

Assembly Bill No. 2814

CHAPTER 522

An act to amend Section 21167.6.5 of the Public Resources Code, relating to natural resources.

[Approved by Governor September 14, 2004. Filed with Secretary of State September 14, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2814, Simitian. Natural resources: California Environmental Quality Act.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and to certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also generally 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 provides some exemptions from its requirements for specified projects.

Existing law requires a petitioner or plaintiff who brings specified actions or proceedings under CEQA to name, as a real party in interest, any recipient of an approval under CEQA that is the subject of the action or proceeding. Existing law provides that failure to name potential parties, other than those real parties in interest, or certain responsible agencies and other certain public agencies having jurisdiction over a natural resource affected by the project, is not grounds for dismissal of the action or proceeding, as specified.

This bill would, instead, provide that failure to name potential parties, other than those real parties in interest, is not grounds for dismissal, as specified.

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

SECTION 1. Section 21167.6.5 of the Public Resources Code is amended to read:

21167.6.5. (a) The petitioner or plaintiff shall name, as a real party in interest, any recipient of an approval that is the subject of an action



or proceeding brought pursuant to Section 21167, 21168, or 21168.5, and shall serve the petition or complaint on that real party in interest, by personal service, mail facsimile, or any other method permitted by law, not later than 20 business days following service of the petition or complaint on the public agency.

(b) The public agency shall provide the petitioner or plaintiff, not later than 10 business days following service of the petition or complaint on the public agency, with a list of responsible agencies and any public agency having jurisdiction over a natural resource affected by the project.

(c) The petitioner or plaintiff shall provide the responsible agencies, and any public agency having jurisdiction over a natural resource affected by the project, with notice of the action or proceeding within 15 days of receipt of the list described in subdivision (b).

(d) Failure to name potential parties, other than those real parties in interest described in subdivision (a), is not grounds for dismissal pursuant to Section 389 of the Code of Civil Procedure.

(e) Nothing in this section is intended to affect an existing right of a party to intervene in the action.

