

Introduced by Senator Alarcon

February 23, 2001

An act to amend Section 21002.1 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1087, as introduced, Alarcon. Environmental impact reports.

The existing California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. Under existing law, specified policies apply to the use of environmental impact reports prepared pursuant to the act, including the policy that the purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.

This bill would add to the policies that apply to the use of environmental impact reports prepared pursuant to the act, the policy that the regional environmental benefits of a project may be considered in the environmental impact analysis in order to facilitate infill development.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21002.1 of the Public Resources Code
2 is amended to read:

3 21002.1. In order to achieve the objectives set forth in Section
4 21002, the Legislature hereby finds and declares that the following
5 ~~policy shall~~ *policies* apply to the use of environmental impact
6 reports prepared pursuant to this division:

7 (a) The purpose of an environmental impact report is to identify
8 the significant effects on the environment of a project, to identify
9 alternatives to the project, and to indicate the manner in which
10 those significant effects can be mitigated or avoided.

11 (b) Each public agency shall mitigate or avoid the significant
12 effects on the environment of projects that it carries out or
13 approves whenever it is feasible to do so.

14 (c) If economic, social, or other conditions make it infeasible
15 to mitigate one or more significant effects on the environment of
16 a project, the project may nonetheless be carried out or approved
17 at the discretion of a public agency if the project is otherwise
18 permissible under applicable laws and regulations.

19 (d) In applying the policies of subdivisions (b) and (c) to
20 individual projects, the responsibility of the lead agency ~~shall~~
21 ~~differ~~ *differs* from that of a responsible agency. The lead agency
22 ~~shall be~~ *is* responsible for considering the effects, both individual
23 and collective, of all activities involved in a project. A responsible
24 agency ~~shall be~~ *is* responsible for considering only the effects of
25 those activities involved in a project ~~which~~ *that* it is required by
26 law to carry out or approve. This subdivision applies only to
27 decisions by a public agency to carry out or approve a project and
28 does not otherwise affect the scope of the comments that the public
29 agency may wish to make pursuant to Section 21104 or 21153.

30 (e) To provide more meaningful public disclosure, reduce the
31 time and cost required to prepare an environmental impact report,
32 and focus on potentially significant effects on the environment of
33 a proposed project, lead agencies shall, in accordance with Section
34 21100, focus the discussion in the environmental impact report on
35 those potential effects on the environment of a proposed project
36 ~~which~~ *that* the lead agency has determined are or may be
37 significant. Lead agencies may limit discussion on other effects to



- 1 a brief explanation as to why those effects are not potentially
- 2 significant.
- 3 (f) *To facilitate infill development, the regional environmental*
- 4 *benefits of a project may be considered in the environmental*
- 5 *impact analysis.*

O

