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Organization: Public

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DRAFT:

§ 15064. Determining the Significance of the Environmental Effects Caused by a Project.

(h)

(3) A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable.

If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.

COMMENTS:

Plans stated above have a jurisdictional reference, but there remains a major problem in the area of groundwater management. Unless a basin is adjudicated, there is no agency jurisdiction over the basin or sub-basin, and therefore, there can be no mitigation legally enforceable in any plan. The courts will be the decision maker, if adjudication proceeds. Though you may have plans that included the area, there is no representation of every single property owner, as it is their responsibility for that groundwater. You can conclude that a geographic area with specific requirements that may avoid or substantially lessen a cumulative problem as being void without the consent of the private property owner to those requirements.

Because Water Governance is not clearly defined in any document including the Water Plan, the general public may not know their rights. Public agencies can be confused as to jurisdictional issues. We have heard Los Angeles Department of Water and Power employees testify that they control all the groundwater in the City of Los Angeles, but they control only that groundwater adjudicated in some basins. Their public relations firm has sold the public that they are the purveyors of all City water.

The Santa Monica Basin is fraught with contamination problems including methane mitigation issues, and they remain non-adjudicated to this day and not under the Department of Water and Power jurisdiction.

The Greater Los Angeles County Integrated Regional Water Management Plan IRWMP, an approved plan, lists projects in that region, but they the jurisdiction is limited to the property owned by the City of Los Angeles and/or County of Los Angeles only. So if there is jurisdiction on just SOME of the affected resources, this clause also includes PORTIONED resources, not ALL resources. That alone, should then trigger an EIR, but, in practice, it will probably be bypassed. There is no accurate scientific and factual data on PORTIONED geographic areas. That results in the citizen having to address the judiciary system for that conflict.

DRAFT:

§15064.4. Determining the Significance of Impacts from Greenhouse Gas Emissions.

(a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

(1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or

(2) Rely on a qualitative analysis or performance based standards.

COMMENTS:

This is fuzzy science. A "careful judgment" may be meant to mean a consultation with another person or agency, a chief legislative analyst or chief administrative officer.

Section 15064(c) states:

"(c) In determining whether an effect will be adverse or beneficial, the lead agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency. Before requiring the preparation of an EIR, the lead agency must still determine whether environmental change itself might be substantial."

In other words, the submission or substantiation of science is on the backs of the members of the public. If they are not presented with factual or scientific evidence, they, alone, must pursue and submit that evidence in the record.

The "Modeling" or "Methodology" is discretionary and not defined to be regional or local specific based on the scientific definition. In other words, use a model or method from another region, it works, so apply it here. The basis behind that model or methodology may have no basis to the region involved, and this clause makes it acceptable to use any data.

So, the outcome is to pull the wool over the public's eyes.

You have not enacted a State Clearinghouse for the Depository of Scientific and Factual Data. The public, unless educated or experienced in a particular field, is left to rummage for information.

For a State with the economic power of a country, you disregard its citizens and their rights of a government to protect their interests.

DRAFT:

§15064.4. Determining the Significance of Impacts from Greenhouse Gas Emissions

(b) A lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment:

(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;

(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.

(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

COMMENTS:

The Lead Agency considered three factors. The "among others" is undefined and therefore negligible. What is the definition of "relevant public agency?" Who determines the relevancy?

DRAFT:

§ 15064.7. Thresholds of Significance.

(b) When adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.

COMMENTS:

Where is substantial evidence obtained? Are "recommended experts" hired by the project proponent? Where is the peer review of the evidence?

We go back to the problem of applicability. Without a procedure in place for the review, comment and feedback of those subject or specialty-knowledgeable, then this is enacting just plain guesswork with a stamp of approval.

DRAFT

§ 15093. Statement of Overriding Considerations.

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

COMMENTS:

At this point, any environmental document should be processed through the State Clearinghouse for distribution, even at a preliminary stage. Other regions need to weigh in the process. What may be a significant benefit to one region is an entire detriment to another, but because more population exists in the benefit-area, there is logic to assume it benefits more and therefore is acceptable.

This disadvantages any rural, desert, forest or coastal area that is not populated and does not have the members of the public to obtain and place on administrative record the fact and scientific evidence of adverse environmental effects.

If Natural Resources are not considered a beneficial asset, then why bother with any CEQA process and leave it up to the Wild West days of governance.

DRAFT

§ 15125. Environmental Setting.

(c) The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. Such regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation, regional blueprint plans, plans for the reduction of greenhouse gas emissions, habitat conservation plans, natural community conservation plans and regional land use plans for the protection of the coastal zone, Lake Tahoe Basin, San Francisco Bay, and Santa Monica Mountains.

COMMENTS:

There should be a requirement to disclose geographic areas or jurisdictions that are not enforceable and to list jurisdictions that have multiple agencies.

Lacking in the overall management of our natural resources and our build resources is the easy-to-find governance structure. In other words, it is difficult to assess jurisdictional issues for validation.

DRAFT

§ 15126.2. Consideration and Discussion of Significant Environmental Impacts.

(a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic

quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there. Similarly, the EIR should evaluate the impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.

COMMENTS:

Other hazards should be included such as landfills and oil wells and/or methane zone hazards. These categories are not usually addressed in land use plans. It is an easy process to remove landfills under the Department of Building and Safety, not the agency with jurisdiction.

It is also difficult to map oil fields, especially in the City of Los Angeles, where so many are hidden and therefore not mapped. Unfortunately, many of these old records have been destroyed to trace their origins.

Odors are not mapped.

DRAFT

§ 15126.2. Consideration and Discussion of Significant Environmental Impacts.

(c) Significant Irreversible Environmental Changes Which Would be Caused by the

Proposed Project Should it be Implemented. Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. (See Public Resources Code section 21100.1 and Title 14 California Code of Regulations, section 15127 for limitations to applicability of this requirement.)

COMMENTS:

Reference to

§ 15126.2. Consideration and Discussion of Significant Environmental Impacts.

(b) Significant Irreversible Environmental Changes Which Would be Caused by the Proposed Project Should it be Implemented.

Comments continued-

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Reference to

§ 15127. Limitations on Discussion of Environmental Impact.

The information required by Section 15126.2(c) concerning irreversible changes, need be included only in EIRs prepared in connection with any of the following activities:

- (a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;
- (b) The adoption by a local agency formation commission of a resolution making determinations; or
- (c) A project which will be subject to the requirement for preparing an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. 4321-4347.

Comments continued-

Describe how the public is made aware of this requirement to reference and assess the impacts on a project proposed. NEPA requirements are Federal requirements, not State, and not processed in the same manner.

Most ordinances and policy changes never see the light of day in the CEQA process.

DRAFT

§ 15126.4. Consideration and Discussion of Mitigation Measures Proposed to Minimize

Significant Effects.

(c) Mitigation Measures Related to Greenhouse Gas Emissions.

Consistent with section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions. Reductions in emissions that are not otherwise required may constitute mitigation pursuant to this subdivision. Measures to mitigate the significant effects of greenhouse gas emissions may include, among others

(1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision;

(2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F;

(3) Off-site measures, including offsets, to mitigate a project's emissions;

(4) Measures that sequester greenhouse gases; and

(5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plan for the reduction of greenhouse gas emissions mitigation may include the identification of specific measures that may be implemented on a project-by-project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

COMMENTS:

Reference to

§ 15126.4. Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects.

(a) Mitigation Measures in General.

(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.

(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

(B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

(C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.

(D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (*Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.)

(2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

(3) Mitigation measures are not required for effects which are not found to be significant.

(4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:

(A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and

(B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

(5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination.

Comments continued-

Sequestration is a method guided by geographic and geological considerations. Since California is earthquake country, it should state that sequestration measurement should be enacted only in non-hazardous areas. This would eliminate a variance. Public Health and Safety is a key factor, not stated in this clause about greenhouse gas emissions.

The consumption of energy MUST INCLUDE WATER. Water flows are considered in permitting.

Groundwater contamination should be addressed. Groundwater may be a more significant resource in the future than the present because of global climate change or natural weather pattern changes. We would like to emphasize the NATURAL aspect. Glen M. MacDonald presented ""Climate Warming and Water Resources - Past, Present, Future" at UCLA Marschak Colloquium. Drought and 50-year, 100-year and 500-year impacts need current consideration across multi-state regions such as the Pacific Northwest. As we loose valuable Southern Sierra snowpack, we loose California water across the State.

The California Water Plan is a 5-year plan. The forecasting period in California water is only 30 plus years. There is little to no governance presented in that plan in a State where water issues are complex and customized per geographic region, whether watershed, basin or plain. As mentioned before, management occurs in adjudication and that issue is controversial across the state and across industries such as agriculture.

Ocean desalination is also controversial and the topic of oceans is completely avoided in this document. Only the fractional "greenhouse gas emissions" are discussed and not the other aspects such as sea level rise or water and air contamination due to forest fires.

Geology and soils are not addressed as groundwater recharge assets as a vehicle of consumption.

Recycled water is not discussed at all. This is an open arena for new industry and jurisdiction is questionable. Wastewater can be sold and processed and resold. The consumer protection does not exist as price points are not set. Property owners are assessed taxes and ratepayers pay fees for discharge water. There is no plan or guarantee that the paying public will receive return on their money.

This may be one of the biggest potential industries for return of investment (i.e. 400% ROI). Unfortunately, without protections in environmental documentation, the public is unaware of this new industry setup. The public may conserve water as requested and be resold discharge water they have already paid for, hiding in the terms of "needed" for consumption.

Water quality standards and waste discharge requirements are both Federal and State, yet the documentation is only at a State level.

Renewable energies are sold as energy conservation, yet baseline energies replacing coal need to be addressed in relationship to water and greenhouse gas emissions. Geothermal is a regional resource (i.e. Imperial County) with potential use in another county (i.e. Los Angeles County). Where is the EIR or other CEQA document being published or circulated? There is no requirement to distribute the document to the public affected in another county.

Solar farms will need vast amounts of land and transmission lines. Wind farms need the same and have a noise factor. Both are known to lose efficiency. They have proven to require subsidies, in foreign countries, to be affordable.

Energy conservation is just loose a term.

Energy efficiency is not addressed.

DRAFT

§ 15130. Discussion of Cumulative Impacts.

(a) An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3). Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

(1) Either:

(B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

COMMENTS:

Reference to

§ 15065. Mandatory Findings of Significance.

(a) A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur:

(2) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Comments continued-

Missing here are the long-term adopted plans of water, forests and oceans. Academics may have the scientific information, but that is not significant as these regulations are written and puts the burden of proof on the public.

DRAFT

§ 15130. Discussion of Cumulative Impacts.

(5) A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.

(d) Previously approved land use documents, including, but not limited to, general plans, specific plans, regional transportation plans, plans for the reduction of greenhouse gas emissions, and local coastal plans may be used in cumulative impact analysis. A pertinent discussion of cumulative impacts contained in one or more previously certified EIRs may be incorporated by reference pursuant to the provisions for tiering and program EIRs. No further cumulative impacts analysis is required when a project is consistent with a general, specific, master or comparable programmatic plan where the lead agency determines that the regional or areawide cumulative impacts of the proposed project have already been adequately addressed, as defined in section 15152(f), in a certified EIR for that plan.

COMMENTS

Reference to

§ 15152. Tiering.

(f) A later EIR shall be required when the initial study or other analysis finds that the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR. A negative declaration shall be required when the provisions of Section 15070 are met.

(1) Where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR that effect is not treated as significant for purposes of the later EIR or negative declaration, and need not be discussed in detail.

(2) When assessing whether there is a new significant cumulative effect, the lead agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects. At this point, the question is not whether there is a significant cumulative impact, but whether the effects of the project are cumulatively considerable. For

a discussion on how to assess whether project impacts are cumulatively considerable, see Section 15064(i).

(3) Significant environmental effects have been "adequately addressed" if the lead agency determines that:

(A) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or

(B) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

Comments continued-

The comparable approved plans need to fit the same criteria. Soils are different, geographic areas are different, water quality is different, air is different.

Not stated are the criteria for "adequately addressed" leaving the burden of proof on the public.

DRAFT

§ 15150. Incorporation by Reference

(e) Examples of materials that may be incorporated by reference include but are not limited to:

(3) A description of the effects of greenhouse gas emissions on the environment.

COMMENTS:

Omitted is the definition of "environment." Global "environment," "environment" within a stated boundary, "environment" within a geo-political boundary or "environment" within so many feet of the project.

DRAFT

§ 15183. Projects Consistent with a Community Plan, General Plan, or Zoning.

(g) Examples of uniformly applied development policies or standards include, but are not limited to:

(8) Requirements for reducing greenhouse gas emissions, as set forth in adopted land use plans, policies, or regulations.

COMMENTS:

Please include Water Element Plans, Fire and Forestry Plans and Methane Hazard Zone Mitigation Plans.

DRAFT

§15183.5. Tiering and Streamlining the Analysis of Greenhouse Gas Emissions.

(a) Lead agencies may analyze and mitigate the significant effects of greenhouse gas emissions at a programmatic level, such as in a general plan, a long range development plan, or a separate plan to reduce greenhouse gas emissions. Later project-specific environmental documents may tier from and/or incorporate by reference that existing programmatic review. Project-specific environmental documents may rely on an EIR containing a programmatic analysis of greenhouse gas emissions as provided in section

15152 (tiering), 15167 (staged EIRs) 15168 (program EIRs), 15175-15179.5 (Master EIRs), 15182 (EIRs Prepared for Specific Plans), and 15183 (EIRs Prepared for General Plans, Community Plans, or Zoning).

(b) Plans for the Reduction of Greenhouse Gas Emissions. Public agencies may choose to analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions or similar document. A plan to reduce greenhouse gas emissions may be used in a cumulative impacts analysis as set forth below. Pursuant to sections 15064(h)(3) and 15130(d), a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously adopted plan or mitigation program under specified circumstance

1) Plan Elements. A plan for the reduction of greenhouse gas emissions should:

(A) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;

(B) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;

(C) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;

(D) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;

(E) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels;

(F) Be adopted in a public process following environmental review.

(2) Use with Later Activities. A plan for the reduction of greenhouse gas emissions, once adopted following certification of an EIR or adoption of an environmental document, may be used in the cumulative impacts analysis of later projects. An environmental document that relies on a greenhouse gas reduction plan for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project. If there is substantial evidence that the effects of a particular project may be cumulatively considerable notwithstanding the project's compliance with the specified requirements in the plan for the reduction of greenhouse gas emissions, an EIR must be prepared for the project.

(c) Special Situations. As provided in Public Resources Code sections 21155.2 and

21159.28, environmental documents for certain residential and mixed use projects, and transit priority projects, as defined in section 21155, that are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in an applicable sustainable communities strategy or alternative planning strategy need not analyze global warming impacts resulting from cars and light duty trucks. A lead agency should consider whether such projects may result in greenhouse gas emissions resulting from other sources, however, consistent with these Guidelines.

COMMENTS:

Reference to

§ 15064. Determining the Significance of the Environmental Effects Caused by a Project.

(h)

(3) A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g. water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.

Comments continued-

All information, including monitoring, should be available to the public. Deadlines should be established for reporting and publishing monitoring activities.

Programmatic EIRs are a problem due to EXEMPTIONS, VARIANCES, CONDITIONAL USES and AMENDMENTS. One project may not prove to be difficult, but the cumulative effect of these exemptions, variances, conditional uses and amendments may prove to negate the programmatic EIR in a hidden and deceptive fashion.

There may need to be reconsideration of the above uses on a case-by-case basis and allow only those that conform within the programmatic EIR to be allowed.

DRAFT

§ 15364.5. Greenhouse Gas

"Greenhouse gas" or "greenhouse gases" includes but is not limited to: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 38505(g) Health and Safety Code; Section 21083.05, Public Resources Code.

COMMENTS:

The City of Los Angeles sits on an oilfield and is unique in that aspect. All greenhouse gases would need to be addressed in all plans because of the overall effect. Definitions need to be applied to underground and above ground aspects.

DRAFT

Appendix F

Energy Conservation

I. Introduction

The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

(1) Decreasing overall per capita energy consumption,

(2) Decreasing reliance on fossil fuels such as coal, natural gas and oil, and

(3) Increasing reliance on renewable energy sources.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy (see Public Resources Code section 21100(b)(3)). Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, cost effectiveness may be determined more by energy efficiency than by initial dollar costs. A lead agency may consider the extent to which an energy source serving the project has already undergone environmental review that adequately analyzed and mitigated the effects of energy production.

COMMENTS:

Baseline energies needed to be included as the MAJOR source of decreasing existing baseline energies such as coal, natural gas and oil.

Energy efficiency is a term needed in overall per capita energy consumption. Renewable energy sources MAY INCREASE greenhouse gas emissions due to the small percent and ineffective percentage of use and output.

Increasing reliance on renewable energy sources should include increasing dependence on baseline energy with emphasis on energy efficiency and minimal environmental impacts.

DRAFT

Appendix F

Energy Conservation

II. EIR Contents

Potentially significant energy implications of a project shall be considered in an EIR to the extent relevant and applicable to the project. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances specific items may not apply or additional items may be needed.

Where items listed below are applicable or relevant to the project, they should be considered in the EIR.

A. Project Description may include the following items:

1. Energy consuming equipment and processes which will be used during construction, operation and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project.

2. Total energy requirements of the project by fuel type and end use.
3. Energy conservation equipment and design features.
4. Identification of energy supplies that would serve the project.
5. Total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode.

COMMENTS:

Water should be identified as an energy supply.

DRAFT
Appendix F
Energy Conservation

II. EIR Contents

D. Mitigation Measures may include:

2. The potential of siting, orientation, and design to minimize energy consumption, in transportation energy, increase water conservation and reduce solid-waste.

H. Short-Term Gains versus Long-Term Impacts can be compared by calculating the project's energy costs over the project's lifetime.

COMMENTS:

Water needs to be addressed as a major issue in greenhouse gas emissions. "NEW" water or new potable water should be distinguished from recycled uses.

Plans need to match definitions of lifetime. There can be no factual information of criteria that differ in definition.

The expanded checklist attempts to provide the public with access to the reports and decisions in preparing the document or conclusion of no impact. With scientific and factual data a criteria, the lead agency should prove ability to reach conclusions based on analysis.

Without peer review, information can be mishandled, to the public's detriment.

The State of California needs to seriously look toward the future. This document is a basis for Cap and Trade, a tax.

What is needed for the State is Economic Development and Income for its Citizens.

Consider the use of a State Clearinghouse for the Depository of Scientific and Factual Data as a springboard for industry, individuals, students, parents and children to buy into their future.