**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

December 21, 1993

(Executive Committee--Information)

To: Board of Directors (Special Committee on Legislation--Information)

From: General Manager

Subject: Update on Reform of the California Environmental Quality Act (CEQA)

Report

In July and August 1993, your Board voted to support CEQA reform bills A.B. 1888 (Sher) and S.B. 919 (Dills) with amendments. These bills were signed into law by Governor Wilson on October 10, 1993 and are effective on January 1, 1994. The attached table summarizes key amendments to CEQA made by these bills.

Board Committee Assignments

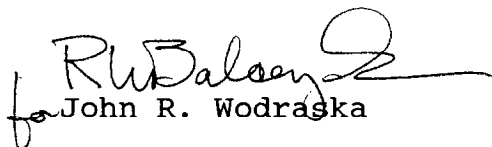
This letter is referred for information to:

The Executive Committee because of its jurisdiction over legislation sponsored by the District or in any way affecting the District, pursuant to Administrative Code Section 2417(a); and

The Special Committee on Legislation because of its responsibility to review staff's recommendations for positions on legislation, pursuant to Administrative Code Section 2581(b).

Recommendation

For information only.


 for John R. Wodraska

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Attachment

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
SUMMARY OF KEY AMENDMENTS
EFFECTIVE JANUARY 1, 1994**

Subject	Existing Law	New Law
Phased Projects	Provides for Tiered EIR's. EIR's for later projects which are consistent with a previously approved policy, plan, program, or ordinance are to concentrate upon environmental effects which may be mitigated or avoided in connection with the decision on the later project(s).	Provides for Master EIR's and clear language regarding documentation requirements for subsequent projects: - No additional documentation; - Mitigated Negative Declaration; or - Focused EIR.
Litigation	Requires courts to give preference to a CEQA action or proceeding over all other civil actions therein. Requires that no action or proceeding may be brought unless the alleged grounds for noncompliance were presented to the public agency orally or in writing by any person.	Clarifies that a lawsuit may not be brought unless the alleged grounds for noncompliance are presented to the public agency prior to the close of the public hearing on the project and filing of the Notice of Determination.
Determination to Prepare an EIR	The lead agency shall determine whether a project may have a significant effect on the environment based on substantial evidence in the record. The existence of public controversy over the environmental effects of a project shall not require the preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.	Determination of whether a project may have a significant effect on the environment is to be based on substantial evidence in light of the whole record. Clarifies what constitutes substantial evidence.
Approval of Projects/Overriding Considerations	Section 21002 states "that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such project ... (I)n the event specific economic, social, or other conditions make infeasible such project alternatives or mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."	Adds technological and legal factors and provision of employment opportunities for highly trained workers as tests for feasibility of alternatives and mitigation.
Initiation of Statute of Limitations for Suit	Requires county clerk to post notices for 30 days.	Adds requirement for county clerk to post notices within 24 hours of receipt.
Evaluation of Cumulative Impacts	Requires EIR to consider possible cumulative impacts of a project in light of past, current, and probable future projects.	Clarifies that cumulative impact analysis in a completed draft EIR need not be revised to incorporate new information which was not previously available and could not be reasonably anticipated.
Mitigated Negative Declaration	States that a Negative Declaration may be prepared if a project is revised before public review such that the project would avoid significant effects or mitigate effects to insignificance. The public agency must find that there is no significant effect on the environment.	Gives formal status to the Mitigated Negative Declaration.

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Subject	Existing Law	New Law
Updates of CEQA Guidelines	Requires Office of Planning and Research to review guidelines and recommend changes to the Secretary of Resources every two years.	In addition to existing law, requires Secretary of Resources to certify and adopt guidelines and any amendments every two years.
Streamlining of Permit Processes	Prohibits lead agency from requiring information equivalent of an EIR as prerequisite for application of a development project.	Extends requirement of existing law to responsible agencies. Also requires responsible agency to commence processing of a permit application prior to final action by the lead agency to the extent that the necessary information is available.
Streamlining for Environmentally Mandated Projects	Not Applicable.	Requires regulatory agencies at time of adoption of a rule or regulation to perform an environmental analysis of the reasonably foreseeable methods of compliance.