



California Office

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August 27, 2009

By Email

Christopher Calfee, Special Counsel
ATTN: CEQA Guidelines
California Resources Agency
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CEQA.Rulemaking@resources.ca.gov

Re: Comments on the proposed amendments to the CEQA Guidelines addressing greenhouse gas emissions

Mr. Calfee:

Thank you for providing Defenders of Wildlife (“Defenders”) with the opportunity to comment on the proposed amendments to the CEQA Guidelines addressing greenhouse gas emissions (“Proposed Amendments”). We commend the Natural Resources Agency (“Resources”) for its effort to expand the scope and strength of the CEQA Guidelines to limit greenhouse gases (“GHGs”) and associated environmental impacts. These comments are supplemental to our comments submitted in conjunction with the Center for Biological Diversity et al.

Defenders is a national, not-for-profit conservation organization with more than 440,000 members, including approximately 75,000 members and supporters who reside in California. Defenders is dedicated to the protection of all native wild animals and plants in their natural communities. Defenders has advocated for heightened protection of species in California that are particularly susceptible to climatically driven landscape changes, such as the Pika, Steelhead trout, Chinook salmon, and a variety of other species.

The purpose of these comments is to apprise Resources of the disconnect between the Proposed Amendments and the draft 2009 California Climate Adaptation Strategy (“Adaptation Strategy”). As Defenders stated in our verbal comments to Resources on August 18th, it is imperative that the agency create a nexus between these two policies. Resources’ primary tool for implementing the goals of the Adaptation Strategy, as expressed by staff at the public stakeholder meeting on August 13th, will be CEQA.

The goal of adaptation is to mitigate significant environmental effects spurred by greenhouse gas emissions. Therefore, climate adaptation is necessarily implicated by the CEQA Guideline amendments. However, Resources has inexplicably failed to include guidance concerning implementation of adaptation goals in the Proposed Amendments. This omission raises several issues and questions, just a few of which are listed below:

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1. In the case of climate adaptation goals for biodiversity and habitat, long-term actions include design reserves, which are to be implemented by “collaborating entities [using] public ownership and other protected area maps and priority areas in efforts to design reserves in all ecological regions.” These reserves would presumably be subject to the adaptive management strategies described in the Adaptation Strategy’s near-term goals. Without providing guidance concerning new reserves and adaptive management, how will lead and responsible agencies make decisions about land use in the affected areas?
2. In the case of climate adaptation goals for ocean and coastal resources, coastal flooding and permanent inundation is projected. How will lead and responsible agencies respond to these effects on proposed coastal projects?
3. In the case of climate adaptation goals for water management, increased snow pack melt and flooding events are projected. How will lead agencies respond to significant effects of these events on fisheries and aquatic species, residential areas located in floodplains, and water supply infrastructure?

Resources does a tremendous disservice to lead agencies and project proponents by failing to include guidance on climate adaptation in the Proposed Amendments. SB 97, which directed the Governor's Office of Planning and Research (“OPR”) to develop CEQA Guidelines on climate change, was in large part a legislative response to CEQA lawsuits filed by Attorney General Jerry Brown and environmental advocacy groups claiming that GHG emissions must be included in CEQA analyses. By ignoring the goals of climate adaptation, which is essentially a response mechanism to environmental impacts resulting from climate-induced landscape changes, Resources only ensures that this type of litigation will continue. The agency will at some point again need to amend the Guidelines to provide guidance on climate adaptation. Resources should break this inefficient cycle and provide guidance on climate adaptation in the current Proposed Amendments.

According to findings by scientists at the 2008 INTECOL International Wetlands Conference, the world's wetlands, threatened by development, dehydration and climate change, could release a planet-warming "carbon bomb" if they are destroyed. Wetlands contain 771 billion tons of greenhouse gases, one-fifth of all the carbon on Earth and about the same amount of carbon as is now in the atmosphere. Wetlands account for only 6 percent of Earth's land surface and store 20 percent of its carbon. The Proposed Amendments should recognize these contributions to carbon sequestration by including guidance on significant impacts to wetlands.

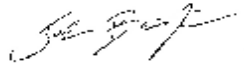
Grasslands are also very important for GHG sequestration. According to one report, the historic loss of soil organic carbon, due to inappropriate land use and soil mismanagement practices, has caused decline in soil quality and emission of carbon into the atmosphere. About 60–70% of this soil organic carbon loss can be resequenced through agricultural intensification based on adoption of recommended agricultural practices. The objective is to adopt land saving technologies such that marginal lands can be taken out of production for nature conservancy.¹ Scientists have also found that deserts store carbon in soils, plants and decaying matter. California has much arid and semi-arid land, making the State a perfect candidate for a

¹ Lal, R., 2002. Soil Carbon Dynamics in Cropland and Rangeland. *Environmental Pollution* 116, 359.

conservation and carbon sequestration strategy in desert areas. It is crucial that the Proposed Amendments include consideration of significant impacts to grasslands and deserts.

Defenders appreciates the opportunity to submit these comments. We strongly support Resources' efforts to develop effective CEQA Guideline amendments addressing GHG emissions. We look forward to seeing the Proposed Amendments revised in a way that balances the need to support economic development with the need to mitigate the effects of climate change on ecosystems.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Basofin".

Joshua Basofin
California Representative