

Lockey, Heather@CNRA

From: Shirlee Herrington <SHerring@placer.ca.gov>
Sent: Thursday, March 15, 2018 4:14 PM
To: CEQA Guidelines@CNRA
Cc: Leigh Chavez
Subject: Placer County Comments: Notice of Proposed Rulemaking – Amendments and Additions to the State CEQA Guidelines
Attachments: Placer County Comments_Proposed Rule 2018.pdf

Good Afternoon Mr. Calfee:

Placer County appreciates the opportunity to provide comments on the proposed Amendments and Additions to the State CEQA Guidelines. After reviewing the submitted information, the County offers the attached comments for your consideration.

*Thank you,
Shirlee*

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March 15, 2018

via email: [CEQA.Guidelines@resources.ca.gov](mailto:CEQA.Guidelines@resources.ca.gov)

Christopher Calfee, Deputy Secretary and General Counsel  
California Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

Subject: Notice of Proposed Rulemaking – Amendments and Additions to the State CEQA Guidelines

Dear Mr. Calfee:

Placer County appreciates the opportunity to provide comments on the proposed Amendments and Additions to the State CEQA Guidelines. The Proposed Rulemaking provides several good clarifications to text in the Guidelines. After reviewing the submitted information, the County offers the following comments for your consideration regarding the proposed rulemaking:

1. §15062 Notice of Exemption – it is unclear what information this addition is attempting to make available to the reviewing public. Is the goal of this addition to distinguish the actual person (or persons?) involved with the project instead of say, the company, developer, legal team, agency, etc. that is a project proponent? Clarification regarding what this modification is attempting to achieve would help define what specific information 15062(a)(6) is asking lead agencies to include on the NOE.
2. §15064 Determining the Significance of the Environmental Effects Caused by a Project – the proposed text in 15064(b)(2) appears internally inconsistent without the benefit of the caselaw and/or the Resources Agency statement of reason behind the modification. The second sentence (“When using a threshold, the lead agency should briefly explain how compliance with the threshold means the project’s impacts are less than significant...”) could be interpreted to be at odds with the third sentence (“Compliance with the threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating the project’s effects may still be significant”). Additional clarifying language in the Guidelines (possibly adding the term “likely” or “normally” to the 2<sup>nd</sup> sentence) would be beneficial to explain that compliance with a significance threshold may not guarantee that a project’s impacts are less than significant.
3. §15064.3 Determining the Significance of Transportation Impacts – the new section notes that VMT is the most appropriate measure of transportation impacts with no basis for the statement. In addition, the section notes that the provisions apply statewide on July 1, 2019; however, the new VMT guidelines don’t require statewide implementation until January 1, 2020.
4. §15064.7 Thresholds of Significance – the final sentence added to 15064.7(b) notes that lead agencies may use thresholds on a case-by-case basis as provided in newly added

Section 15064(b)(2) but it is unclear how Section 15064(b)(2) specifically provides for case-by-case thresholds (is it just that it doesn't preclude a case-by-case approach?). Further, 15064.7(c) adds "or using" at the beginning of this subsection. We would recommend also adding "use" at the end of the subsection as well (i.e., "provided the decision of the lead agency to adopt "or use" such thresholds is supported....")

5. §15075 Notice of Determination on a Project for Which a Proposed Negative or Mitigated Negative Declaration Has Been Approved - this comment is consistent with comment #1 above: it is unclear what information this addition (i.e., subsection (8)) is attempting to make available to the reviewing public.
6. §15094 Notice of Determination – same comment as #1 and #5 above.
7. §15357 Discretionary Projects – the new language regarding the key question adds clarity; however, the language also refers only to those concerns that might be raised in an environmental impact report. Is this very specific language intentional, or could it be modified to say "those concerns that might be raised in a CEQA impact analysis"?

Thank you again for the opportunity to comment on the proposed rulemaking.

Should you have any questions, please contact Leigh Chavez, Environmental Coordinator at [lchavez@placer.ca.gov](mailto:lchavez@placer.ca.gov) or 530-745-3077.

Sincerely,

  
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LEIGH CHAVEZ, PRINCIPAL PLANNER  
ENVIRONMENTAL COORDINATOR