

Mt. Diablo Audubon Society
diabloaudubon.org



February 21, 2019

To: City Of Lafayette

Mayor Cameron Burks
Vice Mayor Mike Anderson
Council Member Steven Bliss
Council Member Susan Candell
Council Member Teresa Gerringer

RE: PG&E Tree Removal Agreement

Respectfully to the Mayor and Council Members,

My Name is Kent Fickett and I am the Vice President for Mount Diablo Audubon, a regional environmental group with a large number of members in the Lafayette/Moraga/Orinda/Walnut Creek area.

A significant amount of time has passed and a number of changes have occurred since Mount Diablo Audubon's last formal correspondence with the City in May 2017 on this matter (Please see attached letter and attachments).

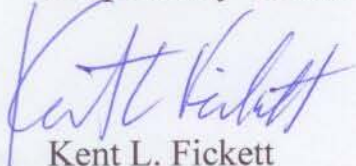
Therefore this brief letter is to refresh the City and Council with our previous arguments concerning PG&E's, and unfortunately the City's violation of CEQA. We have included our previous arguments and citations to substantiate our view on this matter for your reference.

In short, PG&E misled the City and Council in early 2017 claiming to have an Emergency Exemption from CEQA.

1. No one in the public arena has seen a formal determination nor did PG&E file a Notice of Exemption for its proposed actions in 2017 as required by law.
2. That's because the PG&E proposed project **was not an emergency** under CEQA. We contend the "emergency" declaration was a pretense to misguiding the City and the Public to avoid proper CEQA review. If in 2017 the pipeline had a leak or serious identifiable problem that threatened public health and safety, by all means declare an emergency, evacuate local residents and fix the problem. There was no "emergency" in Lafayette in 2017, and there hasn't been one since.

For these very simple and clear reasons we would encourage the City to stop spending precious public resources on the current legal process, tear up the Agreement and start an appropriate and legal collaborative CEQA process to upgrade a very important and critical part of the Cities infrastructure.

Respectfully Yours,



Kent L. Fickett
Vice president,

Mount Diablo Audubon Society
Cell 415 269 4277