

MEMORANDUM

Governor's Office of Planning and Research State Clearinghouse

Date: January 1, 2003

To: All CEQA Lead Agencies

From: Terry Roberts, Director, State Clearinghouse
Scott Morgan, Associate Planner, State Clearinghouse

Re: Submission of CEQA Documents to State Clearinghouse,
New Requirements of AB 3041

Assembly Bill 3041 (Wayne), which takes effect on January 1, 2003, makes minor changes to the California Environmental Quality Act (CEQA). These changes affect sections 21082.1, 21083, and 21091 of the Public Resources Code, and relate to the submittal of draft environmental documents to the State Clearinghouse.

The main changes to the statute include:

1. Added emphasis on the existing requirement for lead agencies to submit draft EIRs, draft negative declarations, and draft mitigated negative declarations to the State Clearinghouse when state agency review is required (PRC Section 21083 (d)).
2. New requirement for lead agencies to submit a "sufficient number of copies" of draft EIRs, draft negative declarations, and draft mitigated negative declarations to the State Clearinghouse when state agency review is required (PRC Sections 21082.1 (c)(4) and 21091 (a,b)).
3. New requirement for lead agencies to submit to the State Clearinghouse "a copy of the report or declaration in an electronic form as required by the guidelines adopted pursuant to Section 21083" (PRC Section 21082.1 (c)(4)).

In response to several inquiries from public agencies, the following information is provided to clarify the new requirements identified in #2 and #3 above.

QUESTION: What is a "sufficient number of copies" for the State Clearinghouse?

RESPONSE: Fifteen (15) copies.

DISCUSSION: AB amends PRC Sections 21082.1 and 21091 to specify that a "sufficient number" of copies must be submitted to the State Clearinghouse when state agency review of the document is required. Prior to these amendments, the statute was silent on the number of copies that the State Clearinghouse could require. In the past, the

State Clearinghouse requested 11 copies of each document. However, due to increased interest from state agencies, the State Clearinghouse requests 15 copies of all negative declarations, mitigated negative declarations, notices of preparation, and environmental impact reports for state level review.

For uniquely large or complex projects the State Clearinghouse may require more than 15 copies. Lead agencies will be contacted directly in situations where more than 15 copies are needed to begin the state review period.

QUESTION: Does AB 3041 mandate that lead agencies submit CEQA documents in electronic format to the State Clearinghouse?

RESPONSE: No. AB 3041 does not make submission of electronic documents mandatory.

DISCUSSION: AB 3041 amends Section 21082.1 to require that lead agencies submit “a copy of the report or declaration in an electronic form as required by the [CEQA] guidelines adopted pursuant to section 21083.” As stated in the CEQA Guidelines Sections 15205 and 15206: "When such [CEQA] documents are submitted to the State Clearinghouse, the public agency shall include, in addition to the printed copy, a copy of the document in electronic format on a diskette or by electronic mail transmission, if available." Therefore, the CEQA Guidelines already require submission of an electronic copy of the document if available. AB 3041 makes no substantive change to the statute. Therefore, paper copies of CEQA documents are still required by the State Clearinghouse. If available, one copy of the document in electronic form is also required.

For further information or assistance please contact the State Clearinghouse at (916)445-0613 or state.clearinghouse@opr.ca.gov.