



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 22-157*

For business meeting on September 20, 2022

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**Title**

CEQA Actions: New Projects and Fees for Expedited Review

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2023

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Rules of Court, rules 3.2200, 3.2220, 3.2221, 3.2223, 3.2240, 8.700, 8.702, 8.703, and 8.705

**Date of Report**

June 16, 2022

**Recommended by**

Appellate Advisory Committee  
Hon. Louis R. Mauro, Chair  
Civil and Small Claims Advisory Committee  
Hon. Tamara L. Wood, Chair

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### Executive Summary

As mandated by the Legislature, the Judicial Council previously adopted rules and established procedures that implemented a statutory scheme for the expedited resolution of actions and proceedings brought under the California Environmental Quality Act (CEQA) challenging certain projects that qualified for such streamlined procedures. The Appellate Advisory Committee and the Civil and Small Claims Advisory Committee recommend amending several California Rules of Court to implement new and reenacted legislation requiring inclusion of additional projects for streamlined review. The committees also recommend rule amendments to implement statutory provisions requiring that, in cases under two of the statutes, the council, by rule of court, establish fees to be paid by those project applicants to the trial court and Court of Appeal for the costs of streamlined CEQA review.

### Recommendation

The Appellate Advisory Committee and the Civil and Small Claims Advisory Committee recommend that the Judicial Council, effective January 1, 2023:

1. Amend California Rules of Court, rules 3.2200, 3.2220, 3.2221, 3.2223, 8.700, 8.702, and 8.703 to add “environmental leadership transit projects” as a “streamlined CEQA project”; and
2. Amend rules 3.2240 and 8.705 to implement statutory provisions requiring the payment of trial court and appellate court costs for review of cases concerning “environmental leadership development projects” and “environmental leadership transit projects.”

The proposed amended rules are attached at pages 7–14.

### **Relevant Previous Council Action**

Since 2011, the Legislature has enacted numerous bills providing expedited judicial review for legal challenges brought under the California Environmental Quality Act (CEQA) for specified projects. Initially, the Legislature enacted the Jobs and Economic Improvement Through Environmental Leadership Act of 2011, which provided for expedited review of CEQA challenges to so-called environmental leadership projects and required that these cases be brought directly to the Court of Appeal for judicial review and that project applicants pay the costs of adjudicating the cases. (See Assem. Bill 900; Stats. 2011, ch. 354.) To implement the required appellate court fees in AB 900, the council adopted the predecessor to rule 8.705.

In 2013, the Legislature amended several statutes pertaining to environmental leadership projects to remove the requirement of judicial review directly in the Court of Appeal and to require that actions or proceedings involving CEQA challenges, including any appeals, be resolved within 270 days of certification of the record of proceedings. (See Sen. Bill 743; Stats. 2013, ch. 386.) SB 743 also included a new statute providing for expedited review of CEQA challenges to projects related to a new Sacramento basketball arena. To implement SB 743, the council adopted rules 3.2220–3.2231 and 8.700–8.705, which in addition to providing expedited review for the specified projects also set out certain pleading and service requirements and incentives to help streamline judicial review.

In 2016, Senate Bill 836 (Stats. 2016, ch. 31) added another set of projects to receive expedited CEQA review, “capitol building annex projects.” Thereafter, the council amended the trial court and appellate rules governing expedited CEQA review to include such projects.

In 2018 and 2020, the Legislature enacted four more bills adding additional projects to receive expedited CEQA review: Assembly Bill 734 (Stats. 2018, ch. 959), Oakland ballpark projects; Assembly Bill 987 (Stats. 2018, ch. 961), Inglewood arena projects; Assembly Bill 1826 (Stats. 2018, ch. 40), expanded capitol building annex projects; and Assembly Bill 2731 (Stats. 2020, ch. 291), San Diego Old Town Center projects. Two of the bills, AB 734 and AB 987, also provided that the person or entity that applied for certification of an Oakland ballpark or an Inglewood arena project must pay for “any additional costs incurred by the courts in hearing and deciding any [CEQA] case.” (Pub. Resources Code, §§ 21168.6.7(d)(6), 21168.6.8(b)(6).) Accordingly, in March of this year the council amended rules governing expedited CEQA review to (1) include the four new projects to receive expedited CEQA review, (2) require applicants of

Oakland ballpark and Inglewood arena projects to pay trial and appellate court fees based on “additional” court costs, and (3) make other conforming changes.

## **Analysis/Rationale**

In 2021, the Legislature enacted two bills related to expedited CEQA review. First, Senate Bill 7 (Stats. 2021, ch. 19)<sup>1</sup> reenacted with certain changes the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (initially enacted by AB 900), which was repealed by its own terms January 1, 2021. Both the prior and reenacted law provide for certification and expedited CEQA review of certain large projects that replace old facilities, reduce pollution, and generate jobs. (See Pub. Resources Code, § 21178 et seq.) Such projects are now referred to as “environmental leadership development projects” rather than “environmental leadership projects” to distinguish them from “environmental leadership transit projects,” which are discussed next.

Second, Senate Bill 44 (Stats. 2021, ch. 633)<sup>2</sup> added sustainable public transit projects in Los Angeles in preparation for the 2028 Summer Olympic and Paralympic Games to the list of projects to receive expedited CEQA review. (See Pub. Resources Code, § 21168.6.9.) These projects are referred to as “environmental leadership transit projects.” Both bills require project applicants to pay trial and appellate court costs for expedited adjudication of CEQA challenges.

The amended rules implement SB 44 by adding “environmental leadership transit projects” to the list of projects to which the existing rules for expedited CEQA review apply. As required by SB 7 and SB 44, the rules also now include new fees for trial court and appellate court costs for review of “environmental leadership transit projects” and new fees for trial court review of “environmental leadership development projects.” The existing fee for appellate review of “environmental leadership development projects” has also been updated.

## **Amendments to add environmental leadership transit projects**

Several of the rule amendments add statutory citations and the phrase “environmental leadership transit project” to existing rules to implement SB 44’s provision that such projects receive expedited CEQA review. (See, e.g., proposed rules 3.2200, 3.2220, 8.700.) Other than referring to “environmental leadership *development* projects” rather than “environmental leadership projects,” no amendments are needed to include environmental leadership development projects (SB 7) in the type of projects that receive expedited CEQA review. Such projects were added to the rules in 2012 to implement the original environmental leadership act, AB 900.

## **New fees for trial and appellate courts**

Existing rule 8.705(1) requires the person or entity that applied for certification of a project as an environmental leadership development project to pay a fee to the Court of Appeal. The rule is based on former Public Resources Code section 21183(e) (in effect until December 31, 2020),

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<sup>1</sup> SB 7 may be viewed at [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB7](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB7).

<sup>2</sup> SB 44 may be viewed at [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB44](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB44).

which provided that such persons or entities agree to “pay the costs of the Court of Appeal in hearing and deciding any [CEQA] case” and did not provide any such fee for trial courts.

Amended Public Resources Code section 21183(f) now provides that the person or entity that applied for certification of a project as an environmental leadership development project must “pay the costs of the *trial court and the court of appeal* in hearing and deciding any case challenging” the project under CEQA (italics added). Similarly, newly added section 21168.6.9 provides an identical requirement for environmental leadership transit project applicants.

Accordingly, amended rule 8.705 requires environmental leadership transit project applicants to pay a fee to the Court of Appeal. Similarly, amended rule 3.2240<sup>3</sup> requires the payment of a fee to the trial court by the person or entity that applied for certification of a project as an environmental leadership development project and requires the payment of a fee to the trial court by the project applicant of an environmental leadership transit project.

### **New and amended fee amounts**

New Public Resources Code sections 21183(f) and 21168.6.9(b)(3) require the person or entity that applied for certification of an environmental leadership development project and environmental leadership transit project applicants, respectively, to pay the costs of the trial court and the Court of Appeal in “a form and manner specified by the Judicial Council, as provided in the California Rules of Court.” To implement these statutory requirements, the amended rules include new fees for trial court costs for both types of projects, a new fee for appellate court costs for environmental leadership transit projects, and an updated fee for appellate court costs for environmental leadership development projects.

In March 2022, the council amended the rules of court to set court fees for expedited CEQA review for Oakland ballpark and Inglewood arena projects as required by statute.<sup>4</sup> Specifically, Public Resources Code sections 21168.6.7(d)(6) (Oakland ballpark) and 21168.6.8(b)(6) (Inglewood arena) require the project applicants to pay a fee for the “additional costs” to the courts for expedited review. As described in the March 2022 report, those fees were derived from the estimate that the amount of time to adjudicate expedited CEQA cases is 91 full-time working days of a judicial officer and a research attorney in each of the courts. The fees did not include estimates for benefits, overhead, clerical time, and the time of other appellate justices assigned to the panel because those costs are already incurred by the courts in processing their cases, including expedited CEQA cases.

Public Resources Code sections 21168.6.9(b)(3) and 21183(f), which govern environmental leadership transit and environmental leadership development projects, require project applicants to pay “the cost” to the courts without any limitation of such costs to “additional costs.”

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<sup>3</sup> For clarity, amended rule 3.2240 has been added to a new article 3 titled “Trial Court Costs.”

<sup>4</sup> Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: New Projects and Fees for Expedited Review* (Mar. 2, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=10565631&GUID=6D8B30CC-D416-44C2-A4F0-D857024D2730>.

Accordingly, the new and updated fee amounts for environmental leadership development and environmental leadership transit projects are based on the fees set in March 2022 for Oakland ballpark and Inglewood arena projects, but also include estimates for benefits, overhead, clerical time, and the time of other appellate justices assigned to the panel.

The committees recommend that the trial court fee for expedited review of an environmental leadership transit or environmental leadership development project CEQA case be set at \$180,000, which was calculated with the following components:

- The estimated cost of salary and benefits for 91 full-time working days for a trial court judge;
- The estimated cost of salary and benefits for 91 full-time working days for a trial court research attorney; and
- An estimate for overhead and clerical time in the trial court.

The committees also recommend that the Court of Appeal fee for expedited review of an environmental leadership transit or environmental leadership development project CEQA case be set at \$215,000, which was calculated with the following components:

- The estimated cost of salary and benefits for 91 full-time working days for the appellate justice primarily assigned to the case;
- The estimated cost of salary and benefits for 20 hours for each of the other two appellate justices assigned to the case;
- The estimated cost of salary and benefits for 91 full-time working days for an appellate court research attorney; and
- An estimate for overhead and clerical time in the Court of Appeal.

As permitted by the statutes, the rules also allow for costs for any special master required for the matter to be charged directly to the project developer, as is currently provided in the environmental leadership development cases as well as those concerning Oakland ballpark or Inglewood arena projects.

### **Policy implications**

The committees recommend the amended rules to implement legislation and to ensure that the rules conform to law. The policy choices have been made by the Legislature.

### **Comments**

The proposal circulated for public comment from April 1, 2022, until May 13, 2022. The committees received a single comment supporting the proposed rule amendments from the

Orange County Bar Association. A chart setting forth the comment and committees' response is attached at page 15.

### **Alternatives considered**

Because the amended rules and fees are mandated by the Legislature, the committees did not consider the alternative of not amending the rules.

### **Fiscal and Operational Impacts**

Implementing the new legislation requiring expedited review of CEQA challenges to new project types will certainly generate costs and operational impacts for both the trial court and the Court of Appeal in which the proceedings governed by these statutes are held. In particular, the legislation requires that courts prioritize these cases and devote considerable concentrated resources to resolve them, to the extent feasible, within the prescribed time. The primary operational impact is expected to be the additional time that other cases will have to wait while these cases move to the front of the line. The committees do not anticipate that this rule proposal will result in additional costs to other courts.

### **Attachments and Links**

1. Cal. Rules of Court, rules 3.2200, 3.2220, 3.2221, 3.2223, 3.2240, 8.700, 8.702, 8.703, and 8.705, at pages 7–14
2. Chart of comments, at page 15
3. Link A: Senate Bill 7,  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB7](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB7)
4. Link B: Senate Bill 44,  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB44](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB44)

Rules 3.2200, 3.2220, 3.2221, 3.2223, 3.2240, 8.700, 8.702, 8.703, and 8.705 of the California Rules of Court are amended, effective January 1, 2023, to read:

**Rule 3.2200. Application**

Except as otherwise provided in chapter 2 of the rules in this division, which govern actions under Public Resources Code sections 21168.6.6–~~21168.6.8~~21168.6.9, 21178–21189.3, 21189.50–21189.57, and 21189.70–21189.70.10, the rules in this chapter apply to all actions brought under the California Environmental Quality Act (CEQA) as stated in division 13 of the Public Resources Code.

**Chapter 2. California Environmental Quality Act Proceedings Involving Streamlined CEQA Projects**

**Article 1. General Provisions**

**Rule 3.2220. Definitions and application**

**(a) Definitions**

As used in this chapter:

- (1) A “streamlined CEQA project” means any project within the definitions stated in (2) through ~~(7)~~(8).
- (2) An “environmental leadership development project” or “leadership project” means a project certified by the Governor under Public Resources Code sections 21182–21184.
- (3) The “Sacramento entertainment and sports center project” or “Sacramento arena project” means an entertainment and sports center project as defined by Public Resources Code section 21168.6.6, for which the proponent provided notice of election to proceed under that statute described in section 21168.6.6(j)(1).
- (4) An “Oakland sports and mixed-use project” or “Oakland ballpark project” means a project as defined in Public Resources Code section 21168.6.7 and certified by the Governor under that section.
- (5) An “Inglewood arena project” means a project as defined in Public Resources Code section 21168.6.8 and certified by the Governor under that section.
- (6) An “expanded capitol building annex project” means a state capitol building annex project, annex project–related work, or state office building project as defined by Public Resources Code section 21189.50.

(7) An “Old Town Center transit and transportation facilities project” or “Old Town Center project” means a project as defined in Public Resources Code section 21189.70.

(8) An “environmental leadership transit project” means a project as defined in Public Resources Code section 21168.6.9.

**(b) Proceedings governed**

The rules in this chapter govern actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report or the grant of any project approvals for a streamlined CEQA project. Except as otherwise provided in Public Resources Code sections 21168.6.6–~~21168.6.8~~21168.6.9, 21178–21189.3, 21189.50–21189.57, and 21189.70–21189.70.10 and these rules, the provisions of the Public Resources Code and the CEQA Guidelines adopted by the Natural Resources Agency (Cal. Code Regs., tit. 14, § 15000 et seq.) governing judicial actions or proceedings to attack, review, set aside, void, or annul acts or decisions of a public agency on the grounds of noncompliance with the California Environmental Quality Act and the rules of court generally apply in proceedings governed by this rule.

**(c) Complex case rules**

\* \* \*

**Rule 3.2221. Time**

**(a) Extensions of time**

\* \* \*

**(b) Extensions of time by parties**

If the parties stipulate to extend the time for performing any acts in actions governed by these rules, they are deemed to have agreed that the statutorily prescribed time for resolving the action may be extended by the stipulated number of days ~~by which the performance of the act has been stipulated to be extended of the extension~~, and to that extent to have waived any objection to noncompliance with the deadlines for completing review stated in Public Resources Code sections 21168.6.6–~~21168.6.8~~21168.6.9, 21185, 21189.51, and 21189.70.3. Any such stipulation must be approved by the court.



1 (c) **Sanctions for failure to comply with rules**

2  
3 If a party fails to comply with any time requirements provided in these rules or  
4 ordered by the court, the court may issue an order to show cause as to why one of  
5 the following sanctions should not be imposed:

6  
7 (1)–(2) \* \* \*

8  
9 (3) If the failure to comply is by respondent or a real party in interest, removal of  
10 the action from the expedited procedures provided under Public Resources  
11 Code sections 21168.6.6–~~21168.6.8~~21168.6.9, 21185, 21189.51, and  
12 21189.70.3, and these rules; or

13  
14 (4) \* \* \*

15  
16 **Rule 3.2223. Petition**

17  
18 In addition to any other applicable requirements, the petition must:

19  
20 (1) On the first page, directly below the case number, indicate that the matter is a  
21 “Streamlined CEQA Project”;

22  
23 (2) State one of the following:

24  
25 (A) The proponent of the project at issue provided notice to the lead agency  
26 that it was proceeding under Public Resources Code section 21168.6.6,  
27 21168.6.7, ~~or 21168.6.8~~, or 21168.6.9 (whichever is applicable) and is  
28 subject to this rule; or

29  
30 (B) The project at issue was certified by the Governor as an environmental  
31 leadership development project under Public Resources Code sections  
32 21182–21184 and is subject to this rule; or

33  
34 (C) The project at issue is an expanded capitol building annex project as  
35 defined by Public Resources Code section 21189.50 and is subject to  
36 this rule; or

37  
38 (D) The project at issue is an Old Town Center project as defined by Public  
39 Resources Code section 21189.70 and is subject to this rule.

40  
41 (3) If an environmental leadership development, Oakland ballpark, or Inglewood  
42 arena project, provide notice that the person or entity that applied for  
43 certification of the project as such a leadership project must make the

payments required by rule 3.2240 and, if the matter goes to the Court of Appeal, make the payments required by rule 8.705;

- (4) If an Oakland ballpark or Inglewood arena project environmental leadership transit project, provide notice that the ~~person or entity that applied for certification of the project as an Oakland ballpark or Inglewood arena project applicant~~ must make the payments required by rule 3.2240 and, if the matter goes to the Court of Appeal, the payments required by rule 8.705; and
- (5) \* \* \*

### **Article 3. Trial Court Costs**

**Rule 3.2240. Trial court costs in Oakland Ballpark and Inglewood Arena certain streamlined CEQA projects**

In fulfillment of the provisions in Public Resources Code sections 21168.6.7, and 21168.6.8, 21168.6.9, and 21183 regarding payment of trial court costs with respect to cases concerning certain streamlined CEQA environmental leadership development, environmental leadership transit, Oakland ballpark, and Inglewood arena projects:

- (1) Within 10 days after service of the petition or complaint in a case concerning an environmental leadership development project, the person or entity that applied for certification of the project as an environmental leadership development project must pay a fee of \$180,000 to the court.
- (2) Within 10 days after service of the petition or complaint in a case concerning an environmental leadership transit project, the project applicant must pay a fee of \$180,000 to the court.
- ~~(4)~~(3) Within 10 days after service of the petition or complaint in a case concerning an Oakland ballpark project or an Inglewood arena project, the person or entity that applied for certification of the project as a streamlined CEQA project must pay a fee of \$120,000 to the court.
- ~~(2)~~(4) If the court incurs the costs of any special master appointed by the court in the case or of any contract personnel retained by the court to work on the case, the person or entity that applied for certification of the project or the project applicant must also pay, within 10 days of being ordered by the court, those incurred or estimated costs.
- ~~(3)~~(5) If the party fails to timely pay the fee or costs specified in this rule, the court may impose sanctions that the court finds appropriate after notifying the party and providing the party with an opportunity to pay the required fee or costs.

1  
2 ~~(4)~~(6) Any fee or cost paid under this rule is not recoverable.  
3  
4

5 **Chapter 1. Review of California Environmental Quality Act Cases Involving**  
6 **Streamlined CEQA Projects**  
7

8 **Rule 8.700. Definitions and application**  
9

10 **(a) Definitions**  
11

12 As used in this chapter:  
13

- 14 (1) A “streamlined CEQA project” means any project within the definitions  
15 stated in (2) through ~~(7)~~(8).  
16
- 17 (2) An “environmental leadership development project” or “leadership project”  
18 means a project certified by the Governor under Public Resources Code  
19 sections 21182–21184.  
20
- 21 (3) The “Sacramento entertainment and sports center project” or “Sacramento  
22 arena project” means an entertainment and sports center project as defined by  
23 Public Resources Code section 21168.6.6, for which the proponent provided  
24 notice of election to proceed under that statute described in section  
25 21168.6.6(j)(1).  
26
- 27 (4) An “Oakland sports and mixed-use project” or “Oakland ballpark project”  
28 means a project as defined in Public Resources Code section 21168.6.7 and  
29 certified by the Governor under that section.  
30
- 31 (5) An “Inglewood arena project” means a project as defined in Public Resources  
32 Code section 21168.6.8 and certified by the Governor under that section.  
33
- 34 (6) An “expanded capitol building annex project” means a state capitol building  
35 annex project, annex project–related work, or state office building project as  
36 defined by Public Resources Code section 21189.50.  
37
- 38 (7) An “Old Town Center transit and transportation facilities project” or “Old  
39 Town Center project” means a project as defined in Public Resources Code  
40 section 21189.70.  
41
- 42 (8) An “environmental leadership transit project” means a project as defined in  
43 Public Resources Code section 21168.6.9.

1  
2 (b) \* \* \*

3  
4 **Rule 8.702. Appeals**

5  
6 (a) \* \* \*

7  
8 (b) **Notice of appeal**

9  
10 (1) \* \* \*

11  
12 (2) *Contents of notice of appeal*

13  
14 The notice of appeal must:

- 15  
16 (A) State that the superior court judgment or order being appealed is  
17 governed by the rules in this chapter;  
18  
19 (B) Indicate whether the judgment or order pertains to a streamlined CEQA  
20 project; ~~and~~  
21  
22 (C) If the judgment or order being appealed pertains to an environmental  
23 leadership development project, an Oakland ballpark project, or an  
24 Inglewood arena project, provide notice that the person or entity that  
25 applied for certification or approval of the project as such a project  
26 must make the payments required by rule 8.705; and  
27  
28 (D) If the judgment or order being appealed pertains to an environmental  
29 leadership transit project, provide notice that the project applicant must  
30 make the payments required by rule 8.705.

31  
32 (c)–(e) \* \* \*

33  
34 (f) **Briefing**

35  
36 (1)–(3) \* \* \*

37  
38 (4) *Extensions of time to file briefs*

39  
40 If the parties stipulate to extend the time to file a brief under rule 8.212(b),  
41 they are deemed to have agreed that the statutorily prescribed time for  
42 resolving the action may be extended by the stipulated number of days ~~by~~  
43 ~~which the parties stipulated to extend the time~~ of the extension for filing the

brief and, to that extent, to have waived any objection to noncompliance with the deadlines for completing review stated in Public Resources Code sections 21168.6.6—~~21168.6.8~~21168.6.9, 21185, 21189.51, and 21189.70.3 for the duration of the stipulated extension.

(5) \* \* \*

(g) \* \* \*

#### Advisory Committee Comment

**Subdivision (b).** It is very important to note that the time period to file a notice of appeal under this rule is the same time period for filing most postjudgment motions in a case regarding the Sacramento arena project, and in a case regarding any other streamlined CEQA project, the deadline for filing a notice of appeal may be earlier than the deadline for filing a motion for a new trial, a motion for reconsideration, or a motion to vacate the judgment.

#### Rule 8.703. Writ proceedings

(a) \* \* \*

#### (b) Petition

(1) \* \* \*

(2) *Contents of petition*

In addition to any other applicable requirements, the petition must:

- (A) State that the superior court judgment or order being challenged is governed by the rules in this chapter;
- (B) Indicate whether the judgment or order pertains to a streamlined CEQA project; ~~and~~
- (C) If the judgment or order pertains to an environmental leadership development project, an Oakland ballpark project, or an Inglewood arena project, provide notice that the person or entity that applied for certification of the project as such a project must make the payments required by rule 8.705-; and

1           (D) If the judgment or order pertains to an environmental leadership transit  
2           project, provide notice that the project applicant must make the  
3           payments required by rule 8.705.  
4

5 **Rule 8.705. Court of Appeal costs in certain streamlined CEQA projects**  
6

7 In fulfillment of the provisions in Public Resources Code sections 21168.6.7, 21168.6.8,  
8 ~~and 21168.6.9~~, and 21183 regarding payment of the Court of Appeal's costs with respect  
9 to cases concerning environmental leadership development, environmental leadership  
10 transit, Oakland ballpark, and Inglewood arena projects:  
11

12 (1) Within 10 days after service of the notice of appeal or petition in a case concerning  
13 an environmental leadership development project, the person or entity that applied  
14 for certification of the project as an environmental leadership development project  
15 must pay a fee of ~~\$100,000~~ \$215,000 to the Court of Appeal.  
16

17 (2) Within 10 days after service of the notice of appeal or petition in a case concerning  
18 an environmental leadership transit project, the project applicant must pay a fee of  
19 \$215,000 to the Court of Appeal.  
20

21 ~~(2)(3)~~ Within 10 days after service of the notice of appeal or petition in a case concerning  
22 an Oakland ballpark project or Inglewood arena project, the person or entity that  
23 applied for certification of the project as an Oakland ballpark project or Inglewood  
24 arena project must pay a fee of \$140,000 to the Court of Appeal.  
25

26 ~~(3)(4)~~ If the Court of Appeal incurs the costs of any special master appointed by the Court  
27 of Appeal in the case or of any contract personnel retained by the Court of Appeal  
28 to work on the case, the person or entity that applied for certification of the project  
29 or the project applicant as a leadership project, an Oakland ballpark project, or an  
30 ~~Inglewood arena project~~ must also pay, within 10 days of being ordered by the  
31 court, those incurred or estimated costs.  
32

33 ~~(4)(5)~~ If the party fails to timely pay the fee or costs specified in this rule, the court may  
34 impose sanctions that the court finds appropriate after notifying the party and  
35 providing the party with an opportunity to pay the required fee or costs.  
36

37 ~~(5)(6)~~ Any fee or cost paid under this rule is not a recoverable cost.

## SPR22-01

**CEQA Actions: New Projects and Fees for Expedited Review** (Amend Cal. Rules of Court, rules 3.2200, 3.2220, 3.2221, 3.2223, 3.2240, 8.700, 8.702, 8.703, and 8.705)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>DRAFT Committees Response</b>
1.	Orange County Bar Association by Daniel S. Robinson President	A	We agree with the proposed rule amendments and agree that the language of the proposed amendments appropriately address the stated purpose.	The committees appreciate the feedback and support for the proposal.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated