



American Planning Association
California Chapter

Making Great Communities Happen

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Mr. Christopher Calfee
Special Counsel
Natural Resources Agency
1416 Ninth Street
Sacramento, California 95814

SUBJECT: COMMENTS ON NATURAL RESOURCES AGENCY RECOMMENDED AMENDMENTS TO CEQA GUIDELINES FOR GHG EMISSIONS

Dear Mr. Calfee:

APACA appreciates the opportunity to comment on the proposed SB 97 CEQA Guideline amendments relating to greenhouse gas (GhG) emissions. We appreciate being included in OPR's initial drafting of the proposed Guidelines. We also greatly appreciate your changing some of OPR's initial language in response to APACA comments, in particular the detailed language of Section 15183.5 on tiering and streamlining GhG analysis.

For APACA comments on the OPR draft that were not addressed, we have read the Initial Statement of Reasons and appreciate your explaining the California Natural Resources Agency's (CNRA's) reasoning. We still have two major concerns, as discussed below.

Analysis of Climate Change Impacts and Adaptation

APACA does not find the explanation of excluding climate change impacts and adaptation from the Guidelines to be convincing. With the release of the draft California Climate Adaptation Strategy on August 3, it is clear the CNRA recognizes specific impacts of climate change on the following sectors:

- Increased public health risks from higher temperatures and more smog
- Habitat modification and loss of ecosystems
- Sea level rise, coastal flooding, and coastal erosion
- Losses to Sierra snowpack and water supply
- Damage to agriculture from changes in temperature, precipitation, and hydrology

- Reduced forest productivity and increased chance of wildfires
- Damage to transportation and energy infrastructure

The draft Adaptation Strategy also recommends specific state and local agency strategies for analyzing and adapting to climate impacts. Some of these strategies directly involve the CEQA process, and many others can be implemented successfully through the CEQA process. APACA would appreciate the CNRA creating a stronger linkage between the proposed SB 97 amendments and the California Climate Adaptation Strategy by amending the Guidelines text and Appendix G to provide more focused guidance to lead agencies. If this linkage between CEQA and the Adaptation Strategy is not made in the final SB 97 amendments, APACA would appreciate the CNRA explaining when and how it will be made in the future.

A specific change we recommend is to Section 15126.2(a), which, as the Initial Statement of Reasons acknowledges, already indirectly authorizes analysis of the effects of climate change on a project through requiring analysis of the impacts of bringing development and people into a hazardous area. However, the language of this section does not specifically require lead agencies to consider future hazards due to climate change, and they could easily overlook this analysis. For clarity, we suggest that a concluding sentence be added to this Section as follows: “Similarly, the EIR should evaluate the impacts of locating development and property in other hazardous areas (e.g., floodplains, wildfire risk areas) both as currently delineated, and as they may be modified in the future by climate change.”

Mitigation Hierarchy

Re Section 15126.4(c)(5), APACA continues to believe that offsite measures and purchase of offsets/credits are not as certain to reduce GhG emissions as on-site project-specific mitigation. For example, mitigation offsets with forestry and agriculture projects are subject to “leakage” beyond the control of the lead agency to address.¹ We continue to request that the Guidelines express a preference for on-site mitigation, and require that offsite measures, offsets, and credits be effective, verifiable, and enforceable.

The Initial Statement of Reasons implies that the only reason for preferring on-site mitigation is co-benefits for the project and the local community. While co-benefits are important, it is more important that on-site mitigation measures are more certain to work and easier for the lead agency to enforce, as compared to offsite measures, offsets, and credits. The Initial Statement of Reasons also states that the Guidelines already require that all mitigation measures be effective (as determined by the lead agency) and enforceable (which implies verifiable). Since this is the case, why not include this language as a reminder specifically for offsite measures, offsets, and credits, to allay lead agency and public concerns about whether these measures will work?

¹ See, e.g., Jenkins, et al. (2009). Address Leakage in A Greenhouse Gas Offsets Program for Forestry and Agriculture, <http://www.nicholas.duke.edu/institute/offsetseries4.pdf>.

Minor Technical Changes

APACA also recommends the following technical changes to clarify the language of the proposed amendments without changing their meaning:

- Section 15130(b)(1)(B), last sentence: Revise to state: “Such projections may be supplemented with additional information such as *information from* a regional modeling program.”
- Section 15183.5(c), first sentence: Consistent with Public Resources Code sections 21155.2 and 21159.28, *CEQA documents* for certain residential and mixed use projects...”
- Appendix F, Mitigation Measure D4: Revise to state: “Alternative fuels (particularly renewable ones) or energy systems (*particularly renewable ones*).”

We appreciate the opportunity to comment. If you have any questions, please contact me directly at 707-565-1925.

Sincerely,

Pete Parkinson

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Vice President, Policy and Legislation