

Bringing you HOPE -
Helping Our Peninsula's Environment
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Pacific Grove Hometown Bulletin
Letter To The Editor
Wed, 21 Sep 2005 11:52:15 -0700

Dear Editor:

Helping Our Peninsula's Environment (HOPE) appreciates the Hometown Bulletin's attempts to summarize public comments made at the Council meetings. Unfortunately, the summary of our presentation at the August 17, 2005 council meeting needs more than a little clarification.

First, our presentation was prompted by the false, not merely misleading, legal advice given by a stand-in City Attorney. That Attorney wrongly advised the Council (after public comment had closed so there was no opportunity to correct his error) that cutting down 18 mature Monterey pine trees was exempt from California's Environmental Quality Act (CEQA, pronounced "See-qua") because somehow it was an emergency.

Event - Not Condition

In sharp contrast, California's legislature and courts have solidly established that an emergency is an event ("a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action."), not merely an ongoing condition requiring repair such as at our Monarch Sanctuary.

In our presentation trying to give the new city Council some grounding in this law, we tried to explain how California's Environmental Quality Act applies to all governmental decisions, not merely to those which harm animals or cut down trees. While some governmental decisions can be quickly found to be exempt, such as buying pencils, when there is a potentially significant impact, such as cutting down trees and removing butterfly habitat, no action is exempt.

When a potentially significant environmental impact occurs the law requires more detailed analysis of the harms proposed, and then clear public disclosure of those harms - before the Council takes action.

For more information please see HOPE's website for the article we gave the Council --
www.1hope.org/ceqaovr.htm

with all due respect,

David Dilworth, Executive Director, HOPE, Helping Our Peninsula's Environment

PS There's only one "L" in Dilworth, perhaps you can give the extra "L" to someone who's a little short at the checkstand.

* HOPE participates in more governmental meetings than any other Monterey County group.

* HOPE's website shows up as Number 1 in many Google Searches and is Monterey County's largest democracy and environmental website with more than 350 pages.

Founded in 1998, and known for helping with hundreds of environmental and democracy successes, ***H.O.P.E.*** is a non-profit, tax deductible, public interest group protecting our Monterey Peninsula's natural land, air, and water ecosystems and public participation in government, using science, law, education, news alerts and advocacy.