

AMENDED IN SENATE MAY 28, 2025

AMENDED IN SENATE MAY 13, 2025

AMENDED IN SENATE MAY 1, 2025

AMENDED IN SENATE MARCH 24, 2025

**SENATE BILL**

**No. 607**

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**Introduced by Senator Wiener**

(Principal coauthor: Assembly Member Wicks)

(Coauthor: Assembly Member Ahrens)

February 20, 2025

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An act to amend Sections 21064, 21064.5, 21080, 21080.1, 21082.2, 21083, 21167.6, and 21168.9 of, and to add Sections 21060.4, 21064.1, 21064.8, 21067.5, 21080.085, and 21083.03 to, the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 607, as amended, Wiener. California Environmental Quality Act: ~~category exemptions: infill projects.~~ *Infrastructure Projects.*

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 ~~(EIR)~~ on a project that it 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. Existing law defines “negative declaration” and “mitigated negative declaration” for these purposes:

~~This bill would revise the definition of negative declaration to mean a written statement briefly describing the reasons the lead agency has determined, based upon substantial evidence in the record, that the proposed project will not have a significant effect on the environment, as specified. The bill would require a negative declaration to be prepared for a proposed project if the lead agency determines, based upon substantial evidence, in light of the whole record before the agency, that the project will not have a significant effect on the environment or when an initial study identifies potentially significant effects on the environment but revisions in the project plans would avoid the effects or mitigate the effects, as provided, and the lead agency has determined, based upon substantial evidence, in light of the whole record before the lead agency, that the project, as revised, will not have a significant effect on the environment. The bill would also revise the definition of mitigated negative declaration to mean that revisions would avoid or mitigate the effects on the environment, as determined by the lead agency based upon substantial evidence in the record, as specified, and that the lead agency has determined, based upon substantial evidence in the record, that the project, as revised, will not have a significant effect on the environment, as provided. The bill would require an EIR to be prepared if the lead agency determines, based upon substantial evidence, in light of the whole record before the agency, that it is more likely than not that the project will have a significant effect on the environment.~~

Existing law requires the lead agency to determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record, as provided.

~~This bill would instead require a lead agency to determine whether a project is more likely than not to have a significant effect on the environment based on substantial evidence in light of the whole record, and would require an EIR to be prepared if the lead agency determines that it is more likely than not that a project will have a significant effect on the environment, as specified.~~

~~CEQA requires the Office of Land Use and Climate Innovation to prepare and develop proposed guidelines for the implementation of CEQA by public agencies and requires the Secretary of the Natural Resources Agency to certify and adopt those proposed guidelines. CEQA requires those adopted guidelines to include a list of classes of projects that have been determined not to have a significant effect on~~

~~the environment and exempts those classes of projects from CEQA, commonly known as categorical exemptions. CEQA requires the guidelines to include criteria for public agencies to follow in determining whether or not a proposed project may have a significant effect on the environment, and requires the criteria to require a finding that a project may have a significant effect on the environment if one or more of specified conditions exist.~~

~~This bill would instead require those criteria to require that finding if the lead agency determines, based upon substantial evidence in the record, that one or more of those specified conditions exist. The bill would, for the approval of a proposed project that would otherwise be exempt from CEQA pursuant to a statutory or categorical exemption adopted before January 1, 2026, but for a single condition, as defined, limit the application of CEQA to the effects upon the environment that are caused solely by that single condition. For these projects, the bill would only require the initial study or EIR to examine those effects that the lead agency determines, based upon substantial evidence in the record, are caused solely by the single condition that makes the proposed project ineligible for the exemption, as provided. The bill would provide that these provisions do not apply to, among other things, a project that includes a distribution center, as defined, oil and gas infrastructure, as defined, or a project located on natural and protected lands, as defined. The bill would exempt from the requirements of CEQA, except as provided, a rezoning that implements the schedule of actions contained in an approved housing element, as specified. Because the bill would require a lead agency to determine the applicability of this exemption, the bill would impose a state-mandated local program.~~

~~This bill would require the office, on or before July 1, 2026, to map the eligible urban infill sites within every urbanized area or urban cluster in the state, as provided. The bill would require the office, on or before July 1, 2026, to prepare, develop, and transmit to the agency for certification and adoption an amendment to the infill development project categorical exemption that establishes an alternative means of compliance with the requirements of that categorical exemption, as provided. The bill would provide that specified regulations related to the significant effect exception to the use of a categorical exemption do not apply to an infill project that meets all conditions of the infill development project categorical exemption. The bill, for a proposed project that meets specified elements of the infill development project categorical exemption that is otherwise ineligible for the categorical~~

exemption due to one or more conditions, as defined, would limit the application of CEQA to the effects upon the environment that are caused solely by those conditions that make the project ineligible for the categorical exemption. The bill would provide that these provisions do not apply to a project that includes a distribution center or oil and gas infrastructure.

CEQA requires an action or proceeding to attack, review, set aside, void, or annul certain acts or decisions of a public agency to be commenced according to specified processes, including that at the time that the action or proceeding is filed, the plaintiff or petitioner is required to file a request that the respondent public agency prepare the record of proceedings relating to the subject of the action or proceeding, and requires the record of proceedings to include specified items and materials, including, among other things, all internal agency communications, including staff notes and memoranda related to the project or to compliance with CEQA, but excluding communications that are of a logistical nature, as specified.

This bill would, except for a project that includes a distribution center or oil and gas infrastructure, exclude staff notes and electronic internal agency communications, including emails, that were not presented to the final decisionmaking body, from the record of proceedings, as provided.

CEQA requires a court to enter an order that includes a mandate necessary to achieve compliance with CEQA, as specified, when a court finds, as a result of a trial, hearing, or remand from an appellate court, that any determination, finding, or decision of a public agency has been made without compliance with CEQA.

This bill would require that order to be subject to specified limitations for a determination of a public agency that a project is eligible for a statutory exemption or categorical exemption that is found to violate CEQA.

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.

*Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, declares that the Sacramento-San Joaquin Delta is a critically important natural resource for California and the nation and it serves as both the*

hub of the California water system and the most valuable estuary and wetland ecosystem on the west coast of North and South America.

This bill would state the intent of the Legislature that, among other things, no revisions shall be made to CEQA for purposes of the Delta Conveyance Project.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1 SECTION 1. *The Legislature finds and declares the following:*

2 (a) *The California Environmental Quality Act provides*  
3 *communities across California with important safeguards against*  
4 *projects like fossil fuel plants and warehouses that have caused*  
5 *real environmental harm to residents of the state. Too often, it has*  
6 *resulted in delays to essential projects that are key to solving the*  
7 *state’s housing crisis and to strategic development that is necessary*  
8 *to maintain California’s position as the fourth largest economy in*  
9 *the world.*

10 (b) *Over the last several years, the Legislature has enacted*  
11 *numerous provisions that streamline the California Environmental*  
12 *Quality Act, including, but not limited to, reforms to administrative*  
13 *records, court timelines, and the level of environmental review of*  
14 *projects in the areas of water, transportation, clean energy, and*  
15 *housing.*

16 SEC. 2. (a) (1) *It is the intent of the Legislature to make*  
17 *necessary statutory changes to the California Environmental*  
18 *Quality Act to ensure the state meets its infrastructure needs and*  
19 *is more affordable for all Californians.*

20 (2) *Specifically, the Legislature intends to enact legislation as*  
21 *part of the 2025 state budget process that expedites projects such*  
22 *as those that provide housing, clean energy jobs, and critical*  
23 *transportation and lead to economic development for hardworking*  
24 *California families. It is the intent of the Legislature to make*  
25 *communities more wildfire safe and expedite the ability of local*  
26 *governments to provide clean drinking water to all residents. It is*  
27 *the intent of the Legislature to ensure that critical projects are not*  
28 *delayed or impeded by the numerous outdated requirements in the*  
29 *California Environmental Quality Act, without compromising*  
30 *environmental protections.*

1 (b) *It is the intent of the Legislature that no revisions shall be*  
2 *made to the California Environmental Quality Act for purposes*  
3 *of the Delta Conveyance Project.*

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Senate, May 13, 2025. (JR11)**

**CORRECTIONS:**

**Digest—Page 1.**

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