

**ASSEMBLY BILL**

**No. 209**

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**Introduced by Assembly Member Ammiano**

January 31, 2011

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An act to amend Section 21089 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 209, as introduced, 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 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.

This bill would make technical, nonsubstantive changes in those provisions authorizing a lead agency to charge and collect a reasonable fee from a person proposing a project subject to CEQA.

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 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 a person proposing a project subject to this division in  
5 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 a project approved under a certified regulatory  
15 program authorized pursuant to Section 21080.5 is not operative,  
16 vested, or final until the filing fees required pursuant to Section  
17 711.4 of the Fish and Game Code are paid.

18 (c) (1)(A) A public agency may charge and collect a reasonable  
19 fee from members of the public for a copy of an environmental  
20 document not to exceed the cost of reproducing the environmental  
21 document. ~~A~~

22 (B) A public agency may provide the environmental document  
23 in an electronic format as ~~provided~~ *prescribed* pursuant to Section  
24 6253.9 of the Government Code.

25 (2) For purposes of this subdivision, “environmental document”  
26 means an initial study, negative declaration, mitigated negative  
27 declaration, draft and final environmental impact report, a  
28 document prepared as a substitute for an environmental impact  
29 report, negative declaration, or mitigated negative declaration  
30 under a program certified pursuant to Section 21080.5, and a  
31 document prepared under the federal National Environmental  
32 Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) and used by a  
33 state or local agency in the place of the initial study, negative  
34 declaration, mitigated negative declaration, or an environmental  
35 impact report.

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