



ASSOCIATION OF
ENVIRONMENTAL
PROFESSIONALS

March 30, 2016

The Honorable Das Williams
Chair, Assembly Natural Resources Committee
Legislative Office Building
1020 N Street, Room 164
Sacramento, CA 95814

Re: Assembly Bill 1569 (Steinorth) – Suggested Amendments

Dear Chair Williams:

On behalf of the Association of Environmental Professionals (AEP), we appreciate the opportunity to provide comments on Assembly Bill 1569 (Steinorth). While AEP does not have a position on the policy of the bill, we offer the amendments below in order to clarify the language should the Committee approve of the policy.

AEP is a non-profit organization of California's environmental professionals. AEP members are involved in every stage of the evaluation, analysis, assessment, and litigation of projects subject to the California Environmental Quality Act (CEQA). For over thirty years, AEP has dedicated itself to improving the technical expertise and professional qualifications of its membership, as well as educating the public on the value of California's laws protecting the environment, managing our natural resources, and promoting responsible land use and urban growth. AEP's membership is broad and diverse, incorporating representatives from public agencies, the private sector and nongovernmental organizations.

One of AEP's goals is to ensure that legislation impacting CEQA is clear and implementable to those professionals that will use it in practice. The amendments provided below aim to do just that.

For the sake of clarity we would also like to point out that including the "replacement, or removal" of existing transportation infrastructure may include the demolition of very large bridges or tunnels that may justify environmental review beyond the cursory level of detail typically performed for CEQA exemptions. Further, AEP believes that (c) is ambiguous and clarity should be given on what exactly falls within the definition. Finally, AEP would like to note that (b)(3) in the bill creates ambiguity. The bill is exempting certain projects from environmental review, but then requiring the mitigation of potential impacts. AEP is unclear how those potential impacts would be identified without environmental review.

Suggested Amendments:

21080.36. (a) This division does not apply to a project, consisting of the inspection, maintenance, repair, rehabilitation, replacement, or removal of existing transportation infrastructure, including, but not limited to, highways, roadways, bridges, culverts, tunnels, transit systems, bikeways, and paths and sidewalks serving bicycles or pedestrians, or both bicycles and pedestrians, or the addition of an auxiliary lane or bikeway to existing transportation infrastructure **if, provided that:**

- 1) the project is located within an existing right-of-way, and;**
- 2) any area surrounding the right-of-way that is to be altered as a result of ~~construction~~ activities that are necessary for the completion of the project will be restored to its pre-project condition before the project, is opened for use; and**
- 3) the project does not add additional motor vehicle lanes, except not including auxiliary lanes.**

(b) For a project meeting the requirements of subdivision (a), the public agency carrying out the project shall do all of the following:

(1) **Provide the notice of exemption** Notify, ~~in writing,~~ **to** any affected public agency, including, but not limited to, any public agency that has permit, land use, environmental, public health protection, or emergency response authority over the project.

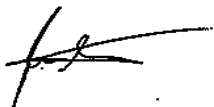
(2) Provide the notice of exemption in a manner specified in subdivision (b) of Section 21108 or subdivision (b) of Section 21152.

~~(3) Comply with all conditions otherwise authorized by law, and any conditions imposed by the city or county planning department as part of any applicable local agency permit process that are required to mitigate potential impacts of the project and/or to otherwise comply with the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code), Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code, the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and other applicable state and federal laws.~~

(c) For purposes of this section, "auxiliary lane" means the portion of the roadway used for weaving, truck climbing, speed change, or for other purposes supplemental to through traffic movement.

AEP appreciates the continued opportunity to comment on legislation with important impacts to CEQA. Should you have any questions or need additional information regarding our comments, please do not hesitate to contact our Sacramento representative Matt Klopfenstein at matt@gqhlobby.com or (916) 930-0796.

Sincerely,



Devon Muto, President
Association of Environmental Professionals

C.c. Assemblymember Steinorth, Author
Members, Assembly Natural Resources Committee