NEPA AND CEQA: OVERVIEW AND CURRENT ISSUES
Bren School – April 2 and 9, 2021
Linda Krop and Tara Messing, Environmental Defense Center

Course Description

This seminar course is intended to build off other Bren courses and focus on current issues pertaining to the National Environmental Policy Act (“NEPA”) and California Environmental Quality Act (“CEQA”). We will provide a brief overview of the statutes and regulations to support the case illustrations that will be discussed in class. For our case studies we have selected issues involving oil development, land use, and climate change. We will discuss the application of NEPA and CEQA to these matters, and provide examples of how the public can invoke the requirements of NEPA and CEQA to ensure that environmental concerns are considered by decision-makers. We will also discuss current issues, especially regarding the recent transition from the Trump to the Biden administration. In addition to the lecture, we will provide related reading materials and optional reading materials.

Syllabus

I. NEPA
   A. Overview
   B. Case Studies
      1. EDC v. BOEM: offshore fracking and acidizing
         Reading: EDC v. BOEM: Federal District Court Order (11/9/18)
         Optional reading: EDC appellate brief (excerpt) (2/28/20)
      2. Oil and Gas Generation Conservation Plan for Santa Barbara County
         Reading: 85 FR 13181 (“Draft Environmental Assessment and Draft General Conservation Plan for Oil and Gas Activities in Santa Barbara County, California”)
         Optional reading: Environmental Defense Center letter to U.S. Fish & Wildlife Service regarding Draft GCP and Draft EA (5/6/20)
         Reading: CBD v. NHTSA, 538 F.3d 1172 (9th Cir. 2008)
C. CEQ NEPA Regulatory Changes 2020

Reading: Berkeley Law; Center for Law, Energy, & the Environment, Proposed Action Memo: CEQ Rollbacks to the National Environmental Policy Act (1/2021)

II. CEQA

A. Overview and comparison to NEPA


B. Case Studies

1. ExxonMobil Trucking and Santa Ynez Unit Restart Project; Plains Replacement Pipeline Project
   Optional reading: Notice of Preparation for ExxonMobil Interim Trucking for SYU Phased Restart Project Draft Environmental Impact Report (EIR) (6/15/18); Environmental Defense Center letter to Santa Barbara County Planning & Development regarding Draft EIR (6/4/19)

2. Cat Canyon Onshore Enhanced Oil Recovery Projects
   Optional reading: Notice of Preparation for ERG Draft Environmental Impact Report (8/24/15); Environmental Defense Center letter to Santa Barbara County Planning Division (8/3/18)

3. San Diego County’s Climate Action Plan and State Climate Policy
   Reading: CEQA and Climate Change, http://opr.ca.gov/ceqa/climate-change.html