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Governor Gavin Newsom at a May 19 press conference where he announced his proposals to streamline the process for large infrastructure projects in California.

PHOTO FROM CALIFORNIA GOVERNOR FACEBOOK PAGE.

“CEQA abuse” for decades. Now that climate change is the chief environmental concern of the day, some liberals are on board with “permitting reform” bandwagon, too. They argue the state needs to build at an unprecedented scale to decarbonize its electricity grid and transportation networks.

Jennifer Hernandez, a land use and environmental attorney in San Francisco, said she was cautiously optimistic that the changes the governor spoke about would speed litigation.

In particular, the governor’s comments regarding addressing what constitutes an administrative record under the environmental law, could go far, she said.

When a civil lawsuit is filed under the environmental law, the first thing that occurs is preparation that can take months to more than a year to gather. That’s because the administrative record is broadly defined, she said. It can include emails, text messages by officials and other pieces of information that may not strictly pertain to the environmental impact of a project, she added.

“The administrative record was defined about 20 years ago, to include internal agency communications, even emails about whether you want pizza for the meeting,” Hernandez said.

#### What types of projects will be affected?

In the executive order, Newsom called out a few spending areas specifically: “transportation, energy, hydrogen, environmental remediation, broadband, water, the CHIPS and Science Act [for semiconductor development], and zero-emission vehicles.”

Newsom named two major water proposals as examples of the kinds of projects that could benefit from the package: the Sites Reservoir in the Sacramento Valley and a tunnel that would funnel water under the Sacramento-San

Joaquin Delta.

Osha Meserve, an attorney in Sacramento who has represented opponents of the tunnel, said rigorous environmental review is justified when it comes to projects like the tunnel, which has been the focus of disagreement and legal challenges for decades.

“If you’re going to go across four counties and build the largest new infrastructure project in the whole state, then yes, you’re going to need some detailed environmental reviews,” Meserve said.

Jerry Brown, the executive director of the Sites Project Authority (and not the former governor of the same name), said the governor’s proposed CEQA reform could advance the process of acquiring a water right for the proposed Sacramento Valley reservoir by about six months.

“That means we get into construction sooner, means we finish construction sooner,” he said “We’re talking about a project here where a year delay costs about \$100 million.”

#### What about housing?

Newsom didn’t mention housing prominently at his press conference.

His administration is urging local governments to permit more than 2.5 million new units over the next eight years. Among pro-housing advocates, the environmental law is often cited as an unwelcome impediment—both because opponents can sue and delay projects and because the mere prospect of a lengthy legal battle can result in fewer and smaller housing projects being proposed.

Asked about housing by a reporter, Newsom noted that some of the broad changes