

ASSEMBLY BILL

No. 2038

Introduced by Assembly Member Beth Gaines

February 16, 2016

An act to amend Section 21082.2 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2038, as introduced, Beth Gaines. California Environmental Quality Act: environmental impact report: substantial evidence.

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 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.

This bill would make nonsubstantive changes to those provisions.

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

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

- 1 SECTION 1. Section 21082.2 of the Public Resources Code
- 2 is amended to read:

- 1 21082.2. (a) The lead agency shall determine whether a project
2 may have a significant effect on the environment based on
3 substantial evidence in light of the whole record.
- 4 (b) The existence of public controversy over the environmental
5 effects of a project shall not require preparation of an
6 environmental impact report if there is no substantial evidence in
7 light of the whole record before the lead agency that the project
8 may have a significant effect on the environment.
- 9 (c) Argument, speculation, unsubstantiated opinion or narrative,
10 evidence ~~which~~ *that* is clearly inaccurate or erroneous, or evidence
11 of social or economic impacts ~~which~~ *that* do not contribute to, or
12 are not caused by, physical impacts on the environment, is not
13 substantial evidence. Substantial evidence shall include facts,
14 reasonable assumptions predicated upon facts, and expert opinion
15 supported by facts.
- 16 (d) If there is substantial evidence, in light of the whole record
17 before the lead agency, that a project may have a significant effect
18 on the environment, an environmental impact report shall be
19 prepared.
- 20 (e) Statements in an environmental impact report and comments
21 with respect to an environmental impact report shall not be deemed
22 determinative of whether the project may have a significant effect
23 on the environment.