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TURTLE ISLAND RESTORATION NETWORK

Tuolumne River Trust

January 30, 2024

To the Honorable Members of the California State Senate and Assembly and Governor Newsom:

California's leading environmental justice, land use, and conservation organizations—109 in number and representing hundreds of thousands of constituents throughout the state—are writing you at this critical moment for one purpose: to **urge you to protect and preserve the California Environmental Quality Act**.

For over 50 years, CEQA has improved the health of our cities and protected our state's vital natural resources, now threatened by climate change. CEQA has also provided a powerful venue to uplift the voices of our state's most underserved communities, serving as a public health and environmental bill of rights. CEQA promotes our democratic values, providing the public with opportunities to offer considerations on new projects that will impact their lives and their communities.

However, even as our most vulnerable residents increasingly rely on CEQA to protect their communities, special interests have intensified their longstanding efforts to cripple the law. Their strategy is to flood the media with rhetoric scapegoating CEQA for numerous complex economic problems, ranging from the state's housing crisis to its decline in population. Critically, these charges collapse upon closer examination, as they rely largely on inflated language and speculation, and misrepresented stories, not actual evidence. Still, many of the proposed amendments to CEQA, which cite this nonexistent evidence, would gut the law across-the-board.

Our groups want to remind you of the unique protections that CEQA affords all Californians and the environment. The Act has saved critical natural resources, protected public health, averted public safety disasters, provided important community benefits, and transformed poorly planned projects into greener, more equitable ones. We urge you to keep these benefits in mind as you review proposed amendments in the new year, and to keep CEQA strong for the future well-being of our state.

CEQA Promotes Environmental Justice

CEQA is an essential tool for California's low-income communities and communities of color, who already suffer from excessive pollution and inadequate infrastructure. CEQA requires developers to disclose hard data about how industrial projects will impact people living, working, and going to school in these vulnerable communities. The CEQA process allows members of the public to demand that additional harm to their communities be avoided or significantly reduced.

Environmental justice groups have used CEQA litigation to require companies to mitigate the effects of polluting projects, such as mammoth warehouse logistic centers located in urban areas and intensive oil and gas drilling. The law has also ensured that new housing developments include necessary infrastructure and that residents are safeguarded from fire hazards and toxic contamination on site. CEQA also helps protect low-income residents concerned that new luxury housing could lead to gentrification of their neighborhoods, displacing vulnerable tenants.

Environmental justice communities are already overmatched by the vast economic and political power wielded by the proponents of these projects. Yet, the building industry and other special interests have proposed CEQA amendments that would tilt the balance even more sharply in favor of developers and business interests and against these vulnerable communities.

For example, a proposal requiring petitioners to post a large bond before filing a CEQA lawsuit would severely undermine, if not completely eviscerate, community members' ability to bring enforcement actions. CEQA is primarily enforced through citizen suits. If citizens cannot enforce CEQA, the rights the law affords them would become meaningless and the law could be—and will be—violated with impunity. Damaging projects would then be approved without the public transparency and environmental mitigation that CEQA requires.

Our leaders in Sacramento should support proposals to *empower vulnerable communities, not eradicate rights they have had for more than 50 years.* Rather than weakening CEQA, we urge you to support proposals that explicitly recognize environmental justice concerns as a component of CEQA (like its federal counterpart, the National Environmental Policy Act), require translation of key CEQA documents into non-English languages, and enhance public notice requirements.

CEQA Helps California Combat Climate Change

CEQA plays a critical role in helping California reach its climate goals by requiring developers to reduce greenhouse gas (GHG) emissions from their projects. For example, a CEQA suit challenging the flawed GHG analysis for the “Newhall Ranch” project in Los Angeles County led to a settlement that made the project far more climate-friendly. The developer of this massive new development—one of the largest ever approved in the County—agreed to project changes like zero net-energy buildings, solar generation, and electric vehicle chargers that cut total GHG emissions nearly in half. Newhall Ranch is now under construction.

As the Newhall example shows, **California can promote robust development *and* protect its environment. But to work, CEQA’s core protections must remain in place, not be eroded by weakening, ill-advised amendments proposed by special interests.** For example, one recent proposal would discourage, or even prevent, courts from setting aside project approvals, even where the court finds serious CEQA violations. This change would thwart CEQA’s primary purpose—to identify environmental harm and measures to reduce this harm *before* a project is approved. It would also extinguish the incentives of lead agencies to comply with the law because their violations would have no meaningful consequences.

Every year, the effects of climate change become more pronounced as California faces devastating wildfires and creeping sea-level rise. Now is not the time to undermine the law that helps California lead the nation on climate resilience.

CEQA Protects Unique Natural and Cultural Resources

CEQA critics assert that the Act has been hijacked by “abusers” and no longer protects the environment. But here, critics distort the facts for their gain. As our organizations can attest, public agencies and community members rely on CEQA, day-in and day-out, to protect California’s

wildlife, forests, lakes and rivers, farmlands, urban green spaces, and other natural resources—all in the face of a rapidly changing climate. The law also safeguards our state’s outstanding historic and cultural resources, including natural and cultural resources for indigenous communities. Indeed, *only* CEQA requires that agencies inform the public about how new development will impact these resources and mandates effective mitigation before a project is approved.

CEQA’s critical role in protecting natural, cultural, and historic resources is evidenced in every corner of the state. Examples include requiring developers to fully disclose how a proposed resort near Lake Tahoe would impact the Lake’s water quality and to identify measures protecting its unique clarity; reducing severe wildlife risks from sprawl development proposed in rural San Diego County; preventing the destruction of rare wildlife habitat at the headwaters of Little Bear Creek above Lake Arrowhead; and reaching an agreement with California State University Long Beach to permanently protect a sacred site listed on the state and national registers of historic places.

Despite CEQA’s essential part in protecting California’s natural resources, CEQA critics have proposed measures that would drastically curtail public comment on CEQA documents. We strongly oppose these changes, which would restrict the public’s longstanding right to participate in the land use approval process. Public comments benefit everyone, including the lead agencies.

Other proposals would permit agencies to rely upon outdated significance thresholds and analytical models for years after the environmental review process begins. This is irrational; scientific knowledge in areas like climate change and public health can change rapidly. Allowing governmental officials to rely on obsolete science or discredited data undermines the role of an environmental impact report as an accurate informational document.

CEQA Is NOT a Major Impediment to Housing Production

CEQA critics have loudly claimed, without credible supporting evidence, that the Act is the principal cause of California’s housing shortage. In response, the Legislature has adopted multiple CEQA exemptions in an effort to encourage infill housing. We strongly agree that the state needs solutions to address its affordable housing crisis. However, we urge lawmakers to refrain from adopting further CEQA exemptions and instead focus on finding answers to the actual causes of the housing shortage.

Multiple independent studies—from the [Rose Foundation](#), the [Association of Environmental Professionals](#) and [UC Berkeley Law](#)—have concluded that CEQA is *not* a major impediment to housing development in California. The housing crisis is a [national phenomenon](#); even states without strong environmental laws are experiencing housing shortages. In California, however, housing production is increasing. A recent Department of Finance [report found](#) that state housing creation reached a 15-year high in 2022, with a strong CEQA in place.

As experts in different [reports](#) have documented, the principal barriers to housing production in California and other states are high land and construction costs, restrictive local zoning, and lack of financing for affordable housing—not environmental laws. In the City of San Francisco, for example, over 58,000 fully entitled housing units [remain unbuilt](#). These projects *completed* the environmental review process but were never constructed due to other factors. Furthermore, many housing projects do not require any environmental review due to the various exemptions for housing as well as tiering from specific or community plans.

Moreover, CEQA litigation does *not* disproportionately target infill housing, another of the many charges spread in the media by CEQA’s opponents. The [leading CEQA study of 2023](#) found that the vast majority of challenged housing units were located outside of urban areas. The study also found that the rate of CEQA litigation is very low: only 1.9% of all projects requiring an environmental review document faced legal challenge in the years from 2013 to 2021.

In 2019, the Senate Committee on Environmental Quality and the Senate Committee on the Judiciary rejected arguments that CEQA was impeding housing development. Its [report](#) concluded that “additional changes to CEQA might do less to promote development and more to undermine the law that ensures that development is undertaken responsibly.” **Nothing has changed in the last four years to alter the Senate Committees’ conclusion—except that developers have more aggressively demanded changes in CEQA to serve their own interests.**

Conclusion: CEQA Should Be Preserved and Strengthened

We live in a time of unparalleled threats to our environment and communities. With climate change, every Californian faces increasing risks from wildfires, persistent drought, rising seas, and overheated urban spaces. Many of these risks fall most heavily on the state’s most vulnerable citizens, who already bear disproportionate burdens from California’s powerful polluting industries.

For over 50 years, Californians have depended on CEQA to ensure our state remains a healthy place to live, work, and visit. This is not the time to weaken California’s foremost environmental law. Instead, CEQA should be strengthened to meet this era’s unique environmental challenges and to provide disadvantaged communities better access to the law.

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