



## PCL INSIDER: News from the Capitol

### BDCP Discussions Continue

Discussions of the [Bay Delta Conservation Plan](#) (BDCP), one of the most hotly debated topics in water this year, continued at a joint informational hearing of the [Senate Natural Resources and Water Committee](#) and the Select Committee on the Sacramento-San Joaquin Delta on April 30<sup>th</sup>. BDCP, in its current form, would build two 40-foot in diameter, 35-mile long tunnels to transport water from the Sacramento River, [under the Delta](#), and to existing state and federal aqueducts near Tracy. This massive – and massively controversial – project is an effort by the Brown Administration to address the [co-equal goals](#) for the Delta mandated by the Legislature in 2009: water reliability and Delta ecosystem health. In addition to the tunnels, BDCP also proposes to implement 100,000 acres of habitat restoration in the Delta over the next 50 years. The environmental community continues to raise serious concerns over the adequacy of BDCP to protect the Delta ecosystem and provide cost-effective water reliability for the state.

At the April 30<sup>th</sup> hearing, three high-level state officials gave an overview of the proposed BDCP project, and answered questions from lawmakers about addressing public concerns and distrust, unresolved issues with the project, and the timeline of the BDCP process. Congresswoman Doris Matsui (D-Sacramento) led off the hearing by expressing strong concerns with BDCP, and Senators Pavley and Wolk – co-chairs of the hearing – asked the state officials detailed questions regarding issues with BDCP. The state officials identified their two biggest difficulties as: 1) the science behind BDCP, including ensuring that estimations of impacts and potential benefits are accurate, and 2) the specifics of financing the project. Senators Pavley and Wolk expressed [continued interest](#) in the analysis of alternative projects under BDCP that reduce reliance on the overburdened Delta as a water source – including the PCL-supported [Portfolio Alternative](#).

### Coastal Resources Bills Move Forward

Two important coastal protection bills continue to progress through the Assembly. On April 16<sup>th</sup>, PCL-sponsored [AB 976 \(Atkins\)](#) passed out of the Assembly Judiciary committee, and will be heard in Assembly Appropriations next week. AB 976 would give the [California Coastal Commission](#) the ability to impose an administrative penalty on a person found to be in violation of the Coastal Act,

after a public hearing before the Commission. This helps deter egregious California Coastal Act violations, and strengthens protection for coastal areas.

Another PCL-supported bill, [AB 203 \(Stone\)](#), passed out of the Assembly Appropriations committee on May 1<sup>st</sup>. AB 203 allows the Coastal Commission to require resolution of Coastal Act violations prior to the approval of new development permits on the same property. This would create a more cost-effective process for both the Commission and the permit applicant, help facilitate violation resolution without litigation, and protect valuable coastal resources like wildlife habitat and public beach access.

PCL needs all hands on deck as AB 203 progresses to the Assembly Floor. Call your [Assembly Member](#) and urge them to support AB 203 and AB 976, or contact [Rebecca Crebbin-Coates](#) to add your organization to our support letters for these important measures!

## **Positive CEQA Legislation Makes Way Through Hearings While Bad Bills Sputter**

It's been a tremendous few weeks for the California Environmental Quality Act in the Capitol. PCL is coordinating support for five positive CEQA bills, all of which have passed their first round of committee hearings and are headed off to appropriations next.

[AB 380](#) (Dickinson) creates a single system for posting notices that are critical to public participation. PCL and the author's office are in discussion with a number of groups that opposed the bill and are optimistic that adjustments can be made that keep the bill's core provisions while neutralizing opposition.

[AB 543](#) (Campos) will require that certain CEQA notices that trigger public participation be translated when a project will likely impact a community in which 5% or more of the population are Limited English Proficient. Testimony from [Asian Americans for Civil Rights and Equality](#), [the Asian American Center for Advancing Justice](#), and [the Center on Race, Poverty, and the Environment](#), helped move this bill.

[AB 953](#) (Ammiano) would overturn the misguided [Ballona Wetlands Land Trust](#) decision and return Environmental Impact Reports to considering the effects of the physical environment on the project, examining things like wildfire risk, sea level rise, existing air pollution, and seismic activity when siting a project.

[SB 617](#) (Evans) is a commonsense omnibus that passed out of committee on Wednesday. It includes (1) a fix to the [Ballona Wetlands Land Trust](#) decision, (2) electronic notice posting requirements, (3) a provision allowing records of proceedings to be prepared concurrently and made available online, revealing the reasoning for decisions and saving time should litigation occur, and (4) the removal of some mooted provisions.

[SB 754](#) (Evans), a more ambitious omnibus, also [passed out of committee](#) on Wednesday. This bill looks to improve mitigation and transparency by (1) not

letting project developers hire and supervise their own environmental reviews, (2) allowing mitigation for archaeological and cultural resources to proceed on a case-by-case basis, (3) ensuring that EIRs used to make new decisions are under 7 years old, and (4) providing a clear process for public enforcement of mitigation.

Thanks to everyone who signed letters and gave testimony in support of these bills!

The Senate President pro Tem's much awaited CEQA bill, [SB 731](#), was recently released. PCL applauds Senator Steinberg for some thoughtful provisions in this bill, including funding for planning and allowing parties to toll the statute of limitations on a lawsuit while they negotiate. However, concerns about other parts of the bill, including development of thresholds for certain areas of impact and allowing projects to continue while parts of the review are redone, prevent us from supporting it at this time. We look forward to working with Senator Steinberg as this bill moves forward.

Other positive CEQA bills that moved forward include [AB 37](#) (Perea), [AB 52](#) (Gatto), [AB 823](#) (Eggman), and [SB 436](#) (Jackson).

Finally, we're relieved to report that two bad bills that would have undermined CEQA and replaced it with a hodgepodge of standards, failed to pass their first committee hearings. [AB 1302](#) (Hagman) and [SB 787](#) (Berryhill) were identical to Senator Rubio's SB 317 from the end of last session. SB 787 has been granted a reconsideration hearing in Senate Environmental Quality, but it is unlikely to pass without major revisions. Additionally, [AB 515](#) (Dickinson), a bill that would have severely restricted appeals in CEQA lawsuits and had raised serious concerns in the environmental community, has been made a 2-year bill and will not be heard this year.

For a complete and regularly updated list of CEQA bills and PCL's position on them, please see our [website](#).

### **Don't Wait for Legislature to Protect CEQA: Get Engaged with CEQA Community Workshops**

While things are moving in a positive direction at the Capitol for CEQA, we shouldn't rely on legislators alone to protect our environment; CEQA Community Workshops are a great way to educate and empower communities. These day-long workshops teach community members how to effectively engage in the environmental review process and include a detailed legislative update. They are led by experienced CEQA attorneys who are available to answer questions and also focus on local project examples. For more information on the workshops, see PCL Foundation's [website workshop page](#).

PCL has already hosted two Community Workshops to rave reviews this year and is seeking hosts for another 1-2 in 2013. If your organization would like to bring a Community Workshop to your area, please contact Abigail Okrent at [aokrent@pcl.org](mailto:aokrent@pcl.org) or (916) 822-5633 to learn more about hosting. We are specifically hoping to present workshops in the Central Valley and the Bay Area in

the upcoming months.



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