



## PCL INSIDER: News from the Capitol

### CEQA and the Pro Tem: What's Next with SB 731

With just over 3 weeks remaining in this year's legislative session, the final shape of CEQA legislation remains unclear. Senate President pro Tem Steinberg's [SB 731](#) was amended in early August, and the current iteration is one PCL could likely support with some minor adjustments. Our main concerns from the previous version - over-sweeping intent language and a broad writ provision - have both been narrowed. While the pro Tem's office has indicated that this is substantially the final bill, concerns remain that a strong push from industry and the Governor's office might result in amendments that would not be acceptable.

While rumors continue to swirl about what may or may not be stuck into the bill in the waning days of the legislative session, PCL hopes that any changes that are made will be completed and published in the coming days so that all interested parties can review it and take a stance on the bill. We will continue to be involved in the discussions and keep you updated. If anything urgent should arise, stay tuned for an action alert to brief you on what's happening and what you can do about it.

### Comings and Goings with High Speed Rail

Several fairly significant developments have happened relating to California's planned High Speed Rail project over the past couple weeks. In what is sure to be a setback to the project, last week a Sacramento County judge ruled that the project as currently envisioned [fails to comply with the financial and environmental promises made to voters](#) when they approved initial funding for the project five years ago through Proposition 1A. Superior Court Judge Michael Kenny has not yet determined a remedy for the violations, and the California High Speed Rail Authority (CHSRA) has indicated it intends to move forward with the first phase of the project in the Central Valley while the final decision is pending.

In another interesting (and largely under-reported) development, on August 9 the California Attorney General submitted a brief on behalf of the CHSRA in ongoing litigation over the project asserting that [CEQA does not apply to the project](#) as it is preempted by the Interstate Commerce Commission Termination Act. This would have a tremendous impact on California's environment and communities as CEQA has much stronger mitigation requirements than its federal counterpart, NEPA. Regardless of one's position on high speed rail, there is little argument that California's most-expensive and largest infrastructure project will significantly affect critical wildlife corridors and agricultural lands and will result in tremendous greenhouse gas emissions during construction. If it is determined that CEQA is preempted, these impacts will be largely unmitigated, leaving California's people and wildlife to bear those costs.

In more positive news about high speed rail, one-time PCL Board member and longtime friend of the organization [Richard Frank has been appointed](#) by Governor Brown to the California High-Speed Rail Authority Board of Directors. Mr. Frank is currently the Director of the California Environmental Law and Policy Center at the University of California at Davis School of Law. Prior to this position, he was the executive director of the Center for Law, Energy, & the Environment (CLEE) at University of California Berkeley School of Law after having practiced law with federal and state agencies for 32 years, most of that time with the California Department of Justice. Mr. Frank is a tremendous addition to the CHSRA Board, and we wish him the best as he undertakes this challenging endeavor!

## **Towering Above the Fault Lines**

Intern Maria Deloso contributed to this article

A series of recent stories in L.A. highlight the gravity of concerns raised when a public agency too quickly bows to the pressures of developers without adequate environmental review. The Millennium Hollywood Project, two skyscrapers in a highly developed area, would be built near – or possibly on – the Hollywood fault line, which the state geologist and head of the California Geological Survey recently announced is an active fault.

Community activists and other agencies, including Caltrans, have raised the concerns the city should have caught before permitting the project. In a letter to the city planning commission, Caltrans argued that the developer's environmental impact report (EIR) was "not based on any credible analysis that could be found anywhere." Other groups have claimed outright misrepresentation in the EIR. Robert P. Silverstein, an environmental attorney representing over 40 community groups, filed a complaint claiming that a pattern of "developer fraud" [has] "given the public and the City Council an incredibly false picture of the earthquake risks of this project."

While the most egregious problem with the Millennium Hollywood Project stems from the city's capitulation to developers during its environmental review process, this project also highlights the serious dangers resulting from a recent court ruling that found that EIRs should look only at impacts of projects on the environment, rather than impacts of the environment on a project. In other words, according to one court at least, environmental review no longer needs to address the public health and safety threats of building along earthquake faults and flood plains, or near areas likely to be impacted by sea level rise or wildfires. Groups like PCL have sought to fix this through legislation, but some legislators, egged on by organizations like the California Building Industry Association, oppose this common sense clarification.

Please visit [PCL's blog](#) for a longer story on the Millennium Hollywood Project and the importance of examining project sites under CEQA by guest blogger Doug Carstens.

## **Who will be our Next Outreach & Events Intern?**

PCL is seeking a passionate and dedicated Outreach & Events Intern to help us plan our annual Environmental Symposium (in February), special fundraising events (two scheduled in fall), regional workshops and trainings, and other small events as needed. We also need help with our blog, social media, and website management. This position requires strong oral and written communication skills and attention to detail; a background in outreach, marketing,

event management, or non-profit work is desirable. This is a volunteer position that requires a minimum commitment of 10 hours per week. It is perfect for recent college graduates or outstanding undergrads looking for experience in communication, event planning, content editing, database management, and more! For more information, click [here](#) or contact Michelle Oyewole at [moyewole@pcl.org](mailto:moyewole@pcl.org).

## **Coastal Protection Bill Needs Your Help in the Senate!**

PCL-sponsored bill AB 976 (Atkins) is headed for a vote on the Senate Floor next week. The bill would give the Coastal Commission the ability to fine violators of the Coastal Act – helping protect California’s beautiful coastline and public beach access. We need your help to ensure your Senator’s support of this important legislation.

Please [call your Senator](#) and urge them to support public beach access and coastal protection by voting YES on AB 976, or contact [Rebecca Crebbin-Coates](#) to add your organization to our support sign-on letters.

In a recent [Los Angeles Times article](#), PCL’s Executive Director Bruce Reznik noted: “If you can get a fine for turning in a library book late, you should get fined for cutting off access to the beach or filling in a wetland.”

The [Contra Costa Times](#) has said that AB 976 “may be the most important environmental legislation this year.”

Read more about [AB 976 in the news](#) and check out [Mary Shallenberger’s guest blog](#) on the importance of the bill to protecting our coast. Stay tuned to PCL’s [water legislation](#) webpage for more details and actions to take!

## **PCL Plays Key Role in Water Settlement**

On July 31<sup>st</sup>, PCL was pleased to join others in [signing a settlement](#) that will stop decades of illegal pumping from the Carmel River. For the past 8 decades these unauthorized diversions have dewatered this critically important coastal river.

Following up on his leadership as the former Assembly representative for the area, then PCL Executive Director Fred Keeley got PCL involved. Even after leaving PCL, Fred remained engaged, recently providing key testimony at the Public Utilities Commission. This commitment to a solution has been fully honored by his successors at PCL including current Executive Director Bruce Reznik.

PCL worked with member organization Land Watch Monterey to achieve agreement on a portfolio of alternative water supply projects that will substitute for the illegal diversions.

Mayor Jason Burnett of the City of Carmel provided key political leadership. He led development of strict principles that will protect ratepayers’ interests.

The settlement has been sent to the Public Utilities Commission with a request that its terms be included in their final order.

PCL’s Water Project Advisor Jonas Minton noted, “This is the kind of effective collaboration

that is needed to solve big water problems. We are recommending it to BDCP as a way to bring all parties together on a sustainable solution.”



1107 9th Street, Suite 901, Sacramento, CA 95814  
Phone (916) 822-5631 • Fax (916) 822-5650

[pclmail@pcl.org](mailto:pclmail@pcl.org) • [www.PCL.org](http://www.PCL.org) • [www.PCLFoundation.org](http://www.PCLFoundation.org)

Please add [pclmail@pcl.org](mailto:pclmail@pcl.org) to your address book to ensure delivery to your inbox.

You are receiving this email because the email address was subscribed to our email list.  
Having trouble reading this email? View it on our [website](#).

Copyright, 2008 The Planning and Conservation League. All rights reserved.  
[Privacy and Contribution Policies](#). [Click here to unsubscribe](#)