

CEQA exemptions for water projects inserted into budget bill

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Some drought-related groundwater and water recycling projects would gain exemptions from the California Environmental Quality Act under late-emerging legislation at the Capitol.

The exemption, contained in a budget-related trailer bill, offers a narrower exemption than Gov. Jerry Brown originally proposed. Lawmakers appeared to be nearing a deal Thursday, after pushing back on Brown's initial proposal.

The language would exempt certain groundwater replenishment projects and the development of building standards by state agencies for recycled water systems. It would also exempt from CEQA the adoption of stricter conditions regulating the issuance of permits for wells.

Many building interests and Republicans say CEQA imposes overly burdensome requirements and attracts lengthy legal action that slows down and sometimes kills projects. Environmentalists say the law provides critical safeguards and should not be weakened.

Brown, a longtime critic of CEQA, had proposed a more sweeping exemption for projects related to California's historic drought. The Democratic governor has sought in recent years to relax provisions of the landmark environmental protection, famously saying in 2012, "I've never seen a CEQA exemption that I don't like."

In an email Thursday, Kathryn Phillips, director of Sierra Club California, called Brown's latest proposal "a troubling over-reach that would give the governor kingly powers to cut transparency out of the development and construction of public works projects."

She praised lawmakers for narrowing the proposal. However, she said, "There are still vague elements that can be misused to hide the ball from the public, so now the public will have to be more diligent about watching how the new exemptions are applied."

The measure drew support from Democratic Sens. Lois Wolk and Fran Pavley. Pavley said the exemption "was a lot broader when it was originally proposed."

On the other side, Assemblyman James Gallagher, R-Yuba City, said the revised proposal is insufficient to accelerate construction of water projects amid California's drought.

"This proposal is a good start," he said in a prepared statement, "but it fails to eliminate the environmental roadblocks for major water storage projects which are the fundamental cornerstone for improving our water situation."

The proposal was included in a drought-related bill, one of a raft of trailer bills taken up in a legislative budget committee Thursday. The bill includes language related to the consolidation of water agencies, among other measures.

Keely Bosler, one of Brown's top budget aides, said the legislation was necessary to provide immediate drought relief while also building a "more resilient infrastructure going forward."

With floor votes in both houses expected on the budget Friday, Sen. Jeff Stone, R-Temecula, objected to the lack of time to review the legislation. He said the trailer bills were being rushed to ensure "as little scrutiny as possible."

"This is not how a transparent and open government that respects the people operates," he said.

Brown and lawmakers are working to complete budget approvals before the July 1 start of the next budget year.

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