

Letter 97

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**Comment 97-1**

Comment is introductory in nature and expresses the organizations' concerns on the guidance for analysis and mitigation for GHG emissions in the proposed amendments. The Natural Resources Agency should reevaluate and revise Appendix G, Section II: Agriculture prior to adopting the proposed amendments.

**Response 97-1**

The comments object generally to the inclusion of forestry resources among the questions in Appendix G related to agricultural resources. The Initial Statement of Reasons explained the necessity of the added questions:

The proposed amendments would add several questions addressing forest resources in the section on Agricultural Resources. Forestry questions are appropriately addressed in the Appendix G checklist for several reasons. First, forests and forest resources are directly linked to both GHG emissions and efforts to reduce those emissions. For example, conversion of forests to non-forest uses may result in direct emissions of GHG emissions. (L. Wayburn et al., A Programmatic Approach to the Forest Sector in AB32, Pacific Forest Trust (May 2008); see also California Energy Commission Baseline GHG Emissions for Forest, Range, and Agricultural Lands in California (March, 2004) at p. 19.) Such conversion would also remove existing carbon stock (i.e., carbon stored in vegetation), as well as a significant carbon sink (i.e., rather than emitting GHGs, forests remove GHGs from the atmosphere). (Scoping Plan, Appendix C, at p. C-168.) Thus, such conversions are an indication of potential GHG emissions. Changes in forest land or timberland zoning may also ultimately lead to conversions, which could result in GHG emissions, aesthetic impacts, impacts to biological resources and water quality impacts, among others. Thus, these additions are reasonably necessary to ensure that lead agencies consider the full range of potential impacts in their initial studies. In the same

way that an EIR must address conversion of prime agricultural land or wetlands as part of a project (addressing the whole of the action requires analyzing land clearance in advance of project development), so should it analyze forest removal. [¶] During OPR's public involvement process, some commenters suggested that conversion of forest or timber lands to agricultural uses should not be addressed in the Initial Study checklist. (Letter from California Farm Bureau Federation to OPR, February 2, 2009; Letter from County of Napa, Conservation, Development and Planning Department, to OPR, January 26, 2009.) As explained above, the purpose of the Proposed Amendments is to implement the Legislative directive to develop Guidelines on the analysis and mitigation of GHG emissions. Although some agricultural uses also provide carbon sequestration values, most agricultural uses do not provide as much sequestration as forest resources. (Climate Action Team, Carbon Sequestration (2009), Chapter 3.3.8 at p. 3.21; California Energy Commission, Baseline GHG Emissions for Forest, Range, and Agricultural Lands in California (2004), at p. 2.) Therefore, such a project could result in a net increase in GHG emissions, among other potential impacts. Thus, such potential impacts are appropriately addressed in the Initial Study checklist.

(Initial Statement of Reasons, at pp. 63-64.) Specific objections to the questions related to forestry are addressed below.

#### **Comment 97-2**

Amendments to Appendix G, Section II: Agriculture, adding forest resources, distort the section from its original intent of protecting agriculture resources and will subject projects to extensive and unnecessary analysis beyond what is already legally required. Amendments to Section VII: Greenhouse Gas Emissions will adequately address any significant impact a project may have on greenhouse gas emissions.

#### **Response 97-2**

The comment's assertion that the addition of questions related to forestry "specifically target[s] the establishment of [agricultural] resources for extensive and unnecessary analysis above and beyond what is already legally required," is incorrect in several respects. First, the addition of questions related to forestry does not target the establishment of agricultural operations. The only mention in the Initial Statement of Reasons of agricultural operations in relation to those questions was in response to comments that the Office of Planning and Research received indicating that only conversions of forests to non-agricultural purposes should be analyzed. Moreover, the text of the questions themselves demonstrate that the concern is *any* conversion of forests, not just conversions to other agricultural operations.

Second, analysis of impacts to forestry resources is already required. For example, the Legislature has declared that "forest resources and timberlands of the state are among the most valuable of the natural resources of the state" and that such resources "furnish high-quality timber, recreational opportunities,

and aesthetic enjoyment while providing watershed protection and maintaining fisheries and wildlife.” (Public Resources Code, § 4512(a)-(b).) Because CEQA defines “environment” to include “land, air, water, minerals, flora, fauna, noise, [and] objects of historic or aesthetic significance” (Public Resources Code, section 21060.5), and because forest resources have been declared to be “the most valuable of the natural resources of the state,” projects affecting such resources would have to be analyzed, whether or not specific questions relating to forestry resources were included in Appendix G. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109 (“in preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect”).) If effect, by suggesting that the Appendix G questions be limited to conversions to “non-agricultural uses,” the comment asks the Natural Resources Agency to adopt changes that are inconsistent with CEQA, which it cannot do.

The comment’s suggestion that the questions related to greenhouse gas emissions are sufficient to address impacts related to greenhouse gas emissions does not justify deletion of the questions related to forestry resources. As explained in the Initial Statement of Reasons, not only do forest conversions result in greenhouse gas emissions, but may also “remove existing carbon stock (i.e., carbon stored in vegetation), as well as a significant carbon sink (i.e., rather than emitting GHGs, forests remove GHGs from the atmosphere).” Further, conversions may lead to “aesthetic impacts, impacts to biological resources and water quality impacts, among others.” The questions related to greenhouse gas emissions would not address such impacts. Thus, the addition of forestry questions to Appendix G is appropriate both pursuant to SB97 and the Natural Resources Agency’s general authority to update the CEQA Guidelines pursuant to Public Resources Code section 21083(f). The Natural Resources Agency, therefore, rejects the suggestion to removal all forestry questions from Appendix G.

### **Comment 97-3**

The amendment adding forest resources to Appendix G: Section II loses sight of the intent and purpose of the Legislature’s directive in SB 97. The amendments do not further the directive or intent of SB 97 and unfairly attack and burden all types of agriculture, both crop lands and forest lands.

### **Response 97-3**

SB97 called for guidance on the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions. (Public Resources Code, § 21083.05.) As explained in the Initial Statement of Reasons, forest conversions may result in direct greenhouse gas emissions. Further, such conversions remove existing forest stock and the potential for further carbon sequestration. (Initial Statement of Reasons, at p. 63.) Sequestration is recognized as a key mitigation strategy in the Air Resources Board’s Scoping Plan. (Scoping Plan, Appendix C, at p. C-168.) Thus, the Natural Resources Agency disagrees with the comment, and finds that questions in Appendix G related to forestry are reasonably necessary to effectuate the purpose of SB97. Notably, such questions are also supported by the Natural Resources

Agency's more general authority to update the CEQA Guidelines every two years. (Public Resources Code, § 21083(f).)

The Natural Resources Agency also disagrees that the questions related to forestry "unfairly attack and burden all types of agriculture." Nothing in the text of the proposed amendments or the Initial Statement of Reasons demonstrate any effort to attack, or otherwise disadvantage, any agricultural use. Questions related to forestry impacts are addressed to any forest conversions, not just those resulting from agricultural operations. Further, the questions do not unfairly burden agriculture. To the extent an agricultural use requires a discretionary approval, analysis of any potentially significant impacts to forestry resources would already be required, as explained in Response 97-2, above.

#### **Comment 97-4**

The amendments adding forest resources to Appendix G: Section II go beyond the scope of mandate by SB 97 and will adversely affect California's agricultural industry. The only alternative is to recognize the loss of forest land or conversion of forest is only significant when it results in a non-agricultural use.

#### **Response 97-4**

The Natural Resources Agency finds that the addition of questions related to forest impacts are reasonably necessary to carry out the directive both in SB97 and the general obligation to update the CEQA Guidelines, as described in both the Initial Statement of Reasons and Responses 97-2 and 97-3, above.

Though the comment states "the proposed changes in Section II [of Appendix G] ... are highly onerous to the State's agricultural industry," the comment provides no evidence to support that claim. On the contrary, as explained in Responses 97-2 and 97-3, above, CEQA already requires analysis of forestry impacts, regardless of whether Appendix G specifically suggests such analysis.

The Natural Resources Agency declines to revise the forestry-related Appendix G questions as suggested. As explained in Response 97-2, above, exempting agricultural projects from the requirement to analyze impacts to forest resources is inconsistent with CEQA.