

# Enviro exemptions sought for major construction projects

By [John Howard](#) | 01/14/10 12:00 AM PST  
Capitol Weekly

The Schwarzenegger administration seeks to exempt some 100 major construction projects across the state – including private developments – from California environmental laws. The plan, denounced by environmentalists, would block the power of the courts to review 25 projects each year from 2011 through 2014, and give final authority over the projects to his administration.

The projects have not been identified publicly, but potentially they could be worth hundreds of millions of dollars – or more.

The governor's proposal is being put together separately from the state budget, although ultimately it is likely to be contained in a so-called "trailer bill" – legislation that accompanies the main budget bill and reflects budget agreements reached between lawmakers and the governor.

As the administration grapples with a \$20 billion budget shortage, the exemption plan is seen as a way of building jobs and stimulating the economy. The proposal would give the Business, Transportation and Housing Agency, or BTH, final authority over the projects. The agency's chief, Secretary Dale E. Bonner, is a member of the governor's cabinet.

An earlier version of the proposal drafted on Dec. 29 listed 20 construction projects across the state, arranged according to their location within the state's patchwork of air quality management districts. The latest version increased the number of projects to 25 annually through 2014, distributed according to county clusters.

Under the proposal, 10 projects would be located within Imperial, Los Angeles, Orange, Riverside, San Bernardino and San Diego counties. Five others would be located in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties. Five more would be in Fresno, Kern, Kings, Madera, Merced, Sacramento, San Joaquin, Stanislaus and Tulare counties. The remaining five counties would be drawn from across the state.

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

There was no indication – at least not yet -- that the administration has specific projects in mind. The proposal includes a provision for at least one public hearing and legislative input. 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, and exemptions for some infrastructure projects were approved to fast-track the projects and jump start the economy.

CEQA is the state's principal environmental law. In addition to its purely environmental provisions, the law also requires extensive public hearings and community input – procedures that presumably could be bypassed under the administration plan.

The construction unions favor the jobs, but questioned whether loosening CEQA was the way to get them.

“We do not favor this approach. We work closely with environmentalists. We want job creation, and we want environmentally friendly construction to go forward,” said Sandy Harrison, a spokesman for the State Building and Construction Trades Council, an umbrella group of 160 unions representing some 350,000 skilled workers. “Making projects less environmentally sound doesn't expedite them and doesn't create more jobs.”

“What is really slowing down construction is the delay in the permitting process caused by furloughs,” he added.

The proposal calls for BTH to weigh a number of factors when considering projects, including “the number and quality of jobs that will be created,” the “amount of capital investment” and a “balance between public and private projects.”

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 lots 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.

“It's as if the developers' lobbyists are writing the bill,” he said.

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.