

15167. STAGED EIR

- (a) Where a large capital project will require a number of discretionary approvals from government agencies and one of the approvals will occur more than two years before construction will begin, a staged EIR may be prepared covering the entire project in a general form. The staged EIR shall evaluate the proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of the entire project. The aspect of the project before the public agency for approval shall be discussed with a greater degree of specificity.
- (b) When a staged EIR has been prepared, a supplement to the EIR shall be prepared when a later approval is required for the project, and the information available at the time of the later approval would permit consideration of additional environmental impacts, mitigation measures, or reasonable alternatives to the project.
- (c) Where a statute such as the Warren-Alquist Energy Resources Conservation and Development Act provides that a specific agency shall be the Lead Agency for a project and requires the Lead Agency to prepare an EIR, a Responsible Agency which must grant an approval for the project before the Lead Agency has completed the EIR may prepare and consider a staged EIR.
- (d) An agency requested to prepare a staged EIR may decline to act as the Lead Agency if it determines, among other factors, that:
 - (1) Another agency would be the appropriate Lead Agency; and
 - (2) There is no compelling need to prepare a staged EIR and grant an approval for the project before the appropriate Lead Agency will take its action on the project.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21003, Public Resources Code.

15168. PROGRAM EIR

- (a) General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:
 - (1) Geographically,
 - (2) A logical parts in the chain of contemplated actions,
 - (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
 - (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.
- (b) Advantages. Use of a program EIR can provide the following advantages. The program EIR can:
 - (1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,
 - (2) Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,
 - (3) Avoid duplicative reconsideration of basic policy considerations,
 - (4) Allow the Lead Agency to consider broad policy alternatives and programwide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and
 - (5) Allow reduction in paperwork.

- (c) Use with Later Activities. Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.
- (1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152.
 - (2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.
 - (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.
 - (4) Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.
 - (5) A program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed project description and analysis of the program, many later activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.
- (d) Use with Subsequent EIRs and Negative Declarations. A program EIR can be used to simplify the task of preparing environmental documents on later activities in the program. The program EIR can:
- (1) Provide the basis in an Initial Study for determining whether the later activity may have any significant effects.
 - (2) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.
 - (3) Focus an EIR on a later activity to permit discussion solely of new effects which had not been considered before.
- (e) Notice with Later Activities. When a law other than CEQA requires public notice when the agency later proposes to carry out or approve an activity within the program and to rely on the program EIR for CEQA compliance, the notice for the activity shall include a statement that:
- (1) This activity is within the scope of the program approved earlier, and
 - (2) The program EIR adequately describes the activity for the purposes of CEQA.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21003, Public Resources Code; *Citizens for Responsible Equitable Environmental Development v. City of San Diego Redevelopment Agency* (2005) 134 Cal. App. 4th 598; *Santa Teresa Citizen Action Group v. City of San Jose* (2003) 114 Cal. App. 4th 689; *County of Inyo v. Yorty*, (1973) 32 Cal. App. 3d 795.