San José State University

School of Social Sciences, Department of Environmental Studies ENVS/URBP 185 Sec 01 Lecture and Sec 10 Activity Environmental Impact Assessment (EIA), FALL 2024

Course and Contact Information

Instructor: Ada E. Márquez
Office Location: WSQ Hall 111E
Telephone Main Office: (408) 924-5450

Email: ada.marquez@sjsu.edu

Office Hours: (Zoom) Tuesdays 12:00 noon– 1:15 pm and by appointment

Lecture Day/Time: Wednesdays 4:30 PM-7:15 PM (In-Person)

Clark Building Room 243

Lab/Activity 2 hours/week: On-Line and Off-campus Activities

Prerequisites: EnvS 01 and EnvS 124 Environmental Law, or instructor consent

Course Description

Environmental Impact Assessment (EIA) laws are among the most powerful tools currently available to identify and influence the environmental effects of human activities. These laws are soundly praised and roundly criticized by city councils, developers, and environmental advocates alike, but most of the public is simply unaware of the power these laws can give to the average citizen.

This course will teach you the basis for understanding, using and analyzing the **California Environmental Quality Act** (**CEQA**), one of the first and most influential environmental impact laws. We will also become familiar with the federal impact assessment law, National Environmental Policy Act (NEPA).

Through a combination of lecture, field and project work, we will learn to conduct introductory assessments of the impacts of real projects such as, on our air quality, land-use, environmental health and equity, and wildlife.

Impact assessment requires careful study of information from multiple disciplines, and it covers many environmental resources. Analyzing and producing environmental assessment documents requires significant group work, perseverance, creativity, and a lot of work. Remember this is a four-unit course! Buckle your seatbelts (put on your bike helmets) for a challenging, but exhilarating, ride.

Grading: Letter Graded

Course Format: In-Person Lecture Course and Off Campus Technology Intensive, Canvas Online

The lecture portion is in-person with the curriculum posted via Canvas. The Lab Activity will be a combination of inperson field trips, government meetings participation, and on-line activities. Students must have reliable internet connectivity and technology such as a computer to access the Zoom government meetings and on-line tutorials.

Students can borrow laptops, iPads, and other technology at no charge from SJSU <u>Student Computing Services | Dr. Martin Luther King Jr. Library (sjsu.edu)</u>. For student study and workspace with wifi and outlets, SJSU has numerous locations on campus <u>Student Study</u> and <u>Workspace Resources | Learn Anywhere (sjsu.edu)</u>.

Students need the following:

- Free access to software Microsoft Office 365 | Information Technology (sjsu.edu) You can access the Office 365 Portal with your SJSU email address and SJSUOne password.
- Please have Adobe software installed Adobe Creative Cloud for Students | eCampus (sjsu.edu)
- Internet connectivity or Wi-Fi, and technology such as a computer/laptop to access Zoom and Canvas
- Ensure your device meets Zoom system requirements <u>System requirements for Windows, macOS, and Linux –</u> Zoom Help Center
- Access to Canvas Learning Management system which is located at https://sisu.instructure.com/
 - o Canvas Student Resources | eCampus (sjsu.edu)

Other student technology resources:

- Associated Students Print & Technology Center at on the Student Union (East Wing 2nd floor Suite 2600)
- The Spartan Floor at the MLK Library at library.sjsu.edu/services/services (Fourth floor)
- <u>Student Computing Services</u> at <u>library.sjsu.edu/student-computing-services/student-computing-services-center</u>

Course Learning Outcomes

This course will help you achieve these Departmental Learning Objectives, which are competencies we expect all our graduates to have for success:

Department LO 1 - Content Environmental Literacy: Students are able to write a logical analytical paper using proficient writing style and construction supported by appropriate research.

Department LO 3A - Content Environmental Literacy: Students will develop proficiency in the interdisciplinary sustainability principles that are the foundation of environmental studies; they will know the key environmental challenges facing the planet, know relevant interdisciplinary information about these challenges, and be able to develop/identify feasible solutions.

Department LO 3B- Students will be able to include environmental justice in the field of CEQA to provide solutions and assist to eliminate institutional, systemic, and other forms of racism and injustices.

Department LO 4A- Students are able to productively conduct teamwork to deliver professional quality presentations and reports.

Department LO 4C - Build local environmental sustainability and democratic participation through field work.

Upon successful completion of this course, students will be able to submit the following deliverables:

LO 1 and LO 3: Complete a preliminary environmental impact analysis, an Initial Study, under the California Environmental Quality Act (CEQA).

LO 3: Students will demonstrate skills and knowledge of applying environmental impact analyses to address the physical, social, and health impacts in disadvantaged communities.

LO 4A: Students will complete a team report and presentation that satisfies the substantive and procedural requirements per CEQA.

LO 4C: Students will submit a policy brief that includes their participation in government meetings and environmental fieldwork.

PAB Knowledge Components | Department of Urban & Regional Planning (sisu.edu)

Required

California Environmental Quality Act (CEQA). (2024). Statute and Guidelines. Association of Environmental Professionals. (AEP) Provided FREE at Statute and Guidelines - California Association of Environmental Professionals (califaep.org)

Optional

Herson, A., & Lucks, A.L. (2017). *CA Environmental Law and Policy: A Practical Guide*. Point Arena, CA: Solano Press. {H &L}.

Rivasplata, T., G. Brownlow. (2020). *Practical CEQA: A Stepwise Guide to California Environmental Quality Act Compliance*. Solano Press Books, Point Arena, CA. https://solano.com/collections/featured-titles/products/practical-ceqa-a-stepwise-guide-to-california-environmental-quality-act-compliance

This book is available on Kindle for \$40.00.

On Canvas, other resources will be available to use for class deliverables.

Other Sources

Governor's Office of Planning and Research (OPR) http://opr.ca.gov/

Association of Environmental Professionals https://www.califaep.org/

CEQA Portal (Topic Papers and Case Law Database) https://ceqaportal.org/

Berkeley Law Resources: https://www.law.berkeley.edu/library/

Golden Gate University Environmental Law Journal: http://digitalcommons.law.ggu.edu/gguelj/all_issues.html

American Planning Association California Chapter https://www.apacalifornia.org/

National Environmental Policy Act (NEPA) https://ceq.doe.gov/

US EPA NEPA process https://www.epa.gov/nepa

Citation Required

Formal papers are required to use the general APA Guidelines. <u>General Format // Purdue Writing Lab</u> Additional instructions provided via Canvas.

Course Requirements and Assignments

- 1. Credit-hours statement: *University Policy S16-9*,
 - "Success in this course is based on the expectation that students will spend, for each unit of credit, a minimum of 45 hours over the length of the course (normally three hours per unit per week) for instruction, preparation/studying, or course related activities, including but not limited to internships, labs, and clinical practica. Other course structures will have equivalent workload expectations as described in the syllabus."
- 2. 3-unit Lecture: Through a combination of lecture, field and project work, we will learn to conduct introductory environmental assessments of the impacts of land-use development projects on a variety of resource areas such as, air quality, hazardous materials, cultural resources, and wildlife. This course complies with the requirements of the California Environmental Quality Act (CEQA).

<u>1-unit Activity</u>: This course includes environmental fieldwork and participation in various activities. The lab activity will strengthen students' environmental analytical skills. Students are required to complete the 1-unit Service Activity, which is approximately 2 hours weekly. (1) The deliverables include attending /observing a minimum of four government meetings and preparing a Policy Brief. Students will select government meetings according to their individual availability. (2) Students must also complete a minimum of 6-8 hours of fieldwork and on-line activities. The instructor provides instructions for all the deliverables via Canvas.

To pass this course, both the Lecture and the Lab Activity must be completed per the ENVS 185 syllabus.

3. Originality and honesty: It is appropriate to cite others' work extensively, with attribution. *It is never appropriate to use other authors' language or ideas, from the web or from written documents, as though they were your own. If you have any questions about appropriate citation, please talk to me personally or write me a note.* Misuse of written material can result in course failure. Please do not email or call planners to help you with your assignments/deliverables. If you need help or have any questions, contact the instructor. The purpose of this course is to develop numerous professional skills and independence. <u>University Academic Integrity Policy F15-7</u> [pdf] Student Conduct and Ethical Development

You are plagiarizing or cheating if you:

- ✓ For any work completed in this course, use any type of Artificial Intelligence (AI) website or software.
- ✓ For written work, copy anything from a book, article, or website and add or paste it into your paper without using quotation marks and/or without providing the full reference for the quotation, including page number.
- ✓ For written work, summarize/paraphrase in your own words ideas you got from a book, article, or the web without providing the full reference for the source (including page number in the humanities).
- ✓ For an oral presentation, copy anything from a book, article, or website and present it orally as if it were your own words. You must summarize and paraphrase in your own words and bring a list of references in case the professor asks to see it.
- ✓ Use visuals or graphs you got from a book, article, or website without providing the full reference for the picture or table.
- ✓ Recycle a paper you wrote for another class.
- ✓ Copy from a classmate or use someone else's work as if it were your own.
- ✓ Use technology or smuggle in documents to obtain or check information in an exam situation.

In writing a paper, it is always better to include too many references than not enough. When in doubt, always err on the side of caution. If you have any questions or uncertainty about what is or is not cheating, it is your responsibility to ask your instructor.

AI Tool Use

Generative artificial intelligence tools—software that creates new text, images, computer code, audio, video, and other content—have become widely available. Well-known examples include ChatGPT for text and DALL•E for images.

ONLY EXCEPTION: Grammarly. https://www.grammarly.com/

This policy governs all such tools, including those released during our semester together. You may not use generative AI tools on assignments in this course. If you choose to use generative AI tools in violation of this policy (or in another class that permits them), please remember that they are typically trained on limited datasets that may be out of date. Additionally, generative AI datasets are trained on pre-existing material, including copyrighted material; therefore, relying on a generative AI tool may result in plagiarism or copyright violations.

Finally, keep in mind that the goal of generative AI tools is to produce content that seems to have been produced by a human, not to produce accurate or reliable content; therefore, relying on a generative AI tool may result in your submission of inaccurate content. It is your responsibility—not the tool's—to assure the quality, integrity, and accuracy of work you submit in any college course. As specified elsewhere in the syllabus, this course will require electronic submission of essays, papers, or other written projects through the originality assessment service Turnitin. Turnitin will also attempt to detect AI-generated text. Moreover, I will ask the student to complete a similar assignment in class to verify authenticity. If you use generative AI tools to complete assignments in this course, in ways that I have not explicitly authorized, I will apply the Code of Academic Integrity as appropriate to your specific case. In addition, you must be wary of unintentional plagiarism or fabrication of data. Depending on the specific circumstances, a first offense academic integrity

violation related to misuse of generative AI could range anywhere from a warning to failing the course. Please act with integrity, for the sake of both your personal character and your academic record.

Portions of this policy were created using the non-AI "Generative AI Syllabus Statement Tool (Seaver College)".

- **4.** Readings: Please expect to attend all lecture/discussions and complete all readings *before* the class period. Completing the assigned readings will significantly improve your understanding of CEQA and other environmental laws. ENVS 185 is a fast-paced course and lecture time cannot cover everything.
- 5. <u>Deliverables (writing assignments) and participation</u>: During lectures, I will ask questions about the course materials. These questions will help determine whether I have conveyed the information adequately in lecture, whether you are keeping up with and understanding reading assignments, and they will provide for direct feedback about what you are learning through your group's lab/service assignment. In addition, we will complete in- class writing analysis assignments to strengthen your EIA skills. Be aware that we will also complete group work during our class. In-class deliverables cannot be made up unless you are ill or have other emergencies.
- 6. <u>Draft documents</u>: As in real impact assessment, the drafting process and public presentation are taken very seriously. **First draft documents are worth more than final drafts.**
- 7. <u>Late Deliverables Policy</u>: Everyone is experiencing challenges and to provide adequate feedback to all students, I do not accept late submissions. Late deliverables will be considered only for legitimate circumstances, when arranged in advance, or with a doctor's memo. If you have any concerns, please communicate with me as soon as possible.

ENVS 185 emulates the CEQA's process and timeline. Per CEQA's Statutes and Guidelines, all environmental documents are required for submittal within regulations' timeline. Therefore, the instructor must enforce the same stringent requirements of meeting deadlines. We are also practicing being professionals.

Deliverables

Grading will be based on the following criteria:	TOTAL %	
(1 unit) Lab Activity Service Report section: Government Plan (2) and Government Meetings/Policy Brief (4) Environmental Fieldwork and On-Line Deliverables	= 20	
(3 units) Readings w/questions	= 10	
Initial Study Per CEQA Individual Initial Study Draft In-class Peer Review Comments Final Initial Study	= 15 = 2 = 11	
Team Initial Study Team Contract (2%) Individual Sections- Initial Study Draft (15%) Final Team Report (10%) Final Team Presentation (5%)	= 32	
Class Participation (Free-writes, etc.) Course Total	= 10 = 100%	

Grading Information

The course grade will be determined based on a total of 1000 possible points. Accumulated points that fall within the grade scale below determine your semester grade.

Grade	Points	Percentage
A plus	960 to 1000	96 to 100%
A	930 to 959	93 to 95%
A minus	900 to 929	90 to 92%
B plus	860 to 899	86 to 89 %
В	830 to 859	83 to 85%
B minus	800 to 829	80 to 82%
C plus	760 to 799	76 to 79%
C	730 to 759	73 to 75%
C minus	700 to 729	70 to 72%
D plus	660 to 699	66 to 69%
D	630 to 659	63 to 65%
D minus	600 to 629	60 to 62%

In-person and Zoom Office Visits

Please do not wait for an insurmountable problem before considering an office visit. If you would like to discuss an issue, an assignment, or a personal problem, please speak to me.

University Policies

Materials created by the instructor for the course are copyrighted per policy S12-7.

Students are prohibited from recording class activities (including class lectures, office hours, advising sessions, etc.), distributing class recordings, or posting class recordings. Materials created by the instructor for the course (syllabi, lectures and lecture notes, presentations, deliverables, etc.) are copyrighted by the instructor regardless of format. This University policy (S12-7) is in place to protect the privacy of students in the course, as well as to maintain academic integrity through reducing the instances of cheating. Students who record, distribute, or post these materials will be referred to the Student Conduct and Ethical Development office. Unauthorized recording may violate University and State law. It is the responsibility of students that require special accommodations or assistive technology due to a disability to notify the instructor.

Classroom Protocol

Inclusive Learning Community

We are here to learn and support each other. Please be respectful, mindful, patient, and compassionate with yourself, classmates, and instructors. Students are expected to be professionals and be punctual for both on-line and in-person learning. Questions and comments about lectures or class materials are welcome anytime. Please use my Zoom office hours for assistance or personal concerns. For other SJSU's policies pertaining to Students Expectations, Rights, and Responsibilities, please read University Policy <u>S16-15 [pdf]</u>

Please, no eating is allowed in the classroom. Students will have breaks during class time.

Use of Camera during office hours

Students are not required to have their camera on during the Zoom office hours, but I strongly encourage your appearance on-screen. Students have permission to use an appropriate virtual background. If you have any concerns, please notify me as soon as possible for accommodations.

Additional Information

Dropping and Adding Classes

Students are responsible for understanding the policies and procedures about add/drop. Add/drop deadlines can be found on the current academic year calendars document on the <u>Academic Calendars webpage</u>. Students should be aware of the current deadlines and penalties for dropping classes <u>Late Drops and Semester Withdrawals | Undergraduate Education (sjsu.edu)</u>.

Information about the latest changes and news is available at the Advising Hub.

Tuesday, September 17th, 2024, Last Day to Drop Classes without a "W" Grade

University Resources for Students Accessible Education Center

If you need course adaptations or accommodations because of a disability, or if you need to make special arrangements, please make an appointment with me as soon as possible, or see me during office hours.

Presidential Directive 97-03 [pdf] requires that students with disabilities requesting accommodations register with the Accessible Education Center (AEC) to establish a record of their disability.

Counseling and Psychological Services The SJSU Counseling and Psychological Services is located on the corner of 7th Street and San Carlos in the new Student Wellness Center, Room 300B. To schedule an appointment or learn more information, visit the Counseling and Psychological Services website at sjsu.edu/counseling.

SJSU Cares Students experiencing challenges meeting their basic needs including, but not limited to, access to food, shelter, and a safe space are encouraged to contact <u>SJSU Cares</u>. Students who feel that their class performance may be affected by these challenges are encouraged to notify their professors, if comfortable doing so. Faculty members may be able to provide flexibility within the course for students working with a case manager.

Land Acknowledgement

Land Honor Acknowledgement provided by the CA Faculty Association (CFA) Indigenous Peoples' Caucus: We gather as students, faculty, staff, and community of San Jose State University, situated on the traditional land of the Muwekma, Tamyen, and Ohlone Tribe past and present, and honor with gratitude the land itself and the people who have stewarded it throughout the generations. This calls us to commit to continuing to learn how to be better stewards of the land we inhabit as well. To recognize the land is an expression of gratitude and appreciation to those whose territory we reside on and a way of honoring the Indigenous people who have been living and working on the land from time immemorial. It is important to understand the long-standing history that has brought us to reside on the land and to seek to understand our place within that history. Land acknowledgments do not exist in past tense or historical context: colonialism is a current ongoing process, and we need to build our mindfulness of our present participation. Acknowledging the land is an important Indigenous protocol that we are honoring here today.

Do you know whose land you occupy? Find out at https://native-land.ca/

ENVS 185 Environmental Impact Assessment (EIA), Fall 2024

Course Schedule

This schedule is subject to change with fair notice.

Week/ Module	Date	Lecture Topics	Readings	Lecture Deliverables	(1 unit) Activity
1	8/21	Introductions			
		Syllabus			
2	8/28	Intro to CEQA: Overview and Exemptions Provide NEW DELIVERABLE: Instructions for Government Meetings- Policy Briefs Provide NEW DELIVERABLE Questions for Understanding the Basics of Land Use and Planning: Guide to Local Planning, (Institute for Local Government)	Read: Understanding the Basics of Land Use and Planning: Guide to Local Planning, (Institute for Local Government) https://www.ca- ilg.org/document/guide -local-planning, then click on pdf https://www.ca- ilg.org/sites/main/files/f ile-attachments/2010 - landuseplanning.pdf?1 387495993		
3	9/4	Notice of Exemption (NOE) – Project Examples and In-Class Analysis	See Canvas for posted readings and Projects for NOE's CEQA Topic Papers (ceqaportal.org) Project Description (2020 Update)	DUE: 9/4 INDIVIDUAL DELIVERABLE Canvas Questions for Understanding the Basics of Land Use and Planning: Guide to Local Planning, (Institute for Local Government)	Government Meeting Plan Government Meeting
4	9/11	Preliminary Environmental Review: The Initial Study Appendix G The Environmental Checklist NEW DELIVERABLE Per CEQA Individual Appendix G Environmental Checklist (Initial Study Deliverable)	AEP 2024 CEQA Statute & Guidelines §15060 – 15065 Downtown West Mixed-Use Plan EIR (Google Project) City of San José (sanjoseca.gov) Table of Contents O Summary of DEIR	DUE: 9/18 INDIVIDUAL DELIVERABLE Appendix G (Initial Study) Page 1 and Draft Project Description	Due: 9/11 Government Meeting Plan Watch- Government Meeting

Week/ Module	Date	Lecture Topics	Readings	Lecture Deliverables	(1 unit) Activity
			1 Introduction of DEIR 2 Project Description of DEIR		
5	9/18	CEQA Resource Area: Biological Resources Analysis (Must bring a laptop to class)	Downtown West Mixed-Use Plan EIR (Google Project) City of San José (sanjoseca.gov) READ 3.02 Biological Resources AEP 2024 CEQA Statute & Guidelines §15070-15075	DUE 9/18: INDIVIDUAL DELIVERABLE Appendix G (Initial Study) Page 1 and Draft Project Description	Government Meeting (2 hours/week; Per your individual schedule) Biogeographic Data Branch Tutorials and Training (ca.gov) CNDDB Overview (Video - 32 CNDDB Maps
6	9/25	CEQA Resource Area: Land use and Planning	Downtown West Mixed-Use Plan EIR (Google Project) City of San Jose (sanjoseca.gov) 3.09 Land Use General Plan Guidelines and Technical Advisories - Office of Planning and Research then click on A Vision for Long- Range Planning	WORK on INDIVIDUAL DELIVERABLE Per CEQA Appendix G Environmental Checklist: Draft Initial Study Analyses Due 10/2	and Data (ca.gov) Government Meeting (2 hours/week; Per your individual schedule)
7	10/2	CEQA Resource Area: Air Quality Analysis	Downtown West Mixed-Use Plan EIR (Google Project) City of San Jose (sanjoseca.gov) 3.00 Environmental Setting Impacts and Mitigation Intro of DEIR 3.01 Air Quality	Due 10/2 Per CEQA Appendix G Environmental Checklist: Draft Initial Study Analyses	Government Meeting (2 hours/week; Per your individual schedule)
8	10/9	CEQA Resource Area: Choose Topic- Guest Speaker	CEQA Topic Papers (ceqaportal.org) Mitigation Measures	Márquez returns Draft Appendix	Environmental Fieldwork Check schedule

Week/ Module	Date	Lecture Topics	Readings	Lecture Deliverables	(1 unit) Activity
Troume		Mitigated Negative Declaration (MND) Márquez returns Initial Study comments. Provide Instructions for Revised Individual Initial Study	General Plan Guidelines and Technical Advisories - Office of Planning and Research then click. Chapter 4:Required Elements Then NOISE General Plan Guidelines - Appendix D (ca.gov)	G-Initial Study Analyses	
9	10/16	Environmental Impact Reports (EIRs) (Process) and Drafting Contents of EIR NEW DELIVERABLE TEAM Initial Study (with instructions and due dates) TEAM CONTRACT Draft due by end of class	AEP 2024 CEQA Statute & Guidelines §15080-15097 and §15120-15132 CEQA Topic Papers (ceqaportal.org) Cumulative Impacts	Due 10/16 Final Draft Appendix G Initial Study Analyses TEAM CONTRACT Draft due by end of class. In Class Deliverable Only.	Environmental Fieldwork Check schedule
10	10/23	CEQA Resource Area: Hazardous Materials and Toxic Substances Part 1	AEP 2024 CEQA Statute & Guidelines §15100-15112 Downtown West Mixed-Use Plan EIR (Google Project) City of San Jose (sanjoseca.gov) 3.07 Hazardous Materials	Due: 10/23 Via Canvas TEAM CONTRACT with signatures and project schedule via Excel - Márquez return comments.	Canvas exercise GeoTracker environmental data for regulated facilities in California (Inter active Map) *https://geotracke r.waterboards.ca. gov/ https://calepa.ca. gov/sitecleanup/c orteselist/
11	10/30	CEQA Resource Area: Hazardous Materials and Toxic Substances Part 2 Develop Team's Project Alternative In Class Deliverable- Only	AEP 2024 CEQA Statute & Guidelines §15140-15153	Work: Team Draft Initial Study Individual Sections	Environmental Fieldwork Check schedule Government Meeting Briefs (Report)
12	11/6	CEQA Resource Area: Cultural, Tribal, and	California Native American Heritage	Due: 11/6 Submit Progress-	Environmental Fieldwork

Week/ Module	Date	Lecture Topics	Readings	Lecture Deliverables	(1 unit) Activity
		Archaeological Resources Peer-review deliverable due during class	Commission (Laws, Local Ordinances & Codes) http://nahc.ca.gov/code s/ Downtown West Mixed-Use Plan EIR (Google Project) City of San Jose (sanjoseca.gov) 3.03 Cultural Resources	Individual – Initial Study Sections Per CEQA Appendix G Environmental Checklist	Check schedule
13	11/13	Márquez- Meetings with Each Team – Progress Initial Study	CEQA Topic Papers (ceqaportal.org) Alternatives	Due: 11/13 Draft Individual Team Initial Study Sections Per CEQA Appendix G Environmental Checklist	Environmental Fieldwork Check schedule
14	11/20 (11/27 – 11/29 Campus Closed)	CEQA: Public Review and Comments New Deliverable Team Presentation Instructions	General Plan Guidelines and Technical Advisories - Office of Planning and Research, Click on Community Engagement and Outreach	Continue-Team Individual Sections	Environmental Fieldwork Check schedule
15	12/4	Curriculum Catch up and Team Meetings	https://oag.ca.gov/environment/ceqa/planningthenclick EnvironmentalJustice at the Local and Regional Level	Team Initial Study Individual Sections	Environmental Fieldwork Check schedule

Final Exam

Monday, December 16, 2024, at 2:45-5:00 PM Lecture Deliverables: Team Initial Study and In-Class Team Presentation

Lab Activity: Government Meetings Briefs' Report and Environmental Fieldwork