



ASSOCIATION OF
ENVIRONMENTAL
PROFESSIONALS

March 29, 2011

The Honorable Edmund G. Brown, Jr
Governor of the State of California
State Capitol Building
Sacramento, CA. 95814

Regarding CEQA Reforms Proposed in the Current Budget Negotiations

Dear Governor Brown,

The Association of Environmental Professionals (AEP) is familiar with the CEQA reforms included in a list of requests suggested by the Senate Republican leadership and submitted to the State Budget negotiations this past Friday. While we agree there are many ways to improve the efficiency and effectiveness of CEQA that will provide greater certainty in the environmental review process, some of which are outlined in the list of requests, we do not believe the immediate negotiations concerning the state's budget crisis is the time or place to decide such issues. We are particularly concerned with the lack of a public forum to properly vet the changes being proposed. And we are concerned that certain of the proposed changes could be counterproductive to responsible environmental planning and result in irreversible harms to the environment. For these reasons, we must respectfully oppose these proposals at this time if for no other reason than the lack of a public discussion on the merits of the proposed reforms.

The members of AEP are involved in every stage of the evaluation, analysis, assessment, mitigation and judicial review of CEQA projects. AEP's membership is broad and diverse, including professionals employed by public agencies, the private sector, academia and non-governmental organizations.

Representing CEQA practitioners for nearly 40 years, AEP is dedicated to maintaining the integrity of CEQA and improving efficiency and effectiveness of CEQA to save time and money in project development and implementation. AEP is committed to enhancing the expertise and qualifications of its membership, particularly with respect to making the entire CEQA process more cost-effective. And AEP is also intent on serving the public interest in resolving CEQA disputes.

AEP strongly believes that CEQA has made California a better place to live and work and compete in the global market place. The CEQA review process has helped California to meet its goals for the long-term protection of the air we breathe, the water we drink, the biological health of the natural environment, the conservation and preservation of our natural resources, the productivity of agricultural, forest and mineral assets, and the livability of our communities. By helping to maintain California's natural beauty and quality of life, CEQA has made the State more attractive to new residents and businesses from across the country and around the world.



AEP MANAGEMENT OFFICE

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Over the years CEQA has been improved in many respects. Previous amendments to CEQA have: streamlined the review process through the use of master and focused EIRs, created short-cuts in the form of "Negative Declarations " and "Mitigated Negative Declarations," provided for the fast-tracking of certain types of projects, promoted public participation, established statutory exemptions, enabled administratively determined categorical exemptions, expedited review for projects mandated by environmental laws and regulations, created special procedures for certain types of housing projects, expedited judicial review and dispute resolution procedures related to CEQA decisions, enabled the certification of environmental regulatory and permitting programs as "functional equivalents" to CEQA, and clarified terms and conditions of the law.

We agree that the CEQA process is not perfect. Too often, the CEQA process is susceptible to time-consuming and costly litigation and the costs of mitigating environmental impacts can be excessive. In fact, AEP and the California American Planning Association are developing suggested changes to CEQA to address many of the concerns identified by the Senate Republican leadership. We cannot, however, embrace the reforms requested by the Senate Republican leadership without the benefit of a full public discussion in an appropriate forum for the review of CEQA.

AEP would be pleased to work with the Administration, the Legislature and all interested stakeholders to explore ways of improving the efficiency and effectiveness of CEQA in achieving its original purposes. Should you have any questions or need additional information regarding our comments, please do not hesitate to contact our lobbyist, Mr. Allan Lind, at 916-761-1373.

Sincerely,



C. Eugene Talmadge, President
Association of Environmental Professionals

Cc.: The Honorable John Pérez, Speaker of the Assembly
The Honorable Connie Conway, Minority Floor Leader of the Assembly
The Honorable Darrell Steinberg, President pro tempore of the Senate
The Honorable Bob Dutton, Minority Leader of the Senate
Mr. Allan Lind, Allan Lind & Associates

