

CEQA Year in Review 2017

In 2017, the California Supreme Court issued two decisions involving highly controversial questions of first impression. In the closely-watched Cleveland National Forest Foundation case, the court reversed the court of appeal's ruling that the EIR for SANDAG's regional transportation plan was fatally flawed because it had not sufficiently considered the 2050 greenhouse gas emissions reduction goal in the Governor's executive order. The court held that SANDAG was not required by CEQA to use the executive order's goal as a standard for gauging the significance of projected emissions. In a second, noteworthy decision, the court found an EIR certified by the City of Newport Beach deficient because it did not specifically identify which areas on the project site might qualify as Environmentally Sensitive Habitat Areas under the Coastal Act, even though the Coastal Commission has exclusive authority to decide what areas are ESHA during its permitting process. A third decision by the court addressed an issue of more limited significance: whether CEQA is preempted by a federal statute that regulates railroads. The court held CEQA is preempted when the project involves a privately-owned line, but not when the line is owned by a state agency. [Click here to read the full report.](#)

Authors



Julie Jones

Partner

JJones@perkinscoie.com [415.344.7108](tel:415.344.7108)

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