

*Securing Project Approval:
What You Need to Know*

 **Bay Planning Coalition**
Annual Decisionmakers Conference

April 22, 2009

Topping the 2009 *American Rivers'* List of Endangered Rivers: Sacramento-San Joaquin River System



American Rivers finds that outdated water and flood management puts California's largest watershed at the top of America's most endangered rivers list for 2009. A recent breach in the delta's 1,100-mile levee system could have dire effects on surrounding ecosystems, farming and agriculture, commercial fishing and California's civil infrastructure. State and federal authorities are looking at alternative water-management strategies for the river system, which serves 25 million Californians and more than 5 million acres of farmland. www.americanrivers.org

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Critical Infrastructure Projects: Challenges and Opportunities

- California's often complex and lengthy regulatory review and approval process
- New federal, state and county requirements affecting greenhouse gas emissions
- Federal, state and regional requirements for reduction in diesel particulate emissions
- Potential impacts to species in marine operations and infrastructure projects
- Worldwide economic recession with wide-ranging impacts

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American Recovery and Reinvestment Act of 2009:

\$787 billion in federal tax relief and domestic spending including –

- State and local fiscal relief, including education, health care and unemployment
- Infrastructure investment, including highway, bridge, flood control and transportation projects
- Environmental funding, including wastewater, drinking water, and diesel emission reduction projects
- Energy efficiency and renewable energy project funding and tax credits

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April 17, 2009

California Receives \$3.1 Billion in Recovery Act Funding

The first state to receive State Fiscal Stabilization Fund dollars under the American Recovery and Reinvestment Act, California schools and universities have been deemed eligible for \$3.1 billion

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Potential Strategies and Opportunities to Address Environmental Issues in Review and Approval of Projects Critical to Infrastructure Improvement and Economic Recovery:

- CEQA/NEPA Review
- GHG Reporting and Compliance
- Diesel Particulate Reduction
- Potential Impacts to Species

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CEQA

- Approvals that are ministerial, not discretionary, are not subject to CEQA review (Pub. Res. Code 21080)
- Categorical exemptions may apply for ongoing operations, repairs and maintenance, replacement of existing facilities, and certain small energy projects (14 CCR 15301 *et seq.*)
- Negative Declarations (or Mitigated Negative Declarations) when non-exempt project will not significantly affect the environment (Pub. Res. Code 21080)

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GHG

- Recent OPR guidance on review of projects to determine AB 32 compliance (1990 GHG levels by 2020, 80% below 1990 GHG levels by 2050)
- *SB 375 - Sustainable Communities Strategy*
- provides for regional planning to coordinate transportation and housing to meet GHG goals and streamline CEQA review for certain mixed use/residential projects near public transportation

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GHG (continued)

- AB 8 – Exempts certain transportation projects from CEQA review and creates *ad hoc* infrastructure critical review panel to coordinate agencies and reduce delay for other projects
- AB 811 – Authorizes cities and counties to create benefit assessment districts for low-interest financing of energy efficiency and renewable energy projects for existing commercial and residential properties

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Diesel Particulate

Diesel engine upgrades and particulate filters

State and federal funding for upgrades

Shore power for marine emission reduction

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These issues and approaches highlight the challenges as well as the opportunities presented for economic recovery, sustainability and environmental protection in project approval.

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James Goldstene

Executive Director
California Air Resources Board

Cathy Reheis-Boyd

Chief Operating Officer
Western States Petroleum Association

Russ Strach

Deputy Administrator
NOAA Fisheries

Anne Whittington

Environmental Planning Supervisor
Port of Oakland