

Major Differences between CEQA and NEPA

The differences between CEQA (the California Environmental Quality Act) and NEPA (the National Environmental Policy Act) are:

1. **Overriding considerations** – In California, if a project impacts the environment but the government wants to go ahead with the project, the government must explain what is so important about the project that it must be built. This explanation is a "statement of overriding considerations".
 2. **Mitigation monitoring** – In California, if the environmental analysis promises to mitigate impacts upon the environment, then government must make sure that the mitigation is completed. This monitoring includes periodic checking on the project and providing a sufficient budget for monitoring.
-

Scope

NEPA - only Federal projects

1970 CEQA - all government and projects requiring government permit

- Friends of Mammoth - 1972

No Federal statutory exemptions

20 pages of CEQA exemptions

If there is an impact -

- no obligation in NEPA to make "overriding considerations"

- no obligation to mitigate

- no mitigation monitoring

CEQA - stronger

NEPA – mandatory

Master EIR – e.g. Stanford Plan/Evergreen

-specific projects - only analyze changes - specific details

Program EIR - forestry

If apparent that there's no impact - No CEQA activity, negative declaration

Initial study indicates impact > mitigated negative declaration