

CALIFORNIA NATURAL RESOURCES AGENCY

In the Matter of:

CEQA Guidelines Update 2018)

PUBLIC HEARING

CALIFORNIA SCIENCE CENTER

ANNENBERG BUILDING

MUSES ROOM

700 EXPOSITION PARK DRIVE

LOS ANGELES, CALIFORNIA

WEDNESDAY, MARCH 14, 2018

1:30 P.M.

Reported by:

Martha Nelson

APPEARANCES

STAFF

Christopher Calfee, Deputy Secretary and General Counsel

Jeannie Lee, Senior Counsel

PUBLIC COMMENT

Walter Okitsu, Institute of Transportation Engineers,
Western District

Thomas Demere, San Diego Natural History Museum

Jerard Wright, Los Angeles County Business Federation

Carter Rubin, Natural Resources Defense Council

Lynn Planbeck, Santa Clarita Organization for Planning
and the Environment

John Edwards

Bryn Lindblad, Climate Resolve

Demi Espinoza, Safe Routes to School National Partnership

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P R O C E E D I N G S

1:33 P.M.

LOS ANGELES, CALIFORNIA
WEDNESDAY, MARCH 14, 2018

MR. CALFEE: Okay, good afternoon everyone. Thank you for joining. Welcome to Exposition Park. We are here today for a public hearing on the Natural Resources Agency's proposed updates to the CEQA Guidelines.

My name is Christopher Calfee. I'm General Counsel at the Natural Resources Agency. Joining me today is Jeannie Lee, who is Senior Counsel at the Governor's Office of Planning and Research. We're also joined by a court reporter, who will be transcribing this hearing.

At the top, I want to thank Exposition Park and the Science Center for providing this meeting space. If time allows, you should consider stopping into the Science Center or the California African American Museum, or any of the other amenities here at the park. It really is a lovely day.

So the purpose of today's hearing is to accept oral comments on the CEQA Guidelines

1 proposal. We will not be administering oaths,
2 but the hearing will be transcribed and the
3 transcript will be included in the rulemaking
4 record.

5 We will not engage in any back and forth
6 here, but we will be taking notes on your
7 comments and may ask clarifying questions, if
8 necessary.

9 To assist the court reporter, those
10 wishing to speak should fill out a speaker card,
11 which is in the back of the room, and hand that
12 card to one of us in the front. Speakers will be
13 called in the order that the cards are received.
14 We will ask speakers to please state their name
15 and affiliation for the record, and to please
16 speak into the microphone.

17 Also, if you have a business card, if you
18 could leave one with the court reporter, that
19 would really help her out.

20 For the purpose of allocating time, may I
21 please see a show of hands of who intends to
22 provide oral comments, who intends to speak?
23 Okay. Given -- thank you -- given that level of
24 interest, I think we'll start off with a ten-
25 minute time limit for public comments. And if

1 additional people -- if there is time at the end
2 and people have more to say, we can call you back
3 up.

4 A couple of additional housekeeping
5 details.

6 Emergency exits are behind you in the
7 room. Restrooms are located down the hall behind
8 you. The women's room is just behind us and the
9 men's room is beyond the entrance.

10 To avoid disruption to others, please
11 take this opportunity to silence your cell
12 phones. And if you have not done so already,
13 please do sign in at the sign-in sheet at the
14 back of the room.

15 Before we open the floor to public
16 comment, I'll provide a very brief background on
17 the process and the content of the proposal.

18 Generally, the California Environmental
19 Quality Act requires public agencies to consider
20 environmental impacts of projects that are
21 proposed. And if those impacts may be
22 significant and adverse, the Agency must consider
23 feasible mitigation measures or alternatives to
24 avoid those impacts. That process includes
25 preparation of either a negative declaration or

1 an environmental impact report and includes
2 opportunities for the public to review and
3 comment on those studies.

4 While CEQA requires study, the choice of
5 whether to approve a project or to require
6 changes in the project remains with the lead
7 agency. The CEQA Guidelines are administrative
8 regulations that implement CEQA and provide
9 guidance to public agencies on how to comply with
10 the law. The Guidelines are developed by the
11 Governor's Office of Planning and Research and
12 then are adopted through a rulemaking process by
13 the Natural Resources Agency. CEQA requires
14 regular updates to the CEQA Guidelines to
15 incorporate changes in the statute and in case
16 law.

17 The Governor's Office of Planning and
18 Research and the Natural Resources Agency began
19 this current update in the Summer of 2013 by
20 asking stakeholders for their suggestions on what
21 updates were needed. Having collected that
22 input, we developed a list of possible topics to
23 include in an update, and again invited public
24 input on whether we made the right changes.

25 In 2015, OPR released its first draft of

1 the comprehensive package and, again, we invited
2 public input. At the same time, OPR also
3 developed several other specific proposals
4 related to transportation and to hazards.

5 I should note that we are in a school
6 building, so you will hear kids throughout the
7 hearing.

8 OPR finalized its CEQA Guidelines
9 proposal in November of 2017.

10 The Natural Resources Agency then kicked
11 off this rulemaking process January 26th of this
12 year, and by releasing the Notice of Proposed
13 Rulemaking, together with the text of proposed
14 changes and the Initial Statement of Reasons.

15 This will be the first of two public
16 hearings on the Guidelines proposal. The second
17 will be held in Sacramento tomorrow on March
18 15th. The written comment period also closes at
19 five o'clock tomorrow, March 15th.

20 Once all comments have been reviewed the
21 Agency may make further revisions to the proposal
22 and, if so, may invite additional public input.

23 Those who would like notice of further CEQA
24 Guidelines activity should visit Natural
25 Resources Agency's website and sign up for the

1 listserv. That website is resources.ca.gov/ceqa.

2 So I'll as to the content of this CEQA
3 Guidelines package, the package as a whole is
4 intended to make the process easier and quicker
5 to implement and better protect natural and
6 fiscal resources with California's
7 environmental -- and do so consistent with
8 California's environmental policies. The package
9 proposes several changes intended to result in a
10 smoother, more predictable process for agencies,
11 project applicants and the public.

12 First, the package promotes using
13 existing regulatory standards as thresholds of
14 significance. Doing so allows agencies to rely
15 on the work of expert agencies without
16 foreclosing consideration of possible project-
17 specific effects.

18 Second, the package updates the
19 environmental checklist that many agencies rely
20 on to conduct their environmental review.
21 Redundant questions in the existing checklist
22 would be eliminated and some questions would be
23 updated to address contemporary topics and to
24 implement specific mandates of legislation to
25 address wildfire and transportation.

1 Third, the package includes several
2 changes to make existing programmatic
3 environmental review easier to use for later
4 projects. Specifically, it clarifies the rules
5 on tiering and provides additional guidance on
6 when a later project may be considered within the
7 scope of a program EIR.

8 Fourth, the package enhances several
9 exemptions. For example, it updates an existing
10 exemption for projects implementing a specific
11 plan to include not just residential projects,
12 but also commercial and mixed-use projects near
13 transit. It also clarifies the rules on
14 exemptions for changes to existing facilities so
15 that vacant buildings can be more easily
16 redeveloped.

17 Finally, the package includes a new
18 section to assist agencies in complying with
19 CEQA, following resolution of a court challenge,
20 and to help the public and project proponents
21 understand the effect of a remand on project
22 implementation.

23 In addition to those efficiency
24 improvements, the package also includes changes
25 related to environmental protection. Those

1 changes include providing guidance on assessing
2 energy impacts analysis by addressing not just
3 building design, but also transportation
4 equipment use, location, and other relevant
5 factors.

6 Second, the package proposes guidance on
7 analysis of water supply impacts, as was set out
8 in the California Supreme Court's decision in
9 *Vineyard Area Citizens for Responsible Growth*.
10 It requires analysis of a proposed project's
11 possible sources of water supply over the life of
12 the project and the environmental impacts of
13 supplying that water to the project.

14 Third, as directed by the legislature,
15 the package includes a new section addressing
16 transportation impacts. This new update will
17 focus, instead of on congestion, will focus on a
18 project's effect on vehicle miles traveled, which
19 should promote project designs that reduce the
20 need for automobile travel.

21 And finally, the package includes a whole
22 host of technical improvements. The package, for
23 example, includes changes clarifying when
24 agencies must consider the effects of existing
25 hazards on proposed development. Further,

1 refinements are proposed in the Guidelines
2 addressing greenhouse gas emissions to address
3 recent case law. Other changes clarify when it
4 may be appropriate to use projected future
5 conditions as a baseline. Other changes specify
6 when the details of mitigation measures might be
7 delayed until project implementation.

8 The package also includes a set of
9 changes related to the duty of lead agencies to
10 provide detailed responses to comment. The
11 changes would clarify that a general response may
12 be appropriate when a comment submits voluminous
13 data and information without explaining the
14 relevance to a particular project.

15 Other changes will address a range of
16 topics, such as selecting a leading agency,
17 posting notices with county clerks, clarifying
18 the definitively of discretionary, and many others.

19 To that concludes my prepared remarks and
20 the background section.

21 And we will move now to the public input
22 portion of the hearing. Again, we will ask all
23 speakers to please fill out a speaker card, and
24 you will be called on to speak in the order in
25 which we receive those cards. Feel free to bring

1 them up at any point.

2 Also, we ask everyone to respect each
3 other's input by not interrupting the speaker and
4 by limiting your own comments to the allotted
5 time.

6 We'll call up the speakers in groups, so
7 that you can be ready to approach the podium at
8 your allotted time. Thank you.

9 Does anyone else have a comment card that
10 they'd like to submit? Okay.

11 We will start with Walter Okitsu.

12 MR. OKITSU: Hi. Walter Okitsu,
13 representing ITE. It's the Institute of
14 Transportation Engineers, Western District. It's
15 a society of transportation professionals that
16 covers California and the Western United States.

17 And I'd like to thank the Natural
18 Resources Agency for this opportunity to speak.
19 And also the OPR staff for the past four years,
20 for allowing us to discuss our concerns about
21 these proposed Guidelines.

22 In the word-smithing, text-edit category,
23 we have two. And this has to do with
24 transportation impacts.

25 Page 10 of the text, section

1 15064.3(b)(1), where this references to existing
2 conditions, that ought to be baseline conditions.
3 I think that's what you meant. But this allows
4 lead agencies to choose an appropriate baseline,
5 other than existing conditions.

6 Secondly, in the middle of page 11,
7 section 15064.3(c), it shows the date July 1st,
8 2019 for applicability. We thought that was going
9 to be January 1st, 2020. But whatever that date
10 is, we believe that lead agencies are going to
11 need a year after the rulemaking is complete,
12 just to sort things out and minimize destruction.
13 So that's on the word-smithing part of it.

14 But our belief is to further minimalize
15 disruption we believe that limiting the initial
16 implementation only to transit priority areas is
17 what ought to be done at first. There's going to
18 be a lot of transitioning. And after all, the
19 original -- the original subtitle of SB 743 was
20 transit-oriented infill projects. And, in fact,
21 legislators from both parties voted for this
22 legislation. And a lot of them are going to be
23 awfully surprised when they see how broadly these
24 Guidelines are being applied statewide.

25 We believe that, at least initially, the

1 Guidelines should be applicable only to transit-
2 oriented projects, infill projects. And this
3 allows the -- and then allow the lead agency to
4 determine the appropriate measures of
5 transportation impacts. For instance, they might
6 conclude that even though VMT increases,
7 greenhouse gases might decrease because of
8 changes in the mix of how vehicles are powered.

9 So that concludes my comments.

10 MR. CALFEE: Thank you, Walter.

11 Our next speaker is Tom Demere.

12 DR. DEMERE: Good afternoon. My name is
13 Tom Demere and I'm the Curator of Paleontology at
14 the San Diego Natural History Museum in San
15 Diego. And I'm here to speak about
16 paleontological resources and how they're
17 considered under CEQA.

18 Until recently, paleontological
19 resources, for example, here being a left lower
20 molar of a Columbian Mammoth discovered in
21 Downtown San Diego in 500,000-year-old strata,
22 but the recovery of this specimen, along with the
23 skull and ten-foot long tusk, is a direct result
24 of the benefits that CEQA gives to
25 paleontological resources in the state.

1 The issue that I have is that until
2 recently paleontological resources, or at least
3 consideration of them, was lumped under cultural
4 resources. And then due to AB 52, it has it that
5 part of the language was to separate
6 paleontological resources, again, fossils, from
7 consideration under cultural resources.
8 Unfortunately, AB 52 didn't stipulate where
9 paleontological resources should go.

10 As they've been in cultural resources,
11 they've been kind of a square peg in a round
12 hole, I mean paleontological resources. And so
13 it's ended up in this revision, this update, in
14 geology and soils; again, a square peg in a round
15 hole. And I would request that consideration be
16 given to make paleontological resources their own
17 standalone issue under CEQA.

18 Geology and soils, as it's currently --
19 as has currently been discussed and described in
20 Appendix G of CEQA, is concerned primarily with
21 earthquake rupture, soil expansion, landslides,
22 issues totally unrelated to paleontological
23 resources, which we can think of more as ancient
24 biological resources, the remains and traces of
25 prehistoric animals that record and document the

1 history of life on our planet.

2 And here in the state of California, we
3 have a remarkably rich paleontological record
4 that includes billion-year-old fossils from the
5 Death Valley region of microscopic early forms of
6 life on this planet, 500-million-year-old
7 trilobites (phonetic) from the Mojave Desert.
8 Some of the oldest remains of dinosaurs in
9 California are found in the Central Valley. And
10 in San Diego County, we have 40- and 50-million-
11 year-old land mammals, again, documenting this
12 incredible richness of ancient life in this
13 region. Of course, here in Los Angeles, we're
14 blessed with the Rancho La Brea Tar Pits that
15 have the most spectacular occurrences of
16 fossilized creatures in the world. And the
17 protection of these under CEQA could be enhanced
18 by the development of this standalone
19 paleontological assessment under CEQA.

20 I realize that part of the goal of these
21 allocations is to streamline the process and
22 adding, perhaps, a new issue under CEQA might
23 seem as not streamlining the project. But I
24 noticed that there have been some other new
25 issues added to the checklist in Appendix G,

1 including wildfire, tribal cultural resources,
2 and also energy. And so I would ask you to
3 consider that paleontological resources have this
4 other status.

5 As it's currently written in the proposed
6 upgrades, the question for paleontological
7 resources is kind of oddly coupled, that it
8 involves -- I'll just read it, "Directly or
9 indirectly destroy the unique paleontological
10 resource or site or unique geological feature."
11 And there a couple of problems with this, one
12 being that it's putting together geological
13 resources and paleontological resources which are
14 totally unrelated issues, and they're coupled
15 together in this single question.

16 It seems that there's an existing area
17 where aesthetics that dictate anything related to
18 (indiscernible) that could be construed to imply
19 geologic features. So removing geologic features
20 from this question would make paleontological
21 resources at least have a single issue under this
22 question.

23 But then it talks about "destroy the
24 unique paleontological resource," and the term
25 "destroy" is somewhat unique within the overall

1 Appendix G series of questions, which are more
2 focused on adverse effects or adverse changes.
3 And I would ask that you consider rewriting this
4 question for paleontological resources to read,
5 directly or indirectly cause a substantial
6 adverse effect on a paleontological resource
7 site, again as a standalone question under CEQA.
8 And I think it would eliminate all of this
9 problem of a square peg in a round hole, and also
10 with this language that focuses on destruction.
11 That's not an issue that we really think about in
12 terms of most of the resources protected under
13 CEQA. It's not the destruction, it's the adverse
14 effect of those.

15 And then this term "unique
16 paleontological resources," unique is not defined
17 under CEQA. And it seems to be -- I mean, I'm
18 unique, you're unique, we're all unique, so that
19 would mean perhaps any fossil would be unique.
20 So I would suggest having a more generic
21 discussion in terms of paleontological resources.

22 And with that, I'd like to thank you for
23 the opportunity. And I applaud this effort to
24 upgrade and improve CEQA.

25 Thank you.

1 MR. CALFEE: Thank you.

2 Next up is Jerard Wright.

3 MR. WRIGHT: How much time do I have?

4 Oh, good god. All right, I won't even need that
5 much time. Jerard Wright, Policy Manager from
6 L.A. County Business Federation. On behalf of
7 BizFed who crosses the lines of more than 170
8 business organizations and represent 390,000
9 employers and over 3.5 million employees in Los
10 Angeles County. We're celebrating our tenth
11 anniversary. Hooray. We have a mission to lift
12 1 million people out of poverty in the next
13 decade.

14 One of the many opportunities to lift
15 poverty for many Angelinos is helping improve
16 solutions that end litigation abuse of CEQA.
17 Within those lawsuits within Los Angeles County,
18 they represent 38 percent of all CEQA lawsuits
19 statewide; 40 percent of those lawsuits dealt
20 with residential development and transportation
21 infrastructure, two important areas that we're
22 dealing with right now. It drives up the cost of
23 housing, exacerbating a housing a crisis that we
24 have in our state, and transportation
25 infrastructure because people are traveling much

1 farther.

2 Accompanying this is just, you know,
3 ideas of teachers, public safety officers,
4 nurses, basically the key to starting out middle-
5 class economic, they're priced out of getting or
6 owning a home or being able to commute and get
7 and forth to work to be able to purchase a home,
8 which undermines a strong, vibrant and more
9 resilient economic.

10 BizFed supports strong environmental and
11 public health laws and California's climate
12 leaderships, and thank you for the ability to
13 have these comments and speaking on this issue
14 right now.

15 We believe that our housing crisis,
16 transportation gridlock and expanded homeless
17 population and poverty and economic hardship
18 represents those -- represents and warrants
19 attention and creative solutions that are needed
20 to make that happen.

21 BizFed proposes for themes which creates
22 the necessary reforms, and the letter is produced
23 in front of you that just address those four
24 things.

25 One, prohibit non-CEQA lawsuits for

1 allowing petitioners to conceal their identities
2 and economic interests.

3 Two, prohibit the duplicative CEQA
4 lawsuits allowing parties to repeatedly sue over
5 the same plan or projects implementing the plan
6 for which CEQA compliance has already been
7 completed.

8 Three, establish an amended, not-ended
9 approach of directing corrections to any
10 deficient environmental study, rather than vacate
11 project approvals.

12 And, four, most importantly here in Los
13 Angeles County, because we, BizFed, has endorsed
14 many sales tax initiatives and other funding
15 sources, like Measure M, a \$120 billion
16 transportation plan, Measure H supporting
17 homeless services and supporting housing, that's
18 another area where CEQA improvement to make sure
19 that more of that can go towards that
20 infrastructure to help transportation, to help
21 our homeless and help those communities, rather
22 than to the lawsuits and to the lawyers, which
23 that only effects a small amount and only helps
24 to supports them.

25 Abuse of CEQA for non-environmental

1 purposes by business competitors, yes, some of
2 the business community and others, members
3 opposed to change, certain construction trade
4 unions (phonetic), has been well documented and
5 includes both threatened and filed CEQA lawsuits.

6 CEQA fundamentally, and this is without
7 the current changes, is a bias in favor of
8 stopping changes to -- and threatens the status
9 quo, instead of going towards the changes that we
10 need to do towards our environment and the health
11 of our economy.

12 It effects and preserves a bias of this
13 apparent effect on minority communities, as well
14 as younger Californians, such as Millennials, I'm
15 in that category, I think, who urgently need more
16 housing and transportation infrastructure out
17 there, and also homeless which needs a public
18 service accounting to accommodate that housing.
19 Everyone loves to support the homeless, but when
20 it comes to building it, it's not in my backyard,
21 not in my backyard here, not in my backyard
22 there, and it becomes in no one's backyard and it
23 comes out in front, on the street.

24 So I think there's an opportunity here
25 that we see in streamlining these changes, and we

1 want to work with you to make sure those happen,
2 so thank you so very much.

3 MR. CALFEE: Thank you, Jerard.

4 Next up is Carter Rubin.

5 MR. RUBIN: Good afternoon. Thank you
6 for the opportunity to provide input on this
7 effort. And thanks to the Natural Resources
8 Agency for convening us today. I represent the
9 Natural Resources Defense Council which has
10 400,000 members in California. And we have a
11 couple areas where have -- we want to signal
12 really strong support of OPR's recommendations
13 and areas where we think there's room for
14 significant improvement. We would encourage you
15 to take a look at these.

16 So we strongly support the statewide
17 replacement of level of service with the vehicle
18 miles traveled metric and the prioritization that
19 that will give for transit-oriented development,
20 active transportation and transit projects,
21 especially in the infill context, and
22 clarifications that discourage growth capacity
23 expansion in the name of safety.

24 On the recommendation side, we think that
25 it is a major oversight that highway expansion

1 projects would be exempt from the shift from LS
2 (phonetic) to VMT and have that be at the
3 discretion of the lead agency. And so we're also
4 calling on Caltrans to commit to applying the VMT
5 metric when they are the lead agency in road
6 project. We think that it makes sense to
7 strengthen the VMT threshold over time so that we
8 are not just decreasing VMT compared to today,
9 but that it is a goal of accelerating the decline
10 of VMT by strengthening our standards over time.

11 We also want to highlight and seek
12 opportunities to reduce the risk of displacement
13 and gentrification by streamlining affordable
14 housing in infill locations and not streamlining
15 projects that will result in a net reduction of
16 affordable rental units.

17 And we want to ensure that there is
18 regular monitoring of implementation of these
19 Guidelines and OPR's technical advisory to see if
20 it's actually having the intended effects.

21 Thanks very much.

22 MR. CALFEE: Thank you, Carter.

23 Next up is Lynn Planbeck.

24 MS. PLANBECK: Hi. My name is Lynn
25 Planbeck and I'm with a group out in Santa

1 Clarita, Santa Clarita Organization for Planning
2 and the Environment. And we were plaintiffs to
3 the landmark 2015 decision on climate change
4 before the Supreme Court. And so we're grateful
5 that you have done some more details about what
6 will be required for climate change disclosure
7 and things like that.

8 But I actual came today to talk to you
9 about addendums which are not actual addressed in
10 your Guidelines, but I'm hoping I can speak to
11 the many ways that you did talk about exemptions
12 and making sure that notices were -- had enough
13 information in them to make sure the public
14 understood them.

15 We're having an issue with addendums
16 being way far reaching from what they were
17 intended to be which are minor changes in the
18 projects. They are then not noticed to anyone.
19 They don't come up before any planning board, so
20 there's no way of anyone finding out what has
21 been approved. For instance, we had a 25
22 expansion on landfill approved with an addendum
23 when it was in the middle of a hearing process.
24 So we really think that -- and they didn't notify
25 anyone, even though they are required, they have

1 an agreement with the community to do so.

2 Now there's just another one on another
3 large project for sewer lines that go through
4 tributaries and possibly endangered species
5 habitat and nobody knew about it. We find out
6 two years later.

7 So what I came to ask you to do is as you
8 are ensuring that the public is informed on
9 notices, that you notice addendums, print them on
10 websites, something to mail out, anyway, but just
11 somehow there needs to have an elimination of
12 this Catch 22 where we didn't tell you, so you
13 don't know, so you can't comment, so you can't
14 say anything, so the addendum is approved with
15 whatever it is. And they are being abused up and
16 down the state.

17 So I ask that along with what you're
18 doing to make sure that the notices are
19 comprehensive and understandable to the public,
20 that you notice addendums.

21 Thank you.

22 MR. CALFEE: Thank you, Lynn.

23 So Lynn was the last speaker card that we
24 had. Are there any other folks that would -- it
25 looks like we have at least one. If any others

1 would like to provide oral comment, please do
2 bring up a speaker card. Thank you.

3 John Edwards.

4 MR. EDWARDS: My name is John Edwards.
5 I'm representing myself. There's a group of
6 people in Palos Verdes and Torrance, California
7 that are forming to oppose a project in Torrance
8 called the Butcher-Solana Residential Development
9 Project. And part of it was -- the reason I got
10 involved is because it's right next to a road
11 that is going to have a lot of traffic impacts
12 leading in and out of Palos Verdes.

13 I checked with the City of Torrance, they
14 had a scoping meeting last August, and nobody in
15 Palos Verdes was informed, only people within 500
16 feet of the project, which is about 250
17 apartments and lots of traffic right next to a
18 very small two-lane road that's main, in terms of
19 access from Palos Verdes Estates. So I checked
20 with the city and asked them why they only -- why
21 they only notify people within 500 feet, and they
22 said there's a Torrance regulation, it's used for
23 variances and some other projects, but it's in
24 their regulations as every -- people should be
25 notified within 300 feet. But a mayor ten years

1 ago extended it to 500 feet. But most of the
2 impacts -- there will be impacts in Torrance, but
3 most of them are going to be in Palos Verdes, and
4 people were not informed there.

5 So my comment is, I would like, in
6 section 15082, to amend it to state that notices
7 must be filed with the county clerks or cities
8 that border the project. These cities are
9 directly next to the project, they're adjacent.
10 It's right at the corner of three cities.

11 Also state that for projects that will
12 impact the public in adjacent cities, they will
13 be notified, specifically that postings be made
14 at the project site and that the lead agency make
15 efforts to include impact to the public e.g. by
16 news outlets, media and direct mailings.

17 And I would make the same comment on
18 sections 15062 and 15075. That's -- and those
19 are other things, like, I think, what it is,
20 negative declarations or with a mitigating
21 declaration. So that's one thing.

22 And I think the reasons are, if you look
23 to CEQA, I understand the California CEQA was a
24 California version of NEPA. And NEPA, if you
25 look at the Council on Environmental Quality

1 recommendations or regulations, they specifically
2 say the city -- well, the federal agencies, when
3 they're doing projects, should make a diligent
4 effort to notify the public. And I think that
5 there wasn't diligent effort to -- they simply
6 put a website and notified people in a very short
7 area, a small area.

8 And I think that the -- by notifying
9 people, even if they oppose it, at least they can
10 have input to the project and know what's going
11 on. And the reason, I think, that having posters
12 at the site are important is because that's how I
13 found out about the -- this project was not from
14 the city's posters but from individuals in the
15 neighborhood who didn't want the project and they
16 put up their own posters, but it was after the
17 scoping meeting was held. So I'm requesting the
18 City of Torrance hold another scoping meeting and
19 notify everybody first.

20 And so I think that if your regulations
21 are going to help cities do things better, I
22 think part of the message is don't just rely on
23 your local variance change for public input. Look
24 at CEQA as a whole. Look at the broad area that
25 are impacted by the project.

1 And, let's see, what else?

2 Yeah, also, if you go into the CEQA
3 rules, they're -- or the CEQ rules, they say use
4 postings at the site, notify public by direct
5 mail, use the media, use newspapers. And that --
6 if you go into the -- is it NAEP, National
7 Association of Environmental Professionals, they
8 have a best practices for public notification,
9 and all of those things are in there as well.
10 And it's just logical. If you include people,
11 they're going to have less lawsuits and so forth,
12 as was mentioned earlier. They're going to slow
13 down projects and drive up the costs.

14 And there's a meeting tonight at 6:30 at
15 the Palos Verdes Peninsula Library on this
16 project for people who oppose the project. So I
17 just wanted to mention that and also invite you
18 to come to it, if you have time, and see what's
19 going on, because this is a very controversial
20 project.

21 The second thing I wanted to mention is,
22 I guess in the appendices, you're talking about
23 specific recommendations on how to approach some
24 areas of concern, such as global warming and
25 things like that. One of the things that I

1 noticed, also, in this initial study was that the
2 aesthetic impacts were just sort of glossed over
3 without really much analysis.

4 And what I would recommend is you also
5 have something for aesthetic impacts, and that a
6 good model for it was developed in the nuclear
7 industry, and then it was used by several other
8 agencies, including the Air Force, where I used
9 to work. And there's a document called Aesthetic
10 Analysis, let's see, what is it, Aesthetic Impact
11 Analysis of the Proposed Shallow Draft Barge
12 Facility at Point Arguello, California. And it
13 uses a technique that's fairly quantifiable. And
14 it's been also used in Washington State and
15 Seattle for transportation corridors and other
16 things. But I think without any guidance, people
17 just say, well, it looks okay to me and, you
18 know, don't really analyze it very much. So
19 that's the second comment I'd like to make.

20 And I would also like to thank you for
21 having input. So you're giving us input, I
22 appreciate that, and thank you.

23 MR. CALFEE: Thank you.

24 Are there any others who would like to
25 offer oral comment?

1 Thank you, Bryn.

2 MS. LINDBLAD: Hi. Good afternoon. Bryn
3 Lindblad, Associate Director of Climate Resolve,
4 a local organization focused on climate change
5 solutions. I'm going to focus my talking points
6 today, my comments today, on the transportation
7 impacts, revisions that have been suggested
8 there.

9 And really commend OPR, great work,
10 especially like the first draft that we saw of
11 those where we were applying -- replacing LOS
12 analysis with VMT impact analysis statewide, and
13 would support going back in that direction.

14 You know, and so most of these
15 Guidelines, really supportive of the direction
16 they're going in, namely streamlining active
17 transportation, transit and transitory
18 development projects. You know, I think we've
19 heard about how those have really gotten held up
20 in CEQA before, and this is a really important
21 step, that we start letting those projects get
22 built, facilitating that.

23 But there's a pretty big loophole that we
24 saw emerge in the most recent draft, and that's
25 exempting a capacity, transportation capacity

1 expansion projects, heavy capacity expansion
2 projects statewide from needing to do VMT
3 analysis. And I think there's a pretty great
4 literature that was built up by OPR on all the
5 reasons why VMT analysis is more consistent with
6 our current understanding of how we address
7 congestion, as well as try to address our climate
8 goals.

9 And so I'm going to pause for a second
10 and ask why it's so important that we do address
11 our climate goals in a meaningful way?

12 You know, we're talking about
13 environmental impact reporting. And I don't
14 think there's anyone in this room that would deny
15 that climate change is our largest environmental
16 impact that we are having on this planet. The
17 potential consequences of not changing course are
18 just -- are scary, are something we don't want
19 to -- we don't have to head in that direction.
20 And so I think it's really -- it's time we get
21 serious about our institutions and our
22 environmental impact reporting, serving the goal
23 of meeting -- of us trying to meet our climate
24 targets.

25 You know, we've -- there's great work

1 coming out of ARB, a scoping plan that maps out
2 how we can -- how we can try to meet our climate
3 targets. And it's pretty clear that VMT
4 reduction is a critical part of meeting those
5 goals.

6 You know, and it's all fine and mighty to
7 be helping along the good sorts of project that
8 help us reduce our VMT. But, for an example,
9 we're seeing locally here is that, you know, it
10 takes a lot of money. It's a lot of effort to be
11 doing -- to be trying to support those
12 alternative modes, but if at the same time we're
13 pursuing VMT increasing through sprawl or any
14 projects, we're really kind of shooting ourselves
15 in the foot.

16 So my -- we did some analysis on the
17 Measure M suite of projects that we're seeing
18 here in L.A. County. And the vast majority of
19 that, we're trying to help people have
20 alternatives to driving. There's a lot of
21 transit investments, a lot of transportation
22 investments. And the reduction in daily VMT
23 that's projected by all but one of those projects
24 included is a reduced 7.8 million miles of VMT
25 per day.

1 And then there's one project, though,
2 High Desert Corridor Freeway. It's an old
3 dinosaur-of-an-idea project that it's -- really,
4 the point of it is to unlock new suburban sprawl
5 potential far from job centers.

6 And so we've done -- contracted
7 independent researchers or experts in travel
8 doing modeling. And from that one project, we've
9 cut in half all the VMT reductions that we're
10 otherwise achieving. So \$2 billion worth in a
11 freeway to support sprawl really undermines the
12 \$118 billion worth of VMT-reducing projects.
13 It's -- you know, we kind of find that it's
14 really counterproductive towards trying to
15 relieve our congestion or trying to reduce the
16 amount of driving that people need to do to meet
17 their needs if we -- if we're still sort of
18 turning a blind eye to the VMT impacts of those
19 highway expansion projects.

20 So, you know, I think we know where that
21 loophole -- how that came to be. I think it's
22 largely legacy highway expansion projects in this
23 SCAG region that kind of want to be able to
24 proceed without us really calling into question
25 their merits of being built. But that, you know,

1 we -- I question that possibility of blissful
2 ignorance of not considering the GHG and VMT
3 impacts of those highway expansion projects,
4 because that path through our current plans and
5 projects that are in the pipeline, it's really --
6 the status quo, it's not bliss. It's not --
7 we're not on a path to meet our climate goals.
8 There's a VMT gap out there that we don't have a
9 plan of how we're addressing.

10 We're seeing lawsuits getting filed
11 across the state on highway capacity expansion
12 projects. Many of those projects ultimately
13 don't come to fruition, but in the meanwhile
14 we're really wasting away a lot of transportation
15 dollars that could rather be spent in trying to
16 reduce VMT and really improve mobility.

17 So I think we should not be operating
18 under the assumption that all those highway
19 expansion projects deserve to be built as they're
20 currently conceived. And I think they warrant
21 the analysis that's needed to really determine
22 their environmental impact.

23 So we'd really like to see induced VMT
24 analysis on the projects that are most likely to
25 induce VMTs along those highway expansion

1 projects statewide. I think we've got a great
2 opportunity here to try to bring our CEQA
3 process, our environmental impact reporting in
4 alignment with our climate goals, with our
5 scoping plan.

6 So I propose, you know, in a best-case
7 scenario, we're really like to see these
8 Guidelines close that loophole and go back to the
9 earlier proposed version where we're doing VMT-
10 induced impact analysis statewide for all
11 transportation projects -- sorry, not the
12 transit, so expansion projects statewide.

13 And then sort of second best-case
14 scenario were a number of environmental orgs and
15 folks that are very serious about trying to meet
16 our climate targets are calling on Caltrans to
17 commit to doing VMT analysis for all highway
18 projects, which is the lead agency.

19 So we urge you to encourage your sister
20 agency to take that step, that commitment towards
21 bringing project delivery process into greater
22 alignment with our climate goals. I think, you
23 know, our -- we've got a lot of opportunity here
24 with new revenue from SB 1, a lot of
25 transportation dollars going out there. We've

1 got an opportunity, really, to change course and
2 bring about and support with the new planning
3 paradigm that will lead to a more vibrant future
4 for our state.

5 Thank you.

6 MR. CALFEE: Thank you, Bryn.

7 If you can hand the card to the court
8 reporter, I'll take the comment card so --

9 MS. ESPINOZA: Hi. Good afternoon. My
10 name is Demi Espinoza and I'm the Senior Policy
11 Manager with Safe Routes to School National
12 Partnership. I wanted to keep my comments pretty
13 short, but I'll reiterate a few points that a few
14 of the previous speakers commented on today.

15 So we wanted to show our support for the
16 statewide replacement of a level of service with
17 vehicle miles traveled and the emphasis on public
18 health, environmental justice and climate goals,
19 especially the emphasis on the active
20 transportation.

21 And so with that, we have two suggestions
22 that we wanted to bring forward today, and that
23 we wanted to ask you to apply the vehicle miles
24 traveled based approach to all projects,
25 including road capacity projects. This is

1 especially important in the areas that I work in,
2 in the Inland Empire, Riverside County and San
3 Bernardino County, because we're seeing a lot of
4 increased road capacity and road expansion
5 projects, like the High Desert Corridor is an
6 example of an issue, the 91 Corridor. So, you
7 know, we really want to ask you to apply the
8 vehicle miles, rather than approach it across the
9 board.

10 Second, we want to suggest that the
11 Guidelines provide approaches to avoid
12 displacement, especially of existing residents,
13 like low-income communities and communities of
14 color.

15 We sent into a coalition letter providing
16 specific suggestions on strategies that OPR's
17 technical advisory can encourage affordable
18 housing and infill locations and reduce the risk
19 of displacement.

20 So thank you.

21 MR. CALFEE: Thank you. Thank you very
22 much.

23 Do we have any other folks in the
24 audience that would like to make a comment?
25 You've got a captive audience. Okay.

1 Well, hearing none, I think we can close
2 the public comment period -- public comment
3 portion of this hearing. The public comment
4 period is still open until five o'clock tomorrow.

5 We very much appreciate those who gave
6 their oral testimony today. We will be
7 considering the comments that we heard. We still
8 encourage folks to provide their written
9 comments, as well. Written comments are
10 encouraged to be submitted electronically to
11 ceqa.guidelines@resources.ca.gov. Again, the
12 comment period closes tomorrow at five o'clock.

13 Once we -- once that comment period
14 closes we will review all of the comments that we
15 receive. We may make some additional revisions
16 to the proposed guidelines and, if so, we may
17 open up additional public comment. You can
18 expect to see written responses to your comments
19 at the end of the rulemaking process, and they
20 will be a part of the formal rulemaking record.

21 So thank you everyone for joining.

22 Oh, I see a question.

23 COMMITTEE MEMBER BEVAN: So when do you
24 expect to adopt it?

25 MR. CALFEE: The question was when we

1 expect the Guidelines to be adopted, and we don't
2 have a precise timeline on that. It just depends
3 on the volume of comments we receive and how long
4 it takes to work through them. The rulemaking
5 process must end within one year of the notice,
6 and that was January 28th of this year.

7 So unless anyone else would like to make
8 a comment, then we will close this hearing.

9 Thank you very much for participating.

10 (The public hearing concluded at 2:20 p.m.)

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