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AB-782 California Environmental Quality Act: exemption: public agencies: land transfers. (2019-2020)

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Assembly Bill No. 782

CHAPTER 181

An act to add Section 21080.28 to the Public Resources Code, relating to environmental quality.

[Approved by Governor August 30, 2019. Filed with Secretary of State August 30, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 782, Berman. California Environmental Quality Act: exemption: public agencies: land transfers.

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 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.

This bill would exempt from CEQA the acquisition, sale, or other transfer of interest in land by a public agency for certain purposes, or the granting or acceptance of funding by a public agency for those purposes.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature in enacting this act to clarify the timing of the environmental review required pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) where a public agency is involved in the funding, acquisition, sale, or other transfer of interests in land for purposes set forth in subdivision (a) of Section 21080.28 of the Public Resources Code. This act is not intended to otherwise alter the applicability of the California Environmental Quality Act to an action that may cause a physical change in the environment.

SEC. 2. Section 21080.28 is added to the Public Resources Code, to read:

21080.28. (a) This division does not apply to either of the following:

(1) The acquisition, sale, or other transfer of interest in land by a public agency for any of the following purposes:

(A) Preservation of natural conditions existing at the time of transfer, including plant and animal habitats.

(B) Restoration of natural conditions, including plant and animal habitats.

(C) Continuing agricultural use of the land.

(D) Prevention of encroachment of development into flood plains.

(E) Preservation of historical resources.

(F) Preservation of open space or lands for park purposes.

(2) The granting or acceptance of funding by a public agency for purposes of paragraph (1).

(b) Subdivision (a) applies even if physical changes to the environment or changes in the use of the land are a reasonably foreseeable consequence of the acquisition, sale, or other transfer of the interests in land, or of the granting or acceptance of funding, provided that environmental review otherwise required by this division occurs before any project approval that would authorize physical changes being made to that land.

(c) If the lead agency determines that an activity is not subject to this division pursuant to this section and the lead agency determines to approve or carry out the activity, the lead agency shall file a notice with the Office of Planning and Research and with the county clerk in the county in which the land is located in the manner specified in subdivisions (b) and (c) of Section 21152.