

Governor seeks new CEQA exemptions for construction projects

John Howard, Capitol Weekly, 1-10-10

The Schwarzenegger administration seeks to exempt a number of major construction projects from California's environmental laws, restrict the power of the courts to review them and give final authority over the projects to his appointees.

The proposal, viewed within the administration as a recession-driven, job-creation measure, is contained in language for a bill that would be considered along with the main state budget, Capitol sources said. The governor released his 2010-11 budget today.

A copy of the draft language was reviewed by Capitol Weekly. There was no immediate comment from the administration.

The proposal allows exemptions for at least 20 construction projects located across the state, arranged according to air pollution control districts. Seven would be in the Los Angeles area, three in the San Francisco Bay area, five in the San Joaquin Valley and five from the rest of the state. The projects are not named, and there is no immediate indication that the administration has specific projects in mind. The final draft of the bill may contain more projects.

The proposal, which includes a provision for at least one public hearing and legislative input, gives final authority over the projects to the Business, Transportation and Housing Agency, or BTH, a cabinet-level superagency whose secretary, a gubernatorial appointee, reports directly to the governor.

The goal of the governor's proposal is to expedite projects that would generate jobs and stimulate the sluggish economy.

The exemptions from the California Environmental Quality Act, or CEQA, are not limited to transportation projects, as had been expected, but could include refinery, water, sewage, transportation and other projects. Proposals to exempt projects from CEQA also occurred in the last budget fight.

The proposal sets up a timetable for projects to be approved, and allows for approval if the entity seeking the project expects the project ultimately to receive environmental approval. If the project fails the environmental certification, the BTH can choose alternates. The proposed bill calls for BTH to give lawmakers and the public a list of the projects that win final approval.

Environmentalists said the governor's plan would weaken environmental safeguards, and questioned whether the language barring court review would pass constitutional muster.

"We've been concerned since last year's (Los Angeles) stadium CEQA exemption that it opened the floodgates, and now you've got lot's of wealthy developers hiring lobbyists to try and buy their own CEQA exemptions. This proposal would kind of institutionalize that feeding frenzy," said Bill Magavern of Sierra Club California.

Last year the governor signed AB 81 3X by Assemblyman Isadore Hall, D-Compton, that streamlined certain CEQA requirements to construct a new NFL stadium in the City of Industry. The stadium proposal, already exempted, would not be covered by the latest legislation.