





Table Comparison of NEPA and CEQA

The California Environmental Quality Act (CEQA) and National Environmental Policy Act of 1969 (NEPA) share many characteristics, but there are also differences between them. California courts often rely on NEPA cases when deciding issues concerning CEQA.

CEQA and the CEQA Guidelines provide for preparation of a single document (either a joint environmental impact report/environmental impact statement (EIR/EIS) or a joint negative declaration/finding of no significant impact (FONSI) as the means of satisfying both statutes when a project requires both federal and state approvals. CEQA time limits may be waived when a joint federal-state environmental document is being prepared.

NEPA may be triggered with regard to a California project if the project affects a federal resource, involves federal funding, or requires a federal permit. A common instance in which both CEQA and NEPA apply to a project is development that will have an impact on wetlands under jurisdiction of the United States Army Corps of Engineers.

This table outlines the key differences between CEQA and NEPA requirements

NEPA		CEQA
When Statutes Apply		
Major federal actions significantly affecting the quality of the human environment		Actions that may have adverse impact on physical environment
Lead agency is responsible for NEPA compliance		Lead agency is responsible for CEQA compliance
Does not apply to certain projects that are statutorily exempted, categorically excluded, or functionally exempted		Does not apply if project is subject to statutory or categorical exemption
Exemptions and Exclusions		
Categorical exclusions are determined by each federal agency.		Categorical exemptions are set forth in CEQA Guidelines. State and local agencies may adopt their own conforming guidelines.
In extraordinary circumstances when a categorically excluded action would have a significant environmental effect, agencies must provide for environmental assessment under NEPA.		CEQA guidelines include six exceptions to categorical exemptions (for unusual circumstances leading to significant impacts, particularly sensitive environments, cumulative impacts, hazardous waste sites, scenic highways, and historical sites).
Environmental Review Documents		
Environmental assessment		Initial study
Finding of no significant impact		Negative declaration (or “negative declaration of environmental impact”)
Mitigated FONSI		Mitigated negative declaration
Environmental impact statement (EIS)		Environmental impact report (EIR)
Programmatic EIS		Program EIR
Record of decision		Project findings and notice of determination
EIS Versus EIR		
EIS devotes “substantial treatment” to analysis of alternatives. Alternatives are often analyzed with equivalent level of detail as proposed action.		EIR usually analyzes project alternatives in less detail than proposed project
Growth-inducing impacts and mitigation measures are not required to be discussed in separate sections of EIS.		Growth-inducing impacts and mitigation measures are almost always set forth in separate, identifiable sections of EIR.
EIS can specify a preferred alternative “only if one exists.”		EIR must identify a proposed project and compare alternatives to that proposed project.
Procedures		
Proposed FONSI circulated for public review only if project is similar to projects for which an EIS is required or if project is without precedent.		Negative declarations and mitigated negative declarations must always be circulated for public review.
Notice of NEPA actions given primarily through Federal Register (but regulations provide for notice by mail to requesting parties and distribution through state and local clearinghouses when appropriate).		Notice provided through various means, including mail to requesting parties and newspaper publication.
Final EIS is recirculated to same parties that received draft EIS. Agency must wait 30 days before taking action.		Lead agencies must send responses to commenting agencies ten days before decision. Recirculation is required only if “significant” new information is added to proposed final EIR.
Time Limits		
No time restrictions on preparation of FONSI or EIS		One year time limit on EIR; 105 day time limit on negative declarations. Note that these time limits are ineffectual.
No statutes of limitations (although some courts apply statutes of limitations under the Administrative Procedure Act		30-day statutes of limitations for challenging most project approvals if notice of determination posted
Legal Standards		
Courts will uphold decision to prepare FONSI rather than EIS unless arbitrary and capricious, an abuse of discretion or otherwise not in accordance with law.		EIR required if substantial evidence supports a “fair argument” that the project may have significant impact.

There is no requirement that the environmental review of a project under NEPA comes to the same conclusions as the environmental review of the same project under CEQA. Because CEQA and NEPA are different statutes with different requirements, the analysis and environmental findings for a project reviewed under NEPA are not required to correspond to the analysis and findings for the same project under CEQA.

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