



RURAL COUNTY REPRESENTATIVES  
OF CALIFORNIA

January 13, 2022

The Honorable Cristina Garcia  
Member, California State Assembly  
1021 O Street, Suite 8140  
Sacramento, CA 95814

**RE: Assembly Bill 1001 – OPPOSE  
As Amended January 3, 2022**

Dear Assembly Member Garcia:

On behalf of the Rural County Representatives of California (RCRC), I am writing to respectfully express our opposition to your Assembly Bill 1001, related to the California Environmental Quality Act (CEQA). RCRC is an association of thirty-eight rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

AB 1001 makes two significant changes to CEQA. First, it requires a project's effects on a disadvantaged community's air or water quality to be mitigated directly in that community. Second, AB 1001 requires all public agencies to "act consistently with the principles of environmental justice" when implementing CEQA.

RCRC regretfully opposes AB 1001 because it inhibits local flexibility, could reduce future mitigation efforts, and will significantly increase the risk of costly and prolonged litigation. Our concerns arise not out of a hostility to your underlying objectives, but from the bill's construction and the practical realities of its implementation. RCRC shares your overarching goals, including promoting local mitigation and facilitating engagement of those residents most acutely impacted by a project. Unfortunately, the AB 1001 is unnecessarily restrictive with respect to mitigation. Furthermore, given the litigation trap that CEQA has become, we believe community engagement is best accomplished outside of CEQA.

***CEQA Is A Deeply Flawed Vehicle for Addressing Environmental Justice and Local Engagement Objectives.*** RCRC is concerned that modifying CEQA to require local agencies to act consistently with environmental justice principles will significantly increase the risk of costly and prolonged litigation. We are sensitive to the need to increase engagement by those who are most acutely impacted by a proposed project;

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however, building this requirement into CEQA will make a law already often maligned because of its susceptibility to litigation abuse even worse.

The bar for filing litigation under CEQA is exceedingly low. It does not take much for a project opponent to file a lawsuit (often for purely anti-competitive or NIMBY purposes) and delay a project for a few years while the court considers those claims. These are delays many local governments and rural communities cannot afford.

Unfortunately, AB 1001 injects even more ambiguous requirements into CEQA that are likely to involve both procedural and substantive obligations on public agencies. AB 1001 fails to articulate what constitutes acting “consistently with the principles of environmental justice” and so opens the door to endless claims that a local agency failed to proceed in accordance with the law.

Rather than significantly increasing the complexity of CEQA and opening the door to even more litigation, RCRC hopes to find a pathway to improve community engagement outside of the CEQA context.

***Local Mitigation Requirement Is Unnecessarily Restrictive and Could Backfire.*** With respect to local mitigation, RCRC acknowledges that local mitigation should be prioritized where practical and feasible; however, it is not always feasible or practical to mitigate in the community impacted.

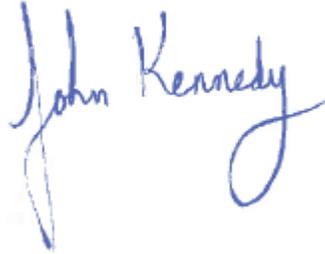
AB 1001 rigidly requires mitigation of a project’s air and water effects in the impacted community. In some cases, it will be impossible to mitigate a project’s effects in the impacted community. This leaves the agency with two choices: 1) Reject the project altogether; or, 2) Approve a statement of overriding considerations (where the agency approves the project despite significant impacts that cannot be mitigated). Normally, if a project’s effects cannot be mitigated in the impacted community, those effects will be mitigated elsewhere. If agencies are given no real alternative but to adopt a statement of overriding considerations, then those impacts are likely to go unmitigated altogether. This means that other regional mitigation projects would simply not occur. On the other hand, if the traditional “statement of overriding considerations” process ceases to exist, AB 1001 will effectively bar of construction of important projects in communities identified as “disadvantaged” by CalEnviroScreen. This could have disastrous long-term consequences for the safety and economic health of those communities.

Furthermore, with respect to greenhouse gas (GHG) emissions, where the reductions occur is of far less importance than the fact that the emissions are offset. GHG mitigation efforts outside of the impacted community may often be achieved at lower cost while also maximizing overall societal and environmental benefits. For example, GHG mitigation efforts that improve forest health will produce a diversity of air quality, water quality, water yield, habitat, wildfire risk reduction, and other benefits that would not necessarily occur if those emissions must be mitigated in the impacted community.

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For these reasons, RCRC regretfully opposes your AB 1001. We look forward to working with you to finding other pathways to achieve your objectives. If you should have any questions, please do not hesitate to contact me at [jkennedy@rcrcnet.org](mailto:jkennedy@rcrcnet.org) or (916) 447-4806.

Sincerely,

A handwritten signature in blue ink that reads "John Kennedy". The signature is written in a cursive style with a large, looping "J" and "K".

JOHN KENNEDY  
Policy Advocate

cc: Members of the Assembly Appropriations Committee  
Jennifer Galehouse, Consultant, Assembly Appropriations Committee  
Lawrence Lingbloom, Chief Consultant, Assembly Natural Resources Committee  
Kirstin Kolpitcke, Consultant, Assembly Republican Caucus