



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

July 21, 2020

Board of Commissioners
Transportation Authority of Marin
Email: dmerieno@tam.ca.gov

RE: Position on SB 288, Agenda item 7

Dear Commissioners:

Thank you for the opportunity to comment. Marin Audubon Society urges the TAM Board of Commissioners to not support SB 288.

If you are willing to degrade our environmental resources, reduce the quality of our air and water and make us more vulnerable to sea level rise than we already are, this bill is probably for you. It would provide for sweeping exemptions to the California Environmental Quality Act that would risk our wetlands, streams, creeks and endangered wildlife. As you know, much of Marin's transportation infrastructure is located adjacent to or through tidal or diked marshes. Not much could be done to expand Marin's transportation infrastructure in the eastern corridor without adversely impacting wetlands and other aquatic resources.

To be specific, in North Marin wetlands along San Antonio Creek, Novato Creek and Highway 37 would be at risk and in Central Marin marshes along Gallinas Creek and the San Rafael Canal would be would be threatened. Further south, the tidal marshes at the mouth of Corte Madera Creek and along the Corte Madera bayfront, including the CA Department of Fish and Wildlife's Corte Madera Ecological Reserve, are threatened now and would be even more at risk with SB 288. Mill Valley tidal marshes, with the bike trail cutting through them and bounded by road infrastructure, would also be a target. All of our major transportation infrastructure would be of interest for expansion or new facilities.

Such a comprehensive exemptions from environmental laws, that were enacted to protect us from a rapidly-degrading environment, are not in the public interest. Activities to help us recover from CORVID-19 should enhance our environment not degrade it.

Thank you for not endorsing SB 288.

Sincerely,


Barbara Salzman
Conservation Committee

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From: [Judy Schriebman](#)
To: [Denise Merleno](#)
Cc: [SierraClub Gmail](#); [watermarin](#); [Judy Kelly](#)
Subject: OPPOSE SB 288
Date: Wednesday, July 22, 2020 5:30:36 PM

Dear Transportation Authority of Marin Commissioners:

Please oppose SB 288 that staff has brought to you for consideration. SB 288 is Senator Weiner's "gut and amend" bill that would gut CEQA to include additional exemptions related to transportation projects. It appears as though Senator Weiner is taking advantage of COVID-19 to push through additional "streamlining" of environmental review processes as a way to systematically remove environmental protections from the citizens of California. CEQA is held very dear by the citizens of Marin County. These "streamlining" processes are NOT favored.

SB 288 would further exempt from the requirements of CEQA certain projects for mass transit. But it would also reduce CEQA requirements for bus maintenance, repair, storage, administrative or operations facilities. By requiring a lead agency to determine the applicability of this exemption, the state is again foisting an **unfunded mandate** upon local agencies. This would also make the local lead agency responsible for fighting any lawsuit that was brought as a result of unclear or misapplied language from this bill.

This bill, like all others during this time of COVID, has not had normal committee level review, but is being pushed through the legislature. In addition, this bill is being pushed at a time when people are sheltering at home, unable to work, looking at uncertainty for their children's schooling and when public transportation use may actually be hazardous to their health. We don't know how this will affect things in the long run but now is NOT the time to pass poorly vetted legislation.

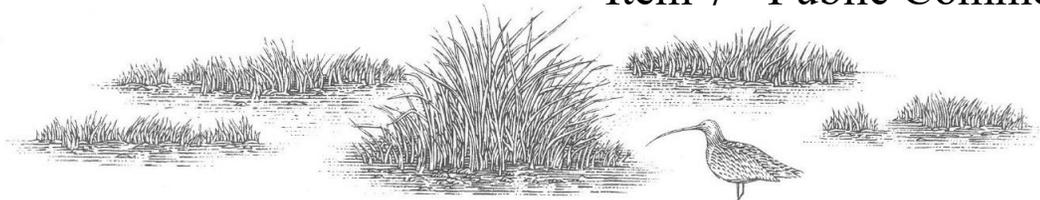
CEQA protects us from bad projects by protecting the environment, air and water quality, adverse traffic impacts, and requires that alternatives be studied so that the best project would move forward. Gutting this important piece of legislation does not serve the health and well-being of the public or the environment. As a member of several environmental groups, with a focus on the health and wellbeing of our waterways and community, I urge you to carefully consider the implications of further gutting CEQA, our top environmental protection law.

This bill does not do Marin any favors. Please vote NO.

Thank you,

Judy Schriebman
San Rafael, CA 94903

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MARIN BAYLANDS ADVOCATES



P.O. BOX 2598

MILL VALLEY, CALIFORNIA 94942

July 21, 2020

Transportation Authority of Marin

Board of Commissioners

Via email: dmerleno@tam.ca.gov

Re: July 23, 2020 Agenda Item 7: Recommend Opposing State Legislative Bill SB 288

Commissioners,

Marin Baylands Advocates opposes SB 288, which would decimate CEQA and open the door to devastating damage of low-lying baylands, including areas where some of our most vulnerable human populations have their homes. We urge that you oppose this legislation.

The bill would mandate a sweeping list of exemptions for projects that could run through or be located adjacent to baylands, wetlands and other waterways, or lands in proximity to low-cost housing, such as San Rafael and Larkspur mobile home parks, and others already threatened by sea level rise. These are areas in need of more, not less, protection, which begins with objective and thorough environmental review of projects that are proposed.

Any pretense that this is an appropriate response to economic fallout from COVID-19 is absurd. While the pandemic has greatly reduced public transit use, the reality is that it sharply accelerated a trend already underway as many businesses have learned that much work can now be accomplished from home offices, cutting the need for leased office space in expensive downtown centers. The future holds major changes in transit needs and uses not fully known at this time. Bulldozing our state's environmental oversight based on vague assumptions about what is not known does not serve public process or public need.

When aspects of a project that could damage the natural environment and/or public health are not identified, and corrective action not taken, human life can be at risk, costs escalated, and presumed economic benefit delayed and diminished. Long-lasting job growth relies on safeguarding the natural world and the lives and well-being of people affected. Legislation that assists the economic recovery while protecting our important natural environment should be prepared in a thoughtful manner, not ramrodded through like a thief in the night.

Thank you for this opportunity to comment.

A handwritten signature in cursive script that reads "Susan Ristow".

Susan Ristow

Marin Baylands Advocates

A handwritten signature in cursive script that reads "Ann Thomas".

Ann Thomas

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June 24, 2020

Senator Scott Wiener
State Capitol
Room 5100
Sacramento, CA 95814-4900

Re: SB288 (Wiener) - Support

Dear Senator Wiener,

Marin County Bicycle Coalition (MCBC) is pleased to support the Sustainable Transportation Covid-19 Recovery Act (Senate Bill 288 - Wiener), which would make common sense exceptions to environmental review requirements under CEQA. Put simply, this bill would remove onerous and costly environmental review hurdles that hamper efforts to deliver projects that make walking, bicycling, and transit safer and more efficient--thereby reducing greenhouse gas emissions and better aligning CEQA with its intended purpose of protecting the environment.

Here in Marin County, transportation is the leading source of GHG emissions, at 52 percent.¹ All of Marin's agencies have adopted ambitious policies toward reducing emissions and increasing the percentage of trips made by walking, bicycling, and transit, but unfortunately, projects that support these goals are often complicated and delayed by overly-burdensome environmental review processes.

Projects that promote alternatives to driving create cleaner air and healthier people. Environmental protection laws should encourage, not prevent our agencies from giving people better alternatives to driving. SB 288 helps by expediting the construction of safer bicycling and walking facilities and improved and more efficient public transit.

Other provisions of SB 288 ensure projects are delivering jobs for skilled and trained workers, identifying ways to benefit our most vulnerable communities and are designed to deliver strong value to taxpayers. To protect community involvement and support community-led planning,

¹ <https://marinclimate.org/greenhouse-gas-inventories/>

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public agencies must also provide opportunities for public participation in the project in order to receive the exemption. To ensure that the projects have no significant impact on the environment, projects must be located in an urbanized area and be located on existing public rights of way. Large projects must also be incorporated in a regional transportation plan or another plan that complies with CEQA at the programmatic level.

We urge you to support SB 288, to support a strong and sustainable recovery in Marin County and throughout California.

Sincerely,



Tarrell Kullaway
Executive Director
Marin County Bicycle Coalition

Cc:

Senator Mike McGuire, 2nd Senate District
Assemblymember Marc Levine, 10th Assembly District
Anne Richman, Executive Director, Transportation Authority of Marin
Farhad Mansourian, General Manager, Sonoma-Marín Area Rail Transit
Denis Mulligan, General Manager, Golden Gate Bridge, Highway and Transportation District
Nancy Whelan, General Manager, Marin Transit
Julian Skinner, President, Marin Public Works Association

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July 22, 2020



Board of Commissioners
Transportation Authority of Marin
900 Fifth Avenue, Suite 100
San Rafael, CA 94901
dmerleno@tam.ca.gov

RE: TAM position on CA Legislative Senate Bill 288

Dear Commissioners:

Marin Conservation League urges you to not support California's Senate Bill 288 as it is currently written. SB 288 seeks to recast current California Environmental Quality Act (CEQA) exemptions and to further exempt projects related to transportation.

The gut-and-amend tactic used in the current version of SB 288 takes advantage of the COVID-19 crisis and accompanying long legislative summer recess. It is a power play to push through streamlining of environmental review as the 2020 legislative session rushes to a close on August 31 and hundreds of bills face deadlines.

CEQA plays an essential role in preserving California's and Marin's biodiversity and unparalleled natural resources. It also ensures the public an opportunity for involvement. It protects the rights of residents to weigh in on the land use and development projects that most affect them.

Throughout Marin County, transportation infrastructure runs adjacent to, crosses, or otherwise affects wetlands and waterways. Any changes, reconstruction, or expansion of transportation facilities or components will inevitably have impacts on these natural features. Without CEQA to identify project impacts and possible mitigations to help offset them, Marin's riparian habitats and watersheds could end up further compromised and could, in turn, exacerbate flooding and future sea level rise. Furthermore, throughout the nine county Bay Area, flooding, sea level rise and consequential impacts along transportation infrastructure disproportionately affect vulnerable communities nearby. There is no such time as a defensible time to undermine California's landmark environmental law; however, this is a particularly egregious context in which to strip it away.

175 N. Redwood Dr., Ste. 135, San Rafael, CA 94903 | 415.485.6257 |
mcl@marinconservationleague.org

Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.

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MCL has been keeping an eye on a number of potential future infrastructure sites in Marin for which CEQA review would be essential. They include:

- The rail right-of-way (ROW) south of Corte Madera Creek
- A proposed multiuse path along SMART ROW through Gallinas marsh, currently in San Rafael's draft 2050 General Plan update, Neighborhood Element, North San Rafael.
- Future site design and planning for Marin Transit's new bus facility
- Golden Gate Transit Center's relocation in San Rafael
- Possible future bridge replacement projects
- Future planning for low lying areas similar to those adjacent to Bothin Marsh.
(Fortunately, planning and environmental review processes for Bothin's wetland and watershed restoration, multiuse pathway adaptation improvements, and Highway 101 elevation are already underway.)

If the intent of this bill is to expedite small transportation projects of limited scope, CEQA already contains the opportunity for "common sense" exemption (Section 15061(b)(3)) as well as several categorical exemptions appropriate for limited-scope projects. Any bill that proposes to amend CEQA to exempt indiscriminately a broad category of projects should receive thoughtful review by a broad spectrum of stakeholders. Only then would changes to CEQA be possible that would enable expeditious implementation of projects important to the economy as well as continue to benefit all Californians and protect the state's natural resources. SB 288 is not such a bill. Please do not adopt a position of support for SB 288.

Thank you for your consideration.

Sincerely,



Robert Miller
President

175 N. Redwood Dr., Ste. 135, San Rafael, CA 94903 | 415.485.6257 |
mcl@marinconservationleague.org

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July 22, 2020

Transportation Authority of Marin
Board of Commissioners

Via email: dmerleno@tam.ca.gov

TAM Board of Commissioners,

Friends of Corte Madera Creek Watershed opposes SB 288, which would gut the California Environmental Quality Act (CEQA). This is analogous to recent action to severely weaken the National Environmental Policy Act, the federal equivalent of CEQA. Please help protect California's environment.

SB 288 is overly broad: for example, it would allow for exemptions from CEQA for projects that institute or expand bus rapid transit and regional rail services on public rail or highway rights of way, including passenger or commuter service on roadway shoulders. In most cases this would require widening of the right-of-way. Many transit projects impact wetlands, waterways, and other sensitive habitats that are already compromised by earlier developments built without any consideration of their environmental impacts. Expansion of these projects absent environmental oversight will simply compound the harm.

A bill that exempted projects with minimal environmental impacts could be crafted, but it would not be this bill. Please do not support this bill.

Sincerely,

Sandra Guldman
President