

This is the fourth in a series of blog posts [on the California Chamber of Commerce's proposed ballot initiative](#) amending the California Environmental Quality Act (CEQA). The first blog post is [here](#). The second blog post is [here](#). The third blog post is [here](#).

The initiative also changes all permitting procedures for any state agency and any state law for any covered “essential” project. As a result, all agencies reviewing any permit applications for covered projects will have to comply with the new procedures outlined in the initiative, even if there is no connection at all with CEQA for the project.

Again, the scope of the initiative makes clear it is not limited to CEQA: Proposed new Section 21013 states that it applies to covered “essential” projects, but with no limitation with respect to CEQA. And proposed new Section 21014(c) states that the requirements of the initiative “shall apply to review and processing of *any and every application or approval for an essential project and its accompanying land use entitlements*, including without limitation, discretionary adjudicative and legislative land use entitlements triggering programmatic, plan-level, or project-level environmental review under this division.” (emphasis added). Thus, while the last clause is limited to CEQA (“this division”), the first clause is most definitely not. And as I’ve pointed out earlier, the initiative calls for it to be broadly interpreted to advance approval of projects, and to override any conflicts of any other laws.

Thus, all the new procedures laid out in the initiative are not limited simply to CEQA review, but also to every other regulatory component that might apply to a covered project, even if that covered project has no CEQA component. (The applicant can opt out of the new procedures if they wish. The main reasons they might do so are because covered projects must do a tribal consultation process, and must meet minimum wage requirements or union-employment requirements for construction.)

Those new procedures include: a 90 day timeframe for reviewing applications for completeness, with a deemed approved requirement if that timeframe is not met by the agency (proposed new Section 21017); a 90 day timeframe for most project approvals that do not trigger CEQA (this timeframe results from the interaction of proposed new Section 21019(d), which requires determination of whether a project is exempt within 90 days of a project application has been deemed complete, and proposed new Section 21023(a)(1) which requires final agency decisions to be concurrent with the determination of exemption under CEQA – there are some exemptions that add up to 90 more days to this timeframe). I am ... skeptical that a

90 to 180 day timeframe for all agency project reviews that do not involve CEQA is going to be workable.

But again, these fundamentally change the processes that all agencies manage approvals for all state laws - despite the initiative's claim that it does not change other state laws.