

# CEQA for thee, but not for me

By ORANGE COUNTY REGISTER EDITORIAL

<http://www.ocregister.com/articles/ceqa-720373-project-environmental.html>

California's overabundance of regulations has poisoned its business climate, suppressed economic and job growth and micromanaged its citizens' personal lives. One of the biggest offenders is the California Environmental Quality Act, signed into law in 1970, which has killed, delayed or significantly increased the cost of many a development project.

Perhaps no major regulation better illustrates how laws implemented with high-minded justifications tend to not only be incredibly burdensome, but also be abused for reasons unrelated to their initial purposes and ignored when they become inconvenient for legislators or the powerful special interests who influence them.

The latest example of the Legislature's capriciousness is a provision in the current budget deal that would streamline the CEQA process for a \$1.3 billion project to renovate or replace the Capitol annex building. The provision, which echoes similar language used three years ago to provide an exemption for a new stadium project for the Sacramento Kings professional basketball team, would expedite judicial review of CEQA lawsuits and allow portions of the project not subject to specific challenges to proceed while other aspects of the project are being litigated.

"The Legislature is quick to support waiving CEQA when it comes to a stadium for an NFL or NBA team but silent when it comes to making the process work for the rest of us," state Sen. Tom Berryhill, R-Twain Harte, said in 2013 when the exemption for the Kings was being considered.

CEQA is regularly abused to "greenmail" developers into accepting concessions that have nothing to do with environmental quality. The threat of CEQA lawsuits has been used by labor unions to compel the use of union labor and higher union wages, by businesses to prevent competitors from moving in and by local governments and NIMBYs to extract additional facilities or design features from developers.

CEQA reform has long been on the mind of environmental champion Gov. Jerry Brown. "CEQA reform is the Lord's work," he offered in 2012. But he has not been able to convince the Legislature to adopt meaningful reforms since then.

The refusal of lawmakers to obey their own laws, which they foist upon the rest of the public, is a chief sign of corruption. The repeated exemptions from CEQA for politically connected interests – particularly when it comes to the building that houses most legislators or a new stadium for their hometown basketball team – are evidence of both the inequity of the law and the decadence and hypocrisy of the Legislature. If CEQA cannot be abolished altogether, it should at least be substantially reformed to prevent lawsuit abuses and focus narrowly on legitimate environmental concerns while leaving people free to develop their property without undue hassle and expense.