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**AB-1359 California Environmental Quality Act: geothermal exploratory projects: lead agency.** (2023-2024)

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**Assembly Bill No. 1359**

**CHAPTER 678**

An act to amend Section 3715.5 of the Public Resources Code, relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1359, Papan. California Environmental Quality Act: geothermal exploratory projects: lead agency.

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 the lead agency 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.

Existing law establishes the Geologic Energy Management Division in the Department of Conservation, under the direction of the State Oil and Gas Supervisor, who is required to supervise the drilling, operation, maintenance, and abandonment of wells so as to permit the owners or operators of those wells to utilize all methods and practices known to the industry for the purpose of increasing the ultimate recovery of geothermal resources, as provided. Existing law requires the division to be the lead agency for all geothermal exploratory projects for purposes of CEQA, as specified, and authorizes the division to delegate its lead agency responsibility for geothermal exploratory projects to a county that has adopted a geothermal element for its general plan. Existing law requires the delegation to provide that the county complete its lead agency responsibility within 135 days of the receipt of the application for the project.

This bill would delete the requirement of the delegation to provide that the county complete its lead agency responsibility within 135 days. The bill would specify, upon the request of an applicant of a geothermal exploratory project, that the county in which the project is located is to assume the responsibilities of a lead agency regardless of whether the county has adopted a geothermal element for its general plan. The bill would require the applicant to make the request to the county and the division. If a county assumes lead agency responsibility for a geothermal exploratory project, the bill would require the county and the division to confer regarding necessary information that should be included in the environmental review for the project to facilitate the division's exercise of its authority as a responsible agency. Because the bill would require a county, upon the request of an applicant, to assume the responsibilities of a lead agency under CEQA, and would, if a county assumes lead agency responsibility, require the county and division to confer, as specified, this bill would impose a state-mandated local program by increasing the duties of a county.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

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

**SECTION 1.** Section 3715.5 of the Public Resources Code is amended to read:

**3715.5.** (a) For the purposes of the California Environmental Quality Act (commencing with Section 21000), the division shall be the lead agency as defined in Section 21067 for all geothermal exploratory projects as defined in Section 21065.5.

(b) (1) The division may delegate its lead agency responsibility under this section to a county that has adopted a geothermal element, as defined in Section 25133, for its general plan.

(2) Upon the request of an applicant, the county in which a geothermal exploratory project is located, regardless of whether the county has adopted a geothermal element for its general plan, shall assume responsibilities of a lead agency, as defined in Section 21067, for the project. The applicant shall make the request to the county and the division.

(c) If a county assumes lead agency responsibility pursuant to subdivision (b), the county and the division shall confer regarding necessary information that should be included in the environmental review for the project to facilitate the division's exercise of its authority as a responsible agency, as defined in Section 21069.

(d) The provisions of this section shall not apply to geothermal exploratory projects, as defined in Section 21065.5, where, before January 1, 1979, preparation of an environmental impact report for a geothermal exploratory project has begun or an application for a geothermal exploratory project that will require preparation of an environmental impact report has been filed.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

**SEC. 3.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to accelerate progress toward meeting the state's ambitious climate goals in a timely manner through the deployment of next-generation geothermal energy, it is necessary for this act to take effect immediately.