

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 291**

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**Introduced by Assembly Member Medina**

February 11, 2015

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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 amended, 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~~, 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. 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~~ and with the Office of Planning and Research, and to mail a copy of the notice to the county clerks of the counties in which the water project is located, as specified. The bill would require the notices to be available for public inspection or posted, as provided.

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) 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 and the  
20 local agency approves or determines to carry out the project, the  
21 local agency or the person specified in subdivision (b) or (c) of  
22 Section 21065 may file a notice of the determination with the  
23 county clerk of each county in which the project will be located.  
24 A notice filed pursuant to this subdivision shall identify the person  
25 or persons in subdivision (b) or (c) of Section 21065, as reflected  
26 in the agency’s record of proceedings. A notice filed pursuant to  
27 this subdivision by a person specified in subdivision (b) or (c) of  
28 Section 21065 shall have a certificate of determination attached

1 to it issued by the local agency responsible for making the  
2 determination that the project is not subject to this division pursuant  
3 to subdivision (b) of Section 21080. The certificate of  
4 determination may be in the form of a certified copy of an existing  
5 document or record of the local agency.

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

12 SEC. 2. Section 21152.2 is added to the Public Resources Code,  
13 to read:

14 21152.2. (a) For purposes of this section, “water project”  
15 means an activity undertaken pursuant to Sections 1011, 1011.5,  
16 and 1211 of, Chapter 2 (commencing with Section 1250), Chapter  
17 6.6 (commencing with Section 1435), Chapter 10 (commencing  
18 with Section 1700), and Chapter 10.5 (commencing with Section  
19 1725) of Part 2 of Division 2 of, the Water Code.

20 (b) Within five working days after a local agency has approved  
21 or made a determination to carry out a water project, a local agency,  
22 in lieu of the notice filing requirements of subdivision (a) of  
23 Section 21152 for that water project, may take all of the following  
24 actions:

25 (1) File the notice in the form required by subdivision (a) of  
26 Section 21152 with the county clerk of the county in which the  
27 local agency’s principal office is located.

28 (2) File the notice with the Office of Planning and Research.

29 (3) Mail ~~copies~~ *a copy* of the notice through the United States  
30 mail, first-class postage prepaid with return receipt requested, to  
31 the county clerk of ~~all the counties~~ *each county* in which the water  
32 project will be located.

33 (c) (1) The county clerk receiving a notice pursuant to paragraph  
34 (1) of subdivision (b) shall comply with subdivision (c) of Section  
35 21152.

36 (2) All notices filed pursuant to paragraph (2) of subdivision  
37 (b) shall be available for public inspection, and a list of those  
38 notices shall be posted on a weekly basis in the Office of Planning  
39 and Research. Each list shall remain posted for a period of 30 days.

- 1 (3) As promptly as possible, a county clerk that receives a copy  
2 of a notice pursuant to paragraph (3) of subdivision (b) shall post  
3 that copy and shall not require an original of that notice or any  
4 additional information from the local agency.
- 5 (d) The filing date of the notice specified in subdivisions (b) to  
6 (e), inclusive, of Section 21167, Section 21167.10, and Section  
7 21177 shall be the date on which the notice is filed with the Office  
8 of Planning and Research pursuant to paragraph (2) of subdivision  
9 (b).
- 10 (e) Nothing in this section affects the application of Section  
11 21092.2.