

AMENDMENT TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on November 17, 2023, effective December 31, 2023

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1 **Rule 3.2200. Application**

2  
3 Except as otherwise provided in chapter 2 of the rules in this division, which govern  
4 actions under Public Resources Code sections 21168.6.6–21168.6.9, 21178–21189.3,  
5 21189.50–21189.57, ~~and~~ 21189.70–21189.70.10, and 21189.80–21189.91, the rules in  
6 this chapter apply to all actions brought under the California Environmental Quality Act  
7 (CEQA) as stated in division 13 of the Public Resources Code.

8  
9 *Rule 3.2200 amended effective December 31, 2023; adopted effective July 1, 2014; previously*  
10 *amended effective January 1, 2017, March 11, 2022, and January 1, 2023.*

11  
12  
13 **Rule 3.2220. Definitions and application**

14  
15 **(a) Definitions**

16  
17 As used in this chapter:

18  
19 (1) A “streamlined CEQA project” means any project within the definitions  
20 stated in (2) through ~~(8)~~(9).

21  
22 ~~(2)–(8) \*\*\*~~

23  
24 (9) An “infrastructure project” means an “energy infrastructure project,” a  
25 “semiconductor or microelectronic project,” a “transportation-related  
26 project,” or a “water-related project” as defined in Public Resources Code  
27 section 21189.81 and certified by the Governor under Public Resources Code  
28 sections 21189.82 and 21189.83.

29  
30 *(Subd (a) amended December 31, 2023; previously amended effective January 1, 2017,*  
31 *March 11, 2022, January 1, 2023.)*

32  
33 **(b) Proceedings governed**

34  
35 The rules in this chapter govern actions or proceedings brought to attack, review,  
36 set aside, void, or annul the certification of the environmental impact report or the  
37 grant of any project approvals for a streamlined CEQA project. Except as otherwise  
38 provided in Public Resources Code sections 21168.6.6–21168.6.9, 21178–21189.3,  
39 21189.50–21189.57, ~~and~~ 21189.70–21189.70.10, and 21189.80–21189.91 and  
40 these rules, the provisions of the Public Resources Code and the CEQA Guidelines  
41 adopted by the Natural Resources Agency (Cal. Code Regs., tit. 14, § 15000 et  
42 seq.) governing judicial actions or proceedings to attack, review, set aside, void, or  
43 annul acts or decisions of a public agency on the grounds of noncompliance with

1 the California Environmental Quality Act and the rules of court generally apply in  
2 proceedings governed by this rule.

3  
4 *(Subd (b) amended effective December 31, 2023; previously amended effective January 1,*  
5 *2017, March 11, 2022, and January 1, 2023.)*

6  
7 **(c) \*\*\***

8  
9 *Rule 3.2220 amended effective December 31, 2023; adopted effective July 1, 2014; previously*  
10 *amended effective January 1, 2017, March 11, 2022, and January 1, 2023.*

11  
12  
13 **Rule 3.2221. Time**

14  
15 **(a) \*\*\***

16  
17 **(b) Extensions of time by parties**

18  
19 If the parties stipulate to extend the time for performing any acts in actions  
20 governed by these rules, they are deemed to have agreed that the statutorily  
21 prescribed time for resolving the action may be extended by the stipulated number  
22 of days of the extension, and to that extent to have waived any objection to  
23 noncompliance with the deadlines for completing review stated in Public Resources  
24 Code sections 21168.6.6–21168.6.9, 21185, 21189.51, ~~and~~ 21189.70.3, and  
25 21189.85. Any such stipulation must be approved by the court.

26  
27 *(Subd (b) amended effective December 31, 2023; previously amended effective January 1,*  
28 *2017, March 11, 2022, and January 1, 2023.)*

29  
30 **(c) Sanctions for failure to comply with rules**

31  
32 If a party fails to comply with any time requirements provided in these rules or  
33 ordered by the court, the court may issue an order to show cause as to why one of  
34 the following sanctions should not be imposed:

35  
36 **(1)–(2) \*\*\***

37  
38 **(3)** If the failure to comply is by respondent or a real party in interest, removal of  
39 the action from the expedited procedures provided under Public Resources  
40 Code sections 21168.6.6–21168.6.9, 21185, 21189.51, ~~and~~ 21189.70.3, and  
41 21189.85, and these rules; or

42  
43 **(4) \*\*\***

1 (Subd (c) amended effective December 31, 2023; previously amended effective January 1,  
2 2017, March 11, 2022, and January 1, 2023.)

3  
4 Rule 3.2221 amended effective December 31, 2023; adopted effective July 1, 2014; previously  
5 amended effective January 1, 2017, March 11, 2022, and January 1, 2023.

6  
7  
8 **Rule 3.2223. Petition**

9  
10 In addition to any other applicable requirements, the petition must:

11  
12 (1) \*\*\*

13  
14 (2) State one of the following:

15  
16 (A) The proponent of the project at issue provided notice to the lead agency  
17 that it was proceeding under Public Resources Code section 21168.6.6,  
18 21168.6.7, 21168.6.8, or 21168.6.9 (whichever is applicable) and is  
19 subject to this rule; or

20  
21 (B) The proponent of the project at issue provided notice to the lead agency  
22 that it was proceeding under Public Resources Code sections  
23 21189.80–21189.91 and is subject to this rule; or

24  
25 ~~(B)(C)~~ \*\*\*

26  
27 ~~(C)(D)~~ \*\*\*

28  
29 ~~(D)(E)~~ \*\*\*

30  
31 (3) If an environmental leadership development, Oakland ballpark, ~~or~~ Inglewood  
32 arena project, energy infrastructure project, semiconductor or microelectronic  
33 project, or water-related project, provide notice that the person or entity that  
34 applied for certification of the project as such a project must make the  
35 payments required by rule 3.2240 and, if the matter goes to the Court of  
36 Appeal, the payments required by rule 8.705;

37  
38 (4)–(5) \*\*\*

39  
40 Rule 3.2223 amended effective December 31, 2023; adopted effective July 1, 2014; previously  
41 amended effective January 1, 2017, March 11, 2022, and January 1, 2023.

42  
43

1 **Rule 3.2240. Trial court costs in certain streamlined CEQA projects**

2  
3 In fulfillment of the provisions in Public Resources Code sections 21168.6.7, 21168.6.8,  
4 21168.6.9, ~~and 21183, and 21189.82~~ regarding payment of trial court costs with respect  
5 to cases concerning environmental leadership development, environmental leadership  
6 transit, Oakland ballpark, ~~and Inglewood arena,~~ energy infrastructure, semiconductor or  
7 microelectronic, or water-related projects:

8  
9 (1) Within 10 days after service of the petition or complaint in a case concerning an  
10 environmental leadership development project, the person or entity that applied for  
11 certification of the project as an environmental leadership development project  
12 must pay a fee of \$180,000 to the court.

13  
14 (2) Within 10 days after service of the petition or complaint in a case concerning an  
15 energy infrastructure project, a semiconductor or microelectronic project, or a  
16 water-related project, the project applicant, if the applicant is not the lead agency,  
17 must pay a fee of \$180,000 to the court.

18  
19 ~~(2)(3)~~ \*\*\*

20  
21 ~~(3)(4)~~ \*\*\*

22  
23 ~~(4)(5)~~ \*\*\*

24  
25 ~~(5)(6)~~ \*\*\*

26  
27 ~~(6)(7)~~ \*\*\*

28  
29 *Rule 3.2240 amended effective December 31, 2023; adopted effective March 11, 2022; previously*  
30 *amended effective January 1, 2023.*

31  
32  
33 **Rule 8.700. Definitions and application**

34  
35 **(a) Definitions**

36  
37 As used in this chapter:

38  
39 (1) A “streamlined CEQA project” means any project within the definitions  
40 stated in (2) through ~~(8)(9)~~.

41  
42 ~~(2)–(8)~~ \*\*\*

1 (9) An “infrastructure project” means an “energy infrastructure project,” a  
2 “semiconductor or microelectronic project,” a “transportation-related  
3 project,” or a “water-related project” as defined in Public Resources Code  
4 section 21189.81 and certified by the Governor under Public Resources Code  
5 sections 21189.82 and 21189.83

6  
7 *(Subd (a) amended effective December 31, 2023; previously amended effective January 1,*  
8 *2017, March 11, 2022, and January 1, 2023.)*

9  
10 (b) \*\*\*

11  
12 **Rule 8.702. Appeals**

13  
14 (a) \*\*\*

15  
16 (b) **Notice of appeal**

17  
18 (1) \*\*\*

19  
20 (2) *Contents of notice of appeal*

21  
22 The notice of appeal must:

23  
24 (A)–(B) \*\*\*

25  
26 (C) If the judgment or order being appealed pertains to an environmental  
27 leadership development project, an Oakland ballpark project, ~~or~~ an  
28 Inglewood arena project, an energy infrastructure project, a  
29 semiconductor or microelectronic project, or a water-related project,  
30 provide notice that the person or entity that applied for certification or  
31 approval of the project as such a project must make the payments  
32 required by rule 8.705; and

33  
34 (D) \*\*\*

35  
36 *(Subd (b) amended effective December 31, 2023; previously amended effective January 1,*  
37 *2016, and January 1, 2017, March 11, 2022, and January 1, 2023.)*

38  
39 (c)–(e) \*\*\*

40  
41 (f) **Briefing**

42  
43 (1)–(3) \*\*\*

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(4) *Extensions of time to file briefs*

If the parties stipulate to extend the time to file a brief under rule 8.212(b), they are deemed to have agreed that the statutorily prescribed time for resolving the action may be extended by the stipulated number of days 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 21168.6.6–21168.6.9, 21185, 21189.51, ~~and~~ 21189.70.3, and 21189.85 for the duration of the stipulated extension.

(5) \*\*\*

*(Subd (f) amended effective December 31, 2023; previously amended effective January 1, 2017, March 11, 2022, January 1, 2023.)*

(g) \*\*\*

*Rule 8.702 amended effective December 31, 2023; adopted effective July 1, 2014; previously amended effective January 1, 2016, January 1, 2017, March 11, 2022, and January 1, 2023.*

**Rule 8.703. Writ proceedings**

(a) \*\*\*

(b) **Petition**

(1) \*\*\*

(2) *Contents of petition*

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

(A)–(B) \*\*\*

(C) If the judgment or order pertains to an environmental leadership development project, an Oakland ballpark project, ~~or~~ an Inglewood arena project, an energy infrastructure project, a semiconductor or microelectronic project, or a water-related 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) \*\*\*

2  
3 *Subd (b) amended effective December 31, 2023; previously amended effective January 1,*  
4 *2016, and January 1, 2017, March 11, 2022, January 1, 2023.)*

5  
6 *Rule 8.703 amended effective December 31, 2023; adopted effective July 1, 2014; previously*  
7 *amended effective January 1, 2016, January 1, 2017, March 11, 2022, and January 1, 2023.*

8  
9 **Rule 8.705. Court of Appeal costs in certain streamlined CEQA projects**

10  
11 In fulfillment of the provisions in Public Resources Code sections 21168.6.7, 21168.6.8,  
12 21168.6.9, ~~and 21183, and 21189.82~~ regarding payment of the Court of Appeal’s costs  
13 with respect to cases concerning environmental leadership development, environmental  
14 leadership transit, Oakland ballpark, ~~and~~ Inglewood arena, energy infrastructure,  
15 semiconductor or microelectronic, or water-related projects:

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

21  
22 (2) Within 10 days after service of the petition or complaint in a case concerning an  
23 energy infrastructure project, a semiconductor or microelectronic project, or a  
24 water-related project, the project applicant, if the applicant is not the lead agency,  
25 must pay a fee of \$215,000 to the court.

26  
27 ~~(2)(3)~~ \*\*\*

28  
29 ~~(3)(4)~~ \*\*\*

30  
31 ~~(4)(5)~~ \*\*\*

32  
33 ~~(5)(6)~~ \*\*\*

34  
35 ~~(6)(7)~~ \*\*\*

36  
37 *Rule 8.705 amended effective December 31, 2023; adopted effective July 1, 2014, previously*  
38 *amended effective March 11, 2022, and January 1, 2023.*

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