
Introduced by Senator Margett

February 24, 2006

An act to amend Section 21091 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1792, as introduced, Margett. Environmental quality.

Existing law, the California Environmental Quality Act (CEQA), provides for a period of public review of a draft environmental impact report, proposed negative declaration, or proposed mitigated negative declaration. Existing law requires the lead agency to comply with specified requirements regarding comments received during the review period.

This bill would make technical, nonsubstantive changes to that existing law.

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 21091 of the Public Resources Code is
2 amended to read:
3 21091. (a) The public review period for a draft
4 environmental impact report ~~may~~ shall not be less than 30 days.
5 If the draft environmental impact report is submitted to the State
6 Clearinghouse for review, the review period shall be at least 45
7 days, and the lead agency shall provide a sufficient number of
8 copies of the document to the State Clearinghouse for review and
9 comment by state agencies.

1 (b) The public review period for a proposed negative
2 declaration or proposed mitigated negative declaration ~~may~~ shall
3 not be less than 20 days. If the proposed negative declaration or
4 proposed mitigated negative declaration is submitted to the State
5 Clearinghouse for review, the review period shall be at least 30
6 days, and the lead agency shall provide a sufficient number of
7 copies of the document to the State Clearinghouse for review and
8 comment by state agencies.

9 (c) (1) Notwithstanding subdivisions (a) and (b), if a draft
10 environmental impact report, proposed negative declaration, or
11 proposed mitigated negative declaration is submitted to the State
12 Clearinghouse for review and the period of review by the State
13 Clearinghouse is longer than the public review period established
14 pursuant to subdivision (a) or (b), whichever is applicable, the
15 public review period shall be at least as long as the period of
16 review and comment by state agencies as established by the State
17 Clearinghouse.

18 (2) The public review period and the state agency review
19 period may, but are not required to, begin and end at the same
20 time. Day one of the state agency review period shall be the date
21 that the State Clearinghouse distributes the document to state
22 agencies.

23 (3) If the submittal of a CEQA document is determined by the
24 State Clearinghouse to be complete, the State Clearinghouse shall
25 distribute the document within three working days from the date
26 of receipt. The State Clearinghouse shall specify the information
27 that will be required in order to determine the completeness of
28 the submittal of a CEQA document.

29 (d) (1) The lead agency shall consider comments it receives
30 on a draft environmental impact report, proposed negative
31 declaration, or proposed mitigated negative declaration if those
32 comments are received within the public review period.

33 (2) (A) With respect to the consideration of comments
34 received on a draft environmental impact report, the lead agency
35 shall evaluate comments on environmental issues that are
36 received from persons who have reviewed the draft and shall
37 prepare a written response pursuant to subparagraph (B). The
38 lead agency may also respond to comments that are received
39 after the close of the public review period.

1 (B) The written response shall describe the disposition of each
2 significant environmental issue that is raised by commenters. The
3 responses shall be prepared consistent with Section 15088 of
4 Title 14 of the California Code of Regulations, as those
5 regulations existed on June 1, 1993.

6 (3) (A) With respect to the consideration of comments
7 received on a draft environmental impact report, proposed
8 negative declaration, proposed mitigated negative declaration, or
9 notice pursuant to Section 21080.4, the lead agency shall accept
10 comments via e-mail and shall treat e-mail comments as
11 equivalent to written comments.

12 (B) Any law or regulation relating to written comments
13 received on a draft environmental impact report, proposed
14 negative declaration, proposed mitigated negative declaration, or
15 notice received pursuant to Section 21080.4, shall also apply to
16 e-mail comments received for those reasons.

17 (e) (1) Criteria for shorter review periods by the State
18 Clearinghouse for documents that must be submitted to the State
19 Clearinghouse shall be set forth in the written guidelines issued
20 by the Office of Planning and Research and made available to the
21 public.

22 (2) Those shortened review periods ~~may~~ *shall* not be less than
23 30 days for a draft environmental impact report and 20 days for a
24 negative declaration.

25 (3) A request for a shortened review period shall only be made
26 in writing by the decisionmaking body of the lead agency to the
27 Office of Planning and Research. The decisionmaking body may
28 designate by resolution or ordinance a person authorized to
29 request a shortened review period. A designated person shall
30 notify the decisionmaking body of this request.

31 (4) A request approved by the State Clearinghouse shall be
32 consistent with the criteria set forth in the written guidelines of
33 the Office of Planning and Research.

34 (5) A shortened review period may not be approved by the
35 Office of Planning and Research for a proposed project of
36 statewide, regional, or areawide environmental significance as
37 determined pursuant to Section 21083.

38 (6) An approval of a shortened review period shall be given
39 prior to, and reflected in, the public notice required pursuant to
40 Section 21092.

1 (f) Prior to carrying out or approving a project for which a
2 negative declaration has been adopted, the lead agency shall
3 consider the negative declaration together with comments that
4 were received and considered pursuant to paragraph (1) of
5 subdivision (d).

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