

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 04/15/2015  
POSITION: Neutral

BILL NUMBER: AB 291  
AUTHOR: Medina, Jose

**BILL SUMMARY: California Environmental Quality Act: local agencies: notice of determination: water.**

This bill establishes alternative California Environmental Quality Act (CEQA) notice requirements for multi-county water projects, such as water transfers, by requiring the lead agency to file notice in its home county and with the Office of Planning and Research (OPR), rather than in every county in which the project is located.

Existing law requires, under CEQA, lead agencies with the principal responsibility for approving or carrying out a proposed project to prepare various CEQA related documents for this action. When a project is approved or carried out by a local agency, the local agency is required to file notice of approval or determination within five working days after the approval or determination becomes final, with the county clerk of each county in which the project will be located. When a project is approved or carried out by a state agency, the state agency is required to file notice of the approval or determination with OPR. This bill would require the lead agency to file multi-county water projects with only the lead agency's home county and OPR.

**FISCAL SUMMARY**

The OPR indicates that the costs associated with this bill would be minor and absorbable. Any additional costs would be associated with receiving the CEQA notices and uploading them to OPR's online database known as CEQANet.

**COMMENTS**

Finance is neutral on this bill because it could improve the process of filing notices across multiple counties for water projects and may reduce potential CEQA litigation due to technical errors in the county clerk's posting process.

Generally, CEQA actions taken by local public agencies can be challenged in Superior Court once the agency approves or determines to carry out the project. CEQA appeals are subject to unusually short statutes of limitations, which are tied to the date the notice was filed. Under current law, court challenges of CEQA decisions generally must be filed within 30-35 days, depending on the type of decision. Failure to file a notice in time may increase the statute of limitations to 180 days. According to the author's office, the current process creates significant confusion for local agencies filing notices because different county clerks have different requirements for posting notices and notices for water projects may have to be filed in five or more counties. In some instances, technical errors in a county clerk's posting process have resulted in additional CEQA litigation.

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Analyst/Principal (0212)	Date	Program Budget Manager Chris Ryan	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

**BILL ANALYSIS--(CONTINUED)**

**AUTHOR**

**AMENDMENT DATE**

**BILL NUMBER**

Medina, Jose

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Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)					Fund Code
	LA	(Dollars in Thousands)					
	CO	PROP					
	RV	98	FC	2014-2015 FC	2015-2016 FC	2016-2017	
0650/OPR	SO	No		----- No/Minor Fiscal Impact -----			0001