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April 19, 2017

The Honorable Cristina Garcia  
Chair, Assembly Natural Resources Committee  
1020 N Street, Room 164  
Sacramento, CA 95814

**Re: AB 890 (Medina) – Local Land Use Initiatives: Environmental Review  
As Amended April 18, 2017 – OPPOSE  
To Be Heard in the Assembly Natural Resources Committee - April 24, 2017**

Dear Assembly Member Garcia,

The California State Association of Counties (CSAC) and the Rural County Representatives of California (RCRC) write to respectfully express our opposition to AB 890 (Medina), which would require an environmental review of all proposed local initiatives and significantly restrict, or prohibit the ability of certain initiatives from appearing on the ballot. Counties take environmental protection very seriously. We also acknowledge the important role that California Environmental Quality Act (CEQA) provides in ensuring essential information about environmental impacts is publicly available and informs the local decision-making process. However, AB 890 raises serious concerns for local governments on many fronts.

Under the California Constitution, the people of California have retained the power to use the initiative process to assert direct control over the political process, limited only by reasonable procedures adopted by the Legislature, with few exceptions. This power has been in existence for over 100 years and is a fundamental tenet of our democratic society. This bill challenges that constitutional right by imposing serious restrictions on what can and cannot appear on the ballot based on the subject matter of the initiative and its potential for environmental impact.

Specifically, AB 890 requires proponents of all initiatives to request that the local jurisdiction conduct an environmental review of the measure and determine if that measure has the potential to have a significant effect on the environment. Under this standard, initiative measures would then be subject to CEQA, and only those that receive a negative declaration would be allowed to proceed to the ballot. This new process could prevent a significant number of local ballot measures from appearing on the ballot and, thus, erode the local initiative process by creating classes of initiative and taking power away from our citizens.

In 2016, California voters considered more than 850 local ballot measures, many of which could be considered to have an impact on the environment. Under this bill, local governments, at their own expense, would be required to conduct costly environmental reviews resulting in a tremendous work load increase and cost burden to the jurisdiction. Environmental impact reports (EIRs) or mitigated negative declarations (MNDs) are likely to cost hundreds of thousands of dollars, if not millions, and require many hundreds of staff hours. Though the scope of the review would depend on the measure, it is clear that the additional work would add significant expenses and time considerations to an

already costly and lengthy initiative process that must function within narrowly defined elections timelines.

While local ballot measures are not currently subject to CEQA, there is a significant opportunity and requirement for environmental review in established local land use processes. Projects are subject to extensive environmental permitting and required to comply with the full suite of local, state and federal environmental laws including the Clean Air Acts, the Clean Water Acts, the Endangered Species Acts, all Hazardous Waste laws, etc.

In addition to the environmental review, litigation costs present an additional concern with AB 890. Any decision regarding the scope of environmental review necessary to comply with the bill would be subject to litigation. The practical implications of this are considerable, and could result in a large new wave of CEQA lawsuits. Even those initiative proposals that do make it through the process would likely be subject to years of additional review, litigation, and costly delays.

It is for these reasons that CSAC and RCRC must respectfully oppose AB 890. If you have any questions about our position, please do not hesitate to contact Cara Martinson at [cmartinson@counties.org](mailto:cmartinson@counties.org) or 916-327-7500, ext. 504, or Mary-Ann Warmerdam at [MWarmerdam@rcrcnet.org](mailto:MWarmerdam@rcrcnet.org), or 916-447-4806.

Sincerely,



Cara Martinson  
CSAC Legislative Representative



Mary-Ann Warmerdam  
RCRC Senior Legislative Advocate

cc: The Honorable Jose Medina, Member, State Assembly  
Members, Assembly Natural Resources Committee  
Lawrence Lingbloom, Consultant, Assembly Natural Resources Committee  
John Kennedy, Republican Caucus Consultant