

**Introduced by Senator Simitian**

January 18, 2012

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An act to amend ~~Section 21083.9~~ of Sections 21083.9 and 21092.2 of, and to repeal Section 21162 of, the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 972, as amended, Simitian. Environmental quality: California Environmental Quality Act: scoping meeting *and notice of completion*.

(1) *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.*

~~(1) Existing law~~

*CEQA* requires a lead agency to provide to, among others, an organization or individual who has filed a written request a notice of at least one scoping meeting for projects of statewide, regional, or areawide significance.

This bill would additionally require the lead agency to provide the above notice to an entity that has filed a written request for the notice, thereby imposing a state-mandated local program.

(2) *CEQA* requires that notices regarding a lead agency determination to require an EIR or other actions taken pursuant to that act be mailed to every person who files a written request.

*This bill would additionally require a notice of completion of an EIR by a public agency to be mailed upon request, thereby imposing a state-mandated local program by imposing new duties upon local agencies.*

*(3) CEQA requires the State Clearinghouse to provide to a legislator in whose district a project has an environmental impact the notice of completion of an EIR on the project if the legislator requests the notice and the State Clearinghouse has received the notice.*

*This bill would instead require the State Clearinghouse to provide a notice of a determination by a lead agency that an EIR is required for a project and a notice of completion of an EIR by a public agency if the legislator requests the notice and the State Clearinghouse has received the requested notice.*

~~(2)~~

*(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

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

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

- 1 SECTION 1. Section 21083.9 of the Public Resources Code
- 2 is amended to read:
- 3 21083.9. (a) Notwithstanding Section 21080.4, 21104, or
- 4 21153, a lead agency shall call at least one scoping meeting for
- 5 either of the following:
- 6 (1) A proposed project that may affect highways or other
- 7 facilities under the jurisdiction of the Department of Transportation
- 8 if the meeting is requested by the department. The lead agency
- 9 shall call the scoping meeting as soon as possible, but not later
- 10 than 30 days after receiving the request from the Department of
- 11 Transportation.
- 12 (2) A project of statewide, regional, or areawide significance.
- 13 (b) The lead agency shall provide notice of at least one scoping
- 14 meeting held pursuant to paragraph (2) of subdivision (a) to all of
- 15 the following:

1 (1) A county or city that borders on a county or city within  
2 which the project is located, unless otherwise designated annually  
3 by agreement between the lead agency and the county or city.

4 (2) A responsible agency.

5 (3) A public agency that has jurisdiction by law with respect to  
6 the project.

7 (4) A transportation planning agency or public agency required  
8 to be consulted pursuant to Section 21092.4.

9 (5) An entity, organization, or individual who has filed a written  
10 request for the notice.

11 (c) For an entity, organization, or individual that is required to  
12 be provided notice of a lead agency public meeting, the requirement  
13 for notice of a scoping meeting pursuant to subdivision (b) may  
14 be met by including the notice of a scoping meeting in the public  
15 meeting notice.

16 (d) A scoping meeting that is held in the city or county within  
17 which the project is located pursuant to the federal National  
18 Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.)  
19 and the regulations adopted pursuant to that act shall be deemed  
20 to satisfy the requirement that a scoping meeting be held for a  
21 project subject to paragraph (2) of subdivision (a) if the lead agency  
22 meets the notice requirements of subdivision (b) or subdivision  
23 (c).

24 (e) The referral of a proposed action to adopt or substantially  
25 amend a general plan to a city or county pursuant to paragraph (1)  
26 of subdivision (a) of Section 65352 of the Government Code may  
27 be conducted concurrently with the scoping meeting required  
28 pursuant to this section, and the city or county may submit its  
29 comments as provided pursuant to subdivision (b) of that section  
30 at the scoping meeting.

31 *SEC. 2. Section 21092.2 of the Public Resources Code is*  
32 *amended to read:*

33 21092.2. (a) The notices required pursuant to Sections 21080.4,  
34 21083.9, 21092, 21108, ~~and~~ 21152, *and 21161* shall be mailed to  
35 every person who has filed a written request for notices with either  
36 the clerk of the governing body or, if there is no governing body,  
37 the director of the agency. If the agency offers to provide the  
38 notices by e-mail, upon filing a written request for notices, a person  
39 may request that the notices be provided to him or her by e-mail.  
40 The request may also be filed with any other person designated

1 by the governing body or director to receive these requests. The  
2 agency may require requests for notices to be annually renewed.  
3 The public agency may charge a fee, except to other public  
4 agencies, that is reasonably related to the costs of providing this  
5 service. ~~This section may not~~

6 *(b) Subdivision (a) shall not* be construed in any manner that  
7 results in the invalidation of an action because of the failure of a  
8 person to receive a requested notice, ~~provided that~~ if there has been  
9 substantial compliance with the requirements of this section.

10 *(c) The notices required pursuant to Sections 21080.4 and 21161*  
11 *shall be provided by the State Clearinghouse to any legislator in*  
12 *whose district the project has an environmental impact, if the*  
13 *legislator requests the notice and the State Clearinghouse has*  
14 *received it.*

15 *SEC. 3. Section 21162 of the Public Resources Code is*  
16 *repealed.*

17 ~~21162. A copy of the notice of completion of an environmental~~  
18 ~~impact report on a project shall be provided, by the State~~  
19 ~~Clearinghouse, to any legislator in whose district the project has~~  
20 ~~an environmental impact, if the legislator requests the notice and~~  
21 ~~the State Clearinghouse has received it.~~

22 ~~SEC. 2.~~

23 *SEC. 4.* No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 a local agency or school district has the authority to levy service  
26 charges, fees, or assessments sufficient to pay for the program or  
27 level of service mandated by this act, within the meaning of Section  
28 17556 of the Government Code.