

ABOUT NEGATIVE DECLARATIONS

What is a Negative Declaration?

A "negative declaration" is one of the kinds of reports cities and counties prepare as part of their environmental review of a project. Sometimes planners and others call these "neg decs."

Why is it called a "negative declaration?" When an agency uses a negative declaration, it is saying two things. It is reaching a conclusion (or making a "declaration") that an environmental impact report is not necessary (the "negative"). An environmental impact report is a more detailed analysis of a project's effects on our physical surroundings.

General Concepts

The California Environmental Quality Act guides the environmental review process. This law often is referred to by the initials "CEQA." The goal is to give decision-makers more information. But the ultimate decision on whether to approve a project is up to decision-makers.

The term "environment" includes natural and man-made elements of our surroundings. This includes land, air, water, minerals, plants, animals and noise. It also includes things like historic buildings.

The decision on whether to prepare an environmental impact report or a negative declaration flows from a document called an "initial study." This study looks at whether a project may have a significant impact on the environment.

There are two situations in which a "negative declaration" is used. One is when decision-makers conclude that a project will not have a significant effect on the environment. The other is when the project has potentially significant effects, but they can be reduced or avoided by imposing certain conditions on the project. This type of negative declaration is known as a "mitigated negative declaration."

The Decision-Making Process

The public has an opportunity to express its views on a proposed negative declaration. There will also be one or more meetings at which you can share your thoughts. At the meeting, decision-makers will hear from anyone who has information that might bear on whether the negative declaration should be approved or modified. You can share your thoughts in writing before or at the meeting.

Note that approving a negative declaration on a project is not the same as approving the project itself. Decision-makers consider the project in light of the information in the negative declaration as well as other factors.

To Learn More

- State of California website on California Environmental Quality Act: <http://ceres.ca.gov/ceqa/>
- *The Planning Commissioner's Handbook*, League of California Cities, 2005, Chapter 4: The Planning Framework (www.ca-ilg.org/pch4)
- California Public Resources Code Section 21000 and following (accessible from www.leginfo.ca.gov/calaw)
- Solano Press (www.solano.com) has a publication on the California Environmental Quality Act available for purchase