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Back room deal threatens CEQA, California environmental law

By Kevin Bundy
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This is a view, looking from Bonny Doon, towards the ocean, on the property near Davenport,

It's an annual Sacramento ritual. Lobbyists and legislators flee the August heat for the Capitol's cool backrooms. In the last weeks of the legislative session, special interests are seeking special treatment for pet projects.

And some lawmakers seem far too happy to oblige, especially when it comes to undermining California's premier environmental law, the California Environmental Quality Act (or CEQA). The Legislature isn't just a sausage factory this time of year. As far as open government goes, it's a slaughterhouse.

Californians may not think about CEQA often, but we've all shared its benefits. For four decades CEQA has delivered cleaner air

and water, more plentiful fish and wildlife, less traffic congestion and smarter public services. But corporate lobbyists are working behind the scenes to gut this landmark law -- and it's being done with no public hearings and little public input.

The stakes are high. Thanks to CEQA, development decisions must be made in plain view, with full knowledge of the environmental consequences. Project proponents also have to limit environmental damage wherever they can, rather than leaving the public to pick up the pieces.

Backroom deals to weaken CEQA are bad for our environment. But they're also bad for our democracy. Those of us old enough to remember the "Schoolhouse Rock" episode about how a bill becomes a law -- traveling through committee hearings and debate in each house of the legislature -- might be surprised by how things really work in Sacramento.

Bills on the brink of passage, having already traveled the normal legislative course, are hijacked and stripped of their content so new legislation never openly debated can be inserted and rammed through in the session's waning hours.

In this "gut and amend" world, deals are done out of sight. Committee hearings normally open to the public are quickly held in back corridors. By the time these last-minute, surgically altered "Frankenlaws" are debated, the votes are already lined up, and it's too late to call your legislator.

Using this backroom "gut and amend" process to weaken CEQA is doubly wrong. In a landmark decision many years ago, the California Supreme Court recognized that CEQA "protects not only the environment but also informed self-government."

If the people and their representatives make decisions with full knowledge of the environmental consequences, the people can hold their representatives accountable. CEQA provides that knowledge, leading to more transparency and better projects.

But that transparency is under attack. One leaked proposal we've seen would exempt thousands of projects from CEQA's public review.

Under this proposal, we probably won't find out when oil companies are planning on pumping "fracking" chemicals into the ground near our homes. Or that a new superstore will cause gridlock on our neighborhood roads. Or that pollution from a freeway expansion will aggravate asthma attacks in nearby schools. But we will face the consequences when the damage is done.

This is a no-brainer: Special interests and their friends in the Legislature should not be able to use secretive, last-minute maneuvers to undermine a law that protects both our environment and our way of government. Any changes to California's premier environmental law should be made in the open, with full disclosure of the consequences. That's in the spirit of democracy, which is the spirit of CEQA itself.

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