

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.

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

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

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