

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2353

Introduced by Assembly Member Waldron

February 21, 2014

An act to ~~amend Section 21082.2 of~~ *add Section 21080.31* to the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2353, as amended, Waldron. Environmental quality: environmental impact reports.

The California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report 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. The act 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. The act requires the lead agency to determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record. *The act exempts certain specified projects from its requirements.*

~~This bill would make technical, nonsubstantive changes to that provision.~~

This bill would exempt a project to expand the storage capacity of a surface water storage facility that meets specified requirements.

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

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

1 SECTION 1. Section 21080.31 is added to the Public Resources
2 Code, to read:
3 21080.31. (a) This division does not apply to a project to
4 expand the storage capacity of a surface water storage facility
5 that meets all of the following requirements:
6 (1) The facility is owned and operated by a public agency.
7 (2) The facility supplies water for both agricultural and
8 nonagricultural purposes.
9 (3) The project expands the water storage capacity of the facility
10 by no more than 25 percent.
11 (4) The project complies with all applicable federal and state
12 safety guidelines.
13 (b) This section does not alter, affect, expand, or diminish the
14 obligation of a public agency to comply with other applicable state
15 or federal laws and regulations.

16 ~~SECTION 1. Section 21082.2 of the Public Resources Code~~
17 ~~is amended to read:~~
18 ~~21082.2. (a) The lead agency shall determine whether a project~~
19 ~~may have a significant effect on the environment based on~~
20 ~~substantial evidence in light of the whole record.~~
21 ~~(b) The existence of public controversy over the environmental~~
22 ~~effects of a project shall not require preparation of an~~
23 ~~environmental impact report if there is no substantial evidence in~~
24 ~~light of the whole record before the lead agency that the project~~
25 ~~may have a significant effect on the environment.~~
26 ~~(c) Argument, speculation, unsubstantiated opinion or narrative,~~
27 ~~evidence that is clearly inaccurate or erroneous, or evidence of~~
28 ~~social or economic impacts that do not contribute to, or are not~~
29 ~~caused by, physical impacts on the environment, is not substantial~~
30 ~~evidence. Substantial evidence shall include facts, reasonable~~
31 ~~assumptions predicated upon facts, and expert opinion supported~~
32 ~~by facts.~~
33 ~~(d) If there is substantial evidence, in light of the whole record~~
34 ~~before the lead agency, that a project may have a significant effect~~

1 ~~on the environment, an environmental impact report shall be~~
2 ~~prepared.~~
3 (e) ~~Statements in an environmental impact report and comments~~
4 ~~with respect to an environmental impact report shall not be deemed~~
5 ~~determinative of whether the project may have a significant effect~~
6 ~~on the environment.~~

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