

PUBLIC HEARING
STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY

In the Matter of:)
)
PROPOSED CEQA GUIDELINE)
AMENDMENTS FOR GREENHOUSE)
GAS EMISSIONS(SB 97))
_____)

NATURAL RESOURCES AGENCY
1416 NINTH STREET
AUDITORIUM
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APPEARANCES

PANEL

Mr. Mike Chrisman, Agency Secretary

Mr. Kirk Miller, General Counsel

Mr. Chris Calfee, Special Counsel

Mr. Ian Peterson, Assistant Planner, Office of Planning
and Research

ALSO PRESENT

Mr. Joshua Basofin, Defenders of Wildlife

Mr. Brian Biering, Independent Energy Producers
Association

Mr. Dave Campbell, East Bay Bicycle Association

Mr. Al Herson, American Planning Association

Ms. Rachel Hiatt, San Francisco County Transportation
Authority

Mr. Allan Lind, Allan Lind & Associates

Ms. Michelle Mason, Western States Petroleum Association

Ms. Michelle Passero, The Nature Conservancy

Mr. Robert Raburn, East Bay Bicycle Coalition

Mr. Allen Robertson, CalFire

Mr. Walt Seifert, Sacramento Area Bicycle Advocates

Mr. Andy Thornley, San Francisco Bicycle Coalition

Mr. Matt Vander Sluis, Planning & Conservation League

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1 PROCEEDINGS

2 GENERAL COUNSEL MILLER: I just received the
3 official signal that it is okay to begin from the court
4 reporter, which gives us permission to commence.

5 I am Kirk Miller, General Counsel for the
6 Resources Agency. We have a short list of duties today.
7 First to begin with the late start. We apologize that we
8 weren't able to kick off promptly at one o'clock.

9 I want to let you know what we will be doing in a
10 nutshell. Secretary Chrisman will make some opening
11 comments. Chris Calfee then will elucidate us further
12 about the details of the rule-making process. And then we
13 look forward to hearing from you about the rules that we
14 have published.

15 So with that, let me introduce Secretary
16 Chrisman.

17 AGENCY SECRETARY CHRISMAN: Kirk, thank you. And
18 ladies and gentlemen, thank you all for coming today.
19 This session is critical as we think about getting these
20 amendments together, working with the Agency to get this
21 CEQA portion of our implementation of the greenhouse gas
22 reduction bills that were passed, this is important.
23 Office of Planning and Research, I think you know, had
24 extensive outreach sessions. Part of these efforts, they
25 met with hundreds of organizations. I know probably many

1 of you here today were involved in those activities. And
2 we have to thank OPR for their efforts in that. It was
3 very helpful.

4 The language we published on July 3rd reflects
5 the shared efforts of OPR and the Natural Resources
6 Agency.

7 I think you all know the importance of this is
8 that these guidelines are a key element of the Governor's
9 overall efforts to reduce this state's greenhouse gas
10 emissions here in California.

11 The signing message on SB 97 indicated, of
12 course, that these guidelines were -- or apart of this
13 coordinated policy, and that these guidelines, of course,
14 are going to ensure that our greenhouse gas emissions are
15 considered a part of all levels of California's
16 government, while at the same time accommodating for some
17 of the regulatory developments that are going to take
18 place in this state. And that's an important part of our
19 efforts here, and that's an important part of what we'd
20 like to certainly here from you today on.

21 This is a first ever set of CEQA regulations on
22 greenhouse gases. We're going to be -- California is one
23 of the first states to adopt these regulations requiring
24 these analyses of our greenhouse gas emissions.

25 We also consider these amendments a Version One,

1 of course, which will change and evolve as we go through
2 and analyze our process and move forward. So science
3 supporting our greenhouse gas analysis and mitigation
4 continues to evolve, as I think you all know. We're
5 learning as we go along in this effort. So your
6 involvement in the technology and helping us get there I
7 think is going to be really important as we move forward.

8 SB 97 itself requires our guidelines, the CEQA
9 guidelines for greenhouse gas reductions, to be
10 reevaluated as our information is developed over time.

11 And again, we really sincerely appreciate the
12 effort of all you to be here today and help us in this
13 effort, not only here today, but the work leading up to
14 today, and help us as we move forward in this process,
15 because we've got a lot to learn in this effort. But
16 again, pursuant to the legislation, pursuant to the
17 Governor's directive, we're here to try to move this
18 effort forward. So we want to thank you for that, so I'd
19 like to turn it over to Chris Calfee.

20 Chris.

21 SPECIAL COUNSEL CALFEE: Thank you, Secretary
22 Chrisman and thanks to all of you for being here to attend
23 these SB 97 hearings. I'll say just a few words about the
24 rule-making process and then just go over a few
25 housekeeping details.

1 As most of you know, the CEQA guidelines are
2 administrative regulations. And that means they need to
3 be consistent with the California Administrative
4 Procedures Act. That means that these guidelines are
5 intended to make specific and clarify existing CEQA
6 statutory language and case law. But we can't rewrite
7 law. We can't make new law in these guidelines. The
8 guidelines that you have in front of you, therefore, are
9 consistent with existing CEQA statutory law and case law.

10 As you know, the California Natural Resources
11 Agency did publish this draft of the CEQA guidelines on
12 July 3rd. And we're now in the public comment period.
13 Public comments will be accepted until August 27th. We
14 have extended the deadline for a week to make sure that
15 everyone's views are heard.

16 After all public comments are collected on August
17 27th, the Resources Agency will engage in reviewing all of
18 the comments and determining what revisions, if any, are
19 necessary to the proposed guidelines.

20 If there are any revisions to the proposed
21 guidelines, we will open up those revisions for additional
22 rounds of public review and comment.

23 Once that whole process is finished, once we've
24 determined that no further revisions are necessary, the
25 Secretary will consider whether it's appropriate to adopt

1 those. Prior to doing that, we will develop a Final
2 Statement of Reasons that includes written responses to
3 all of the comments that you submit.

4 So that's just a rundown on the rule-making
5 process. Just a few housekeeping details. Copies of all
6 documents that are related to this hearing are available
7 on the Internet. If you go to the Resources website, look
8 for the SB 97 rule-making tab and you can find everything
9 there.

10 If you haven't already done so, if you could sign
11 in at the back of the room, that will ensure that you get
12 all notices relating to this hearing and to this
13 rule-making process. Copies of the agenda are also
14 available up on the table on the back. Comment cards and
15 speaker cards are also there.

16 I believe Ian has already collected most of the
17 speaker cards. If someone hasn't filled one out and you
18 decide that you do want to speak, please do fill out that
19 card and hand it to Ian.

20 Restrooms are located on the first floor. You
21 would go out the doors that you came in, turn left --
22 excuse me turn right and turn right again, go past the
23 elevators.

24 In case of an emergency, again go back that way
25 or there's an emergency exit here. If everyone could

1 please mute or turn off their cell phones and BlackBerries
2 at this time, that will reduce any distractions.

3 The purpose of today's hearing is to collect
4 comments from you, to collect your verbal comments. So we
5 will be receiving your comments, but we -- because the
6 Resources Agency will be responding in writing to all
7 comments, we won't be responding in person here. We might
8 ask you clarifying questions to make sure that we've
9 adequately understood the comments that you're making, but
10 otherwise this hearing isn't set up for a back and forth
11 exchange.

12 We do have a transcriptionist here to provide a
13 full written record of all comments that you make. And
14 again, everything that you say here will be responded to
15 as part of the record.

16 To help us manage our time today, we will impose
17 a five minute limit on the verbal comments today. If we
18 are able to get through all of the comments and you still
19 have more comments that you would like to make, then we
20 can start again before we end this hearing at five
21 o'clock.

22 I believe that's it in terms of housekeeping and
23 introductory remarks. If you'll indulge me, I'll turn
24 this podium around, so that we can open it up to you. In
25 terms of how we do that, Ian will be calling out the names

1 in groups of two. So the first person can come to the
2 podium and speak while the other person waits in the
3 chairs over here.

4 Are there any questions on this process?

5 Seeing none, I'll go ahead and turn the podium
6 around.

7 GENERAL COUNSEL MILLER: It's a long way out
8 there.

9 ASSISTANT PLANNER PETERSON: Well, our first
10 speaker will be Al Herson with the American Planning
11 Association and following will be Joshua Basofin.

12 MR. HERSON: Good afternoon. Thank you for the
13 opportunity to present the American Planning Association
14 comments on the SB 97 guidelines. I'm here on behalf of
15 Pete Parkinson our vice president for policy and
16 legislation.

17 The American Planning Association, California
18 chapter, has 5,000 members. And most of them are deeply
19 involved in implementing these guidelines, whether as
20 planning agencies, planning greenhouse gas reduction
21 plans, lead agencies preparing CEQA documents or
22 environmental consultants.

23 And what I'd like to do is to, first of all,
24 acknowledge and thank you for the open and transparent
25 process you've run to date, and the ability to work with

1 the Office of Planning and Research on preliminary drafts
2 of the guidelines. And we appreciated very much the
3 changes that OPR made in response to our comments. And
4 the changes that the Resources Agency made in response to
5 our comments on the OPR guidelines, in particular, the
6 tiering and streamlining greenhouse gas analysis
7 provisions of the guidelines, Section 1583.5, we think are
8 tremendous and we sure hope you don't change that part.

9 However, there are a couple of major concerns we
10 still have left, in addition to technical amendments,
11 which I won't go through in detail. The first relates to
12 climate change impacts and adaptation. And the second
13 relates to mitigation sequencing, the hierarchy of
14 mitigation.

15 And in terms of climate change impacts and
16 mitigation, something big has happened since the Resources
17 Agency released these draft guidelines, and that's the
18 Draft California Adaptation Strategy also released by the
19 Natural Resources Agency.

20 And as you know, in this strategy there is
21 cataloguing of specific impacts of climate change related
22 to public health, ecosystems, sea level rise, water supply
23 and sierra snowpack, agriculture, forest productivity,
24 transportation and energy infrastructure.

25 And after cataloguing the latest science, the

1 Adaptation Strategy goes on to recommend a number of
2 specific State and local strategies, which are far
3 reaching, to adapt those climate change impacts. Many of
4 those strategies directly involve the CEQA process
5 directly. Many other ones can be implemented successfully
6 through the CEQA process. And what we'd like to do is
7 encourage the Natural Resources Agency to create a
8 stronger linkage between the Adaptation Strategy and this
9 set of CEQA guidelines right now. It's late, but just in
10 terms for implementing the Adaptation Strategy, the
11 American Planning Association and others that are
12 implementing CEQA really would appreciate a good road map
13 on how to best implement the adaptation strategies that
14 affect lead agencies within the CEQA process.

15 And if, for some reason, that's not possible,
16 we'd request that the Natural Resources Agency explain to
17 the CEQA community when that linkage is going to be made
18 and how we're going to get that road map and linkage
19 between the Adaptation Strategy and CEQA implementation.

20 We have some specific language on this topic
21 related to Section 15126.2(a) that we've suggested that's
22 a clarification that would say that the EIR should
23 evaluate locating the impacts of -- locating development
24 of property in hazardous areas, such as floodplains and
25 high wild fire risk areas, both current risk areas and

1 future risk areas, as they may be affected by climate
2 change. We think that's within the spirit of the existing
3 guidelines and consistent with CEQA and case law.

4 This second major issue we have still is the
5 mitigation hierarchy. And we continue to believe that
6 on-site mitigation is simply more certain to work than
7 off-site mitigation. You might have noticed articles in
8 the Sacramento Bee earlier this week, where some high
9 level State officials also expressed some skepticism about
10 the effectiveness of things like mitigation credits and
11 offsets.

12 And we'd like to request that a hierarchy of
13 mitigation be put in the guidelines, where on-site
14 mitigation is preferred to off site. And that the
15 off-site mitigation, such as credits and offsets be
16 verifiable, and enforceable --

17 ASSISTANT PLANNER PETERSON: You have one minute.

18 MR. HERSON: Thank you very much -- be
19 verifiable, enforceable and effective. And there is a
20 precedent for sequencing mitigation in the guidelines.
21 Right now, it's for cultural resources mitigation, where
22 preservation is preferred to resource recovery. The same
23 kind of thinking, what is more likely and more certain to
24 actually mitigate the impacts. So we'd request that the
25 Resources Agency reconsider your position on mitigation

1 sequencing.

2 Well, that concludes our comments. And I want to
3 thank you for the opportunity to speak today.

4 Thank you.

5 ASSISTANT PLANNER PETERSON: Thank you.

6 SPECIAL COUNSEL CALFEE: Thank you.

7 ASSISTANT PLANNER PETERSON: Joshua Basofin
8 Defenders of Wildlife. And then we'll have Walter -
9 excuse the last name - Seifert with the Sacramento Area
10 Bicycle Advocates.

11 MR. BASOFIN: Good afternoon. Joshua Basofin
12 with Defenders of Wildlife here in our Sacramento Program
13 Office.

14 I'd first like to thank all of you for holding
15 this workshop today and to commend you for these guideline
16 amendment draft proposals. It's been a long, hard
17 process, as Secretary Chrisman alluded to. And I think
18 you all have done a great job of involving the public in
19 the stakeholder process to formulate the best guideline
20 amendments that you can.

21 Interestingly, I actually agree with the former
22 speaker on quite a few things. I sort of feel like he
23 stole my thunder a little bit. I had the opportunity to
24 attend the workshop for the Adaptation Strategy and
25 recommendations last week. And I had sort of the same

1 thought process that the former speaker had, which is how
2 do we create a nexus between those adaptation
3 recommendations and this ongoing guideline amendment
4 process?

5 Some of the concerns that were voiced at the
6 workshop last week on the adaptation process were, how do
7 we implement these recommendations that we're now
8 transmitting to the Governor on climate change adaptation.
9 And from the seven sectors represented by various State
10 agencies, the response overwhelmingly was well, they'll
11 get implemented through the CEQA process. And I think
12 that's a tremendous indication that we do need a very firm
13 nexus between this amendment process and our ongoing
14 adaptation strategy.

15 I think that's particularly important,
16 considering that there has been ongoing litigation before
17 SB 97 was passed and before this amendment process began,
18 particularly involving the Attorney General and several
19 environmental groups involving claims that greenhouse gas
20 emissions and climate change does need to be incorporated
21 into the CEQA process. And I think that this is -- this
22 evolution of these guideline amendments will help to
23 clarify the case law in that manner.

24 So I'm hoping that we can kind of cut some of
25 that litigation off at the pass involving adaptation, if

1 we can incorporate it in to this process. I think it
2 would be a tremendous disservice to those organizations in
3 the State that are lead agencies and project proponents,
4 if we don't do that. So I think it's tremendously
5 important that we consider issues like where is there
6 going to be sea level rise; how do we adapt to sea level
7 rise; how do projects that are proposed in the state that
8 must be compliant with CEQA deal with adapting to sea
9 level rise; how do they deal with new transportation
10 issues that will arise; in terms of the biodiversity
11 sector for adaptation, how do we deal with what Fish and
12 Game has described as a number of evolving wildlife
13 reserves that will be required and will need to be
14 adaptively managed in the state; what happens when we
15 interface CEQA compliant projects with those reserves that
16 conceitedly are going to need to evolve to allow wildlife
17 and habitat to adapt to our changing climate. So I think
18 that -- I think that this is probably the crucial issue
19 that needs to be considered by Resources Agency at this
20 point in the process.

21 I do have a few other brief comments on a few of
22 the provisions. Defenders will be submitting
23 comprehensive written comments. But just --

24 ASSISTANT PLANNER PETERSON: One minute.

25 MR. BASOFIN: Sorry?

1 ASSISTANT PLANNER PETERSON: You have one minute.

2 MR. BASOFIN: Okay. Just briefly, in Section
3 15064.4, the provision states that the lead agency may
4 quantify greenhouse gas emissions. Defenders believes
5 that there should be some stronger language requiring
6 quantification. The option to do a qualitative
7 assessment, we believe, is just not going to give us the
8 results that we need to really rain in these emissions.

9 We think that in Section 15126.4 on-site
10 mitigation should be favored over off-site mitigation.
11 And off-site mitigation, if it's used, should be
12 additional. It should be surplus. It shouldn't be things
13 that already have to happen.

14 Cumulative impact analysis in 15130. The
15 reliance, as stated in the provision on land-use plans and
16 climate change plans, those plans can be useful, but they
17 shouldn't be substitutes for a comprehensive cumulative
18 impacts analysis, because that needs to be really taken
19 into account specifically all of the projects that are
20 currently proposed or future projects that are proposed.
21 So those existing land-use plans and climate change plans
22 probably aren't going to cover the entirety of a
23 cumulative impacts analysis.

24 ASSISTANT PLANNER PETERSON: That's it. We'll
25 have to wrap it up.

1 MR. BASOFIN: Okay. Lastly, I'd just like to
2 commend you on the inclusion of the forest resources
3 provision. We think that that will be tremendously
4 helpful.

5 Thank you.

6 ASSISTANT PLANNER PETERSON: Thank you.

7 Walt Seifert, Sacramento Area Bicycle Advocates.
8 And then Robert Raburn, East Bay Bicycle Coalition.

9 MR. SEIFERT: I'm Walt Seifert. It's Seifert
10 like in Einstein. And I'm with the Sacramento Area
11 Bicycle Advocates, a regional advocacy organization. I
12 also write about transportation.

13 I've previously submitted written comments, which
14 I hope you've received the second time. But I wanted to
15 be here in person, because I wanted to see faces. I
16 wanted to hear what others had to say, and because I think
17 this is an incredibly important issue.

18 I'm just going to read from my statement.

19 I want to address two changes in the CEQA
20 guidelines that if made, I believe would result in
21 dramatic increases in the amount of walking and bicycling
22 done and related reductions in greenhouse gas emissions.

23 First is the elimination of level of service from
24 the Appendix G checklist questions on transportation
25 traffic impacts. Initially, the Office of Planning and

1 Research proposed that elimination, but then reinserted
2 level of service as a measure of congestions.

3 The problem is that while level of service is
4 quantifiable and has a history of use, it is not an
5 environmental impact. Being measurable and having an
6 established history are not enough to qualify it as an
7 impact. Level of service measures motorist delay or
8 convenience. Motorist delay and convenience are simply
9 not environmental impacts.

10 What's more, the usual mitigation for decreased
11 level of service is an increased road capacity. That
12 supposed mitigation does have an environmental impact.
13 Increased road capacity results in more vehicle trips, and
14 fewer trips by bike or foot. It's a case where the
15 mitigation is far worse environmentally than the impact.
16 The cure is worse than the disease.

17 It's always been a mistake to consider a decrease
18 in level of service as an environmental impact. Because
19 of global warming, it's now a more egregious mistake.

20 On the other hand, traffic safety is an
21 environmental impact. There's no question that traffic
22 crashes have an adverse impact on human beings. And this
23 qualifies as an impact. Crashes result in injuries and
24 deaths. Yet, traffic safety is given cursory coverage in
25 the Appendix G checklist questions, and as a result,

1 cursory coverage in Environmental Impact Reports.

2 I would guess that everyone in this room has been
3 involved in a traffic crash. Many have probably been
4 injured in a crash or know someone who has been. About 1
5 in 60 people will die because of a traffic crash. Yet
6 when the Sacramento Area Council of Governments, our local
7 metropolitan planning organization, did the Environmental
8 Impact Report for its 25-year metropolitan transportation
9 plan, traffic safety was barely mentioned.

10 Over the life of the plan, thousands of people
11 will likely die in traffic crashes in the region. And
12 scores of thousands would suffer injuries, including
13 serious brain and spinal injuries.

14 Traffic safety is primarily related to traffic
15 speeds, distracted driving, and driving under the
16 influence of drugs and alcohol. Traffic speeds are
17 related to road capacity and design.

18 None of these factors are mentioned in the
19 Appendix G questions. They need to be.

20 Thanks.

21 ASSISTANT PLANNER PETERSON: Thank you.

22 And we did receive your comments.

23 Robert Raburn, East Bay Bicycle Coalition with
24 David Campbell, East Bay Bicycle Coalition.

25 MR. RABURN: Good afternoon, and thank you for

1 this opportunity to comment. My name is Robert Raburn.
2 I'm the executive director of the East Bay Bicycle
3 Coalition. We represent some 2,500 paid members, along
4 with some 5,000 members of affiliated organizations in
5 Alameda and Contra Costa county.

6 We have been under the burden, actually, of the
7 transportation guidelines in implementing projects
8 throughout the East Bay for a number of years. I'm going
9 to share with you today just one poster child that I hope
10 will exemplify why we are here asking for considerable
11 changes to the Transportation Guidelines' sections of
12 CEQA.

13 The Bay Area has adopted policies to promote
14 transit oriented development smart growth. However,
15 particularly in the areas around transit stations, where
16 these projects -- land-use projects are proposed, we're
17 faced with the dilemma that we cannot actually implement
18 adopted plans for the bicycle master plan, for instance,
19 in Alameda county that calls for access to MacArthur BART
20 station, or Fruitvale BART station, and a number of other
21 BART stations - there are 42 stations throughout the
22 system - because there will be too much population in the
23 future.

24 The case in point that I wish to bring to you is
25 MacArthur BART, where that station has a roadway that was

1 built in 1935 specifically to serve the brand new Bay
2 Bridge at the time. West MacArthur Boulevard became
3 obsolete when the word "freeway" entered the lexicon.

4 Yet today, we can't put a bike lane on this
5 roadway. It's six lanes wide, leading right to the
6 transit station on account of by 2035 there will be too
7 much population, according to the level of service
8 guidelines.

9 I'm asking that we reevaluate this sole reliance
10 upon level of service guidelines, address other measures,
11 such as vehicle miles traveled, that truly represent
12 impacts on the environment.

13 Level of service is not an environmental impact.
14 So that we can implement projects that will provide a
15 reduction in greenhouse gas emissions, by encouraging
16 walking, and bicycling. Bicycle transportation, access,
17 and safety are the measures that need to be addressed not
18 capacity measures that solely focus on widening -- ever
19 widening the roadways.

20 I appreciate your reflection on these issues. My
21 colleague Dave Campbell will address some of the specific
22 suggestions we have.

23 Thank you.

24 ASSISTANT PLANNER PETERSON: Thank you, Robert.

25 After Dave Campbell we'll have Andy Thornley, San

1 Francisco.

2 MR. CAMPBELL: My name is Dave Campbell. I'm
3 Chair of the East Bay Bicycle Coalition, and I want to
4 start off real quickly thanking Walt for his comments. He
5 said it very well really, traffic -- crashes in traffic
6 are an impact to bicyclists and pedestrians, and that is
7 an environmental issue. And that's probably the strongest
8 point I can make here today. The East Bay Bicycle
9 Coalition will be submitting written comments as well, but
10 traffic safety for bicyclists and pedestrians needs to be
11 captured in the transportation guidelines.

12 And I've been reading through what you've called
13 the Initial Statement of Reasons for Regulatory Action
14 today for the first time. And it's encouraging, I think
15 you're trying to move in that direction, but I don't think
16 you're there yet. And you're certainly not there yet with
17 the word "capacity" in the guidelines themselves. That's
18 kind of the problematic term right here.

19 The terms I do like that I'm reading in this
20 statement are, one, "Effect of a project on the overall
21 circulation system." That's better than capacity.

22 And you state, and I'm just going to read this
23 word for word so you'll know what I'm referring to,
24 because there's no page numbers on here. But you say
25 similarly, even though some projects may result in a

1 deterioration of vehicle level of service, that is delay
2 experienced by drivers, the overall effectiveness of the
3 circulation system as a whole may be improved. Such
4 projects include restriping bicycling lanes or creating
5 dedicated bus lanes.

6 Again, I think you're trying to move in the right
7 direction here with some explanatory language. But I'm
8 not sure how, if you stripe a bike lane, and you have to
9 take out a traffic lane to do it, and you're going to
10 cause congestion at intersections, say near the MacArthur
11 BART station, how you've improved the overall
12 effectiveness of the circulation system.

13 Maybe you have. But I don't even think I could
14 explain that to a traffic engineer, because he or she sees
15 the congestion at the intersection. And I think the
16 stumbling block is the word "capacity" that you still have
17 in the proposed language.

18 Robert Raburn and I, we've met with the Alameda
19 Count Congestion Management Agency, and they support our
20 efforts to provide safe bicycle and pedestrian access,
21 particularly to transient-oriented development, which is a
22 priority in Alameda county.

23 But we can't do it. We're struggling to do that,
24 because of CEQA and its focus on, you know, level of
25 service prior to this. And then it's going to continue if

1 we're still looking at the word capacity.

2 There's got to be a way that we can look at
3 safety for bicyclists and pedestrians, access for
4 pedestrians and bicyclists. And there's got to be a way
5 we can do it in the CEQA guidelines. And so I think the
6 language needs to be changed, and then this explanatory
7 language you have here, which is good, needs to be beefed
8 up a little bit more to make the point clear.

9 Thanks.

10 ASSISTANT PLANNER PETERSON: Thank you, Davis.

11 Andy Thornley and then next Michaelleen Mason,
12 WSPA.

13 MR. THORNLEY: Good afternoon. I'm Andy Thornley
14 with the San Francisco Bicycle Coalition on behalf of the
15 10,000 active members of the SF Bike Coalition. I thank
16 you for hearing my comments. I have a little show and
17 tell for you. This is the City of San Francisco's
18 recently adopted bicycle transportation plan. For the
19 sake of the transcriber and anyone listening at home, it's
20 about three-quarter's of an inch of paper.

21 This is the Environmental Impact Report on the
22 San Francisco Bicycle Transportation Plan. These are the
23 comments and responses on the San Francisco bicycle plan.
24 And these are the CEQA findings and Statement of
25 Overriding Considerations for the San Francisco Bicycle

1 Plan, where the City and County of San Francisco finally
2 say, yes, but we mean to do this after all. This is the
3 practice of CEQA in San Francisco. This is California.
4 This is 2009. This is embarrassing.

5 We are talking about greenhouse gas. We are
6 talking about climate crisis. Moving around by bicycle is
7 an excellent strategy for combatting climate crisis. I'm
8 very gratified to see all of the bike parking provided to
9 this building. And I'm even more excited to see the
10 utilization of that bike parking. That's a wonderful
11 thing.

12 And the amendment to the CEQA guidelines for the
13 sake of addressing climate change is a very noble thing
14 and we appreciate that.

15 And for the most part, we support the
16 modifications that have come from OPR. But I want to echo
17 some of what my other bicycling colleagues have said to
18 you. And that is to the extent that we've left LOS in the
19 question, that is intersection Level Of Service for
20 automobile convenience, we are condemning other
21 jurisdictions who don't have the time and money that the
22 wealthy and clever San Francisco does to go through all of
23 this paper to get to the point where we say, yes, actually
24 we do want to do something nice for the environment.

25 There are counties and cities across the state

1 that don't have the time and energy to do that. And so I
2 think we want to do something about that in the checklist
3 in the CEQA guidelines. So we give a qualified support to
4 the text that's come forward. To the extent that
5 Subsection B of the checklist has been broadened to go
6 beyond simply looking at LOS and to make some sort of a
7 guideline endorsed array of other measures and standards,
8 that's a good thing. Here, we don't have a monopoly on
9 LOS anymore. You might have some other way to measure
10 transportation impacts. And, you know, that San Francisco
11 is working on an alternate to LOS, and we plan to bring
12 that forward pretty soon.

13 So this is helpful for that, but it's hardly
14 perfect. It would be better to strike LOS, because, as
15 you've heard, LOS is interesting as a social effect. It
16 has no place in environmental review. But we're willing
17 to swallow Subsection B.

18 Of course, that proposed formulation leaves
19 untouched the question of a legitimacy of congestion
20 management, as an environmental concern, which is a
21 troubling contradiction to the manifold and
22 well-documented environmental injuries wrought by
23 privileging the free flow of motor traffic.

24 And so to that end, we join with the City of San
25 Francisco in recommending changes to Subsection A of the

1 transportation section of that checklist that replaced the
2 focus on roadway capacity with a broader direction to
3 consider locally adopted measures of effectiveness, and,
4 in effect, strike "...exceed the capacity of existing
5 circulation system...", and go with something more to the
6 effect of conflict with an applicable local plan,
7 ordinance, or policy.

8 And I will submit written comments, of course,
9 with suggested language. This language, as I say, is in
10 agreement with what you will hear from the City of San
11 Francisco in their comments. But it's so important that
12 we get that capacity thing out of here. Capacity is all
13 about facilitating the fast convenient movement of motor
14 vehicles. That is very much in conflict with what we're
15 trying to accomplish with SB 75 and our various work to
16 combat climate change.

17 We also concur with the City of San Francisco in
18 their suggestion that the heading of the transportation
19 traffic section might ought to lose the word "traffic".
20 Traffic doesn't belong there either. The word "traffic"
21 is either a redundant thing there in its fullest sense, or
22 it's inappropriate to the purpose of CEQA, in that it
23 reinforces an automobile oriented perspective for the
24 consideration of circulation and access.

25 ASSISTANT PLANNER PETERSON: You have about one

1 minute.

2 MR. THORNLEY: So as I say, we will submit
3 written comments. We are in qualified support to the
4 extent that you broaden this, so that you can bring in
5 things like autotrip generation or vehicle miles traveled.
6 That's a fine thing. We do worry that counties, again,
7 that don't have the time, energy, or courage to do what
8 San Francisco is doing will continue to be stuck widening
9 intersections and facilitating auto movement.

10 So again, LOS, if not this time, then soon. We
11 have to get rid of it.

12 Thank you.

13 ASSISTANT PLANNER PETERSON: Thank you, Andy.

14 I think it was Michaelleen Mason. And then we'll
15 have Allen Robertson with CalFire.

16 MS. MASON: This kind of reminds me of moot
17 court, when I was in law school, so we'll see if WSPA wins
18 the award.

19 My name is Michaelleen Mason, and I am the
20 director of regulatory affairs for Western States
21 Petroleum Association, WSPA.

22 Unlike impacts from criteria pollutant emissions,
23 there does not appear to be a scientific basis linking
24 greenhouse gas emissions from a particular project to
25 specific physical localized environmental effects. The

1 analysis of impacts from greenhouse gas emissions must be
2 evaluated in a significantly larger context than most
3 environmental impacts under CEQA.

4 To evaluate accurately an individual project's
5 impacts on climate change, the project must be viewed in
6 the context of the statewide reductions targeted under AB
7 32, as well as statewide or at least sectorwide greenhouse
8 gas emissions.

9 As proposed, the proposed amendments generally
10 reflect this unique reality. But WSPA believes that any
11 CEQA guidelines governing greenhouse gas emissions should
12 recognize the importance of the AB 32 scoping plan adopted
13 by the California Air Resources Board.

14 The scoping plan provides a blueprint of how the
15 State will achieve the greenhouse gas reductions needed to
16 meet the AB 32 mandate. Therefore, projects for sources
17 within sectors covered by the greenhouse gas measures and
18 reductions, referenced in the scoping plan, should be able
19 to rely on those mandated measures and reductions, when
20 determining whether the projects result in a significant
21 environmental impact pursuant to CEQA.

22 Proposed sections 15064(h)(3) and 15064.4 of the
23 draft guidelines recognize that lead agencies need
24 discretion when evaluating impacts from greenhouse gas
25 emissions.

1 They also recognize lead agencies should be able
2 to rely upon important qualitative criteria that might
3 demonstrate that a project's greenhouse gas emissions do
4 not result in a significant effect pursuant to CEQA.

5 We believe that such a qualitative evaluation
6 should include consideration of whether a project will
7 result in a net increase in energy efficiency or decrease
8 in carbon intensity of the underlying economic activity or
9 the State's overall carbon footprint.

10 With regard to Section 15126.4(c)(2), WSPA is
11 concerned that by categorizing of project features,
12 project design and other measures that are incorporated
13 into a project, as feasible mitigation, the proposed
14 amendments imply a project that includes such features or
15 measures is considered significant by default.

16 WSPA believes the opposite presumption should be
17 true. A project that incorporates project features,
18 project design or other measures that are incorporated
19 into the project to substantially reduce energy
20 consumption or greenhouse gas emissions should be presumed
21 to be insignificant for purposes of CEQA.

22 WSPA will be submitting a detailed comment letter
23 by your deadline of August 27th. And I thank you for your
24 listening.

25 ASSISTANT PLANNER PETERSON: Thank you,

1 Michaeleen.

2 Allen Robertson, CalFire. And then we'll have
3 Matt Vander Sluis Planning and Conservation League.

4 MR. ROBERTSON: Good afternoon. My name is Allen
5 Robertson. I'm with the Department of Forestry and Fire
6 Protection, otherwise known as CalFire. And I'm the
7 Deputy Chief for our Department's environmental protection
8 program.

9 I want to express my appreciation for the efforts
10 by the Natural Resources Agency and OPR in developing
11 these amendments to the CEQA guidelines, and for elevating
12 the importance of forestry, in that several members of our
13 department have participated over the years in climate
14 change discussions and the role of forestry. We
15 appreciate this opportunity.

16 We will be submitting detailed written comments.
17 And I'm going to be focusing on just two of our primary
18 comments here today. Our comment letter will provide
19 suggested draft language for amending the guidelines in
20 detail.

21 The two areas I want to talk about are the
22 suggested questions that are found in the Appendix G CEQA
23 guidelines -- or CEQA checklist, relating to ag and forest
24 land resources, and also then the consultation
25 requirements under CEQA.

1 I happen to be involved in the permitting of
2 timber land conversion, where timber land is converted to
3 another non-timber growing use. And, in my experience,
4 when we are the lead agency on those kinds of activities
5 or when other local government agencies are lead agencies,
6 and physical conversion of the timber land is proposed,
7 those issues tend to be dealt with fairly well and the
8 impacts of those changes are addressed per CEQA.

9 However, it's been our experience that when the
10 immediate conversion is not considered, but when it's a
11 rezoning or a subdividing of land, that is the project up
12 for approval by a lead agency, many times the conversion
13 of forest land issue and the impacts associated with that
14 are not recognized.

15 Frequently, lead agencies will say the rezoning
16 or subdividing of land does not have an effect on timber
17 land. And at the time physical conversion is proposed,
18 they would deal with that issue at that time, in other
19 words, postponing the environmental analysis.

20 We feel that the amended language found in the Ag
21 and Forestry Resources Section of the checklist do capture
22 the impacts that may be associated with immediate
23 conversion. However, the impacts associated with rezoning
24 or subdividing will not be captured by those checklist
25 questions. And we have therefore proposed language that

1 would do a better job of parsing out those various kinds
2 of approvals. And so you will see those in our comment
3 letters.

4 Our concern is that where rezoning allows new
5 uses that are incompatible with forest management or when
6 the subdivision of land results in parcel sizes that
7 increasingly become smaller and smaller over time, thereby
8 making timber management a difficult endeavor, that we
9 think impacts are present and need to be evaluated.

10 Frequently, these other agencies will say that
11 they don't need to consider it now. It's speculative.
12 However, we do not believe that it's speculative
13 necessarily. These are reasonably foreseeable impacts
14 that arise from the decision that was made to rezone or
15 subdivide the land that need to be addressed early as
16 possible in the CEQA process, as CEQA encourages us to do.
17 Look at these effects as early as possible in the process
18 and not wait until later approvals are made. So that's
19 our comments in regard to the conversion issue.

20 Our second issue has to do with consultation
21 requirements. Oftentimes, where a permit to convert
22 timber land is not necessary, or where a timber harvest
23 plan is not required, lead agencies will approve projects
24 that affect timber land resources, but not consult with
25 our department.

1 And so we are recommending that -- CEQA also
2 specifies that lead agencies are only required to consult
3 with responsible agencies where permits are required by
4 other agencies, or where they're clearly indicated that
5 they are a trustee agency.

6 CalFire is not on that list of trustee agencies.
7 Though, it's our opinion that that list is not exclusive
8 and that other agencies certainly meet the requirements
9 for being a trustee agency.

10 So our proposal in our comment letter to you is
11 that CalFire be established as a trustee agency for timber
12 lands that we clearly have statutory authority for
13 protecting, both from fire protection purposes and from
14 resource exploitation purposes under Public Resources
15 Code. So you will be seeing those amendments in our
16 comment letter to you.

17 Thank you for the opportunity to comment and
18 we'll be awaiting your response.

19 Thank you.

20 ASSISTANT PLANNER PETERSON: Thank you, Allen.

21 I think for anyone who just came in, we do have
22 more speaker cards. You can just put it in that little
23 basket there. And once I've finished with what's on my
24 desk, I'll run down and pick those up.

25 And if you are a little shy, we also have comment

1 cards you can submit, and be just as equal as oral.

2 So Matt Vander Sluis, the Planning and
3 Conservation League, and then Allan Lind with Allan Lind
4 and Associates.

5 MR. VANDER SLUIS: Thank you so much for this
6 opportunity to speak. My name is Matt Vander Sluis from
7 the Planning and Conservation League. I manage our global
8 warming program.

9 And I wanted to thank both the Resources Agency
10 and the Governor's Office of Planning and Research for
11 having this open process and for addressing many of the
12 concerns that the environmental community has raised over
13 the last many months. There's still definitely work to
14 do. We applaud you for listening and acting
15 deliberatively on those suggestions, particularly the
16 forest section that's been commented on several times
17 here. That's a major leap forward and we thank you for
18 that.

19 I wanted to just quickly highlight seven areas of
20 concern that will be elaborated on further in written
21 comments.

22 The first is in 15064.4(a), determining
23 significance. We're very concerned with the
24 differentiation here between quantifying and qualifying,
25 where in the current language it appears that it's

1 entirely discretionary whether to quantify the greenhouse
2 gas emissions from a project. The Statement of Reasons
3 makes it clear that if there is the opportunity, the
4 ability to quantify those greenhouse gas emissions, that
5 that's the preferred method. And indeed, CEQA case law
6 clearly establishes that you need to use the most
7 appropriate method, if it's available, to find that
8 environmental information.

9 Unfortunately, this may lead to lead agencies
10 making the wrong decision inadvertently believing that
11 they could choose a lesser standard for trying to analyze
12 the environmental effects of a particular project.

13 And so clearly we need to have language in here
14 that prioritizes quantifying, where possible. And that
15 qualitative standards or performance-based standards can
16 be used to add additional information that's not
17 necessarily given by strictly quantifying the emissions
18 from a project.

19 The second issue is 15093, with the Statement of
20 Overriding Considerations. Here, there's been a section
21 added about the importance of regionwide and statewide
22 benefits in relation to particular environmental effects
23 of a project. While it's important to look at a
24 particular project in the context of these larger
25 statewide international, national, regionwide

1 environmental impacts, as it's written here, this creates
2 unnecessary Environmental Justice concerns, where we will
3 be bypassing those very specific problems, at a specific
4 facility.

5 For example, trying to achieve the State's
6 low-carbon fuel standard. There could be a project that
7 helps to achieve that, but is creating very real criteria
8 air pollutant problems for the existing community that
9 could be mitigated if we paid attention to those impacts
10 and addressed them.

11 So we believe that you can still capture this
12 concept of emphasizing regionwide and statewide benefits,
13 if you just included it within Section A, as opposed to
14 create a new Section D. And we'll propose some specific
15 language around that issue.

16 The third issue, 15126.4, which is on mitigation
17 of greenhouse gas emissions. This is an area where we
18 continue to have concerns. This seems to be one of the
19 fundamental places where the CEQA guidelines could advance
20 the debate considerably about how to address greenhouse
21 gas emissions. And there's currently not much there.

22 So we would like to be able to come back and
23 thank you for including language around additionally,
24 determining the effectiveness of the particular mitigation
25 measures. And though it may be hard to include something

1 specifically about prioritizing on site versus off site,
2 at least highlighting the discretion of an agency, a lead
3 agency, to prioritize among emission reduction strategies,
4 so that we can be achieving the most effective mitigation
5 strategies and not simply any strategy that's proposed to
6 reduce greenhouse gas emissions.

7 Which brings us to the question of offsets. It's
8 specifically mentioned here, but it's quite unclear as to
9 why that extra emphasis was placed on addressing offsets.
10 It's not a defined term in the CEQA guidelines, and so
11 we're throwing something quite new into the CEQA
12 guideline.

13 It may be appropriate to address it in the
14 Statement of Reasons, as it has been in the Statement of
15 Reasons, where the Resources Agency outlines the fact that
16 there are concerns about the effectiveness of offsets. So
17 it seems appropriate to simply remove that and keep your
18 context of referring to off-site measures. And in the
19 Statement of Reasons, we'll know that that can include
20 offsets if they're properly regulated.

21 ASSISTANT PLANNER PETERSON: You have about one
22 minute. It is 2:15, so I'm sure there will be more time
23 at the end.

24 MR. VANDER SLUIS: Okay.

25 One thing that hasn't been mentioned yet is in

1 15183.5, which is around tiering, there's a new section
2 that refers to the CEQA streamlining from SB 375.
3 Although it's great to highlight those, there's a
4 statement that says that projects that qualify for some of
5 those exemptions may want to look at other greenhouse gas
6 emissions from their projects.

7 That should be must language, because clearly the
8 exemption only covers those particular portions that are
9 addressed in SB 375. The rest of the greenhouse gas
10 emissions for the project must be analyzed as part of the
11 environmental review process.

12 Again, not looking at the environmental effects
13 of climate on the project is one of the essential flaws of
14 the currently proposed guidelines. We're in a crisis.
15 It's getting worse. We've got our climate adaptation
16 strategy that lays it out extremely clearly. And it's
17 time to place specific reference into the guidelines,
18 perhaps in the section on the significant environmental
19 effects of a proposed project, that identify that.

20 Thank you so much for your time.

21 ASSISTANT PLANNER PETERSON: Thank you.

22 Allan Lind, Allan Lind and Associates, and then
23 Brian Biering, Independent Energy Producers Association.

24 MR. LIND: Thank you for letting me -- allowing
25 me to testify today. Again, it's Allan Lind, and I'm with

1 my own firm Allan Lind and Associates. I have a couple of
2 clients who have an interest in the CEQA guidelines.

3 I actually would like to just ask a real quick
4 question. Maybe I can get a yes or no answer. I just
5 wanted to be sure, do the guidelines apply to
6 CEQA-equivalent review processes, like the Energy
7 Commission or for that Forestry with their timber harvest
8 plans? Aren't those considered CEQA equivalents?

9 And then do the guidelines provide guidance for
10 those proceedings?

11 SPECIAL COUNSEL CALFEE: These guidelines'
12 amendments aren't intended to affect other portions of the
13 guidelines that aren't changed, if that answers your
14 question. So to the extent that those other regulatory
15 programs have to engage in environmental review, these
16 guidelines' amendments would be applicable.

17 MR. LIND: Right. And I wasn't suggesting that
18 they were going to change CEQA equivalent guidelines, but
19 whether or not a project that is being approved through a
20 CEQA-equivalent process, would have to recognize these
21 particular changes that are in regarding greenhouse gas
22 emissions?

23 SPECIAL COUNSEL CALFEE: To the extent that
24 that's not clear in our guidelines, you may want to submit
25 comments indicating that it's not clear and that you think

1 that further --

2 MR. LIND: It may only be not clear to me,
3 because I'm not a CEQA practitioner, so I was just
4 grasping at straws here for a clearer understanding of
5 that process. I'll deal with that in another form, I
6 guess.

7 I think there's only about four points that I'd
8 like to bring to your attention right now. And one of
9 them is that so much of this hinges on what happens with
10 AB 32. The scoping plan is a wonderful document to
11 provide guidance as to where the State can be going. But,
12 of course, it's not an enforceable document. We're
13 waiting for those regulations and requirements to emerge
14 from AB 32.

15 And what's important to some of my constituents
16 is finding a clearer pathway to getting projects approved
17 that are otherwise -- that are required or otherwise the
18 obligation of AB 32. And just let me give you one
19 example. If a refinery is working on the process of
20 meeting a low carbon fuel standard, which we know will be
21 adopted in the next couple of years, should the
22 incremental greenhouse gas emissions that result from that
23 project be required to be offset in some manner, when you
24 consider that the underlying economic activity of
25 producing a low carbon -- meeting a low carbon fuel

1 standard will result in enormous greenhouse gas emission
2 reduction gains. And I don't think that that's really
3 addressed in the guidelines right now.

4 And I come up with some other, let's call them,
5 some underlying themes of why some projects are built.
6 Let's again, by way of another example, if there are
7 energy utility facilities that are being built for the
8 sake of supporting a robust portfolio of renewable energy
9 technologies and so you need a thermal powerplant to, as
10 that jargon goes, follow load and to ensure when the sun
11 isn't shining and the wind isn't blowing, that we've still
12 got continuity of energy. And that those renewable
13 projects might be less viable if there isn't sufficient
14 conventional energy technology to support them.

15 And so I know that at the Energy Commission
16 they're contemplating an examination of, let's call it, a
17 systemwide analysis to see how particularly powerplants
18 integrate with other public policy objectives. Expanding
19 the renewable portfolio standard is an objective of AB 32,
20 and it's in State law and it is well under way.

21 But if a thermal powerplant can't be built to
22 assist or ensure the deliverability of that renewable
23 energy, have we kind of defeated our purposes?

24 So sometimes it's not helpful to look at a
25 project in the narrow context of inside the fence line and

1 what's immediately on the other side of the fence line. I
2 think you need to give consideration to a more systemic
3 examination of a particular project, and where it fits in
4 the context of statewide policies and goals.

5 ASSISTANT PLANNER PETERSON: You have about one
6 minute.

7 MR. LIND: Pardon me?

8 ASSISTANT PLANNER PETERSON: You have about one
9 minute left.

10 MR. LIND: Okay. Indirect effects is something
11 that gives us some cause for pause, when it comes to
12 global greenhouse gas emissions, because the indirect
13 effects can extend well beyond the project site, and the
14 geographic area affected. So we're a little bit guarded
15 about how well we hem in indirect effects and would urge
16 you to try to make that as absolutely clear as possible.

17 And then something else for you to consider is
18 the CEQA obligations that may occur between now and 2012
19 could easily change after 2012. And I picked that date
20 because that's when AB 32 regulations are expected to be
21 implemented. And so I'm thinking that the guidelines
22 should counsel those lead agencies to take into
23 consideration that things can change dramatically after
24 2012, and that their conditions, CEQA conditions, should
25 be arguably -- take into consideration some serious

1 changes after 2012.

2 I get the message, so thank you very much.

3 ASSISTANT PLANNER PETERSON: Thank you, Allan.

4 We have two speaker cards left. And I think there were
5 about three or four folks that would like to submit a
6 little bit of additional.

7 We'll have Brian Biering, Independent Energy
8 Producers Association, followed by Rachel Hiatt, San
9 Francisco County Transportation Authority.

10 MR. BIERING: My name is Brian Biering. I'm
11 representing the California Independent Energy Producers
12 Association. IEPA is a trade association of non-utility
13 owned powerplants that are both renewable and
14 non-renewable powerplants. There are current owners of
15 powerplants as well as developers proposing new
16 powerplants.

17 IEP foremost recognizes the global climate change
18 is a very serious issue facing the State, and that the
19 emissions of new powerplants are a fairly unique
20 consideration under CEQA. As the former speaker
21 mentioned, the greenhouse gas emissions associated with
22 new powerplants really must be addressed on a systematic
23 level.

24 Because of the way that resources are dispatched,
25 the most efficient resources are generally dispatched

1 first, such that when a new resource comes on line using
2 the most efficient technologies available, that will
3 typically dispatch less efficient resources such that
4 there will be a net reduction in GHG emissions.

5 As the former speaker also mentioned, there is a
6 significant need for new conventional fired powerplants to
7 support renewal energy goals. Without these resources,
8 there will be serious system reliability issues that will
9 be posed. And if the emissions of new powerplants are
10 somehow addressed as being incremental, rather than being
11 put into the context of the entire system, this could
12 delay new powerplant siting and really lead to a
13 counterproductive result.

14 So specifically, we support the language in the
15 guidelines that directs that lead agencies may consider
16 both qualitative and quantitative approaches. And in
17 15064.4(b)(1) the reference to environmental setting, we
18 believe, should be deleted, because it could be read to be
19 construed to consider the local environment right around a
20 project site, rather than the greenhouse gas emissions of
21 the system as a whole.

22 We'll be following up with more specific
23 recommendations for this language. And we thank you for
24 the opportunity to come and speak.

25 Thank you.

1 ASSISTANT PLANNER PETERSON: Thank you, Brian.
2 We'll have Rachel Hiatt with San Francisco County
3 Transportation Authority.

4 And I think just, if we could, I have about 2:30
5 on the clock. And I'd like to give our court reporter
6 maybe a 10-minute break. He's been pretty diligent, if
7 that's okay and then we could probably follow up with
8 additional comments from other folks who would like to
9 continue.

10 MS. HIATT: Okay. Thank you. Rachel Hiatt with
11 the San Francisco County Transportation Authority. And
12 I'd like to thank you and the Resources Agency for
13 recognizing the really critical role that the
14 transportation and -- currently transportation traffic
15 section of the guidelines has in influencing local ability
16 to implement projects that will cumulatively reduce
17 greenhouse gases. And I'd to support the changes proposed
18 to Appendix G, specifically the transportation traffic
19 section.

20 This is an area that the Authority Board has been
21 interested in for a number of years. And over five years
22 ago directed staff to look into ways to reform the way we
23 locally measure transportation -- the transportation
24 impacts of projects pursuant to CEQA to better support
25 projects that -- smart growth projects, transit first

1 projects. The very projects that will help us achieve our
2 climate plan goals locally.

3 The proposed changes to the guidelines will
4 support our efforts to do that. We do encourage one
5 change to the proposed language that we'll provide in a
6 letter from the City and County of San Francisco and the
7 Authority Board, a joint letter, with the suggestion.

8 But we support removing the explicit references
9 to using automobile level of service or delay at
10 intersections as the right measure of transportation
11 impact for every context throughout San Francisco. We
12 appreciate the language that reinforces the idea that the
13 environmental context varies significantly throughout San
14 Francisco. And the right performance measure or measure
15 of project impact on transportation is not uniform
16 throughout San Francisco. This recognition will help us
17 implement our preferred way to measure transportation
18 impacts, the transportation impacts of projects, by
19 looking at the number of automobile trips that are
20 generated by projects.

21 The one change that we suggest, even though, in
22 general, we do support the proposed language to the
23 transportation section of Appendix G, is rather than refer
24 to a measure of impact or a -- rather than ask of a
25 project would it exceed the capacity of the existing

1 transportation system, we would prefer that the guidelines
2 focus more broadly on how the transportation system
3 performance may be negatively impacted by a project. A
4 capacity-based measure of impact is just one of the ways
5 to measure transportation system performance and the
6 impacts of projects on the transportation system.

7 In San Francisco, our general plan, our
8 countywide transportation plan, our local policies and
9 adopted official documents don't rely on capacity-based
10 measures of performance. So we would like the guidelines
11 to just recognize more broadly and, I guess, allow for
12 that flexibility for us to not rely solely -- exclusively
13 on a capacity-based measure of transportation performance
14 or a capacity-based measure of project impacts.

15 And, again, we will be submitting a letter. We
16 appreciate -- and we do feel that these amendments allow
17 for more flexibility for local jurisdictions. It allows,
18 you know, agencies that want to continue to use
19 delay-based measures to do that, while allowing for built
20 out areas, very urban dense jurisdictions, like San
21 Francisco, who seeks smart growth, who seek to reduce the
22 amount of automobile trip making made, allows us this
23 flexibility to move towards that.

24 So we appreciate that, and thank you very much.

25 ASSISTANT PLANNER PETERSON: Thank you, Rachel.

1 I have 2:30 on the clock, so I say we take a 10
2 minute break and be back in our seats at 2:40.

3 Thank you.

4 (Thereupon a recess was taken.)

5 ASSISTANT PLANNER PETERSON: If we can just go
6 ahead and start taking our seats, we'll get going in the
7 next minute or so.

8 We had one last comment card very last minute
9 was, Michelle - I think it's - Passero from the Nature
10 Conservancy. I think she might be -- she's coming.

11 And I think afterwards what we'll probably end up
12 doing is whoever would like to submit some additional
13 comment, I know we cut you off a couple minutes early,
14 feel free to just kind of lineup. You'll have an
15 additional two minutes or so.

16 MS. PASSERO: Hi. Thank you for the opportunity
17 to speak. I hadn't planned to do that, and I don't know
18 if I'm going to regret this afterwards, because I'm not
19 completely prepared, but I did -- you know, I listened to
20 other people's comments that came before, and I thought
21 they were very notable.

22 We do first want to commend, in the Appendix G
23 guidelines the inclusion of forests in there for
24 considerations of impacts of forests from projects.
25 Forests, of course, can be a source of emissions if

1 they're disturbed and converted to other uses.

2 I'd also want to provide support for actually
3 trying to estimate and quantify emissions when looking at
4 their significance. Having worked on greenhouse gas
5 accounting for the past 10 years, as it relates to
6 biological sources, I think it would be pretty tough to
7 allow for just more of a qualitative assessment. And I
8 think providing -- having estimates there would be a much
9 more concrete way of actually trying to assess the
10 impacts.

11 I agree with other comments that came before
12 around trying to create some sort of linkage between
13 adaptation and the CEQA guidelines. I don't know, given
14 the time constraints for producing something by January,
15 if there can be something done or some process developed
16 for working on that in the future. We certainly think
17 that would be great.

18 And I'd also like to support CDF's comments. And
19 in particular, capturing the impacts of rezoning and
20 subdivision. I think that's quite important, when you
21 look at the trajectory of conversion of forest lands and
22 how that get sets in motion.

23 Thank you and we'll submit written comments.

24 ASSISTANT PLANNER PETERSON: Thank you.

25 Is there anyone else left in the room who would

1 like to come forward and speak if they haven't had the
2 chance to already?

3 If not, then I guess we can go ahead and get
4 going on some of the additional. Again, about two
5 minutes or so.

6 MR. CAMPBELL: It won't even take that long.
7 Just a couple housekeeping comments. The language that
8 the draft guidelines are using now as they relate to
9 bicycles are somewhat out of date and really need to be
10 updated. You used the term "bicycle paths" in Paragraph
11 A. And the correct term to use there is "bikeways". It's
12 a broader term. It includes all bicycle transportation
13 facilities. And that comes from the CalTrans Highway
14 Design Manual.

15 SPECIAL COUNSEL CALFEE: I'm sorry. Excuse me,
16 can I interrupt you for just a moment. Would you mind
17 introducing yourself again for the transcriptionist.

18 MR. CAMPBELL: I apologize. Dave Campbell, East
19 Bay Bicycle Coalition.

20 So in Section A, the term "bikeways" should be
21 used instead of "bicycle paths". And then in Section --
22 it's going to be new Section G, I guess, or new Section F
23 to replace the existing F, "use an example of bicycle
24 racks". I think I would just get rid of that and include
25 the terms "transit", "bicycling", and "walking".

1 The problem there is some projects, as
2 mitigation, throw a bike rack in, while the road is still
3 very dangerous to ride your bike on, hence the problem.
4 So get rid of the example, "bicycle racks" and just say
5 transit, bicycling, and walking there.

6 Thank you.

7 GENERAL COUNSEL MILLER: What was that expression
8 you were suggesting you said?

9 MR. CAMPBELL: Instead of bicycle racks?

10 GENERAL COUNSEL MILLER: Yes.

11 MR. CAMPBELL: Bicycling, walking, and transit.

12 GENERAL COUNSEL MILLER: Thank you.

13 SPECIAL COUNSEL CALFEE: Is there anyone else who
14 would like to speak that has not had a chance to speak?

15 Seeing none, I think this is an appropriate time
16 to close this hearing. We do thank everyone for their
17 participation and for their thoughtful comments. We
18 really do appreciate getting your input on these
19 guidelines. I, again, remind everyone that comments are
20 due on August 27th by 5 o'clock. There are several
21 different ways to submit your comments. And you can find
22 instructions on that on the Resources Agency's website.

23 This is a very important undertaking, and again
24 we appreciate all of your comments.

25 Thank you so much.

1 (Thereupon the California Natural Resources
2 Agency public hearing adjourned at 2:45 p.m.)
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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Natural Resources Agency public
7 hearing was reported in shorthand by me, James F. Peters,
8 a Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed under my direction, by
10 computer-assisted transcription.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said hearing nor in any
13 way interested in the outcome of said hearing.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 24th day of August, 2009.

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JAMES F. PETERS, CSR, RPR

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Certified Shorthand Reporter

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License No. 10063

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