



MEYERS NAVE

meyers | nave

The Role of Public Health in Local Agency Environmental Review under CEQA

April 24, 2012

Presented by Kathleen Faubion, AICP



CEQA

- CEQA = California Environmental Quality Act
- California's environmental review statute
- Applies to both public and private development and improvement projects

CEQA

- CEQA provides a process for a “lead agency” to systematically analyze and document the potential impacts of a “project” on the environment
- Lead agency is often a local public agency, e.g., city county, special district, LAFCO

CEQA

- Visible, familiar process
- Heavily litigated
- CEQA = statute
administrative guidelines
caselaw

Climate Change and CEQA

- AB 32 and GHG reduction targets
- SB 97 (2007)
 - Must analyze GHG in CEQA reviews
 - CEQA Guidelines § 15126.4(c)
- Climate action plans
 - CEQA Guidelines § 15183.5(b)

Public Health and CEQA

- Before Ballona Wetlands case (2011)
CEQA Guidelines § 15126.2(a)
Analyze impacts of placing projects in hazardous locations, including locations potentially affected by climate change
- After Ballona Wetlands case
CEQA = impacts of project on the environment
CEQA ≠ impacts of the environment on project

Public Health and CEQA

What is the role of Public Health in the CEQA process?

Post-Ballona Wetlands

Air quality: Project-generated emissions; project emissions effect on compliance with regional air quality plans

Geology, soils: Project effect on unstable soils; create erosion, runoff

Public Health, continued

- GHG: project generation of GHGs; compliance with GHG plans; sea level rise
- Hazardous materials: project generate haz mat or haz waste risk, project effect on emergency response planning
- Hydrology: water quality degradation
- Adequacy of water, sewer service for project
- Transportation: traffic-generated emissions

Public Health, continued

- Bright spots for Public Health and CEQA review
 - Smart growth
 - Transit-oriented development

Useful references - GHG

- <http://climatechange.ca.gov/> (climate change portal on state website)
- <http://www.arb.ca.gov/cc/cc.htm> (state Air Resources Board website)
- <http://www.baaqmd.gov/Divisions/Planning-and-Research/Climate-Protection-Program.aspx> (BAAQMD website)

Useful references – Sea level rise

- http://www.bcdc.ca.gov/planning/climate_change/SLRfactSheet.shtml (BCDC website)
- http://www.bcdc.ca.gov/planning/climate_change/climate_change.shtml (BCDC website)
- <http://www.opc.ca.gov/2012/03/new-sea-level-rise-adaptation-guide-available/> (state Ocean Protection Council website)

QUESTIONS?

Please feel free to contact us at

510.808.2000

Kathleen Faubion

www.meyersnave.com

1869337v2