

AMENDED IN SENATE APRIL 11, 2013

AMENDED IN SENATE APRIL 2, 2013

**SENATE BILL**

**No. 633**

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**Introduced by Senator Pavley**

February 22, 2013

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An act to amend Section 21166 of, and to add Section 21084.2 to, the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 633, as amended, Pavley. CEQA.

The California Environmental Quality Act, referred to as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify completion of, an environmental impact report, referred to as an 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 prescribes certain requirements for the review of draft EIRs, as specified. CEQA prohibits a lead agency or responsible agency from requiring a subsequent or supplemental EIR when an EIR has been prepared for a project pursuant to its provisions, unless one or more of specified events occurs, including, among other things, that new information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available. CEQA requires the Office of Planning and Research to prepare and develop, and the Secretary of the Natural

Resources Agency to certify and adopt, guidelines for the implementation of CEQA. CEQA requires the office to review the guidelines once every 2 years and recommend proposed changes or amendments to the guidelines to the secretary. CEQA requires the guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and to exempt those classes of projects from CEQA, referred to as categorical exemptions.

This bill would ~~specifically~~ specify that the new information that becomes available was not known and could not have been known by the lead agency or any responsible agency at the time the EIR was certified as complete. The bill would authorize the office, by July 1, 2015, to ~~prepare proposed revisions to~~ *revise* the guidelines to include as a categorical exemption projects involving minor temporary uses of land and public gatherings that have been determined not to have a significant effect on the environment ~~and are therefore exempt from CEQA~~. The bill would require the secretary, by January 1, 2016, to certify and adopt the proposed revisions to the guidelines. Because a lead agency would be required to determine whether a project would fall within this categorical 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 21084.2 is added to the Public Resources
- 2 Code, to read:
- 3 21084.2. (a) On or before July 1, 2015, the Office of Planning
- 4 and Research may ~~prepare~~ *revise* and transmit to the Secretary of
- 5 the Natural Resources Agency for certification and adoption
- 6 ~~proposed revisions to~~ the guidelines *to include a class of projects*
- 7 involving minor temporary uses of land and public gatherings that
- 8 have been determined not to have a significant effect on the
- 9 environment and that ~~are~~ *shall be* exempt from this division.

1 (b) On or before January 1, 2016, the Secretary of the Natural  
2 Resources Agency shall certify and adopt the proposed revisions  
3 prepared pursuant to subdivision (a) in accordance with Section  
4 21083.

5 (c) This section shall not be construed to be a limitation on  
6 requirements under this division and any other laws.

7 SEC. 2. Section 21166 of the Public Resources Code is  
8 amended to read:

9 21166. When an environmental impact report has been prepared  
10 for a project pursuant to this division, a subsequent or supplemental  
11 environmental impact report shall not be required by the lead  
12 agency or by any responsible agency, unless one or more of the  
13 following events occurs:

14 (a) Substantial changes are proposed in the project that will  
15 require major revisions of the environmental impact report.

16 (b) Substantial changes occur with respect to the circumstances  
17 under which the project is being undertaken that will require major  
18 revisions in the environmental impact report.

19 (c) New information, which was not known and could not have  
20 been known by the lead agency or any responsible agency at the  
21 time the environmental impact report was certified as complete,  
22 becomes available.

23 SEC. 3. 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.