

[Bakersfield Californian Editorial, Fri., Feb. 1, 2013:](#)

ANOTHER VIEW: CEQA empowers the people to hold developers accountable

The Californian recently editorialized in favor of changes in the California Environmental Quality Act ("CEQA due for another rewrite," Jan. 27). CEQA is a major pillar of democracy in California; the consequences of changes need careful consideration.

CEQA informs and empowers ordinary citizens. By requiring public disclosure of the impacts of new large development projects, CEQA establishes a mechanism that allows us to satisfy our rights and our duties as citizens to be informed, and it requires feasible mitigation for significant impacts. CEQA also establishes a mechanism, potential litigation, for redress if these rights are violated.

The Californian states, "One of the consequences of these CEQA lawsuits is a furtherance of California's reputation as an overly regulated, business-unfriendly state." From a more grass-roots, democratic point of view, CEQA also gives California a reputation as a "citizen-friendly" state in which business is done in the open, where its people have the right to understand the impacts of new proposals, and where citizens are empowered to ensure that impacts are acknowledged and addressed.

CEQA has led to some major local achievements. As a result of the leverage provided to ordinary citizens by CEQA, the local Sierra Club has agreements with 35 development projects in the Bakersfield area. (The Sierra Club, as a matter of policy, receives no money whatsoever from these agreements, and the local Sierra Club has no paid staff.) These agreements deal with a number of issues that are important to our community, including air pollution, climate change, farmland loss, energy and green building. Until we became involved through CEQA, the local agencies were overly "business-friendly," mostly rubber-stamping developers' projects without addressing these issues.

For example, the city of Bakersfield was requiring no air pollution mitigation for the cumulative impacts of the many dozens of new, large housing projects they were approving, this in spite of the fact that we fight it out with Los Angeles every year for the dirtiest air in the nation.

As a result of CEQA litigation, developers agreed to precedent-setting air pollution fees, fees that up to this point have funded more than \$1.5 million in local air pollution reduction grants. For example, some such grants funded replacement of older, high-polluting diesel school buses with new, natural-gas school buses that not only reduce air pollution but also significantly reduce health risks for student riders. A current grant is funding a new bicycle master plan for Bakersfield that has the potential to significantly decrease local vehicle miles traveled and lower air pollution.

Emboldened by our success, the [San Joaquin Valley Air Pollution Control District](#) adopted a valleywide housing developer air fee rule, the Indirect Source Review. The Building Industry Association challenged this rule all the way to the U.S. Supreme Court, but it now successfully stands in place to help clean our terribly polluted air. The developers do not consider this fee to be "business friendly" since it cuts back a little on their profits, but many of the rest of us who live here and have to breathe this dirty air consider it to be "citizen friendly."

Much remains to be done. Oil companies routinely ignore CEQA requirements for public disclosure of the impacts of "fracking" to our community. Like the public in the recent movie "Promised Land," not even local farmers know what is going on with oil/gas drilling on their own land. It may take more CEQA empowerment to find out.

Requirements to address air pollution and farmland loss resulting from the utilization of CEQA by local citizens are not "roadblocks created by self-interested parties," about which The Californian seems concerned. The 35 agreements between Sierra Club and local developers are not, in The Californian's words, "an abusive misuse of the law that intentionally creates delays and paperwork headaches that slow and ultimately kill projects." Only in the rare case where negotiations fail do we resort to litigation. CEQA stopped none of these projects; it only ensured that they addressed their impacts.

By informing and empowering the public, CEQA stands as a major component of our democratic system. Our own community is much improved as a result of this law. Weakening CEQA is weakening our democracy.

Gordon Nipp lives in Bakersfield, is a retired mathematics professor and is vice chairman of the Kern-Kaweah Chapter of the Sierra Club. Another View presents a critical response to a previous editorial, column or news story.