



August 26, 2015

Senator Fran Pavley
State Capitol, Room 5108
Sacramento, CA 95814

RE: CEQA Working Group Opposition to SB 32

Dear Senator Pavley,

The CEQA Working Group is a broad coalition of nearly 90 affordable housing, transportation, local government, business, clean tech and other advocates that work together to advance meaningful CEQA reform and to oppose legislation that would expand CEQA litigation abuse.

As a coalition, we are writing to express our opposition to Senate Bill 32 for the sole reason that it would vastly expand opportunities for litigation under CEQA and it would create an impossible threshold to meet under CEQA.

To be clear, the CEQA Working Group is not opposed to efforts to reduce greenhouse gas (GHG) emissions. However, we have grave concerns that SB 32's statutory mandate of an 80% reduction in GHG emissions by 2050 means that – the day the bill is enacted – every new project in California that has to undergo an environmental review process could have to prove how each project will meet or mitigate to an 80% 2050 reduction target.

In terms of CEQA, that standard creates an enormous new hook for lawsuits and project appeals. The uncertainty of measuring a project against a 2050 80% reduction goal would result in an explosion of CEQA abuse and litigation.

It would provide a powerful platform for opponents of a project to argue that public agencies should analyze whether the GHG emissions resulting from projects or plans today are consistent with the new statutory limitation and to mitigate appropriately. Given the speculative nature of the analysis, lead agencies would be left to guess as to the acceptable level of emissions and to feasible mitigation strategies. It is this guessing that is most problematic because it opens the door wide to endless CEQA challenges.

No matter how worthy or environmentally friendly, how can any new project be able to prove themselves to meet the year 2050 80% reduction goal today? High density affordable housing, mixed-use infill, renewable energy, schools, universities, transit, public infrastructure projects would all be vulnerable.

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These concerns are not hypothetical or hyperbolic. Immediately after AB 32 was passed in 2006, the courts and lead agencies used the law’s 2020 GHG reduction targets as thresholds for environmental planning purposes. More recently, the San Diego Association of Government’s (SANDAG) SB 375 regional plan has been in CEQA litigation for years over a complaint (upheld by a lower court) that the plan does not meet the GHG reduction requirements of a 2005 *Executive Order* by Governor Schwarzenegger. Clearly, a more ambitious *statute* like SB 32 would create even greater legal bar to meet under CEQA.

For these reasons, we must oppose your SB 32.

Sincerely,

**Amy Mmagu, Policy Advocate
California Chamber of Commerce**

**John A. Coleman, CEO
Bay Planning Coalition**

**Kirk M. Clark, Vice President
California Business Roundtable**

**Stuart Waldman, President
Valley Industry & Commerce
Association (VICA)**

**Richard Lyon, Senior Vice President
California Building Industry
Association**

**Bill Dombrowski, President & CEO
California Retailers Association**

**Ken Dunham, Executive Director
West Coast Lumber and Building
Materials Association**

**Kirti Mutatkar, CEO
UnitedAg**

**Cynthia Kurtz, President & CEO
San Gabriel Valley Economic
Partnership**

**Holly Schroeder, President & CEO
Santa Clarita Valley Economic
Development Corporation**

**Brad Diede, Executive Director
American Council of Engineering
Companies - California**

**Lucy Dunn, President & CEO
Orange County Business Council**

**Rex Hime, President & CEO
California Business Properties
Association**

**Jerry Sanders, President & CEO
San Diego Regional Chamber of
Commerce**

**Michael Crehan, President
Harbor Association of Industry &
Commerce**

**Al Murray, President
Association of California Cities –
Orange County**

**Paul Granillo, President & CEO
Inland Empire Economic Partnership**

**Matthew Mahood, President & CEO
San Jose Silicon Valley Chamber of
Commerce**

**Al Smith, President & CEO
Greater Fresno Area Chamber of
Commerce**



**Scott Eicher, President
Chambers of Commerce Alliance of
Ventura and Santa Barbara Counties**

**Brian Ling, Executive Director
Sonoma County Alliance**

**Michael Jackson, Chairman
South Bay Association of Chambers of
Commerce**

**Alex Braicovich, Chair
Southwest California Legislative
Council**

**Leron Gubler, President & CEO
Hollywood Chamber of Commerce**

**Terri Crain, President & CEO
Santa Clarita Valley Chamber of
Commerce**

**Jeremy Stanfield, 2015 President
Humboldt Association of Realtors®**

**cc: California State Assembly Members
Martha Guzman Aceves**

**Bob Whitney, Founding Member
La Jolla Association**

**Nicholas Ortiz, President & CEO
Greater Bakersfield Chamber of
Commerce**

**Marna Smeltzer, President & CEO
Redondo Beach Chamber of Commerce**

**Heidi L. Gallegos, IOM, President &
CEO
Brea Chamber of Commerce**

**Scott Raty, President & CEO
Pleasanton Chamber of Commerce**

**Connie Lynch, CEO
Southwest Riverside County Association
of Realtors®**