





CEQA: The California Environmental Quality Act

Please see guidance and information below regarding CEQA and COVID-19. Any future updates will be posted on OPR's website. Additionally, please email us at state.clearinghouse@opr.ca.gov if you would like to discuss any statutory or regulatory compliance issues that you are experiencing related to the COVID-19 outbreak.

Deadlines, Noticing, and Filing Requirements

The provisions in Executive Order N-54-20 relating to certain requirements for filing, noticing, and posting of CEQA documents with county clerk offices have expired and are no longer in effect. Public agencies and the public in general should look to the provisions in the CEQA statute and Guidelines for requirements relating to filing, noticing, and posting of CEQA documents.

Pursuant to now-lapsed [Executive Order N-54-20](#) , signed April 22, 2020, certain requirements for filing, noticing, and posting of CEQA documents with county clerk offices had been suspended for 60 days. As the [Press Release](#)  explained, "the order will allow certain posting, filing and notice requirements under the California Environmental Quality Act (CEQA) to be satisfied through electronic means to allow public access and involvement consistent with COVID-19 public health concerns."

According to the Executive Order, between April 23 and June 21 2020, the following public notices were not required to be filed, posted, and made publicly available at the relevant county clerk's office, unless those offices remained open and were continuing to file, post, and make available such documents:

Posting of notices of preparation of an environmental impact report (EIR) or negative declaration required by Public Resources Code section 21080.4 and 21092 (Pub. Resources Code, § 21092.3)

Filing and posting of notices of determination (Pub. Resources Code, § 21152)

Filing, posting, and making copies available for public inspection notices of exemption, if those notices are filed at all (CEQA Guidelines, § 15062(c)(2), (c)(4))

Posting notices of intent to adopt negative declarations or mitigated negative declarations (CEQA Guidelines, § 15072(d))

Filing, posting, and making available for public inspection notices of determination for negative declarations or mitigated negative declarations (CEQA Guidelines, § 15075(a), (d), (e))

Posting of notices of availability of draft EIRs (CEQA Guidelines, § 15087(d))

Posting of notices of determination (CEQA Guidelines, § 15094(a), (d), (e))

In the event that public agencies or project applicants were operating under any of the above suspensions, Executive Order N-54-20 required lead and responsible agencies and project applicants to take all of the following steps in lieu of the public notice, filing, and posting requirements that had been suspended:

Post the notices listed above on the lead or responsible agency's website for the same length of time that would be required for physical posting,

Submit all notices listed above to the State Clearinghouse's [CEQAnet web portal](#) , and

With exception to the provisions that have been suspended, lead and responsible agencies and project applicants must perform public noticing and outreach to all interested parties as allowed and required by CEQA and the CEQA Guidelines; for example, as required by CEQA Guidelines section 15087(a), agencies and applicants must continue to give notice to all entities who have requested notice.

Additionally, the Executive Order also encouraged lead and responsible agencies and project applicants to use any other available and appropriate methods to provide public notice. This may have included notification by e-mail and telephone of proposed projects to community organizations, among other methods.

The above-mentioned provisions in the Executive Order remained in effect through June 21. The 60-day suspension for all filing, noticing, and posting provisions listed in Executive Order N-54-20 means that any elapsed time under the deadline is still counted toward that deadline.

Deadlines for public review and comment periods for CEQA documents, such as for draft EIRs and negative declarations, were not suspended and those deadlines remained unchanged. CEQA establishes a floor and not a ceiling for public review and comment periods. Lead and responsible agencies may use their discretion to extend such time periods to allow for additional public review and comments.

Any filing fees required by Fish & Game Code section 711.4 and submitted with notices of determination at the county clerk's office must still have been paid to that office. OPR recommended that when submitting notices to the CEQAnet web portal, public agencies or project applicants also have submitted a signed letter (which can be signed by the lead or responsible agency or project applicant) stating they have submitted proper payment of the required Fish & Game Code fees or a copy of a receipt from a county clerk's office.

Please note that the State Clearinghouse is still operating every weekday from 9 am to 4 pm. Clearinghouse staff can be reached via phone at 916-445-0613 or via email at state.clearinghouse@opr.ca.gov if you have any questions.

Tribal Consultation Requirements

The provisions in Executive Order N-54-20 relating to certain timeframes for tribal consultation required under AB 52 (Chapter 532, Statutes 2014) have expired and are no longer in effect. Public agencies and the public in general should look to the provisions in AB 52 for specific requirements.

Pursuant to now-lapsed Executive Order N-54-20, signed April 22, 2020, certain timeframes for tribal consultation required under AB 52 (Chapter 532, Statutes 2014) were suspended for 60 days. Specifically, the Executive Order suspended the timeframes governing when a tribe must request consultation and when lead agencies must begin the consultation process for an EIR, negative declaration, or mitigated negative declaration.

Between April 23 and June 21, 2020, the following requirements in AB 52 had been suspended:

California Native American tribes must request consultation with the lead agency within 30 days of receiving formal notification (Pub. Resources Code, § 21080.3.1(b))

The lead agency must begin the consultation process within 30 days of receiving a California Native American tribe's request for consultation (Pub. Resources Code, § 21080.3.1(e))

Any provisions in Pub. Resources Code section 21082.3 that are contingent on the consultation process; for example, a lead agency may not certify or adopt an environmental document on the basis that a tribe has failed to request consultation within 30 days

The above-mentioned provisions in the Executive Order remain in effect through June 21, unless they are further modified.

The currently suspended deadlines do not restart until June 22.

The above-mentioned provisions in the Executive Order remained in effect through June 21. The currently suspended deadlines do not restart until June 22.

The 60-day suspension for all the AB 52 provisions listed in Executive Order N-54-20 means that any elapsed time under the deadline is still counted toward that deadline. For example, if 15 days of a 30-day deadline had already elapsed on April 22, the

deadline would end 15 days after the suspension was lifted.

Lead agencies must still provide formal notification to the appropriate California Native American tribe within 14 days of determining that a project application is complete or a decision by a public agency to undertake a project. OPR recommends that in any 14-day notices, lead agencies include a deadline by which a tribe must respond that is consistent with the executive order.

If a tribe had requested consultation on or before April 22, and the consultation process had not started before that date, the tribe and lead agency would not be required to begin consultation until June 22 or thereafter.

Public Meetings and Public Review of Documents at Libraries

Regarding public meetings subject to the Bagley-Keene Open Meeting Act and the Brown Act, please refer to the Governor's March 17, 2020, Executive Order (EO) N-29-20. Among other things, this Executive Order states that public bodies are authorized to hold meetings entirely via conference call or electronically while social distancing is imposed or recommended. Public bodies do not need to make a physical location available to the public if they implement the notice and accessibility requirements in the March 17 Executive Order.

For meetings not specifically governed by open meetings laws, such as public scoping meetings, we encourage lead agencies to use all of the technology tools available to them to engage as many members of the public as possible. There may be other methods to reach the public who do not have internet access, such as using teleconference platforms.

As to providing CEQA documents at public libraries, CEQA Guidelines section 15087(g) states that "[l]ead agencies should furnish copies of draft EIRs to public library systems serving the area involved." Providing copies of CEQA documents at libraries may not be feasible at this time, as many libraries are closed.

The California Environmental Quality Act (CEQA) generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. If a project subject to CEQA will not cause any adverse environmental impacts, a public agency may adopt a brief document known as a Negative Declaration. If the project may cause adverse environmental impacts, the public agency must prepare a more detailed study called an Environmental Impact Report (EIR). An EIR contains in-depth studies of potential impacts, measures to reduce or avoid those impacts, and an analysis of alternatives to the project. A key feature of the CEQA process is the opportunity for the public to review and provide input on both Negative Declarations and EIRs.

The laws and rules governing the CEQA process are contained in the CEQA statute (Public Resources Code Section 21000 and following), the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures.

The Governor's Office of Planning and Research (OPR) serves several important functions in the administration of CEQA. First, together with the Natural Resources Agency, OPR develops the CEQA Guidelines. The CEQA Guidelines are administrative regulations interpreting the CEQA statute and published court decisions. Second, OPR runs the [State Clearinghouse](#) which coordinates state level review of CEQA documents. Third, in certain circumstances, OPR may designate a lead agency. Finally, OPR provides technical assistance to state and local government agencies, including the development of technical advisories on selected CEQA topics.



Transportation Impacts (SB 743)

SB 743 required the state to change how impacts on transportation are evaluated under the California Environmental Quality Act (CEQA), removing barriers to infill development, public transportation projects and projects that increase walking and biking.

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Technical Advisories



CEQA and Climate Change

RECENT CHANGES

Recent CEQA Guidelines Update

The California Natural Resources Agency, with assistance from OPR, recently completed a comprehensive update to the CEQA Guidelines in late 2018.

In January 2018, OPR transmitted its proposal for the comprehensive updates to the CEQA Guidelines to the California Natural Resources Agency. Among other things, this package included proposed updates related to analyzing transportation impacts pursuant to Senate Bill 743, proposed updates to the analysis of greenhouse gas emissions, and revised Section 15126.2(a) in response to the California Supreme Court's decision in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369.

In late 2018, the Natural Resources Agency finalized the updates to the CEQA Guidelines. The final adopted text, final statement of reasons (including comments and responses to comments), and related materials are posted under "Documents." See the [Natural](#)

[Resources Agency CEQA page](#)  for the rulemaking documents.

The changes have been approved by the Office of Administrative Law and were filed with the Secretary of State. **The updated Guidelines became effective on December 28, 2018.** The revisions to the Guidelines are prospective and new requirements will apply to steps in the CEQA process not yet undertaken by the effective date of the revisions. (CEQA Guidelines, § 15007, subd. (b).) The revised Guidelines will apply to a CEQA document only if the revised Guidelines are in effect when the document is sent out for public review. (CEQA Guidelines, § 15007, subd. (c).)

More information on the specific proposal to update the CEQA Guideline addressing transportation analyses can be found at [Transportation Impacts \(SB 743\)](#).

What are the CEQA Guidelines?

The CEQA Guidelines are administrative regulations governing implementation of the California Environmental Quality Act (Public Resources Code section 21000 and following). The CEQA Guidelines reflect the requirements set forth in the Public Resources Code, as well as court decisions interpreting the statute and practical planning considerations. Among other things, the CEQA Guidelines explain how to determine whether an activity is subject to environmental review, what steps are involved in the environmental review process, and the required content of environmental documents. The CEQA Guidelines apply to public agencies throughout the state, including local governments, special districts, and state agencies.

Public Resources Code section 21083 requires the Office of Planning and Research and the Natural Resources Agency to periodically update the CEQA Guidelines.

To review the CEQA statute and the CEQA Guidelines in their entirety, please see the [Natural Resources Agency's website](#) .



Transportation (SB 743)



Guidelines Update



Tribal Resources (AB 52)



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