



April 16, 2014

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

Molly Laster
Senior Analyst
United States Government Accountability Office
701 5th Avenue, Suite 2700
Seattle, WA 98104

Dear Ms. Laster:

On behalf of the California State Association of Counties (CSAC), I am writing to thank you and your colleagues for taking the time to meet with representatives of California counties as the Government Accountability Office (GAO) undertakes research related to state environmental laws required by the Moving Ahead for Progress in the 21st Century Act of 2011. We hope in our March 20, 2014 meeting we were able to provide the unique perspective of California counties on the execution of environmental reviews pursuant to both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) for title 23 federally-funded transportation projects.

California counties' experiences with the environmental review process for transportation projects is unique due to the overlapping requirements of NEPA and CEQA as well as California's status as the sole participant in the NEPA Delegation Project Delivery Program. The NEPA delegation to Caltrans has improved some aspects of the federal environmental review process for California counties. However, the NEPA delegation does not address the fundamental issues of duplication, increased costs and delays related to the dual requirements of CEQA and NEPA review. As such, CSAC has continually advocated for a CEQA-NEPA reciprocity program in the transportation authorization bill.

During the recent meeting with the GAO, CSAC and the participating counties highlighted a number of examples and experiences that would support such a CEQA-NEPA reciprocity program. Based on the counties' case study examples, it is clear to CSAC that the environmental protections afforded by CEQA surpass those of NEPA. This is largely due to the CEQA requirement to mitigate impacts to the environment to a less than significant level where feasible. In addition, while there are broad areas of overlap in terms of the analysis required by both laws, there are a few subject areas where NEPA has additional environmental requirements not covered by CEQA. To compensate for this, practitioners maintain that areas of analysis only required by NEPA could be easily included in the CEQA analysis for federally-funded transportation projects. Moreover, one of the cornerstones of both NEPA and CEQA is to ensure that information on the environmental impacts of a project are available to the public and decision-makers. When compared with NEPA, CEQA provides equal or greater disclosure of the environmental impacts of proposed projects as well as ample opportunities for members of the public to engage in the environmental review process.

Counties' experiences have shown that processing a project through NEPA review in addition to CEQA has seldom changed the outcome of a proposed transportation project or its impacts on the environment, or provided significantly more environmental information. In some cases, the federal lead agency has required preparation of costly technical studies for a NEPA categorical exclusion to document for the record that there will be no impact to the

environment; whereas these same technical studies would not be necessary under CEQA to determine that a project is eligible for a categorical exemption. Counties have also identified individually small but cumulatively significant costs in revising and reformatting specific elements of an environmental document to conform with the varying standards of multiple responsible federal agencies. These costs are estimated at \$2,000-\$5,000 per study with six to ten studies required for larger projects.

We hope that the information we provided in our meeting was helpful in your research and look forward to reviewing the Government Accountability Offices' findings when the study is completed and published this fall. Thank you once again for taking the time to hear from California's counties on this pressing issue. Please do not hesitate to contact me at (916) 327-7500 ext. 566 kbuss@counties.org with any questions or for additional information.

Sincerely,



Kiana Buss