

2009 California Water Conference



Infrastructure Permitting Saving Time And Money

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The Problem



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The Problem



- ❑ Average time for environmental review in California: 2.2 years to Final EIR

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Legal Overview



- ❑ CEQA
- ❑ NEPA
- ❑ Endangered Species Act
- ❑ Clean Water Act

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1. Less Process = Less Time And Money



- ❑ Extended opportunities for public involvement

- ❑ Guidelines 15063(a): “If the lead agency can determine that an EIR will clearly be required for the project, an initial study is not required but may still be desirable.”

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2. Use of Exemptions



- ❑ Statutory Exemptions: More than 90 in CEQA and other state statutes

- ❑ Categorical Exemptions: 33 to choose from

- ❑ Various choices for water infrastructure – specific exemptions for pipelines

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3. Getting The Review Right



- Who can prepare an EIR?
- De-sequestering the document preparation
- Comments on particular agencies

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4. CEQA Litigation – Nothing to Fear



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 - ❑ 19% granted
 - ❑ 29% denied
 - ❑ 52% dismissed
 - ❑ 25% appealed

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- ❑ CEQA 21166 / Guidelines 15162: shoot for favorable standard of review

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5. Self-Help



- Endangered Species Act Section 10
- Fish and Game Code section 1602

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Summary



1. The Problem
2. Legal Overview
3. Less Process = Less Time and Money
4. Use of Exemptions
5. Getting The Review Right
6. Litigation – Nothing To Fear
7. Self-Help

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Questions