



ASSOCIATION OF
ENVIRONMENTAL
PROFESSIONALS

April 8, 2015

The Honorable Bob Wieckowski
Chair, Senate Environmental Quality Committee
Senator, 10th District
State Capitol, Room 2205
Sacramento, CA 9581

Re: SB 122 (Jackson & Hill) - SUPPORT

Dear Senator Wieckowski:

The Association of Environmental Professionals (AEP) is pleased to support SB 122 by Senator Jackson and Senator Hill.

AEP is a non-profit organization of CEQA practitioners whose members traverse all fields related to environmental planning and analysis.

SB 122 aims to improve procedural aspects of the California Environmental Quality Act (CEQA). The bill seeks to accomplish this by: (1) allowing concurrent preparation of administrative record, (2) increasing use of internet resources, and (3) addressing delay from late written comments. AEP supports the proposed changes and provides these comments on the individual aspects of the bill.

Concurrent Preparation of the Administrative Record

AEP supports this proposal because it will improve transparency and streamline environmental review. Concurrent preparation allows the lead agency to compile the administrative record that will later be used for review by the courts at the same time it is conducting the environmental analysis and preparing environmental documents such as the Negative Declaration, Mitigated Negative Declaration, or EIR. This simultaneous preparation can save time and money should a project be challenged in the courts. Given that it is optional, AEP sees no problem with creating this additional procedural mechanism.

However, AEP questions the bill's many requirements for concurrent preparation. AEP fears it will likely be considered too onerous by most lead agencies and the option will not be utilized to its potential. With that said, for those that find that its benefits are worth the extra costs and efforts, AEP believes it is good to provide this option for them.

Increased use of CEQAnet

The Office of Planning and Research (OPR) has operated the CEQAnet website to electronically post notices for projects undertaken by a state agency for statewide public access. The electronic posting provides the public with a description of the project, an agency's findings, the project's level of impact on the environment, and the agency's contact information. Because CEQAnet is available online and searchable by county, it provides better access to notices than merely posting to a bulletin board in a county clerk's office. We support the use of

technology as well as a centralized system to reduce the need for paper documents, processing times and costs, and to increase public access to CEQA notices and documents.

Currently, OPR is primarily looking at expanding CEQAnet to satisfy document submittal requirements to State agencies. We should continue to push for it to also include functionality to meet noticing requirements and for it to inform agencies and the public that subscribe to it when documents are submitted. There is ample opportunity for CEQAnet to be enhanced to better serve the public – and we believe this bill is a great first step. AEP also recommends directing OPR to offer noticing services within CEQAnet where an agency or individual could receive an automated email whenever a notice is filed for their designated area.

Addressing Late Hits

As an association of CEQA practitioners, AEP understand the delay and frustration caused by “late hits.” Late Hits are the last minute submissions of voluminous comments intended to delay an agency’s decision-making. While there is no language in print at the time this letter was drafted, AEP is supportive of the Authors’ attempts to address this issue and looks forward to working with staff and stakeholders to find a solution.

SB 122 is consistent with many of AEP’s Legislative Goals identified in our Public Policy Program, including:

- Supporting the creation of an electronic library for all CEQA documents.
- Supporting legislation to allow concurrent assembly of the Administrative Record during document preparation.
- Supporting legislation to curtail or limit abuse of the CEQA process for reasons other than environmental protection.
- Supporting legislation to encourage timely submittal of comments in accordance with the public review periods mandated by CEQA.

For the reasons stated above, AEP supports SB 122. We believe it is a step in the right direction to enhance the CEQA process and utilize available technologies to broaden and simplify access to CEQA documents.

If you have any questions, please do not hesitate to contact us or our representative in Sacramento, Will Gonzalez: will@gqhlobby.com.

Thank you very much,



C. Eugene Talmadge
AEP President
Association of Environmental Professionals

c.c.: Senator Jackson and Senator Hill, Authors
Members of the Senate Environmental Quality Committee