



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-854 California Environmental Quality Act: exemptions. (2025-2026)

SHARE THIS:  

Date Published: 04/22/2025 09:00 PM

AMENDED IN ASSEMBLY APRIL 22, 2025

AMENDED IN ASSEMBLY APRIL 07, 2025

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 854

Introduced by Assembly Member Petrie-Norris

February 19, 2025

An act to add ~~Sections 21080.38 and~~ [Section](#) 21080.39 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 854, as amended, Petrie-Norris. California Environmental Quality Act: exemptions.

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 the lead agency 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 projects that consist of the inspection, maintenance, repair, restoration, reconditioning, reconductoring with advanced conductors, replacement, or removal of a transmission wire or cable used to conduct electricity or other piece of equipment that [is](#) directly attached to the wire or cable and that meet certain requirements. If a lead agency determines that a project is exempt from CEQA pursuant to the above provision, the bill would require the lead agency to file a notice of exemption with the Office of Land Use and Climate Innovation and the county clerk in each county in which the project is located, as provided. By increasing the duties of a lead agency, ~~this~~ [the](#) bill would impose a state-mandated local program.

~~The California Endangered Species Act prohibits the taking of an endangered, threatened, or candidate species unless the person has obtained an incidental take permit from the Department of Fish and Wildlife.~~

~~Existing law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, a river, stream, or lake, or deposit or dispose of debris, waste, or other materials~~

~~where it may pass into a river, stream, or lake unless the Department of Fish and Wildlife receives written notification of the activity and the entity has entered into a lake or stream agreement with the Department of Fish and Wildlife.~~

~~The Porter-Cologne Water Quality Control Act requires a California regional water quality control board to prescribe waste discharge requirements for the discharge of pollutants into state waters and authorizes the regional board to prescribe general waste discharge requirements for a category of discharges if the regional board finds or determines that certain criteria apply to the discharges in that category.~~

~~This bill would exempt from CEQA the issuance of incidental take permits, lake or stream agreements, or waste discharge requirements for renewable energy projects.~~

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.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) California has created ambitious climate and energy goals to achieve a net-zero carbon economy by 2045. The 2022 State Air ~~Resource~~ **Resources** Board's scoping plan calls for California to cut air pollution by 71 percent and reduce fossil fuel consumption by 86 percent.

(b) The 100 Percent Clean Energy Act of 2018 (Chapter 312 of the Statutes of 2018) updated the California Renewables Portfolio Standard Program to ensure that by 2030 at least 60 percent of California's electricity is from renewable energy resources and established a state policy for California to provide 100 percent of its retail sales from renewable energy resources and zero-carbon resources by 2045.

(c) The Clean Energy, Jobs, and Affordability Act of 2022 (Chapter 361 of the Statutes of 2022) made it the policy of the state that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity by December 31, 2035, 95 percent of all retail sales by December 31, 2040, 100 percent of all retail sales by December 31, 2045, and 100 percent of electricity procured to serve all state agencies by December 31, 2035.

~~(d) Permits and authorizations issued by the Department of Fish and Wildlife and the regional water quality control boards, such as incidental take permits, streambed alteration agreements, and waste discharge requirements, cannot be completed until after a notice of determination has been issued pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). These permits can add an additional 6 to 12 months or more to the permitting timeline for development projects.~~

~~(e)~~

(d) Reconductoring is the process of replacing smaller capacity wires with larger capacity wires on existing transmission poles to enhance transmission capacity using existing infrastructure. Reconductoring is the lowest impact, least-cost path to increasing statewide transmission capacity on a highly constrained system.

~~(f)~~

(e) California's ambitious climate and energy goals will require a massive buildout of new, clean energy projects and the grid infrastructure necessary to deliver electricity across the state. California must nearly double its clean energy capacity over the next five years, alone, to stay on track with its goals.

~~(g) Streamlining permitting described in subdivision (d) for renewable energy projects and facilitating~~

(f) Facilitating the rapid completion of reconductoring projects will reduce the cost of California's energy transition and will accelerate the development of clean energy.

~~SEC. 2. Section 21080.38 is added to the Public Resources Code, to read:~~

~~21080.38. This division does not apply to any of the following:~~

~~(a) The issuance of an agreement by the Department of Fish and Wildlife pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code for a renewable energy project.~~

~~(b)The issuance of an incidental take permit by the Department of Fish and Wildlife pursuant to the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code) for a renewable energy project:~~

~~(c)The issuance of waste discharge requirements by a regional water quality control board pursuant to the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code) for a renewable energy project:~~

~~SEC. 3.~~**SEC. 2.** Section 21080.39 is added to the Public Resources Code, to read:

21080.39. (a) This division does not apply to a project that consists of the inspection, maintenance, repair, restoration, reconditioning, reconductoring with advanced conductors, replacement, or removal of a transmission wire or cable used to conduct electricity or other piece of equipment that is directly attached to the wire or cable and that meets both of the following:

(1) (A) The project is undertaken within an existing ~~right of way~~ *right-of-way*.

(B) For a project undertaken within a private ~~right of way~~ *right-of-way*, the project applicant has permission from the underlying property owner to access the property for the project.

(2) The project applicant enters into a legally binding agreement to restore the ~~right of way~~ *right-of-way* to its condition before the commencement of the project.

(b) If the lead agency determines that a project is exempt from this division pursuant to this section, the lead agency shall file a notice of exemption with the Office of Land Use and Climate Innovation and with the county clerk in each county in which the project is located in a manner specified in subdivisions (b) and (c) of Section 21108 or subdivisions (b) and (c) of Section 21152.

(c) For purposes of this section, "reconductoring with advanced conductors" has the same meaning as set forth in Section 454.58 of the Public Utilities Code.

~~SEC. 4.~~**SEC. 3.** 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. 5.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.~~