

GOP lawmakers threaten to withhold votes unless environmental rules are rewritten

Five Republicans whose votes are crucial to passage of Gov. Jerry Brown's spending proposal demand sweeping changes in the California Environmental Quality Act. Environmentalists are outraged.

By Shane Goldmacher and Evan Halper, staff writers
L.A. Times, March 16, 2011

The handful of Republican lawmakers most likely to provide crucial votes for Gov. Jerry Brown's budget plan are threatening to withhold their support without a dramatic rewriting of state environmental law.

The demand, pushed in private talks with the governor, would curtail lawsuits against projects threatening ecological damage, grant waivers to big telecommunications companies and exempt many urban developments from environmental review.

The legislators have declined to share the details of their proposal publicly, but draft legislation to overhaul the law was obtained by The Times.

Sweeping changes in the California Environmental Quality Act would stand little chance of approval through the normal legislative process, which Democrats — environmentalists' usual allies — control. But the governor's budget cannot pass without some Republican votes, and GOP lawmakers see an opportunity to win long-sought concessions.

Environmentalists expressed outrage at the Republicans' bid. Bill Magavern, director of Sierra Club California, said that what the legislators want amounts to a "wholesale gutting" of the law.

"They're using the state's fiscal crisis as leverage to try to reward the big developers," he said. The proposal "would freeze communities out of the planning process."

The proposal was presented to the governor and legislative leaders by five Republican senators considered key to any budget deal with Brown, as they are the only GOP senators actively negotiating. The lawmakers are also pushing to reduce pensions for government workers, place stricter limits on state spending and overhaul the state tax code.

Brown is also talking with some Republicans in the Assembly, where he needs support as well. Most Republicans in the Legislature, however, oppose the Brown plan because it would ask voters to extend some taxes due to expire July 1.

The five lawmakers say activists are overstating the potential impact of the environment proposal. They say their goal is to stop frivolous lawsuits that can tie up projects.

"We wanted to streamline so there could not be as many levels of lawsuits," said Sen. Bill Emmerson (R-Hemet).

The proposal was written by legislative attorneys at the request of Sen. Anthony Cannella (R-Ceres), who is negotiating with Brown alongside Emmerson, Sen. Tom Berryhill (R-Modesto), Sen. Sam Blakeslee (R-San Luis Obispo) and Sen. Tom Harman (R-Huntington Beach). The lawmakers would speak only generally about the proposal, declining to discuss the details that most concern environmentalists.

"It's evolving," Berryhill said.

The proposal would sharply limit Californians' ability to go to court to challenge a construction project's environmental impact report — a document critical to final approval. The state attorney general would still be able to file such lawsuits.

Citizens would keep limited rights to file litigation, but only by making a deposit to the court of \$50,000, or 1% of a construction project's costs if that amount is smaller.

Telecommunications companies seeking to expand their broadband networks would receive exemptions from environmental rules for related construction. Such a change would be a boon to firms like AT&T, which has contributed a total of \$38,100 in campaign money to the five Republican senators since 2009.

AT&T spokesman Lane Kasselmann declined to say whether AT&T was involved in drafting the legislation.

"AT&T supports any effort that increases access to broadband, grows investment and means jobs for Californians," Kasselmann said in a statement. "We look forward to working with the Legislature to accelerate this vital infrastructure."

The GOP proposal also would broaden the kinds of projects allowed to skip certain steps in the environmental review process. Currently, such fast-tracking is generally reserved for residential construction in dense urban areas. Environmental activists say the proposed change would exempt nearly all urban and suburban development from rigorous review.

The plan also would ease some restrictions relating to greenhouse gas emissions caused by development.

Cannella said in a statement that the proposed changes would help generate jobs.

"Unemployment is higher than 20% in some parts of my district; too many of our neighbors are out of work," the statement said. "We have to do everything in our power to give job creators the freedom to hire workers and get Californians back to work."

"The goal is to eliminate abuse of our state's environmental regulations by trial attorneys and other special-interest groups, while also protecting California's natural resources and creating jobs."

Brown, who agreed with Republicans to keep the content of negotiations confidential, declined to comment on the environmental demands. Votes on his budget plan are scheduled in the Legislature on Wednesday, but that proposal does not include the changes sought by the five GOP lawmakers and is expected to fall short of approval.

"Essentially, none of these proposals get our budget under control," said Shannon Murphy, a spokeswoman for Assembly Speaker John A. Pérez (D-Los Angeles). "And they roll back some significant ground-breaking policies."

Environmentalists said no significant changes to the California Environmental Quality Act should be undertaken without a full public vetting.

The group of five Republicans "should have the integrity to debate it through the legislative process, not in secret behind closed doors," said Warner Chabot, chief executive of the California League of Conservation Voters. "Every poll that has been done in the last two decades in California shows the public supports stronger, not weaker, environmental laws."

Tuolumne County leaders delay action on open-pit mining Stanislaus County, Riverbank, Oakdale officials voice concern at meeting

By Kevin Valine

Modesto Bee, Wednesday, March 16, 2011

SONORA — The Tuolumne County Board of Supervisors had out-of-town visitors Tuesday — about a dozen Stanislaus County, Riverbank and Oakdale officials who have objections to a proposed open-pit mine that would border Stanislaus County.

Representatives of the Cooperstown Quarry appeared before the board for final approval of the project. The mine is proposed for 135 acres about nine miles south of Knights Ferry, just east of the Stanislaus County line. Miners could remove as much as 56 million tons of crushed rock over 75 years.

Stanislaus, Riverbank and Oakdale officials are concerned about the Sierra Northern Railway trains that would haul the crushed rock through the two cities. Others expressed worries about possible air pollution from the operation.

"This project gives Tuolumne County all the benefits, while Stanislaus County gets all the impacts," said Stanislaus County Supervisor Bill O'Brien, whose district includes Riverbank, Oakdale and Knights Ferry.

After a three-hour public hearing in a standing-room only chamber, the supervisors voted unanimously to postpone making a decision until their April 5 meeting to give staff more time to review recent correspondence, including a Tuesday letter from an attorney representing Riverbank.

"Riverbank will oppose the project until the effects of the project on Riverbank are properly studied and mitigated," wrote attorney Douglas White.

O'Brien, Riverbank and the San Joaquin Valley Air Pollution Control District are among those calling for Tuolumne County to conduct an environmental impact report on the mine. Tuolumne County staff said Tuesday that a report is not necessary and that they followed state environmental law in reviewing the Cooperstown Quarry.

Stanislaus County officials said that while Tuolumne County initially notified them about the project in 2008, there was no subsequent notification, which is required under state environmental law. Riverbank and Oakdale officials say they just learned about the project last month.

Oakdale also wants a study to analyze the Sierra Northern trains' impact on Oakdale and Riverbank.

Oakdale-based Sierra Northern can make 20 round trips per week, according to Tuolumne County documents. Railroad officials are planning for trains of 60 cars, which is about two-thirds of a mile long.

The trains would travel at 10 mph through Oakdale and Riverbank and would take about three minutes to clear a railroad crossing. Oakdale and Riverbank officials fear the trains would slice their cities in half, backing up traffic and delaying fire engines or ambulances responding to 911 calls as well as buses taking children to and from school.

But in its first few years, the mine would produce only enough crushed rock for Sierra Northern to make two round trips per week, Sierra Northern General Manager Larry Ingold said after the meeting. Sierra Northern is owned by the Sierra Railroad Co.

Oakdale also wants the project's proponents to set up a stakeholders meeting group that includes Oakdale, Riverbank, Sierra Northern and the two counties. The group would meet regularly to find ways to minimize the trains' impacts.

Mine and railroad officials support the idea.

More than 100 people packed Tuesday's meeting. Many spoke in favor of the mine, saying it would bring a few dozen well-paying jobs and have a positive impact on the two counties.

The mined rock would be used for roads, levees, railroad ballast and other industrial purposes. Mine officials said they picked Cooperstown because of the quality of the rock and because it would be served by Sierra Northern.

They say one 60-car train is the equivalent of 240 tractor-trailers and produces far less pollution than the big rigs. They also say using trains keeps more tractor-trailers off congested roads.

"This is a good project, this is a green project," said Bruce Baracco, a consultant working with property owners Jack and Tricia Gardella and mine operator Resource Exploration Drilling LLC. "All the environmental issues associated with this project have been addressed."

If approved by Tuolumne County, the mine could open in about a year, mine officials said.

