



ASSOCIATION OF
ENVIRONMENTAL
PROFESSIONALS

April 18, 2017

Honorable Mike McGuire
Chair, Senate Governance & Finance Committee
State Capitol, Room 408
Sacramento, CA 95814

RE: Senate Bill 649 (Hueso) - Oppose

Dear Chairman McGuire:

On behalf of the Association of Environmental Professionals (AEP), I must respectfully oppose Senate Bill 649 (Hueso). While AEP supports SB 649's overall goal of improving wireless telecommunication services, we would like to take this opportunity to express concern with regards to the bill's impact on environmental review of such facilities.

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.

AEP's primary concern is that implementation of SB 649 may preclude or circumvent environmental review pursuant to CEQA. SB 649 would permit the use of "small cells" without a city or county discretionary permit or aesthetic review in all zoning districts, subject only to a building permit or administrative permit, as applicable.

AEP understands that these "small cell" wireless antennas are typically smaller than cell tower equipment. However, the alteration of existing telecommunication facilities and/or the construction of new telecommunication facilities may, pursuant to existing state law, trigger environmental review under CEQA. For example, construction of telecommunication facilities may require ground disturbing activities for installation of footings, aesthetic evaluation, geotechnical evaluation, and hazards evaluation. As such, AEP believes that the lead agency should retain their discretionary land use authority to make an environmental determination on an application.

AEP would like to emphasize that CEQA already provides several 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.

For these reasons, AEP respectfully requests a NO vote on SB 649.

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, or the Chair of our Legislative Committee, Bill Halligan at whalligan@planningcenter.com.

Sincerely,



Devon Muto
President, AEP

Cc: Senator Ben Hueso, Author
Members and Staff, Senate Governance & Finance Committee