



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE
OFFICE of PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

November 27, 2017

Secretary John Laird
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95818

Re: Comprehensive Package of Proposed Amendments to the CEQA Guidelines

Dear Secretary Laird:

I am pleased to present to you the Governor's Office of Planning and Research's (OPR) final proposed amendments to the Guidelines implementing the California Environmental Quality Act. This package proposes the most comprehensive update to the CEQA Guidelines since the late 1990s. It is a balanced package that is intended to make the environmental review process easier and quicker to implement, and better protect natural and fiscal resources consistent with other state environmental policies.

OPR's process of developing proposed changes to the CEQA Guidelines typically involves robust stakeholder input. This update is no exception. In developing the proposed changes, OPR engaged in an iterative process over the past four years. Not only did OPR conduct its own top-to-bottom review of the Guidelines, we actively sought the input, advice, and assistance of numerous interested parties, stakeholders, and legal experts. In 2013, OPR and the Natural Resources Agency invited stakeholders to suggest improvements to streamline the environmental review process and encourage better environmental outcomes. OPR also sought public input on suggestions that reflected recent changes in the Public Resources Code and published case law. Once it developed a list of possible changes, OPR requested further input on the scope of the update. When it developed the text of the proposed changes in 2015, OPR invited still more public review. All told, OPR held approximately 200 stakeholder and public meetings and briefings to discuss the perspectives of the business community, the environmental community, non-governmental organizations, local governments, state agencies, and CEQA practitioners. As a result of that informative process, OPR has prepared this comprehensive package and has incorporated suggestions from the public to the extent possible and consistent with CEQA.

In addition to the regular updates required by Section 21083 of the Public Resources Code, OPR also developed proposed updates responding to new legislation. Specifically, Senate Bill 743 (Steinberg, 2013) required an update to address the analysis of transportation impacts under CEQA, and directed OPR to develop alternative methods of measuring those impacts.

Due to the complexity of the subject matter, and intense public interest, OPR invited public input in three separate phases of the proposal's development.

Legislative findings in Senate Bill 743 plainly state that CEQA can no longer treat vibrant communities, transit, and active transportation options as adverse environmental outcomes. On the contrary, aspects of project location and design that influence travel choices, and thereby improve or degrade our air quality, safety, and health must be considered. To carry out the mandate in Senate Bill 743, OPR has developed new Guideline section 15064.3, which proposes "vehicle miles traveled" as the most appropriate measure of a project's transportation impacts in light of the goals of Senate Bill 743. Once that section is adopted, automobile delay (often called "level of service") will no longer be considered an environmental impact under CEQA, particularly in the context of land use projects. Additionally, proposed Guideline section 15064.3, and the package as a whole, should result in a better, more transparent evaluation of project impacts, and better environmental outcomes.

With this letter OPR transmits the following materials:

- A comprehensive package of proposed amendments to the CEQA Guidelines
- A "Thematic Responses to Comments" document explaining some of the major themes in the comments that OPR received on this package and the thematic responses to those concerns
- A "Frequently Asked Questions" document answering some specific questions that OPR commonly received during the public review process
- A technical advisory on evaluating transportation impacts
- A copy of the public comments received during the public review process
- A copy of the technical research supporting the proposal
- A list of the numerous stakeholder groups OPR met with or held briefings for over the past four years

OPR staff will be available to assist you as the Natural Resources Agency advances this proposal through the rulemaking process. Please do not hesitate to contact Jeannie Lee (jeannie.lee@opr.ca.gov) or Chris Ganson (chris.ganson@opr.ca.gov) with any questions regarding these materials.

Sincerely,

A handwritten signature in black ink that reads "Ken Alex". The signature is written in a cursive, slightly slanted style.

Ken Alex
Director
Governor's Office of Planning and Research