

Half Moon Bay Review

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Proposed CEQA changes mark a positive step for all of us

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Environmental protection shouldn't make so many so angry. Virtually everyone reading this agrees that the natural beauty of the Coastsides — and much of California for that matter — is worth protecting. There is no doubt that open space has value for its own sake. Development should be checked and carefully planned.

So why do so many people utter the acronym CEQA as if it was some other four-letter term? The California Environmental Quality Act is 40-year-old legislation that grew out of national preservation efforts and the state's own Environmental Bill of Rights. Since then, California has mandated comprehensive environmental review and that developers mitigate polluting effects of their projects.

The trouble, of course, is that even high-minded, right-thinking legislators get mired in the details. Sometimes, they even jump into the muck with both feet to create legislation so complicated and arcane that simply following the law is so complex that it thwarts progress. Such is the case with CEQA, which can make any homeowner crazy.

Enter Joe Simitian. The Palo Alto Democrat has authored legislation that would improve the law for developers and environmentalists alike. That is no mean feat.

SB 1456 would allow anyone filing a lawsuit to contest an Environmental Impact Report to first seek mediation both with the government agency reviewing the project as well as the developer. It would require that groups suing to overturn an EIR include someone — anyone — who noted those complaints early in the process. That should add some integrity to the process. And it specifically provides for \$10,000 penalties against anyone suing frivolously.

In a press release announcing that the bill had passed through both chambers of the Legislature and was now on the governor's desk, Simitian noted that his work to streamline the process wouldn't make everyone happy. That's a given. But it's worth noting that the bill has the support of the California League of Conservation Voters and a Silicon Valley real estate association. Not bad, Senator.

— Clay Lambert

Campbell Express

October 6, 2010

Governor approves review legislation

Legislation authored by State Sen. Joe Simitian (D-Palo Alto) to streamline the state's environmental review process without weakening essential protections has been signed into law, as Gov. Arnold Schwarzenegger approved Senate Bill 1456 today.

In the current economic climate, a number of legislative proposals to roll back the requirements of the California Environmental Quality Act (CEQA) were introduced in the Legislature. In his role as Chair of the Senate Environmental Quality Committee, Simitian has consistently opposed such measures.

"They pose a false choice," said Simitian. "It's not a case of jobs or the environment. We can streamline the review process, put people to work, and still protect the environment."

While ensuring that the environmental impacts of projects are thoroughly studied, SB 1456 would make it harder to abuse the CEQA review process to delay or defeat worthy projects. The CEQA law will be stronger, said Simitian, when opponents cannot credibly attack it as a tangle of red tape, or an opportunity to file frivolous lawsuits.

"This bill makes it more likely that people will sit down and work out their differences, and not engage in costly and time-consuming litigation," Simitian said. "And if a challenge is taken to court, it will be resolved more quickly," as a result of the legislation.

Major provisions of the bill:

- Anyone filing a lawsuit to contest an environmental impact report (EIR) would be able to request mediation with the government agency reviewing the project and with the project's private-sector developer, if there is one.
- An organization suing to overturn approval of an EIR that is formed after project approval would have to include at least one member who had claimed before the approval that the review was deficient.
- The state Attorney General would be authorized to intervene in a CEQA-related lawsuit to seek a faster review in court.

- A judge would be able to impose a penalty of up to \$10,000 if a lawsuit is found to be frivolous.
- Government bodies considering the adequacy of EIRs would have more latitude to decide that certain issues do not need to be restudied as projects are modified.
- The provisions would sunset in 2016, to ensure that the Legislature reviews their effectiveness and decides whether to continue them.

For years, builders, developers and the unions that work with them have expressed frustration with CEQA. In contrast, environmentalists have seen CEQA protection as key to preserving the state's environment and quality of life.

"Sen. Simitian's bill strengthens the Environmental Quality Act by preventing abuses," said Tom Adams, Board President of the California League of Conservation Voters. "The bill was carefully constructed to target only genuine abuse."

"Thanks to Sen. Simitian for addressing the problem of frivolous lawsuits filed under CEQA," said Leannah Hunt, past president of the Silicon Valley Association of Realtors. "There are many good aspects to CEQA, but projects may be delayed by people who object simply for the sake of delaying them."

"After saying 'no' to a series of ill-conceived proposals," Simitian said, "I thought I ought to figure out what I could responsibly say 'yes' to. The public rightfully expects us to solve problems, not draw partisan or ideological lines in the sand."

"I'm sure that the developers wanted me to go further," said Simitian, "but I think we've found the sweet spot – a commonsense way to expedite worthy projects and create jobs without compromising environmental quality."

Simitian noted that in his years in office he has typically enjoyed 100 percent approval ratings from environmental groups. "Making environmental regulations work more efficiently," he said, "strengthens the case that regulations are not in conflict with a robust economy."

For more information on Simitian's legislation, visit www.senatorsimitian.com.