
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: AB 2965
Author: Committee on Natural Resources
Version: 3/14/2022 **Hearing Date:** 6/1/2022
Urgency: No **Fiscal:** No
Consultant: Genevieve M. Wong

SUBJECT: California Environmental Quality Act: administrative and judicial procedures

DIGEST: Repeals several obsolete sections from the California Environmental Quality Act (CEQA) and makes conforming and correction amendments.

ANALYSIS:

Existing law, the California Environmental Quality Act (CEQA):

- 1) Requires lead agencies with the principal responsibility for carrying out or approving a proposed discretionary project to prepare a negative declaration (ND), mitigated negative declaration (MND), or environmental impact report (EIR) for this action, unless the project is exempt from CEQA. (Public Resources Code §21000 et seq.). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the lead agency must prepare a draft EIR. (CEQA Guidelines §15064(a)(1), (f)(1))

This bill repeals several obsolete CEQA provisions and makes nonsubstantive changes. More specifically:

- 1) Makes nonsubstantive changes to the section outlining the statute of limitations for a CEQA challenge.
- 2) Makes nonsubstantive changes to the section relating to the settlement meeting required before litigation commences.
- 3) Repeals provisions that provided expedited judicial review for a 2011 project that proposed a downtown Los Angeles football stadium (Farmers Field) and convention center.

- 4) Repeals provisions that provided expedited judicial and administrative review for the project known as the Sacramento Golden One Center.
- 5) Repeals PRC §21170 which relates to judicial proceedings that were pending when CEQA was originally enacted in 1972.
- 6) Repeals PRC §21171 which created a moratorium for the application of CEQA to certain projects until 121 days after CEQA was enacted.

Background

- 1) *Background on CEQA.* CEQA provides a process for evaluating the environmental effects of a project, and includes statutory exemptions, as well as categorical exemptions in the CEQA guidelines. If a project is not exempt from CEQA, an initial study is prepared to determine whether a project may have a significant effect on the environment. If the initial study shows that there would not be a significant effect on the environment, the lead agency must prepare a ND. If the initial study shows that the project may have a significant effect on the environment, the lead agency must prepare an EIR.

CEQA is enforced through judicial review. CEQA actions taken by public agencies can be challenged in the Superior Court once the agency approves or determines to carry out the project.

Comments

- 1) *Purpose of Bill.* According to the author, “AB 2965 is the Natural Resources Committee bill for CEQA clean-up, including several non-controversial amendments.”

SOURCE: Author

SUPPORT:

None received

OPPOSITION:

None received

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