

AEP
Capital Snapshotⁱ

Allan Lind, AEP Lobbyist, allanlind@sbcglobal.net

08/08/08

July is usually a quiet month in the Capitol, and this past July was no exception, despite the fact that the state faces another dramatic budget deficit (\$16 billion against a General Fund budget of \$101 billion), state paychecks and lay-offs are threatened, public safety nets are unraveling and vendors to state agencies aren't getting paid. Call it a coincidence, but most of the state was also on fire in July.

The Legislative Summer Recess, especially in the second year of the two-year session, is when a lot of important work behind the scene produces some important legislative break-throughs. Of Paramount interest to environmental professionals is the apparent break-through on SB 375 – the bill to change land use patterns through CEQA incentives for the sake of global warming.

SB 375 (Steinberg), climate change, land use and CEQA.

Characterized by some as the most important land use bill since the Coastal Act of 1976, Senator Steinberg's comprehensive measure is intended to be the land use platform for AB 32 global warming planning at the regional level. Although the recently negotiated agreement on SB 375 is not in print yet, the major themes include:

- Establishing a regional greenhouse gas (GHG) targets through the regional transportation planning process (the bill applies only to the 17 largest Metropolitan Planning Agency jurisdictions);
- Guiding local land use decisions through a "Sustainable Communities Strategy" (SCS)
- Amendments to CEQA to encourage infill development and projects consistent with the SCS,
- Transportation funding preferences for projects consistent with the SCS; and
- Realigning the Regional Housing Needs Assessment process with Regional Transportation Planning process.

CEQA "Benefits" for Consistency with Regional GHG Targets

CEQA "Benefits" in SB 375 (as proposed to be amended) are intended to encourage or entice development projects that have a beneficial effect on global warming. Among other things, the CEQA benefits are expected to:

- Eliminate the need for GHG emissions analysis and growth inducing or cumulative impacts for cars and light trucks associated with a residential or mixed-use residential project that is consistent with a CARB-certified SCS;
- Relieve environmental documents from having to analyze reduced density as an alternative to address the effects of cars and light duty trucks generated by the project on global warming or the regional transportation network or to address growth inducing impacts;
- Qualified "Transit Priority Projects" (as defined) would be entitled to either a CEQA exemption or streamlined analysis;

We'll provide a more complete analysis of SB 375 once the bill, as proposed to be amended, is actually in print.

Other Bills To Watch

AB 224 (Wolk), Water Supply Planning

This bill enacts the Climate Change and Water Resource Protection Act of 2007. Requires the

Department of Water Resources to include in any water facility feasibility study an analysis of the facility's relationship to greenhouse gas emissions and climate change. Requires the department to include an analysis of the potential effects of climate change in reports and plans it is required to prepare. Prohibits the approval of a grant request unless specified requirements are met. Requires an energy savings report.

AEP Position: *Watch*

AB 1017 (Ma), Environmental Quality Act: Lead Agency's Elected Body

This bill requires that an appeal under the Environmental Quality Act to be brought within a specified time frame of the certification, approval, or determination, unless the period is extended by the body, in which case the appeal would be required to be brought within the extended period. Extends the deadline for filing specified actions or proceeding until the elected decisionmaking body acts on the appeal. Invalidates certain project approval notices, if the approval is appealed. Relates to final action notices.

AEP Position: *Support*

AB 2046 (Jones), Water Supply Assessments: Groundwater

Relates to the local approval of a subdivision map that includes groundwater treatment plans. Amends existing law that requires a city or county that determines a project is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project. Requires the assessment to include specified related information. Provides a water source plan only include groundwater that meets applicable standards. Relates to groundwater sources planning requirements.

AEP Position: *Watch*

AB 2219 (Parra), Subdivisions: Water Supply.

This bill requires legislative body of a city or county or the designated advisory agency to approve or disapprove the subdividers water savings projections attributable to voluntary demand management measures after being reviewed by the retail water supplier. Provides criteria for water savings projections. Relates to mandatory water savings agreements. Provides criteria for a local water supply assessment for consideration of an application for a project under the California Environmental Quality Act.

AEP Position: *Support/Amend*

AB 2560 (Carter), Department of Transportation: Environmental Review

This bill extends the authorization of the State Department of Transportation to assume responsibility for NEPA and to consolidate under CalTrans administration a combined CEQA and NEPA project analysis. **AEP Position:** *Support*

AB 2720 (Levine), Environment: Environmental Impact Report

Makes technical changes to the California Environmental Quality Act that prohibits an environmental impact report for any project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district unless specified conditions are met. Defines hazardous air emissions and extremely hazardous substances for the Act that prohibits the certification of a report or approval of a negative declaration for a project near a school emitting such substances.

AEP Position: *Support*

AB 2760 (Leno), Environment: CEQA: Pest Eradication

This bill requires the preparation of an environmental impact report or the modification, addendum, or supplement to an existing environmental impact report for the aerial application of pesticide in an urban area for the eradication of the light brown apple moth.

AEP Position: *Oppose*

AB 2988 (Feuer), Environmental Quality: Exemption: Electric Power

This bill redefines the term project under the California Environmental Quality Act to exclude the approval of a contract for electric power from specified powerplants meeting specified requirements.

AEP Position: *Watch*

SB 68 (Kuehl), Environmental Quality: Determination: Dispute

This bill amends the California Environmental Quality Act that provides the procedure by which a party may attack, review, set aside, void, or annul the determination, finding, or decision of a

public agency in an environmental impact report on specified grounds. Requires that the petitioner or plaintiff name, as a real party in interest, a recipient of an approval, as identified by the public agency, that is the subject of an action or proceeding challenging the determination of a public agency pursuant to CEQA.

AEP Position: *Watch.*

SB 1436 (Ducheny), Protected Species: Accidental Take

Amends the Endangered Species Act which exempts from its provisions, until a specified date, the accidental taking of candidate, threatened, or endangered species resulting from acts that occur on a farm or a ranch in the course of otherwise lawful routine and ongoing agriculture activities. Changes the repeal date of the exemption.

AEP Position: *Watch*

SB 1500 (Kehoe), CEQA: Fire Hazards: State Responsibility Areas

Requires, that if the legislative body of a county considers entering into development contracts or approving permits, entitlements or a tentative map or parcel map for a project located within a state responsibility area, the county must first notify the State Board of Forestry and Fire Protection of the project. Provides a similar requirement for projects by a lead agency. Requires the State Fire Marshal to charge a fee to the applicant sufficient to fully cover the costs of the project review.

AEP Position: *Watch*

ⁱ *The **Capital Snapshot** is intended to provide AEP members with a quick summary of what's happening in the State Capital that could affect the interests of AEP members. Distributed monthly, the **Capital Snapshot** fills the gap between "**Capital Update**" reports published in AEP's quarterly **Environmental Assessor** providing a more in-depth analysis of state government affairs in Sacramento. Comments and questions are welcome at allanlind@sbcglobal.net.*