

Lockey, Heather@CNRA

From: Mjasper <mjasper@accessbee.com>
Sent: Thursday, March 15, 2018 4:19 PM
To: CEQA Guidelines@CNRA
Cc: public-interest@live.com; 'Marilyn Jasper'
Subject: CEQA Amendment Update Comments
Attachments: PIC+SC-'CEQA Amendment' Cmmt-3-15-18.pdf

Greetings,

Please accept the attached and keep us on the list to receive further updates.

If you can acknowledge receipt of this email, it would be greatly appreciated.

Thank you,

Marilyn Jasper



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March 15, 2018

Sent via email to CEQA.Guidelines@resources.ca.gov

Christopher Calfee
Deputy Secretary and General Counsel
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Ladies and Gentlemen:

Public Comment, CEQA Guidelines Amendments, 2018

Thank you for the opportunity to comment on the proposed CEQA Guidelines Amendments.

CEQA is instrumental in protecting the environment, informing the public, and addressing comments to help make a proposed project better. With many amendments, being proposed and adopted in the past, we submit that CEQA is piece-by-piece being weakened. The California Natural Resources Agency (CNRA) should take steps to strengthen CEQA's mandates.

One of our primary concerns with CEQA is that the CNRA divisions are what the public relies on for CEQA comment input. These governmental regulatory agencies are in effect the public's life jackets for environmental protection. Increasingly, regulatory governmental agency staffs, with all the required expertise and science, are not submitting comments at all—not weighing in on truly significant, dangerous, and unacceptable health and safety issues and impacts during the proposed project's CEQA comment period. These areas of agency silence include, but are not limited to, important natural resources conservation or protection, prehistoric sites, wildlife, and many other areas where specific agencies are created and supposedly operating for environmental protection.

Thus, the CEQA comment burden is shifted to public citizens who are working eight hours a day in other areas, raising families, and lacking the expertise that the regulatory agencies are expected to provide. We submit that instead of a requirement of a set number of days for agencies to respond and weigh in with comments on a proposal, that the Guidelines be amended to state that no project may proceed without a comment as requested from a regulatory agency. Another option might be to allow any regulatory agency to submit at any time during the entire CEQA process before it is approved by the lead agency—instead of being curtailed after a specific number of comment days have passed. The regulatory agencies should be required to make at least some effort to address the most glaring impact that their agency oversees and be responsible for the consequences of their comments.

Another of our concerns is the apparent attempt to increase the already-too expansive “exempt from CEQA” umbrella. “Exempt” must be applied only in the most narrow and stringent of instances with a project proposal. Furthermore, when a project

squeezes into the “exempt” category, there must be a remedy when either the project changes and/or its exempt impacts were not accurately identified by the lead agency. In such cases, a Guidelines Update amendment should address the erroneous “exempt” categorization; provide relief to the public with a meaningful consequence, such as a mandatory environmental analysis immediately upon discovery of such an error.

Another of our concerns is in the creation of electronic CEQA documents. It is quite helpful to have electronic documents posted online. However, in addition to requiring every lead agency to have all CEQA documents available on line, the requirement should also include a mandate that they all be smaller than 3-4 MB for viewing and/or downloading by the public.

Another concern is the “functional equivalent” of CEQA that is allowed for a number of regulatory agencies. We request that the rules that regulate those agencies’ compliance with CEQA be amended to not allow such deviations. Instead of an ISOR, require the usual IS checklist. Instead of a DED, require a Draft EIR followed by a Final EIR. Since “consistency” is one of the stated goals of this Guidelines Update, we submit that “consistency” should start with the CNRA. Its regulatory lead agencies should all follow the same CEQA process. Otherwise, confusion may be the outcome and a lack of public participation.

We submit for CEQA to be more effective that penalties for non-compliance must be more easily and readily enforced. Once the landscape has been illegally destroyed and the impacts felt by all, sometimes in perpetuity, there has to be some kind of automatic, mandated remedy for the public. Otherwise, enforcement becomes a litigation responsibility of citizens when it would be more appropriately handled by regulatory agencies. Currently, in incidents we have observed, the regulatory agencies have either been reluctant to enforce or been curtailed in some manner. The CEQA Guidelines Update should provide more “teeth” as to the enforcement and consequences of CEQA violations.

Last, we submit that providing the greatest possible environmental protection should be the end goal of all proposed projects. Because CEQA is the only buffer between those who avoid their responsibilities and later create significant impacts to citizens, amendments to the guidelines should focus on strengthening, not “easing” the process.

Thank you for considering our views,



Marilyn Jasper, Chair
Conservation Comm, Placer Group Sierra Club
Public Interest Coalition