

Executive Order N-54-20 Suspends Certain CEQA Noticing and Posting Requirements and Tribal Consultation Timeframes.

On April 22, 2020, Governor Newsom signed Executive Order N-54-20, which modifies the requirements for posting certain notices under the California Environmental Quality Act (CEQA) and lengthens the timeframe for tribal consultation. The Executive Order will remain in place until June 21, 2020.

Per the Governor's Order, physical posting of the following Notices has been suspended for 60 days:

- Notices of Preparation of EIRs;
- Notices of Availability of Draft EIRs;
- Notices of Intent to Adopt Negative Declarations or Mitigated Negative Declarations;
- Notices of Determination;
- Notices of Exemption.

Agencies are instead required to take the following actions for making the above-listed notices available to the public in lieu of physical posting:

- "Post such materials on the relevant agency's or applicant's public-facing website for the same period of time that physical posting would otherwise be required;
- Submit all materials electronically to the State Clearinghouse CEQAnet Web Portal; and
- Engage in outreach to any individuals and entities known by the lead agency, responsible agency, or project applicant to be parties interested in the project in the manner contemplated by the Public Resources Code sections 21100 et seq. and California Code of Regulations, Title 14, sections 15000 et seq."

Notably, the Governor's Order does not suspend public comment or review periods.

In addition to the above, the Governor's Order also suspends tribal consultation request timelines. Specifically, the Order suspends the 30-day timeline for tribes to request consultation under AB52 and, for the next 60-days, precludes lead agencies from deeming a tribe's failure to request consultation as a waiver.

The full text of the Executive Order is available [here](#).

*Tiffany Michou is an Associate at
Harrison, Temblador, Hungerford & Johnson LLP in Sacramento, California*