



Governor Gavin Newsom

State of California
Governor's Office of Planning and Research
1400 10th Street, Sacramento, California, 95814
info@opr.ca.gov | opr.ca.gov



Director Sam Assefa

GOVERNOR'S GUIDELINES FOR INFRASTRUCTURE PROJECTS SEEKING STREAMLINED JUDICIAL REVIEW UNDER CEQA

NOTE: The Office of Planning and Research issues these guidelines pursuant to Public Resources Code section 21189.82, subdivision (b). These Guidelines apply solely to infrastructure projects applying for judicial streamlining pursuant to the Senate Bill (SB) 149 (Chapter 7, Statutes of 2023) Infrastructure Streamlining Program. For information on the application process for environmental leadership development project (ELDP) applications under the SB7 program, please visit <https://opr.ca.gov/ceqa/judicial-streamlining/>.

**Governor’s Guidelines for Infrastructure Projects Seeking
Streamlined Judicial Review Under CEQA**

Contents

I. Judicial Streamlining Under SB 149	3
II. Overview of the SB 149 Application Process	3
III. Application Requirements	6
A. Demonstrating Qualification as an Infrastructure Project	7
2. Semiconductor or Microelectronic Projects	8
3. Transportation-related Projects	8
4. Water-related Projects	9
B. Greenhouse Gas Emission Reduction Requirements	12
1. Applicable Standards by Infrastructure Type	12
2. Greenhouse Gas Analysis and Documentation Requirements	14
C. Disadvantaged Community Requirements	15
D. Record Preparation and Cost Requirements	16
1. Requirements for all applicants	16
2. Additional requirements for energy infrastructure, semiconductor, microelectronic, and water-related projects for which the applicants are not the lead agency	16
E. Additional Material Requested by the Governor	16
IV. Application Submission Requirements	17
V. Future Rulemaking to Set Application Fees	17

I. Judicial Streamlining Under SB 149

On July 10, 2023, Governor Newsom signed Senate Bill (SB) 149 (Chapter 7, Statutes of 2023), creating the Infrastructure Streamlining Program. The program authorizes the Governor to certify specific types of projects for judicial streamlining—including energy infrastructure, semiconductor or microelectronic, transportation-related, and water-related infrastructure projects—that meet specified requirements. (See Pub. Resources Code, §§ 21189.80-21189.91.) In order to be eligible for the program, the lead agency must evaluate the project’s impacts through an environmental impact report.

Projects certified under the SB 149 Infrastructure Streamlining Program receive streamlined judicial review if they are challenged in court under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). Under SB 149, any action or proceeding brought under CEQA to challenge a certified project’s environmental impact report or any project approvals, including any potential appeals, must be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.

II. Overview of the SB 149 Application Process

An overview of the typical application and review process for prospective SB 149 applicants is summarized in seven steps, which are described below. For more detailed information about application requirements, see sections III and IV. A checklist of statutory requirements for each project type is provided in Attachment 1.

Prospective applicants can submit questions about the SB 149 requirements or these guidelines by email to California.Jobs@opr.ca.gov. Additional information is available on the SB 149 Infrastructure Streamlining website at <https://opr.ca.gov/ceqa/judicial-streamlining/infrastructure-streamlining.html>.

Step 1. Optional Pre-application Review: Submission of Draft Application for Pre-Application Review

Typically, the review process begins when a prospective applicant submits its draft pre-application to OPR at California.Jobs@opr.ca.gov. Before an application is formally submitted, applicants have the option to work with OPR staff during the “pre-application” phase. Pre-application review of draft applications is not required but is strongly recommended and can assist in identifying application gaps and avoid delays during the formal application review.

Governor’s Guidelines for Infrastructure Projects Seeking Streamlined Judicial Review Under CEQA

Prospective applicants should include in any draft applications, to the best of their ability, all of the required documentation for Final Applications listed in section III below. (See also the checklist in Attachment 1.) Providing insufficient documentation or information about a project to enable review may cause delays in the review process. If an applicant is unable to provide a requested piece of information with its draft application, it should state why it is unable to provide that piece of information at that time.

Prospective applicants should provide the name and email address of the main point of contact with the draft application.

Step 2. Optional Pre-application Review: Initial Assessment and Agency Assignment

Upon receiving an optional draft application, OPR will conduct an initial assessment of the application. This initial assessment includes identifying whether all required application components are included and identifying the appropriate partner agency for the review process based on the project type. The following list shows the partner agency that will review applications for each project type:

- Energy Infrastructure Projects – California Energy Commission (CEC)
- Semiconductor or Microelectronic Projects – Governor’s Office of Business and Economic Development (GO-Biz)
- Transportation-related Projects – California State Transportation Agency (CalSTA)
- Water-related Projects – California Natural Resources Agency (CNRA) and/or California Environmental Protection Agency (CalEPA)

If OPR identifies required information or documentation that is missing from the draft application without the explanation required in Step 1, it will notify the applicant’s contact and request the missing material before proceeding with further review of the draft application.

Step 3. Optional Pre-application Review: Review of Application and Consultation

If an optional draft application is submitted, then following the initial assessment, OPR and its partner agency will review the draft application. During their reviews, OPR or the partner agency may contact the prospective applicant to schedule a consultation meeting. During the meeting, OPR and the partner agency may ask questions about the

Governor’s Guidelines for Infrastructure Projects Seeking Streamlined Judicial Review Under CEQA

application and may provide oral feedback. Following any consultation, OPR and the partner agency will provide the prospective applicant written feedback on any deficits in the draft application and suggestions for meeting the requirements of SB 149 for certification. For instance, the feedback may identify missing documentation or information. Following this written feedback, the applicant may request another meeting with OPR and the partner agency to receive clarification about the feedback.

Step 4. Finalization and Submission of the Final Application

Whether or not the optional pre-application process is utilized, the final application with all required documentation must be emailed to OPR at California.Jobs@opr.ca.gov. All final applications should be labeled, “Final Application” and must be submitted in a format that complies with state and federal accessibility requirements and the [Web Content Accessibility Guidelines 2.0](#), or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria. This will allow OPR to post the application on its website as required by statute. Information on creating accessible documents can be found on [OPR’s Accessibility Page](#). Please see Section IV of these guidelines for additional information about application submission requirements.

All applicants must provide all required documentation when submitting their final application. Upon receipt of a final application, OPR will perform an initial review of the application to ensure that all required components of the application are included. OPR will return incomplete applications and applications that do not meet accessibility requirements.

Step 5. Public Posting of the Final Application

After OPR determines that the application is complete, OPR will post the entire final application on its website. As required by statute, all applications will be available to the public on OPR’s website for at least 15 days prior to the Governor’s certification. OPR will receive public comments for 10 days following the posting of the application. Posting is not a guarantee of certification. Applicants should be aware that if any changes are made to the application following posting, the updated application will need to be reposted for another 15 days before it can be certified. The public comment period for an amended application will be 10 days after posting and OPR will only accept comments on the amended material.

Governor's Guidelines for Infrastructure Projects Seeking Streamlined Judicial Review Under CEQA

Because the application will be posted publicly, applicants should redact or omit any sensitive or proprietary information in their application. Applicants are advised that generally it will take OPR a minimum of two business days after receiving a complete application to post the application to its website.

Step 6. OPR Submission of Final Application to the Governor and Governor's Determination

In consultation with the relevant partner agency, OPR will prepare its recommendation regarding the application to the Governor and will submit its recommendation, along with the final application, to the Governor for his review. If the Governor decides to certify the project, he will sign the certification. OPR will notify the applicant after the Governor's determination.

Step 7. OPR Submits the Certification and Final Application to the Joint Legislative Budget Committee

Following the Governor's certification, OPR will transmit the certification and the final application to the Joint Legislative Budget Committee (JLBC) for its review. Within 30 days of receipt, the JLBC will concur or nonconcur in writing on the certification. If the JLBC fails to concur or nonconcur within 30 days of the submittal, the project is deemed to be certified. OPR will notify the applicant once the JLBC has acted or the 30 days has transpired without action, whichever is sooner.

III. Application Requirements

All applications must include sufficient information to enable the Governor to determine whether the project satisfies the statutory requirements under SB 149 for judicial streamlining. Applicants may also refer to Attachment 1 for a checklist of project requirements for each project type. In addition, the lead agency must evaluate the project's impacts in an environmental impact report. Projects that are exempt from CEQA, or which utilize other CEQA documentation such as a negative declaration, are not eligible for streamlining under SB 149.

Governor's Guidelines for Infrastructure Projects Seeking Streamlined Judicial Review Under CEQA

A. Demonstrating Qualification as an Infrastructure Project

All projects must demonstrate that they meet the applicable criteria required by SB 149 for one of the four types of infrastructure projects described in statute. Requirements for each project type are listed below.

1. Energy Infrastructure Projects ^[1]

Applicants must provide sufficient detail regarding how a project qualifies as an eligible Energy Infrastructure Project under Public Resources Code section 21189.81, subdivision (d).

- (1) For applicants proposing an Energy Infrastructure Project that is an eligible renewable energy resource, as defined in Public Utilities Code section 399.12, the project application shall include a detailed description of the electricity generation technology and how the technology meets the requirements of Public Resources Code section 25741 and that the project does not include the following prohibited fuels as set forth in Public Resources Code sections 21189.81, subdivision (d)(1)(A)(biomass), and 21189.81, subdivision (d)(1)(E)(hydrogen).
- (2) For applicants proposing an Energy Infrastructure Project that is a new energy storage system, the application shall contain project information evidencing the project meets the requirements concerning system sizing and discharge rate. New energy storage systems must be 20 megawatts or more and be capable of discharging for at least two hours. A pumped hydro facility may qualify only if it is less than or equal to 500 megawatts and has been directly appropriated funding by the state before January 1, 2023.
- (3) For applicants proposing an Energy Infrastructure Project that is a manufacturing project, the application shall contain information supporting the requirements of Public Resources Code section 21189.81, subdivision (d)(1)(C). Such information includes, but is not limited to, what the facility would manufacture, produce, or assemble,

¹ Applicants may wish to consider submitting projects for the California Energy Commission's AB 205 Opt-In Permitting Program, codified in Public Resources Code Chapter 6.2. Certification of Nonfossil-Fueled Powerplants, Energy Storage Facilities and Related Facilities, sections 25545-25545.13. Through that program, the Commission prepares the environmental impact report and issues a certification in lieu of most other permitting requirements. More information is available at <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/power-plant-licensing>.

Governor’s Guidelines for Infrastructure Projects Seeking Streamlined Judicial Review Under CEQA

and how the facility's products or services would be used in the manufacture, production, or assembly of (1) energy storage systems or component manufacturing, (2) wind systems or component manufacturing, (3) solar photovoltaic energy systems or component manufacturing, or (4) specialized products, components, or systems that are integral to renewable energy or energy storage technologies.

- (4) For applicants proposing an Energy Infrastructure Project that is an Electrical Transmission Facility Project, the application shall contain information evidencing how the project meets the definition and requirements set forth in Public Resources Code section 21189.81, subdivision (c).

2. Semiconductor or Microelectronic Projects

For Semiconductor or Microelectronic Projects, applications must provide sufficient detail regarding how a project qualifies for funding under the Creating Helpful Incentives to Produce Semiconductors Act of 2022 (Public Law 117-167), commonly known as the CHIPS Act of 2022. Projects may apply if they have not yet received federal funds under the CHIPS Act, but have been awarded state funding intended to be used as a covered incentive in their application for CHIPS Act funding.

3. Transportation-related Projects

Up to 20 transportation-related projects, including up to 10 state projects proposed by the Department of Transportation and up to 10 local or regional projects, may be certified through these guidelines on a first-come, first-serve basis. A transportation-related project must advance **one or more of**, and **must not conflict with**, the following goals related to the Climate Action Plan for Transportation Infrastructure² (CAPTI) adopted by the California State Transportation Agency:

1. Build toward an integrated, statewide rail and transit network.
2. Invest in networks of safe and accessible bicycle and pedestrian infrastructure.
3. Include investments in light-, medium-, and heavy-duty zero-emission vehicle infrastructure.
4. Develop a zero-emission freight transportation system.

² Available at <https://calsta.ca.gov/subject-areas/climate-action-plan>.

Governor's Guidelines for Infrastructure Projects Seeking Streamlined Judicial Review Under CEQA

5. Reduce public health and economic harms and maximize community benefits.
6. Make safety improvements to reduce fatalities and severe injuries of all users towards zero.
7. Assess and integrate assessments of physical climate risk.
8. Promote projects that do not significantly increase passenger vehicle travel.
9. Promote compact infill development while protecting residents and businesses from displacement.
10. Protect natural and working lands.

Applications must respond to the questions below with documentation or discussion that demonstrates that the project will satisfy these criteria:

1. Explain how your project funds, or in other ways supports, the development of 1) an integrated, statewide rail and transit network, 2) the development of safe and accessible bicycle or pedestrian networks, and/or 3) investments in zero emission passenger or freight infrastructure?
2. Does the project result in any barriers to, or conflict with the development of, rail, transit, bicycle, pedestrian, or zero emission vehicle networks?
3. How does your project impact public health and economic outcomes of the surrounding community? Does your project provide community benefits to disadvantaged communities? Are there any ways in which environmental justice or disadvantaged communities might be negatively impacted as a result of your project?
4. Does your project advance safety in a way that moves the state towards zero fatalities or severe injuries on California roadways? Will your project negatively impact the safety outcomes of any users of the roadway, either directly or indirectly? Please describe and provide any available safety data or documentation.
5. Does your project address emerging climate vulnerabilities and help adapt to a more resilient transportation system? If so, how?
6. Does your project promote the development of infill housing within existing communities? How does your project address direct and indirect displacement risk of existing residents and businesses? Does your project in any way impact or threaten the conversion of natural and working lands? Please provide any available documentation to support claims.
7. Will your project result in a significant increase in passenger vehicle travel when accounting for induced travel demand? Please provide documentation of VMT related impacts from your project.

4. Water-related Projects

As described below, Public Resources Code section 21189.81, subdivision (h)(1) identifies five types of water projects that may be eligible for judicial streamlining,

Governor's Guidelines for Infrastructure Projects Seeking Streamlined Judicial Review Under CEQA

and specifically excludes design or construction of through-Delta conveyance facilities from the projects that may be eligible. Depending on the project type, applications must demonstrate that the following statutory requirements are met.

A. Project to Implement a Groundwater Sustainability Plan

An application must:

- (1) demonstrate that a project is approved to implement either:
 - (a) a groundwater sustainability plan that the Department of Water Resources determined is in compliance with Water Code sections 10727 and 10727.4, or
 - (b) an interim groundwater sustainability plan adopted pursuant to Water Code section 10735.6.
- (2) explain how their project implements the groundwater sustainability plan or interim groundwater sustainability plan.

To demonstrate the Department of Water Resources' compliance determination for a groundwater sustainability plan, applications must include the formal determination letter from the Department's Sustainable Groundwater Management Office approving the plan. Such letters are available at <https://sgma.water.ca.gov/portal/>. For an interim plan, the applicant must provide a copy of or a link to the interim groundwater sustainability plan adopted by the State Water Resources Control Board.

B. Water Storage Investment Program Project

An application must demonstrate that the project:

- (1) has been approved for funding by the California Water Commission as part of the Water Storage Investment Program (Chapter 8 (commencing with section 79750) of Division 26.7 of the Water Code; and
- (2) will minimize the intake or diversion of water except during times of surplus water; and
- (3) prioritizes the discharge of water for ecological benefits or to mitigate an emergency, including, but not limited to, dam repair, levee repair, wetland restoration, marshland restoration, or habitat preservation, or other public benefits described in Water Code section 79753.

To demonstrate funding by the California Water Commission, applications must include evidence of the Commission's Maximum Conditional Eligibility Determination and

Governor's Guidelines for Infrastructure Projects Seeking Streamlined Judicial Review Under CEQA

approved early funding. To be eligible, a project does not need to be funded entirely by the California Water Commission.

To demonstrate minimization of intake or diversion except during times of surplus, an application must include evidence of binding commitments or conditions that impose such a limitation.

To demonstrate prioritization of public benefits, an application must include documentation ensuring that public benefits will not be subservient to water supply benefits.

C. Project for the Development of Recycled Water

An applicant must demonstrate that the project is for the development of recycled water, as defined in Water Code section 13050.

To demonstrate that a project will develop recycled water, an application must include evidence that the project will treat waste to make it suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource. A project that develops recycled water includes projects that (1) treat waste to make it suitable as recycled water; (2) transport waste so that it may be treated to make it suitable as recycled water; (3) distribute the recycled water so it may be beneficially used; or (4) any combination of the foregoing as all are essential to developing recycled water.

D. Project Removing Contaminants and Salt

An applicant must demonstrate that the project:

- (1) Is a contaminant and salt removal project, including groundwater desalination and associated treatment, storage, conveyance, and distribution facilities, and
- (2) Is not a seawater desalination project.

To demonstrate that a project in the coastal zone that is treating brackish groundwater is not a seawater desalination project, the project applicant must demonstrate either: (1) through well data or modeling that the salinity of the well intake water will be 3% salinity or less (less than or equal to 30 parts per thousand total dissolved solids) or (2) the project is part of a salt and nutrient management plan.

E. Project Exclusively for Canal or Conveyance Maintenance and Repair

An applicant must demonstrate that the project is exclusively for either: (1) a canal's or other conveyance system's maintenance and repair, and does not involve any

Governor's Guidelines for Infrastructure Projects Seeking Streamlined Judicial Review Under CEQA

expansion of capacity or change in canal footprint, or (2) a canal's or conveyance system's restoration and/or realignment to re-establish the original capacity and operational criteria from the undesirable effects of land subsidence.

B. Greenhouse Gas Emission Reduction Requirements

1. Applicable Standards by Infrastructure Type.

Applications must include documentation sufficient to support a certification decision demonstrating that the project will meet the greenhouse gas (GHG) reduction requirements applicable to the project. SB 149 imposes different GHG reduction requirements on different categories of infrastructure projects as follows:

a. Private Energy Infrastructure and Semiconductor or Microelectronic Projects

For energy infrastructure projects and semiconductor or microelectronic projects proposed by private entities, projects must not result in any net additional emission of GHGs, including GHGs from employee transportation. A project will be deemed to not result in any net additional emission of GHGs if it makes a binding commitment to mitigate its GHG emissions in accordance with the requirements set forth in Public Resources Code section 21183.6:

- (1) The baseline for GHG emissions must be established based on the existing physical environmental conditions in the vicinity of the project site at the time the application is submitted in a manner consistent with CEQA Guidelines section 15125. (The CEQA Guidelines may be found at California Code of Regulations, title 14, division, 6, chapter 3.)
- (2) Project emissions must be calculated for the project, which is defined to include, "the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment." (CEQA Guidelines, § 15378, subd. (a).) Emission calculations should account for both construction-related emissions and operational emissions, including employee transportation.
- (3) The mitigation of GHG emissions must demonstrate that the project would result in no additional emission of GHGs. Mitigation must be achieved through actions taken in the following priority. Applicants should move to each subsequent step only if emissions cannot be fully and feasibly mitigated by the previous step(s):

Step 1. Direct emissions reductions from the project that also reduce emissions of criteria air pollutants or toxic air contaminants through implementation of project features, project design, or other measures, or other measures, including,

Governor's Guidelines for Infrastructure Projects Seeking Streamlined Judicial Review Under CEQA

but not limited to, energy efficiency, installation of renewable energy electricity generation, and reductions in vehicle miles traveled.

Step 2. Direct emissions reductions within the same air pollution control district or air quality management district in which the project is located.

Step 3. Offsets undertaken in a manner consistent with division 25.5 of the Health and Safety Code, that are real, permanent, quantifiable, verifiable, and enforceable, and originate within the same air pollution control district or air quality management district as the project.

Step 4. Offsets that provide a specific, quantifiable, and direct environmental and public health benefit to the region in which the project is located.

- (4) The applicant shall be responsible for the costs of preparing an analysis of GHG emissions resulting from the project.

b. Transportation-related Projects

For transportation-related projects, projects must not result in any net additional emission of GHGs, excluding GHGs from employee transportation related to construction. A project will be deemed to not result in any net additional emission of GHGs if it makes a binding commitment to mitigate its GHG emissions:

- (1) preferably through direct emissions reductions where feasible, but where not feasible, then
- (2) through the use of offsets that are real, permanent, verifiable, and enforceable, and that provide a specific, quantifiable, and direct environmental and public health benefit to the same air pollution control district or air quality management district in which the project is located, but if all of the project impacts (i.e., all of the project's GHG emissions) cannot be feasibly and fully mitigated in the same air pollution control district or air quality management district, then
- (3) remaining unmitigated impacts (i.e., the project's unmitigated GHG emissions) shall be mitigated through the use of offsets that provide a specific, quantifiable, and direct environmental and public health benefit to the region in which the project is located.

The applicant shall be responsible for the costs of preparing an analysis of GHG emissions resulting from the project.

Governor's Guidelines for Infrastructure Projects Seeking Streamlined Judicial Review Under CEQA

c. Water-related Projects

For water-related projects, applicants must submit evidence demonstrating that the project will mitigate GHG emissions from the project to the extent feasible.

2. Greenhouse Gas Analysis and Documentation Requirements

GHG analyses for transportation-related projects and for private energy infrastructure and semiconductor or microelectronic projects must include, at a minimum, the components listed in this section. Failure to include this information may result in requests for additional information, and may result in delays to the certification process:

- a. A written narrative of the methods used in the quantitative GHG analysis prepared for the project, including the models, databases, information sources, and protocols used. The narrative should also state any assumptions used in the analysis and provide the reasoning or evidence that supports the assumptions.
- b. A description of the project's anticipated operational life and supporting evidence.
- c. The mass of GHGs emitted by project-related construction activity (as well as demolition activity, if any), including the use of on-site construction equipment, and trucks hauling materials to and from the construction site. For private energy infrastructure and semiconductor or microelectronic projects, the information should also cover emissions from commute trips by construction workers. GHG emissions associated with any onsite consumption of electricity during project construction should also be included. The one-time level of construction-related GHG emissions should be expressed in metric tons of carbon dioxide–equivalent (MTCO_{2e}).
 - i. The ongoing mass of GHGs associated with project operation, including on-site combustion of natural gas, propane, or other fossil fuels (e.g., boilers; landscape maintenance equipment; backup emergency generators; offroad equipment used for landscaping, snow removal, or other operational activities; off gassing from equipment or processes); the project's consumption of electricity, including electricity used to treat and convey water to the project site and electricity used to treat and convey wastewater generated by the project; emissions associated with the generation of solid waste and wastewater; and vehicle trips traveling to and from the project site. For energy infrastructure projects, and for semiconductor or microelectronic projects, the level of operational GHGs should include GHGs associated with vehicle trips to and from the project site, including GHGs from employee transportation.
 - ii. For transportation-related projects, the level of operational GHGs should also account for the net change in vehicle miles travel (VMT), except the GHGs associated with transportation by employees commuting to and from the project should not be included.

Governor’s Guidelines for Infrastructure Projects Seeking Streamlined Judicial Review Under CEQA

- iii. For water-related projects, SB 149 does not explicitly specify whether GHGs from operational vehicle travel should be accounted for in the estimate of the project’s GHG emissions; however, OPR recommends that applicants account for transportation-related emissions, including emissions from employee transportation.

The level of operational GHG emissions should be expressed in metric tons of carbon dioxide–equivalent per year (MTCO₂e/year).

- d. The one-time loss of sequestered carbon and the loss of ongoing carbon sequestration, if any, expressed in MTCO₂e.
- e. The ongoing loss of carbon sequestration that would result from the project, if any, expressed as MTCO₂e/year.
- f. A list of GHG reduction or mitigation measures, incorporated into the project’s design and calculations showing the level of GHG reduction achieved by those measures.
- g. The net emissions of the project after accounting for any reduction/mitigation measures. The “project” is defined to include “the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines, § 15378, subd. (a).) The baseline for the GHG emissions should be established and submitted in a manner consistent with CEQA Guidelines section 15125.
- h. Information documenting a binding commitment between the lead agency and the applicant that the GHG emissions from the project will be mitigated in accordance with the relevant requirements for that project type.
- i. Information demonstrating that the applicant has included feasible mitigation measures for GHG impacts, consistent with the requirements for their project type. “Feasible” shall be defined as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.” (CEQA Guidelines, § 15364.)

C. Disadvantaged Community Requirements

- 1. All applications must include documentation sufficient to demonstrate that the applicant will avoid or minimize significant environmental impacts in any disadvantaged community. All measures taken to mitigate significant environmental impacts in a disadvantaged community must mitigate those impacts consistent with CEQA’s requirements, including the feasibility limitation in Public Resources Code section 21002. Such mitigation measures shall be undertaken in, and directly benefit, the affected community. Projects should not be proposed that do not

Governor’s Guidelines for Infrastructure Projects Seeking Streamlined Judicial Review Under CEQA

incorporate available and feasible mitigation measures that would lessen the environmental impacts on disadvantaged communities.

2. Applications must also contain documentation showing a binding and enforceable agreement between the lead agency and the applicant that the applicant will comply with these requirements.
3. “Disadvantaged community” is any community that meets the definition in Public Resources Code section 21189.81, subdivision (b).

D. Record Preparation and Cost Requirements

1. Requirements for all applicants.

All applications must include information documenting a binding agreement between the project proponent and the lead agency establishing that:

- a. The lead agency will prepare the record in accordance with the requirements of Public Resources Code section 21189.86 and,
- b. If the applicant is not the lead agency, the applicant will pay the costs of preparing the record of proceedings concurrent with review of the project under CEQA, in the form and manner specified by the lead agency.

2. Additional requirements for energy infrastructure, semiconductor, microelectronic, and water-related projects for which the applicants are not the lead agency

Private energy infrastructure, semiconductor, microelectronic, and water-related projects must also include information documenting a binding agreement between the private applicant and the lead agency regarding court costs. The binding agreement must establish that the applicant agrees to pay the costs of the trial court and the court of appeal in any case challenging a lead agency’s action on a certified project under CEQA. This includes the costs of appointing a special master, if one is appointed by the court. The fees must be paid in the form and manner provided in the rule of court adopted by the Judicial Council under Public Resources Code section 21189.85.

E. Additional Material Requested by the Governor

If requested, applicants must provide other information requested by the Governor via OPR during the pre-application or application process needed to demonstrate to the Governor’s satisfaction that the application meets the requirements for streamlining under SB 149.

**Governor’s Guidelines for Infrastructure Projects Seeking
Streamlined Judicial Review Under CEQA**

IV. Application Submission Requirements

- A. All application submissions must be labeled, “Draft” or “Final” in the subject line of the email.
- B. All draft and final applications must be submitted to California.Jobs@opr.ca.gov.
- C. All final applications must be submitted in a format that complies with state and federal accessibility requirements. Information on how to create an accessible document can be found on [OPR’s Accessibility Page](#).

V. Future Rulemaking to Set Application Fees

Pursuant to Public Resources Code section 21189.84, subdivision (d), OPR may charge a fee to an applicant seeking certification under this chapter for the costs incurred by implementing SB 149. At this time, no fees for the SB 149 infrastructure streamlining program have been set. OPR will be undertaking a rulemaking to establish application fees for the program, and will update its website when it has additional details: <https://opr.ca.gov/ceqa/judicial-streamlining/infrastructure-streamlining.html>. These guidelines will be amended once a fee is established.

**Governor’s Guidelines for Infrastructure Projects Seeking
Streamlined Judicial Review Under CEQA**

ATTACHMENT 1

Statutory Checklists by Project Type (Note that applicants are still responsible for providing additional information requested by the Governor and for submitting applications pursuant to these Guidelines.)

An asterisk (*) denotes a requirement for private projects only.

Energy Infrastructure Projects

	Requirement Type	Citation
1.	Definition requirements	Public Resources Code section 21189.81, subdivision (d)
2.	Record and cost requirements*	Public Resources Code sections 21189.82, subdivision (a)(1), and 21189.86
3.	Disadvantaged community mitigation requirements	Public Resources Code section 21189.82, subdivision (c)
4.	Greenhouse gas requirements*	Public Resources Code section 21189.83, subdivisions (a), (c)

Semiconductor or Microelectronic Projects

	Requirement Type	Citation
1.	Definition requirements	Public Resources Code section 21189.81, subdivision (f)
2.	Record and cost requirements*	Public Resources Code sections 21189.82, subdivision (a)(2), and 21189.86
3.	Disadvantaged community mitigation requirements	Public Resources Code section 21189.82, subdivision (c)
4.	Greenhouse gas requirements*	Public Resources Code section 21189.83, subdivisions (a), (c)

Transportation-related Projects

	Requirement Type	Citation
1.	Definition requirements	Public Resources Code section 21189.81, subdivision (g)
2.	Record and cost requirements	Public Resources Code section 21189.86
3.	Disadvantaged community mitigation requirements	Public Resources Code section 21189.82, subdivision (c)

**Governor’s Guidelines for Infrastructure Projects Seeking
Streamlined Judicial Review Under CEQA**

4.	Greenhouse gas requirements	Public Resources Code section 21189.83, subdivisions (b), (c)
----	-----------------------------	---

Water-related Projects

	Requirement Type	Citation
1.	Definition requirements	Public Resources Code section 21189.81, subdivision (h)
2.	Record and cost requirements	Public Resources Code section 21189.82, subdivision (a)(4) and 21189.86
3.	Disadvantaged community mitigation requirements	Public Resources Code section 21189.82, subdivision (c)
4.	Greenhouse gas requirements	Public Resources Code section 21189.82, subdivision (a)(4)(C)