

AMENDED IN SENATE JUNE 17, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2565**

---

---

**Introduced by Assembly Member Ammiano**

February 19, 2010

---

---

An act to ~~add Section 21092.7 to~~ amend Section 21089 of the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2565, as amended, Ammiano. Environment: CEQA: lead agency: documents.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) 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. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. ~~CEQA requires the lead agency to provide specified notices to a person who files a written request for the notices. If a draft EIR is submitted to the State Clearinghouse for review, CEQA requires the lead agency to provide a sufficient number of copies of the document to the State Clearinghouse for review and comment by state agencies~~ *authorizes a lead agency to charge and collect a reasonable fee from*

*a person proposing a project that is subject to CEQA to recover the estimated costs incurred by the lead agency in conducting the environmental review.*

~~The bill would authorize the lead agency to post, maintain, and make available on the lead agency’s Internet Web site, any notices, responses, or other documents that are required to be made available to the public or to other public agencies. The bill would authorize the lead agency to also make copies of these documents available to the public or to other public agencies by digital copy, including, but not limited to, compact disc, email attachment, or other digital transfers of documents and would require the local agency to provide a copy of a CEQA document if a member of the public or a public agency requests a copy a public agency to charge and collect a reasonable fee from members of the public for a copy of an environmental document, as defined, that does not exceed the cost of reproducing the environmental document. The bill would authorize the public agency to provide the environmental document in an electronic format.~~

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

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

- 1     SECTION 1. Section 21089 of the Public Resources Code is
- 2     amended to read:
- 3     21089. (a) A lead agency may charge and collect a reasonable
- 4     fee from ~~any~~ a person proposing a project subject to this division
- 5     in order to recover the estimated costs incurred by the lead agency
- 6     in preparing a negative declaration or an environmental impact
- 7     report for the project and for procedures necessary to comply with
- 8     this division on the project. Litigation expenses, costs, and fees
- 9     incurred in actions alleging noncompliance with this division under
- 10    Section 21167 are not recoverable under this section.
- 11    (b) The Department of Fish and Game may charge and collect
- 12    filing fees, as provided in Section 711.4 of the Fish and Game
- 13    Code. Notwithstanding Section 21080.1, a finding required under
- 14    Section 21081, or ~~any~~ a project approved under a certified
- 15    regulatory program authorized pursuant to Section 21080.5 is not
- 16    operative, vested, or final until the filing fees required pursuant to
- 17    Section 711.4 of the Fish and Game Code are paid.

1 (c) (1) A public agency may charge and collect a reasonable  
2 fee from members of the public for a copy of an environmental  
3 document not to exceed the cost of reproducing the environmental  
4 document. A public agency may provide the environmental  
5 document in an electronic format as provided pursuant to Section  
6 6253.9 of the Government Code.

7 (2) For purposes of this subdivision, “environmental document”  
8 means an initial study, negative declaration, mitigated negative  
9 declaration, draft and final environmental impact report, a  
10 document prepared as a substitute for an environmental impact  
11 report, negative declaration, or mitigated negative declaration  
12 under a program certified pursuant to Section 21080.5, and a  
13 document prepared under the federal National Environmental  
14 Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) and used by a  
15 state or local agency in the place of the initial study, negative  
16 declaration, mitigated negative declaration, or an environmental  
17 impact report.

18 ~~SECTION 1. Section 21092.7 is added to the Public Resources~~  
19 ~~Code, to read:~~

20 ~~21092.7. (a) The lead agency may post, maintain, and make~~  
21 ~~available on the lead agency’s Internet Web site, any notices,~~  
22 ~~responses, or other documents that are required by this division to~~  
23 ~~be made available to the public or to other public agencies. The~~  
24 ~~lead agency may also make copies of these documents available~~  
25 ~~to the public or to other public agencies by digital copy, including,~~  
26 ~~but not limited to, compact disc, email attachment, or other digital~~  
27 ~~transfers of documents.~~

28 ~~(b) If a member of the public or a public agency requests a copy~~  
29 ~~of a California Environmental Quality Act (CEQA) document, the~~  
30 ~~lead agency shall provide a copy of the document.~~