



PCL INSIDER: News from the Capitol

Senator Rubio Resigns, Senate Pro Tem Steinberg Introduces CEQA Reform Bill *What does it all mean?*

On Friday, February 22 – the same day bills needed to be introduced in the Legislature – State Senator Michael Rubio unexpectedly [resigned](#) from the Senate to take a government-affairs position with Chevron. Senator Rubio, Chairman of the Senate Environmental Quality Committee, had become the face of CEQA reform, starting with his introduction of the ‘standards-based’ alternative to CEQA (SB 317) in 2012. While this effort ultimately [stalled](#) in the waning days of session, it had a tremendous impact on those who support CEQA’s principles of transparency, public engagement and strong environmental protections. It was largely in response to SB 317 that the [CEQA Works](#) coalition was formed to protect and strengthen CEQA.

Shortly after the Senator’s resignation, Senate Pro Tem Steinberg introduced [SB 731](#), which provided general ‘intent’ language for CEQA reform. While only one of more than two dozen CEQA reform bills introduced on Friday, SB 731 stood out – not only because any bill introduced by Leadership always has caché, but also because Senator Steinberg had worked on this bill with Senator Rubio after the two co-chaired a working group for several months in late 2012 to develop a comprehensive CEQA reform package. While SB 731 thankfully abandons the standards-based approach, it still raises concerns for many in the environmental community – a problem confounded by the fact that SB 731 was introduced with ‘intent language’, meaning it does not yet have the specificity to properly evaluate its impacts on CEQA. SB 371 aims to further infill development streamlining (despite the fact that guidelines for SB 226, a similar bill passed two years ago, were just finalized this month) and set thresholds of significance for certain categories of environmental impacts, which could approach a type of standards-based approach.

Senator Rubio’s abrupt resignation raises several questions related to the future of CEQA – namely, (1) who will be the leading spokesperson/advocate for CEQA reform with the departure of the influential and outspoken legislator; (2) who is really behind the CEQA overhaul effort – infill and ‘green project’ proponents as the reform advocates would have you believe, or major developers and dirty businesses who want to avoid environmental safeguards; and (3) what’s next for CEQA this session.

On behalf of the Planning and Conservation League, and the CEQA Works coalition, now is not the time to stop pushing back against CEQA overhauls. The same companies that have been behind CEQA reform, which includes Chevron, are still going to push for major changes to the law. Even before Senator Rubio introduced SB 371, we have seen relentless attacks on CEQA and a continued erosion of the law over the last several years, and we should expect such attempts will continue, possibly in the final days of session through the controversial gut-and-amend process as has been the case in recent years. Finally, the Senator’s resignation may mark a major shift in the CEQA dynamic, and give us an opportunity to go on the offensive and pursue common-sense CEQA reforms that will actually strengthen and improve the law the better achieve its aims of transparency, public empowerment and better environmental outcomes. That is why PCL has been working with legislators to develop positive reform legislation, and tracking any efforts to weaken California’s foundational environmental law.

You can get involved by:

- Helping expand the CEQA Works coalition – Direct friends and supporters to <http://ceqaworks.org/take-action/> to join CEQA Works;
- [Submitting letters to the editor](#) and op-eds to local newspapers;
- Educating your community by including information about CEQA Works on your website, in newsletters and on listservs and by liking us on [Facebook](#) and follow us on [Twitter](#) and [Tumblr](#).
- [Donating to PCL Foundation](#) to help support our efforts to protect and strengthen the California Environmental Quality Act as part of the CEQA Works coalition

Flurry of CEQA Bills Introduced *The Good, the Bad and the Ugly* on CEQA reform efforts

Last week saw a flurry of CEQA bills introduced in addition to Senators Rubio's and Steinberg's SB 731 (highlighted above). Unlike previous years, however, many of these bills seek to strengthen CEQA's protections and have the backing of the environmental community. Senator Evans introduced [SB 617](#), a bill that proposes several widely-supported clarifications and technological updates to CEQA, including (1) consistent electronic notice posting requirements, (2) mandating that environmental reviews assess the effects of the environment on the project and not just the reverse, and (3) providing that records be prepared concurrently. Senator Evans also introduced [SB 754](#), currently in spot language, that will increase public participation and provide stronger environmental protections by: (1) mandating translation of initial notices and executive summaries where there is a significant Limited English Proficient population affected by the project; (2) ensuring that illegal actions undertaken prior to an environmental review do not reset the baseline for environmental review; (3) controlling administrative record costs; (4) prohibiting a developer from directly contracting for and overseeing the preparation of the environmental review; (5) limiting the shelf-life of EIRs; (6) strengthening archaeological protections by raising the ceiling on mitigation; and (7) providing for enforcement of mitigation measures.

PCL and coalition partners have also been working with members of the Assembly, who are carrying measures that echo those being introduced by Senator Evans. Speaker Pro Tem Campos has introduced [AB 543](#), mandating translation of documents where there are a substantial number of non-English-speaking people affected by a project. Assemblymember Dickinson introduced [AB 380](#), clarifying the electronic notice posting requirement. Assemblymember Ammiano introduced [AB 953](#), requiring environmental reviews to take into account the effects of the environment on the project.

Other bills that look good for protecting and strengthening CEQA include [SB 436](#) (Jackson), which would increase the public nature of the scoping process (also reflected in [AB 380](#) (Dickinson)), and [SB 633](#) (Pavley) to allow new information. In the Assembly, Assemblymember Peréa's [AB 37](#) would allow records to be prepared at the beginning of the CEQA review process. Assemblymember Eggman's [AB 823](#) strengthens mitigation requirements for agricultural land.

A bill in the Senate ([SB 123](#), Corbett) and one in the Assembly ([AB 515](#), Dickinson) would create provisions for CEQA judges, although they differ in details. While we appreciate both authors' efforts to streamline and improve the CEQA legal process, we have some concerns about the separate CEQA courts approach and will continue to monitor these bills closely.

Several bills seek exemptions for particular projects, including [AB 417](#) (Frazier) for bike projects, [SB 525](#) (Galgiani) for light and high-speed rail, and [AB 794](#) (Gorell) for landfills and organic waste. Three bills - [AB 628](#) (Gorell), [AB 930](#) (Hall), and [AB 1079](#) (Bradford) – would add energy management projects to AB 900 streamlining; PCL is still involved in a lawsuit over the constitutionality of AB 900 based on separation of powers between the Legislature and courts. [AB 1060](#) (Fox) exempts the U.S. Armed Forces from paying a filing fee. [AB 1267](#) (Hall) exempts

certain tribal projects from CEQA review on the grounds of sovereignty.

Finally, last year's CEQA-gutting standards-approach SB 317 (Rubio) has been resurrected by Senator Berryhill in [SB 787](#).

PCL has our eyes on several CEQA spot bills as well, waiting to see if these caterpillars turn into butterflies or something nastier. [AB 756](#) (Melendez), [SB 167](#) (Gaines), [SB 359](#) (Corbett), and [SB 739](#) (Calderon) have yet to have specific bill language.

Stay tuned to the Insider as well as [CEQA Works website](#) for up-to-date information on CEQA legislation.

SAVE THE DATE for Seal Beach CEQA Community Workshop

PCL Foundation will be conducting our second CEQA Community Workshop of 2013 in Seal Beach on **April 6, 2013**. Join PCLF and our local hosts and sponsors as we explain how communities can effectively engage in the environmental review process through the California Environmental Quality Act. To learn more, [click here](#); you can [register](#) online. To learn more about PCLF Foundation or how you can schedule a CEQA Community workshop in your community, visit our website at www.pclfoundation.org.



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