

Date of Hearing: April 16, 2024

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 3007 (Hoover) – As Introduced February 16, 2024

**SUBJECT:** California Environmental Quality Act: record of environmental documents: format

**SUMMARY:** Permits a county clerk and the Office of Planning and Research (OPR) to maintain documents that make up the administrative record under the California Environmental Quality Act (CEQA) or in either electronic or paper, or both, format.

**EXISTING LAW:**

- 1) Under CEQA, requires lead agencies with the principal responsibility for approving or carrying out a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for the project, unless it is exempt from CEQA [Public Resources Code (PRC) § 21000 *et seq.*].
- 2) Requires the lead agency to submit in electronic format the draft EIR, proposed negative declaration, or proposed mitigated negative declaration to the State Clearinghouse for review and comment by state agencies when a state agency has a specified duty to review the project. Requires a lead agency to also post these documents on its internet website (PRC § 21082.1).
- 3) Provides that fish and wildlife resources are held in trust for the people of California by and through the Department of Fish and Wildlife (DFW) [Fish and Game Code (FGC) § 711.7].
- 4) Requires county clerks and OPR to maintain a paper and electronic record of all environmental review documents they receive. Allows county clerks to charge a \$50 handling fee for the filing of environmental review documents under CEQA [FGC § 711.4(e)].
- 5) Under CEQA, requires a lead agency to consult with responsible and trust agencies prior to determining whether or not negative declaration or EIR is required for a proposed project (PRC § 21080.3).
- 6) Under CEQA, defines “responsible agency” as a public agency, other than the lead agency, which has responsibility for carrying out or approving a project by, for example, issuing a permit necessary for a project (PRC § 21069).
- 7) Under CEQA, defines “trustee agency” as a state agency that has legal jurisdiction over natural resources affected by a project, that are held in trust for the people of California (PRC § 21070).

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal.

**COMMENTS:**

- 1) **Purpose of this bill.** This bill eliminates a requirement that *both* an electronic and paper copy of various CEQA documents be maintained by a county clerk; instead, a county clerk

will have the option to retain these documents in either or both formats. The author asserts “This is a common sense bill which will help reduce administrative burdens for our county clerks. As the state continues to expand digital requirements, we need to follow up and remove duplicative paper requirements. We have an opportunity to better support California county clerks and streamline the work that they do.”

- 2) **Background.** CEQA was enacted in 1970 in an effort to disclose and mitigate the potential environmental damage that certain development projects (e.g., housing developments) might cause. Under CEQA, DFW serves as a “trustee agency” in order to protect fish and wildlife because of its responsibility to protect these resources for the benefit of the public. In this role, DFW consults and works with other public agencies to inform decision-makers and the general public about the potential environmental impacts of proposed projects (e.g., through the review of environmental documents) and to reduce those environmental impacts to the extent feasible (e.g., by recommending mitigation measures).

FGC authorizes DFW to assess fees on project proponents so DFW can defray its costs in serving as a responsible or trustee agency under CEQA. These same sections of FGC also grant county clerks fee authority for the processing of CEQA documents and require county clerks to retain environmental documents in both paper and electronic format. The existing FGC requirement for both formats is inconsistent with similar sections of CEQA. This bill addresses this discrepancy and makes requirements for environmental documents under FGC consistent with requirements under the CEQA statute.

- 3) **Related legislation.** AB 819 (Levine), Chapter 97, Statutes of 2021, requires specified CEQA notices and environmental review documents to be filed electronically and posted online.

AB 2565 (Ammiano), Chapter 210, Statutes of 2010, authorizes a public agency to charge and collect a reasonable fee from members of the public for a copy of an environmental document that does not exceed the cost of reproducing the environmental document. Authorizes the public agency to provide the environmental document in an electronic format.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

None on file

### **Opposition**

None on file

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