

ASSEMBLY BILL

No. 1647

Introduced by Assembly Member Waldron

January 12, 2016

An act to add Section 21080.31 to the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1647, as introduced, Waldron. Environmental quality: water storage facilities.

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 exempt a project to expand the storage capacity of an existing surface water storage facility, or to replace an existing surface water storage facility, that is owned and operated by a public entity if that public entity adopts, by resolution, findings and declarations that the project meets specified criteria.

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 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 an existing surface water storage
- 5 facility, or to replace an existing surface water storage facility,
- 6 that is owned and operated by a public entity if that public entity
- 7 adopts, by resolution, at a public meeting findings and declarations
- 8 that the project meets all of the following criteria:
- 9 (1) The facility supplies water for both agricultural and
- 10 nonagricultural purposes, reducing the need for imported water.
- 11 (2) The project either replaces an existing surface water storage
- 12 facility or expands the water storage capacity of the facility by no
- 13 more than 25 percent.
- 14 (3) The project is necessary to preserve the operation of the
- 15 facility consistent with the historical purposes and the prior use of
- 16 the facility.
- 17 (4) The project complies with all applicable federal and state
- 18 safety guidelines.
- 19 (5) The project is necessary because the facility may fail during
- 20 a significant earthquake, causing flood damage.
- 21 (b) This section does not alter, affect, expand, or diminish the
- 22 obligation of a public agency to comply with other applicable state
- 23 or federal laws and regulations.