impact analysis to include energy impacts from transportation, equipment use, location, and other relevant factors, and not just building design. The OPR also proposes to provide guidance on water supply impacts by requiring a proposed project to analyze its possible water supply sources, any uncertainties in supply, possible supply alternatives over the life of the project, and the environmental impacts of supplying that water to the project.

### **Proposed Technical Improvements**

The proposed technical improvements include: clarifications on when it is appropriate to use projected future conditions as the environmental baseline; when agencies may defer specific details of mitigation measures until after project approval; and a set of changes related to the duty of lead agencies to provide responses to comments on a project.

The Preliminary Discussion Draft does not include changes related to transportation analysis regarding vehicle miles traveled, which would instead be analyzed separately to comply with Senate Bill 743. Nor does it include changes related to greenhouse gas emissions analysis or a clarification of whether CEQA requires an agency to analyze the impacts of the environment on a project because cases are pending before the California Supreme Court on these issues.

[View an electronic copy of the Preliminary Discussion Draft.](#)

The OPR is accepting comments on the Preliminary Discussion Draft through October 12, 2015, by 5:00 pm. Comments may be submitted electronically to [CEQA.Guidelines@resources.ca.gov](mailto:CEQA.Guidelines@resources.ca.gov), or delivered by mail or hand to:

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National Law Review, Volume V, Number 239

Source URL: <https://natlawreview.com/article/opr-releases-preliminary-discussion-draft-ceqa-guidelines-amendments-public-comments>