

ASSEMBLY BILL

No. 291

Introduced by Assembly Member Medina

February 11, 2015

An act to amend Section 21152 of, and to add Section 21152.2 to, the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 291, as introduced, Medina. California Environmental Quality Act: local agencies: notice of determination: water.

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 requires a local agency that approves or determines to carry out a project subject to CEQA to file a notice of the approval or determination with the county clerk of each county in which the project will be located and requires the county clerk to make the notice available for public inspection.

This bill would authorize a local agency, for certain water projects, to file the notice with the county clerk of the county in which the local agency's principal office is located in lieu of the county clerk of each

county in which the project is located and would, if the local agency exercises this authorization, require the local agency to file the notice with the Office of Planning and Research.

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

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

1 SECTION 1. Section 21152 of the Public Resources Code is
2 amended to read:

3 21152. (a) ~~If~~ *Except as provided in Section 21152.2, if* a local
4 agency approves or determines to carry out a project that is subject
5 to this division, the local agency shall file notice of the approval
6 or the determination within five working days after the approval
7 or determination becomes final, with the county clerk of each
8 county in which the project will be located. The notice shall
9 identify the person or persons in subdivision (b) or (c) of Section
10 21065, as reflected in the agency’s record of proceedings, and
11 indicate the determination of the local agency whether the project
12 will, or will not, have a significant effect on the environment and
13 shall indicate whether an environmental impact report has been
14 prepared pursuant to this division. The notice shall also include
15 certification that the final environmental impact report, if one was
16 prepared, together with comments and responses, is available to
17 the general public.

18 (b) If a local agency determines that a project is not subject to
19 this division pursuant to subdivision (b) of Section 21080 or
20 pursuant to Section 21172, and the local agency approves or
21 determines to carry out the project, the local agency or the person
22 specified in subdivision (b) or (c) of Section 21065 may file a
23 notice of the determination with the county clerk of each county
24 in which the project will be located. A notice filed pursuant to this
25 subdivision shall identify the person or persons in subdivision (b)
26 or (c) of Section 21065, as reflected in the agency’s record of
27 proceedings. A notice filed pursuant to this subdivision by a person
28 specified in subdivision (b) or (c) of Section 21065 shall have a
29 certificate of determination attached to it issued by the local agency
30 responsible for making the determination that the project is not
31 subject to this division pursuant to subdivision (b) of Section 21080
32 or Section 21172. The certificate of determination may be in the

1 form of a certified copy of an existing document or record of the
2 local agency.

3 (c) A notice filed pursuant to this section shall be available for
4 public inspection, and shall be posted within 24 hours of receipt
5 in the office of the county clerk. A notice shall remain posted for
6 a period of 30 days. Thereafter, the clerk shall return the notice to
7 the local agency with a notation of the period it was posted. The
8 local agency shall retain the notice for not less than 12 months.

9 SEC. 2. Section 21152.2 is added to the Public Resources Code,
10 to read:

11 21152.2. (a) For purposes of this section, “water project”
12 means an activity undertaken pursuant to Sections 1011, 1011.5,
13 and 1211 of, Chapter 2 (commencing with Section 1250), Chapter
14 6.6 (commencing with Section 1435), Chapter 10 (commencing
15 with Section 1700) and Chapter 10.5 (commencing with Section
16 1725) of Part 2 of Division 2 of, the Water Code.

17 (b) A local agency that is required to file a notice pursuant to
18 Section 21152 for a water project may, in lieu of the filing
19 requirements of that section, file the notice in the form required
20 by that section with the county clerk of the county in which the
21 local agency’s principal office is located.

22 (c) If the lead agency files a notice pursuant to this section, the
23 local agency shall also file the notice with the Office of Planning
24 and Research.

25 (d) (1) The county clerk receiving a notice pursuant to
26 subdivision (b) shall comply with subdivision (c) of Section 25112.

27 (2) (A) All notices filed pursuant to subdivision (c) shall be
28 available for public inspection, and a list of those notices shall be
29 posted on a weekly basis in the Office of Planning and Research.
30 Each list shall remain posted for a period of 30 days.

31 (B) Failure to file the notice pursuant to subdivision (c) does
32 not affect the validity of a project.