



ASSOCIATION OF
ENVIRONMENTAL
PROFESSIONALS

September 3, 2015

Honorable Jerry Brown
Governor of California
Attn: Legislative Affairs Unit
State Capitol, First Floor
Sacramento, CA 95814

RE: Assembly Bill 57 (Quirk) – Request for Veto

Dear Governor Brown:

On behalf of the Association of Environmental Professionals (AEP), we respectfully request a veto of Assembly Bill 57 (Quirk). While AEP supports AB 57's overall goal of improving wireless telecommunication services, we would like to take this opportunity to continue to express concern with regard to the bill's impact on environmental review of such facilities.

As expressed in our previous correspondence to the Legislature, AEP's primary concern is that implementation of AB 57 may preclude or circumvent environmental review pursuant to CEQA. The alteration of existing telecommunication facilities and/or the construction of new telecommunication facilities may trigger environmental review under CEQA. For example, construction of telecommunication facilities may require ground disturbing activities for installation of footings, construction of access roads through biologically sensitive areas, aesthetic evaluation, geotechnical evaluation, and hazards evaluation.

AB 57 does not adhere to the requirements of Public Resources Code Section 21080.2 that requires lead agencies (including cities and counties) to determine within 30 days of an application being deemed complete whether a telecommunication facility project application requires the preparation of a negative declaration, mitigated negative declaration, or environmental impact report consistent with Public Resources Code Section 21080.1. Public Resources Code Sections 21100.2 and 21151.5 already limit environmental review process for negative declarations and mitigated negative declarations to 180 days and environmental impact reports to 1 year. While it is possible that some telecommunication facility projects may be eligible for an exemption under CEQA, the application review timelines proposed in AB 57 would limit a lead agency's ability to comply with the more robust CEQA analysis requirements.

AEP would also like to emphasize that CEQA already provides several statutory and categorical exemptions that typically decrease the scope and schedule for CEQA review.

Specifically, CEQA provides flexibility to exempt those actions that are minor modifications of existing facilities. As such, the proposed provisions aimed at accelerating review appear somewhat superfluous. Telecommunication carriers are encouraged to coordinate with lead agencies to exercise these existing CEQA exemptions, where applicable.

Furthermore, the bill will shift the burden of proof in court from applicants to cities and counties regarding the reasonable period of time needed to process an application. The city or county would have to pay to challenge the applicant in court rather than the applicant having to challenge the city or county in court. As such, the bill implicates CEQA because if a city or county wishes to prepare an initial study or an environmental impact report for a wireless telecommunication, then this bill would allow the applicant to assert that the time needed to prepare one of these documents is unreasonable and therefore their application is deemed approved.

AEP respectfully requests a veto of AB 57. 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 Will Gonzales at will@gqhlobby.com or (916) 930-0796, or the Chair of our Legislative Committee Devon Muto at devon.muto@icfi.com or (858) 444-3950.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Eugene Talmadge". The signature is fluid and cursive, with a large loop at the end.

C. Eugene Talmadge
AEP President
Association of Environmental Professionals