

CEQA Portal Topic Paper

Project Description

What is a Project?

Definition of Project Under CEQA

Within the context of CEQA, the term *project* has a specific meaning. The distinction between the normal and the specific CEQA meaning is very important, as it can determine whether an action is subject to CEQA compliance or not. As described in the *CEQA Triggers* Topic Paper, CEQA compliance is only required if a lead agency is considering approval of a proposed “project.”

Section 15378 of the State CEQA Guidelines provides the following definition of a project:

- (a) “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:
 - (1) An activity directly undertaken by an public agency including but not limited to public works construction and related activities clearing or grading of land, improvement to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.
 - (2) An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants subsidies, or other forms of assistance from one or more public agencies.
 - (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

The term “project” refers to the whole of an action and to the underlying physical activity being approved, not to each government approval (State CEQA Guidelines Section 15378(c)). Thus, even if the Lead Agency needs to grant more than one approval for a project, only one CEQA document should be prepared. Similarly, if more than one government agency must grant an approval, only one CEQA document should be prepared. This approach ensures that responsible agencies granting later approvals can rely on the lead agency’s CEQA document (see also *Lead Agency, Responsible Agencies, and Trustee Agencies* Topic Paper).

Piecemealing or Segmenting

The State CEQA Guidelines define a project under CEQA as “the whole of the action” that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment.

Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. This is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies.

In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. When future phases of a project are possible, but too speculative to be evaluated, the EIR should still mention that future phases may occur, provide as much information as is available about these future phases, and indicate that they would be subject to future CEQA review.

CEQA case law has established the following general principles on project segmentation for different project types:

- For a phased development project, even if details about future phases are not known, future phases must be included in the project description if they are a reasonably foreseeable consequence of the initial phase and will significantly change the initial project or its impacts. *Laurel Heights Improvement Association v Regents of University of California* (1988) 47 Cal. 3d 376.
- For a linear project with multiple segments such as a highway, individual segments may be evaluated in separate CEQA documents if they have logical termini and independent utility. *Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal. App. 4th 712.
- For a planning approval such as general plan amendment, the project description must include reasonably anticipated physical development that could occur in view of the approval. *City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398.
- For a project requiring construction of offsite infrastructure (e.g., water and sewer lines), the offsite infrastructure must be included in the project description. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713.
- For modification of a permit for an existing facility, the scope of the project description can be limited to the scope of the permit modification and does not cover the entire facility. *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App. 4th 549.

Why Is the Project Description Important?

Within an environmental document, the project description typically consists of text, tables, and graphics that provide the reader with an understanding of the actions being proposed by the project sponsor. The project description should contain enough information so that the impact analysis contains a meaningful assessment of the project's impacts. This will allow the document preparer to analyze the impacts of the proposed project, and thus allow the reader to understand the types and intensities of the project's environmental effects. For example, if a new roadway is proposed, without knowing the proposed alignment and width, a detailed analysis of the effects on biological and cultural resources cannot be completed. Or, if an expansion of a wastewater treatment plant is proposed, without knowing what treatment processes are proposed and the proposed capacity of the plant, an assessment of whether the operation of the plant would meet water quality standards for the waterway where discharges would be made cannot be assessed.

The project description is the foundation upon which an environmental analysis is constructed. An impact analysis should "tell a story"¹ about how the actions comprising the proposed project will or will not lead to impacts, and why those impacts are either significant or less than significant. The project description should include the project objectives, and demonstrate how the proposed project meets the project objectives.

The impact analysis then flows from the detailed description of project features contained in the project description, combined with other sources of information and scientific analysis. If sufficient information is not provided in the project description about the actions and activities that would occur under the proposed project, the first part of the impact analysis story may be misleading or incomplete, and the reader (and perhaps a judge) will not be able understand the chain of logic and fact that links the project description to the impact conclusions. Further, without a complete and stable project description (see *Why is a Stable Project Description Important?* below), the team preparing the impact analyses within the environmental document may not have the information necessary to determine what impacts the proposed project may have, or the intensity of those impacts.

It should go without saying, but the same stable project description must be used for all impact analyses. EIRs with conflicting assumptions about the project description in different impact analyses have been held inadequate.

What Information Should be Included in the Project Description?

Section 15124 of the State CEQA Guidelines defines the types of information that should be included in a project description:

¹ The term "tell a story" is not literal, but is a short-hand for the string of logical and consistent arguments supported by substantial evidence that mark a successful impact analysis.

The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

- (a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.
- (b) A statement of objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.
- (c) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.
- (d) A statement briefly describing the intended uses of the EIR.²
 - (1) This statement shall include, to the extent that the information is known to the Lead Agency,
 - (A) A list of the agencies that are expected to use the EIR in their decision making, and
 - (B) A list of permits and other approvals required to implement the project.
 - (C) A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.
 - (2) If a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur. On request, the Office of Planning and Research will provide assistance in identifying state permits for a project.

Like many aspects of CEQA compliance, the project description should reflect the specifics of the proposed project, the project site, and its surroundings. Project descriptions should not provide extensive detail beyond that needed for evaluating environmental impacts (State CEQA Guidelines Section 15124). The amount of detail in a project description will usually reflect the size and scope of the project, and, of course, the types and severity of impacts that are expected. Thus, a small project with few impacts does not require an extremely detailed project description. But a large project expected to result in numerous severe impacts should contain greater detail.

In general, the project description should provide the following types of information, to the extent that this information is available at the time the CEQA document is prepared:

² This information is often presented in the EIR Introduction. The EIR will be adequate as long as it appears somewhere in the document.

- The project sponsor or applicant.
- Where the proposed project is located (including regional and site-specific graphics).
- When construction of the proposed project is expected to be initiated, how long will it take to complete construction, and when project operations, occupancy, or use would begin.
- Project objectives.
- The types of uses the proposed project will include.
- A quantitative measure of the intensity of each use (e.g., square footage of commercial space, number of single family housing units, width and linear feet of new roadway, number and size of windmills, amount of water to be diverted).
- Graphics showing what the proposed project will look like (plan view and elevations, if appropriate).
- Who the proposed project is intended to serve (if appropriate).
- Improvements to public infrastructure and services required for the proposed project.
- How the proposed project would be constructed.
- How the proposed project would be operated.
- Reasonably foreseeable future project phases or related projects.
- What kinds of measures are being adopted to avoid or minimize environmental impacts (sometimes called environmental commitments).³
- What additional environmental clearances, consultations or permits will be required for the project.
- Which agencies will use the environmental document for their CEQA compliance (including permitting agencies).

For larger projects, additional detail such as the following may also be needed:

- If construction and/or operation is to occur in phases, provide an expected schedule of the phases and detail as to what portions of the project will happen in each phase. Describe any temporary or permanent relocations required, if applicable.
- More detailed information about construction may be needed for certain technical analyses, such as:
 - What kinds of equipment will be involved in constructing the proposed project?
 - What is the maximum number of construction workers expected to be on site at the height of construction, and how long will that last?
 - How many people will be expected to work at the project site at full implementation?

³ See *Areas of Controversy* for more detail on this subject.

- If cut and fill are not able to be balanced on site, what is the amount of material needing to be hauled on- or off site, and the location of the source or destination of these materials?
- What Best Management Practices will be used to minimize pollutant flows during stormwater events?
- Where will construction waste be hauled to?
- Where will equipment and materials storage (staging) areas be located?
- How stormwater flows will be handled on site (for hydrology and water quality analysis).
- How stream crossings will be created or altered (for biology and hydrology).
- Details about internal traffic flow (for traffic).
- Number of parking spaces provided (for traffic).
- Activities associated with the decommissioning or demolition of the proposed project, if it is anticipated to have a limited lifespan (e.g., a reclamation plan for a proposed mining operation).

To the extent that some of this information is not available, the CEQA document should contain any assumptions made regarding details of the project construction and operation needed to complete the analyses.

This is not meant to be an exhaustive list of the types of information that should be provided. The specifics of the location and the proposed project, and the types and severity of impacts expected should guide you to the types of information and detail that are appropriate. Remember, you are striving for a balance between too little and too much information, providing the reader the right information needed to aid in evaluating the project, but not so much that they have to search through unnecessary detail to find relevant information.

Project descriptions must also be prepared for general plans and other high-level programs. The degree of specificity in an EIR project description will correspond to the degree of specificity available for the underlying activity being evaluated (see State CEQA Guidelines Section 15146.) Thus, project-specific detail is not required for descriptions of general plans and other high-level programs as details about specific subsequent projects typically are not known and will be addressed in future project-specific CEQA documents. When a Lead Agency is using the tiering process for a large-scale planning approval such as for a general plan, the development of detailed site-specific information about specific projects may not be feasible and can be deferred to future project-specific CEQA documents (State CEQA Guidelines Section 15152(c)).

Why is a Stable Project Description Important?

As described above under *Why is the Project Description Important?*, the lack of a stable project description can have very important implications for both the schedule and cost of an environmental document. The impacts of a project, and often the types of analyses that need to be conducted, are often tied to details regard how the project is to be constructed and operated. Thus, changes to these details can require that analyses be redone, or that new analyses be

completed. While some changes to a project description are almost inevitable, especially for large or complex projects or when project design occurs concurrently with the CEQA review process, efforts to minimize these changes may be rewarded by lower costs and faster results.

Typically, the larger the change in the project description, the more likely that some reanalysis will be required. As an example, changing the location of a project may change the species and habitats potentially affected, the cultural resources affected, the streets and highways affected by project traffic, whether sensitive noise and air quality receptors are potentially affected by the project, whether the project is consistent with general plan and zoning designations, whether the project would be visible from a scenic highway, whether important farmland or lands under a Williamson Act contract would be affected, as well as many other analyses. However, even small changes to a project such as its orientation may affect analyses such as aesthetic effects and noise effects. While changes to the project description may be unavoidable in some cases, the implications of these changes and the tradeoff of benefits and costs should be understood.

Some tactics that may be useful in reducing changes to the project description over time include:

- Encouraging early participation of the CEQA document preparer in the project development process, so that they can point out likely environmental impacts or regulatory obstacles associated with a location or design, so that the project can be designed to avoid them, instead of having to be modified later in the process;
- Starting preparation of the CEQA document at a point in project development when the project description is likely to remain stable.

Is a Project Description Different for an Initial Study/Mitigated Negative Declaration and an EIR?

State CEQA Guidelines Section 15124 establishes rules for EIR project descriptions. It is good practice, though not required, to also apply these rules to project descriptions in Negative Declarations and Mitigated Negative Declarations. Typically, project descriptions in EIRs are more extensive and detailed than those in Initial Studies, because the projects tend to be larger or more intense, and to have a larger number of or more intense environmental impacts. At a minimum, the project description in an Initial Study should be sufficiently detailed to allow fact-based explanations of answers to the Initial Study checklist questions.

Project Description Under NEPA

Under NEPA, the proposed project is referred to as the *proposed action*, the project objectives are termed the *project purpose and need*, and the project description is called the *description of the proposed action*. While the terms used are different, the functions of each, and their connections, are the same as under CEQA. The description of the proposed action should explain how the proposed action meets the purpose and need. In addition, a description of the

proposed action under NEPA may include a list of the features included in the proposed action to reduce adverse environmental effects.

Project Description/Proposed Action in a Joint CEQA/NEPA Document

CEQA requires that “the whole of the action” be analyzed. Similarly NEPA has an anti-segmentation policy, requiring that the proposed action under NEPA include federal *connected actions* (Code of Federal Regulations, Title 40, Section 1508.25(a)). Under many circumstances, the federal involvement applies to the entirety of a project. However, there are circumstances under which the project for the purposes of NEPA may be more confined than the project for the purposes of CEQA in a joint CEQA/NEPA document. This occurs as a result of a concept called *small federal handle*. Under certain circumstances, federal involvement in a project is limited. The scope of the proposed action and NEPA impact analysis may be limited to the portions of a project under “federal control and jurisdiction”.

Examples of such a limitation may include:

- Federal funding is limited to only a portion of the project, or a specific phase of the project.
- Federal lands underlie only a portion of the project (which may occur most frequently in a long, linear infrastructure project).
- Federal permits or approvals only apply to a portion of the project.

Under these circumstances, the proposed action will not be equivalent to the proposed project, and separate sections should be prepared to define the CEQA project description and NEPA description of the proposed action.

Areas of Controversy Regarding Project Description

Good environmental planning supports the idea of including measures in the project description to avoid or minimize environmental impacts. In a recent court case (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645), an appeals court rejected an EIR prepared by the California Department of Transportation (Caltrans) on the grounds that the EIR included “environmental commitments” as part of the project description without fully analyzing the impacts of the project prior to inclusion of these measures. The court ruled that Caltrans short-circuited the analysis of impacts in the EIR by including these measures and then jumping to the conclusion that impacts were less-than-significant, without providing a threshold of significance or evaluating the significance of the impacts.

In general, physical features included in a project to reduce or eliminate environmental impacts are probably acceptable, as long as they are clearly modifications of features that would otherwise be part of the project. However, features not depicted or described in the project plan or design, but which are added to the project to offset environmental impacts should probably

be considered mitigation measures, and the impacts of the project absent those features should be analyzed (Ascent Environmental 2014).

Another area of controversy is whether the CEQA document is required to demonstrate that the project will actually achieve its objectives, i.e., that the project will work as described. Commenters on CEQA documents sometimes raise doubts about whether the project can feasibly achieve its objectives, and ask for the CEQA document to provide evidence that it will do so. For example, comments on a commercial rezoning EIR may argue that a planned shopping center will not be built or occupied, and ask for the EIR to provide further proof.

Although these comments may raise valid public policy concerns for some projects, CEQA case law has established that CEQA documents are generally not required to demonstrate that a proposed project will achieve its objectives. Lead agencies are generally entitled to assume that proposed projects will work as described. Lead agencies can make reasonable assumptions about how the project will work in the future without guaranteeing these assumptions will remain true. If after project approval it turns out that the project is not achieving its objectives and must be changed, a different project would result and supplemental CEQA review may be required. (*Village Laguna of Laguna Beach Inc. v. Board of Supervisors* (1982) 134 Cal App. 3d 1022; *Environmental Council of Sacramento v. City of Sacramento* (2008) 142 Cal. App. 4th 1018.)

Important Cases

The following published cases involve issues related to the project description:

- *Bozung v. Local Agency Formation Commission* (1975) 13 Cal. 3d 263:
Project description for an annexation must also include underlying physical development allowed by the annexation.
- *County of Inyo v. City of Los Angeles* (1977) 32 Cal. App. 3d 795:
EIR was rejected because the project description was inaccurate and was described differently in different parts of the document.
- *Village Laguna of Laguna Beach Inc. v. Board of Supervisors* (1982) 134 Cal App. 3d 1022:
Challenge to correctness of an EIR's project description assumptions was rejected. If assumptions that are integral parts of the project description fail to become reality, then this information is relevant to determining whether a Subsequent or Supplemental EIR should be prepared.
- *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal. App. 3d 223:
EIR project description for exploratory drilling need not include pipeline routes for commercial production because they were speculative.
- *Laurel Heights Improvement Association v Regents of University of California* (1988) 47 Cal. 3d 376:

EIR for lease of the first story of a building for biomedical research rejected because it should have considered later, reasonably foreseeable use of second story for the same purpose.

- *Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal. App. 4th 712:
EIR project description on roadway segment could exclude related roadway when the segments had independent utility and selection of the first segment did not foreclose alternatives for the other roadway.
- *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal. App. 4th 20:
Project description for surface mining project was adequate where it included conceptual descriptions of stream diversion structures; descriptions of final designs were not required.
- *City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398:
Project description for general plan amendment consisting of policy language was inadequate because it did not include reasonably foreseeable future development allowed by the amendment.
- *Environmental Council of Sacramento v. City of Sacramento* (2008) 142 Cal. App. 4th 1018:
Lead agency may make reasonable baseline assumptions about how a project will operate in the future without guaranteeing that those assumptions will remain true.
Nelson v. County of Kern (2010) 190 Cal.App.4th 252:
Project description for County approval of mine reclamation plan also had to include entire mining project, even though on federal land.
- *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645:
EIR rejected because the inclusion of environmental commitments as part of the project description, without fully analyzing the impacts of the project prior to inclusion of these measures, was improper.
- *North Coast Rivers Alliance v. Department of Food and Agriculture* (2016) 243 Cal.App. 4th 647:
EIR rejected because statement of project objectives was too narrow and did not include underlying purpose for project. This led to a range of alternatives that was overly narrow.

Project Description in the State CEQA Guidelines

The project description is addressed in the following sections of the State CEQA Guidelines:

- **Section 15378** – Defines the term “project” as used within CEQA, and the types of actions that either do or don’t constitute a project for the purposes of CEQA.
- **Section 15124** – Discusses the types of information about a proposed project that should be included in the Project Description

Related CEQA Portal Topics

- Environmental Setting and Baseline (in process)
- CEQA Triggers (in process)
- No-Project Alternative (To come)

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