



Los Angeles Area Chamber of Commerce

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Senate Bill 1165 Kuehl (D-Santa Monica)

**An Act to Amend Sections
21082.1, 21166, and 21167.1 of
the Public Resources Code,
relating to the environment**

Summary: This bill would amend the California Environmental Quality Act (CEQA) by adding specific requirements for Environmental Impact Reports (EIR) on projects. This bill would require communications between the project applicant and the public agency or the preparers of the EIR to be in writing, or recorded in writing. The bill would authorize the public agency to make available to members of the public preliminary drafts of its EIR, negative declaration, or mitigated negative declarations that are circulated among the project applicant and any public agencies prior to their official release for public comments.

This bill would also increase the level of service provided by a local agency. SB 1165 requires the lead agency to prepare a subsequent EIR for a project if the certification of the prior EIR for the project is more than five years old, thereby imposing a state-mandated local program.

SB1165 would also provide that no reimbursement is required by states to local agencies and school districts.

Background: Current CEQA law does not require that communications between applicants and public agencies be in writing. CEQA also does not require, except for under specified circumstances, a lead agency to prepare a supplemental EIR when an EIR has been prepared for a project, among other specific measures SB 1165 would enforce. The California Constitution currently requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Status: Set for April 7, Hearing by the Senate Environmental Quality Committee

Proponents: Open Monterrey Project

Opponents: Cal Chamber, California BIA, BNSF Railway, WesPac Energy Group

CEQA Task Force Recommendation: OPPOSE