



Environment, Land Use & Natural Resources ADVISORY ■

JANUARY 5, 2022

An Overview of AB 819's Updates to CEQA Notice and Filing Requirements

Assembly Bill (AB) No. 819, approved by Governor Gavin Newsom on July 16, 2021, came into effect on January 1, 2022, changing various California Environmental Quality Act (CEQA) communication, notice, and filing requirements.

Email Communications Between Lead and Responsible Agencies

With the statutory changes, lead agencies can now notify responsible agencies that an environmental impact report (EIR) will be required for a project via email. Responsible agencies can also provide comments on the scope of the environmental review via email. Before AB 819, such communication between the lead agencies and responsible agencies had to be sent by certified mail. (Public Resources Code § 21080.4(a)).

Submission of Environmental Documents to State Clearinghouse

Lead agencies must provide electronic copies of draft EIRs, proposed negative declarations, and proposed mitigated negative declarations to the State Clearinghouse for all projects. Before AB 819, lead agencies could submit those documents to the State Clearinghouse in electronic or hard copy and were only required to do so in certain circumstances. (Public Resources Code § 21082.1(c)(4)).

Posting of Environmental Documents to Lead Agencies' Websites

AB 819 added a new requirement for lead agencies to post all environmental review documents directly on their websites, including draft EIRs, EIRs, negative declarations, or mitigated negative declarations. (Public Resources Code § 21082.1(d)).

Amended Public Review Periods for Certain Projects

AB 819 also amended the minimum public review period for negative declarations to 30 days and for EIRs to 45 days for (1) proposed projects where a state agency is the lead agency, a responsible agency, or a trust

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agency; (2) projects over which a state agency otherwise had jurisdiction by law; or (3) projects of “sufficient statewide, regional, or areawide significance.” The default review period of 20 days for negative declarations and 30 days for EIRs remains in place for other projects that do not fall within these parameters. (Public Resources Code §§ 21091(a) and (b)).

Posting of Notices to Lead Agencies’ Websites

Lead agencies must post notices of preparation, notices of determination, notices of public hearings, and notices of completion directly on their websites. (Public Resources Code §§ 21092(b)(3), 21092.2(d), 21092.3).

Posting of Notices by State Agencies

State agencies now must file notices of determination and notices of exemption electronically with the Office of Planning and Research, which must make those notices available for public inspection for 12 months. Previously, those notices needed only to be made “available for public inspection” and posted weekly through the Office of Planning and Research. (Public Resources Code § 21108).

Posting of Notices by Local Agencies

For approvals by local agencies, a county clerk can now post filed notices of determination and notices of exemption in the office of the county clerk or directly on the county’s website. Notices must now also be filed electronically with the county clerk if that option is available. (Public Resources §§ 21152(c) and (d)).

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