

ASSEMBLY BILL

No. 1849

Introduced by Assembly Member Logue

February 19, 2014

An act to repeal and add Section 21080.12 of the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1849, as introduced, Logue. California Environmental Quality Act: exemption: levees.

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, until January 1, 2016, exempts from its requirements the repair of specified critical levee.

This bill would, instead, exempt from the requirements of CEQA, the maintenance, repair, or replacement of an existing levee. Because a lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program.

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 21080.12 of the Public Resources Code
2 is repealed.

3 ~~21080.12. (a) This division does not apply to the repair of~~
4 ~~critical levees of the State Plan for Flood Control specified pursuant~~
5 ~~to Section 8361 of the Water Code within an existing levee~~
6 ~~footprint to meet standards of public health and safety funded~~
7 ~~pursuant to Section 5096.821, except as otherwise provided in~~
8 ~~Section 15300.2 of Title 14 of the California Code of Regulations.~~

9 ~~(b) For purposes of undertaking urgent levee repairs, the lead~~
10 ~~agency shall do all of the following:~~

11 ~~(1) Conduct outreach efforts in the vicinity of the project to~~
12 ~~ensure public awareness of the proposed repair work prior to~~
13 ~~approval of the project.~~

14 ~~(2) To the extent feasible, comply with standard construction~~
15 ~~practices, including, but not limited to, any rules, guidelines, or~~
16 ~~regulations adopted by the applicable air district for construction~~
17 ~~equipment and for control of particulate matter emissions.~~

18 ~~(3) To the extent feasible, use equipment powered by emulsified~~
19 ~~diesel fuel, electricity, natural gas, or ultralow sulfur diesel as an~~
20 ~~alternative to conventional diesel-powered construction equipment.~~

21 ~~(e) This section shall remain in effect only until July 1, 2016,~~
22 ~~and as of that date is repealed, unless a later enacted statute, that~~
23 ~~is enacted before July 1, 2016, deletes or extends that date.~~

24 SEC. 2. Section 21080.12 is added to the Public Resources
25 Code, to read:

26 21080.12. (a) The division does not apply to the maintenance,
27 repair, or replacement of an existing levees.

28 (b) This section does not alter, affect, expand, or diminish a
29 public agency’s obligation to comply with regulatory requirements
30 imposed pursuant to other laws.

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 a local agency or school district has the authority to levy service
4 charges, fees, or assessments sufficient to pay for the program or
5 level of service mandated by this act, within the meaning of Section
6 17556 of the Government Code.

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