

ASSEMBLY BILL

No. 1170

Introduced by Assembly Member Alejo

February 18, 2011

An act to amend Section 21089 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1170, as introduced, Alejo. Environment: CEQA: lead agency: documents.

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 authorizes a lead agency to charge and collect a reasonable fee from a person proposing a project that is subject to CEQA to recover the estimated costs incurred by the lead agency in preparing a negative declaration of an EIR for the project to conform to the requirements of CEQA.

This bill would make technical, nonsubstantive changes in those provisions authorizing a lead agency to charge and collect a reasonable fee from a person proposing a project subject to CEQA.

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 21089 of the Public Resources Code is
2 amended to read:
3 21089. (a) A lead agency may charge and collect a reasonable
4 fee from a person proposing a project subject to this division in
5 order to recover the estimated costs incurred by the lead agency
6 in preparing a negative declaration or an environmental impact
7 report for the project and for procedures necessary to comply with
8 this division on the project. Litigation expenses, costs, and fees
9 incurred in actions alleging noncompliance with this division under
10 Section 21167 are not recoverable under this section.
11 (b) The Department of Fish and Game may charge and collect
12 filing fees, as provided in Section 711.4 of the Fish and Game
13 Code. Notwithstanding Section 21080.1, a finding required under
14 Section 21081, or a project approved under a certified regulatory
15 program authorized pursuant to Section 21080.5 is not operative,
16 vested, or final until the filing fees required pursuant to Section
17 711.4 of the Fish and Game Code are paid.
18 (c) (1) (A) A public agency may charge and collect a reasonable
19 fee from members of the public for a copy of an environmental
20 document not to exceed the cost of reproducing the environmental
21 document. ~~A~~
22 (B) A public agency may provide the environmental document
23 in an electronic format as ~~provided~~ *prescribed* pursuant to Section
24 6253.9 of the Government Code.
25 (2) For purposes of this subdivision, “environmental document”
26 means an initial study, negative declaration, mitigated negative
27 declaration, draft and final environmental impact report, a
28 document prepared as a substitute for an environmental impact
29 report, negative declaration, or mitigated negative declaration
30 under a program certified pursuant to Section 21080.5, and a
31 document prepared under the federal National Environmental
32 Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) and used by a
33 state or local agency in the place of the initial study, negative

- 1 declaration, mitigated negative declaration, or an environmental
- 2 impact report.

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