

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 598**

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**Introduced by Assembly Member Grove**

February 16, 2011

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~~An act to amend Section 21082.2 of the Public Resources Code, An act to add Section 21167.05 to the Public Resources Code, relating to the environment.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 598, as amended, Grove. Environmental quality: ~~environmental impact report~~. *CEQA: standing.*

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.

~~This bill would make technical, nonsubstantive changes to these provisions:~~

*CEQA confers standing on a person satisfying specified requirements to file and maintain an action or proceeding alleging that an EIR, a negative declaration, or a mitigated negative declaration was not prepared and certified in compliance with CEQA.*

*This bill would limit the standing to file and maintain the above action or proceeding to the Attorney General.*

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 21167.05 is added to the Public Resources  
2 Code, to read:

3 21167.05. Notwithstanding any other law, a person, other than  
4 the Attorney General, shall not commence or maintain an action  
5 or proceeding alleging that an environmental impact report, a  
6 negative declaration, or a mitigated negative declaration does not  
7 comply with this division.

8 SECTION 1. ~~Section 21082.2 of the Public Resources Code~~  
9 ~~is amended to read:~~

10 ~~21082.2. (a) The lead agency shall determine whether a project~~  
11 ~~may have a significant effect on the environment based on~~  
12 ~~substantial evidence in light of the whole record.~~

13 ~~(b) The existence of public controversy over the environmental~~  
14 ~~effects of a project shall not require preparation of an~~  
15 ~~environmental impact report if there is no substantial evidence in~~  
16 ~~light of the whole record before the lead agency that the project~~  
17 ~~may have a significant effect on the environment.~~

18 ~~(c) Argument, speculation, unsubstantiated opinion or narrative,~~  
19 ~~evidence that is clearly inaccurate or erroneous, or evidence of~~  
20 ~~social or economic impacts that do not contribute to, or are not~~  
21 ~~caused by, physical impacts on the environment, is not substantial~~  
22 ~~evidence. Substantial evidence shall include facts, reasonable~~  
23 ~~assumptions predicated upon facts, and expert opinion supported~~  
24 ~~by facts.~~

25 ~~(d) If there is substantial evidence, in light of the whole record~~  
26 ~~before the lead agency, that a project may have a significant effect~~  
27 ~~on the environment, an environmental impact report shall be~~  
28 ~~prepared.~~

29 ~~(e) Statements in an environmental impact report and comments~~  
30 ~~with respect to an environmental impact report shall not be deemed~~

- 1 determinative of whether the project may have a significant effect
- 2 on the environment.

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