

Appendix G of the CEQA Guidelines

If the lead agency is presented with a fair argument that shows substantial evidence of the project having a significant environmental impact after mitigation measures are exhausted, the lead agency is required to prepare an Environmental Impact Report.^[42]

An EIR serves to inform governmental agencies and the public of a project's environmental impacts.^[44] Further, an EIR proposes mitigations and alternatives which may reduce or avoid the environmental impacts; as the EIR is considered the heart of CEQA, mitigation and alternatives are considered the heart of the EIR.^[45] One alternative that a lead agency must usually consider is the no project alternative, that is, cancellation of the project and anticipated proposals of new projects in its place. Among all the alternatives, the EIR identifies the environmentally superior alternative; if the environmentally superior alternative is the no project alternative, the EIR identifies the environmentally superior alternative among the other alternatives.^[46] The EIR process begins with the circulation of a Notice of Preparation (NOP) which informs the public, responsible agencies, trustee agencies, and the Office of Planning and Research that an EIR will be prepared for a given project. The NOP must include sufficient project description details and likely environmental effects such that agencies and public citizens can provide meaningful comments on the proposed project for analysis in the EIR. The NOP comment period is no shorter than 30 days.^[47] After preparation of the draft EIR, a Notice of Completion (NOC) must be submitted to the Office of Planning and Research which includes project location, location of review copies, and public comment review period information.^[48] The lead agency must provide public notice of the draft EIR at the same time it issues the (NOC). This notice must include the location of any public meetings intended to solicit comments on the draft EIR. If the draft EIR is circulated through the State Clearinghouse, then the public comment period must be 45 days minimum.^[49] The lead agency must prepare a final EIR before approving the project. The contents of a final EIR are specified in §15132 of the CEQA guidelines, but responses to draft EIR comments are the focus of the document.^[50] The lead agency then certifies the final EIR and issues its findings.^{[51][52]} Should significant and unavoidable impacts remain after mitigation, a Statement of Overriding Considerations must be prepared.^[53] Finally, the lead agency may decide whether or how to approve or carry out the project at which time a Notice of Determination (NOD) must be filed within 5 days of approval.^[54] Appeal periods and litigation avenues remain after the NOD.

If a major federal project, or project using federal funds is seeking approval in California, its lead agency must prepare both an EIS and an EIR, but both can be combined into one document (since the EIS and EIR have the same elements for the most part).

EIRs should have been carried out. Litigation also occurs on the grounds that EIRs are too brief or overlooked possible impacts, as there are no guidelines for the length or content of the EIRs.

Plaintiffs also sometimes accuse developers of a practice called piece-mealing. Piece-mealing is a practice by which projects are analyzed incrementally by parts to make the environmental impacts appear smaller to the overseeing agency.

CEQA plaintiffs succeeded on one such claim in June 2009, concerning an expansion of the [Chevron Richmond Refinery](#), the largest employer in [Richmond, California](#). The judge ruled that Chevron erred by defining the project inconsistently, and the city of Richmond erred in allowing Chevron to piece-meal its project, and allowing Chevron to develop a mitigation plan after the project begins. The judge consequently ruled the EIR to be insufficient to meet CEQA's requirements, ordering the preparation of a new EIR covering the whole, accurately defined project before the refinery's expansion could proceed.^{[\[55\]](#)}

[\[edit\]](#) **Settlements**

Plaintiffs in CEQA lawsuits seek various forms of redress, such as amending the EIR, preparing a new EIR, agreeing to mitigation measures, or paying money to local agencies to offset environmental impacts.

[\[edit\]](#) **See also**