

Opinion: Reforming CEQA still vital work

By Dan Walters

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The California Environmental Quality Act, signed into law more than 40 years ago, is a perfect example of how a political decree meant to do one thing can transmogrify into something else entirely.

CEQA was meant to compel state and local officials to catalog, and mitigate where possible, the adverse environmental effects of public works and private developments.

Ultimately, however, it became at best a legal morass and at worst a tool of legal extortion, often for motives that have nothing to do with the environment, such as forcing businesses to unionize. And that misuse, in turn, has spawned a form of crony capitalism as governors gained authority to “streamline” the CEQA process for some projects.

Gov. Jerry Brown, who once declared, “I’ve never seen a CEQA exemption I don’t like,” has been particularly prone to fast-tracking favored projects under 2011 legislation he signed over the objections of environmental groups.

Sports venues have been particularly blessed for special treatment, most recently the proposed Warriors basketball arena in San Francisco, which is facing some serious local opposition. The “streamlined judicial review” that Brown granted in April is a big setback for arena opponents.

The budget deal that Brown struck with legislative leaders last week includes streamlining for wastewater recycling and groundwater replenishment projects related to the drought, via budget “trailer bills,” plus even more special treatment for the Warriors arena and a \$200 million high-rise development in Hollywood.

The most recent CEQA actions drew pointed criticism from Kristin Olsen, the Republican leader of the Assembly, who said Brown should give equal consideration to water-supply projects, such as desalinization plants and two new proposed reservoirs. And environmental groups such as the Sierra Club are equally critical from the opposite perspective.

A governor’s power to give favored projects relief from the complex and lengthy CEQA process is a poor substitute for broader reform. Why should projects that one politician favors – for whatever reasons – be given special treatment, while others must slog their way through CEQA’s political and legal minefield?

Brown says he wants broader CEQA reform, once calling it “the Lord’s work” and citing his experiences as mayor of Oakland.

However, as with other difficult issues – tax reform, for example – he’s been unwilling to spend the political capital that overhauling CEQA would require. He seems quite content to exercise his personal power to give CEQA relief and sign legislation for extra relief that may be labeled a budget “trailer bill” but has nothing to do with the budget.

Perhaps Brown’s motives for choosing favored projects are as pure as the Sierra snow – if it ever snows again – but it’s a recipe for future corruption.