

NASA research plane flying over Valley again

By Tim Sheehan, staff writer

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NASA researchers are back up in the skies over the San Joaquin Valley for the first time in over a week with two airplanes measuring the region's air quality.

The DISCOVER-AQ mission is taking NASA's four-engine P-3B aircraft, loaded with scientific equipment, on three tours over the Valley, complete with stomach-turning spirals over Bakersfield, Porterville, Hanford, Huron, Tranquillity and Fresno.

The P-3B has already made its first orbits over the first five cities and should be in the sky over Fresno shortly before heading south to Visalia, and then on to Bakersfield for a second of three trips over the region.

Scientists aboard the aircraft are measuring pollution levels at altitudes from less than 1,000 feet to about 9,000 feet.

A second airplane, a two-engine B200, is flying at about 28,000 feet, using laser equipment to see the atmosphere as satellites do from space.

[Merced Sun-Star Commentaries, Thurs., Jan. 31, 2013:](#)

CEQA: Should state make changes to landmark environment act? Pro and con

Gov. Reagan signed the California Environmental Quality Act in 1970, a monumental year for the nation's environmental movement. That was the year the nation first celebrated Earth Day and that President Richard Nixon signed the Clean Air Act and the National Environmental Policy Act.

NEPA and the CEQA have some similarities, but California's law is far broader and more powerful. The federal law only requires reviews of projects receiving federal funding or approval by federal agencies. CEQA applies to all public and private projects that have received state or local approval.

Over the years, supporters and detractors have debated the law's flaws and benefits, and in response, the Legislature has tweaked the statute several times. But Gov. Jerry Brown has elevated the issue by declaring that he wants a major modification of the statute in this year's legislative session. Following are two opinions:

OPPONENTS ABUSE CEQA TO DERAILED WORTHY PROJECTS

by Michael Rubio

I support the California Environmental Quality Act and, when asked why I want to modernize it, I immediately think of the Metro Expo Line Extension in Los Angeles, connecting Santa Monica to downtown.

If and when it is completed, this project will have taken more than nine years. The project will significantly reduce traffic on one of the most congested freeways in the country and help California achieve its internationally renowned greenhouse gas reduction standards. It will greatly improve air quality and overall public health.

In New York Times columnist Thomas L. Friedman's book, "That Used to Be Us," he writes about how "people have sort of gotten used to" the snail-pace project schedules in the United States compared with other countries. Similarly, many in California have "sort of gotten used to" the misuse of arguably one of the most important laws enacted in our state's history: CEQA. When NFL football stadiums are exempted from this law and projects that improve the public health and the environment take nine years, it motivates me to modernize CEQA.

There are many examples of where the misuse of CEQA has impacted foster youths, elementary school upgrades, University of California campus improvements, urban bike lanes and critical infrastructure projects. We seem to have "sort of gotten used to" doing without all of these projects while CEQA lawsuits cause yearslong delays and significant cost increases. Two specific examples occur in the Sacramento and Bay Area regions.

In Auburn, a group of people calling themselves Residents Against Inconsistent Development, or RAID, used CEQA to challenge an affordable housing project that forced the developer to lose loans and grants. RAID then signed a settlement agreement to allow the project to move forward if the majority of units were market rate, essentially discriminating against poor people. The Sierra Club and the Audubon Society publicly stated that the lawsuit was bogus, serving as an attack to stop affordable housing rather than to protect the environment.

In Berkeley, an infill mixed-use development to house 40 low-income seniors was delayed two years by one person who sued, claiming the project would change the aesthetics of her neighborhood. The Sierra Club supported the project as it met every environmental law in California. This case cost the city and developer an extra million dollars.

Now is the time to look forward and determine how we are going to best fulfill our stated priority: restore full economic growth in California while leading the world on progressive environmental standards. As the incoming chairman of the Senate Environmental Quality Committee, I believe that modernizing CEQA should be the top priority to ensure that California remains green and golden.

Many laws have been adopted at the federal, state and local levels to protect the environment, including air quality, water quality, species protection, greenhouse gas reduction, toxics, hazardous waste, responsible land use planning and more. CEQA, however, has not been modified to reflect these new laws.

Modernizing CEQA is needed so that California remains a leader in protecting the environment and growing a 21st century economy. We can do this while also preserving the best portions of the law -- public disclosure and participation, mitigation of environmental impacts and the ability to challenge projects that don't meet existing environmental standards.

Specifically, one idea being proposed is that once a project has met the relevant environmental statutes, regulations and codes set forth by the state and local authorities, and has completed an Environmental Impact Report, that it be protected from lawsuits on those aspects. Too many times, a project that has met all of the environmental requirements is unfairly delayed or even killed by a lawsuit. Misuse of CEQA should not be able to derail projects.

As this process moves forward, we will continue to solicit input and make sure that the voices of interested stakeholders are both heard and considered. Public participation will always remain a key element of CEQA and the process to modernize this important law.

We must never get used to the delay of projects caused by CEQA abuses.

Rubio, D-East Bakersfield, represents the 16th Senate District.

WE SHOULD NOT MAKE CHANGES TO LAW THAT WORKS

by Thomas Adams

The California Environmental Quality Act has protected public health and the environment again and again for more than 42 years.

CEQA works by requiring public agencies to consider the effects of projects on the environment. If a project may have a significant effect on the environment, an environmental impact report is prepared. Citizens may comment on it. Agencies are required to avoid or reduce significant effects to the extent feasible. Alternatives to the project must be considered. The end result of this process is typically a decision by the public agency to approve a project subject to measures to protect public health and the environment.

CEQA is not enforced by a government bureaucracy; instead, it is enforced by citizens through the courts. Litigation, though important, is comparatively rare, less than 0.02 percent of total civil litigation per year.

Under this process, CEQA prevented offshore oil drilling. It led to the preservation of the Santa Monica Mountains. It kept sewage out of vital bodies of water such as San Francisco Bay and Newport Bay. When developers proposed an open-air human sewage treatment facility near the town of Hinkley, CEQA forced them to consider using an enclosed facility. When the Port of Oakland considered an airport expansion, CEQA forced it to address toxic air contamination threatening nearby residents.

It was a CEQA lawsuit that began electrification of industrial equipment at the Port of Los Angeles to keep toxic pollution away from neighborhoods. The law has protected workers and residents from exposure to highly toxic and explosive anhydrous ammonia by requiring the use of alternative materials in industrial processes. CEQA has required freeways to make room for transit. It has required the Department of Food and Agriculture to consider the effects on schools, hospitals, nursing homes and parks before it authorized spraying of pesticides. Where there is a concentration of pollution sources, as in poor neighborhoods, CEQA requires consideration of the cumulative impacts of pollution.

Because CEQA is powerful and effective, it has been under attack for most of its life. Currently, there are calls for modernizing or updating the law. However, CEQA has been updated continuously. Though the law was first passed in 1970, 334 sections have been added, amended or repealed since 1990; 170 sections since 2002; and 83 sections since 2008.

Some critics say that CEQA impedes California's progress toward renewable energy. That is not the case. Despite a few local legal challenges to these projects, the president of the California Public Utilities Commission recently confirmed that California is well on the road to meeting its standard of having 33 percent of electricity generated by renewable energy by 2020.

Like all statutes enforced by citizen lawsuits, including the civil rights acts, or the Americans With Disabilities Act, there are always individual cases that can be criticized. However, it is one thing to spin an anecdote. It is another to offer proposals that are specific, thoughtful and carefully crafted. Those proposals will be evaluated by their ability to improve the protection of public health and the environment. Proposals to weaken CEQA in the guise of modernization should be resisted.

No one can refute the overall record of this statute. Because of CEQA, California's air is cleaner; our water is safer to drink; our workplaces are healthier; and our landscapes are protected. Making our state laws work better is something we should all strive for, but no one should support proposals that would undermine a statute that has protected the health and environment of Californians for 42 years.

Adams is the former board president of the California League of Conservation Voters, and a CEQA attorney.