



ASSOCIATION OF
ENVIRONMENTAL
PROFESSIONALS

February 2, 2009

Ms. Cynthia Bryant Director
Governor's Office of Planning and Research
P.O. Box 3022
Sacramento, CA 95812-3044

Attention Ms. Terry Roberts

Re: Proposed CEQA Guideline Changes

Dear Director Bryant,

On behalf of the Association of Environmental Professionals (AEP), I appreciate the opportunity to provide the following comments on the *Governor's Office of Planning and Research (OPR) Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions* (the "Amendments"). We understand that the proposed changes to the California Environmental Quality Act (CEQA) Guidelines identified in the Amendments are meant to provide guidance as to how greenhouse gas (GHG) emissions should be addressed under CEQA.

I. INTRODUCTION - THE AEP

AEP is a non-profit organization of California's environmental professionals. AEP members are involved in every stage of the evaluation, analysis, assessment, and litigation of projects subject to CEQA. For over thirty years, AEP has dedicated itself to improving the technical expertise and professional qualifications of its membership, as well as educating the public on the value of California's laws protecting the environment, managing our natural resources, and promoting responsible land use and urban growth. AEP's membership is broad and diverse, incorporating representatives from public agencies, the private sector and non-governmental organizations.

II. AEP COMMENTS ON THE AMENDMENTS

AEP recognizes the tremendous effort required drafting these proposed CEQA Guideline changes, and we commend OPR for its leadership on this important issue. Overall, the Amendments reflect a balanced approach that places the responsibility of providing GHG emissions analysis and thresholds on Lead Agencies. AEP also commends providing Lead Agencies in how GHG emissions are to be analyzed in CEQA. Specifically, AEP applauds OPR for adding language and questions in Appendix G of the CEQA Guidelines addressing forested lands within the Agricultural and Forest Resources section. In addition, AEP has several comments on the Amendments as follow here.

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A. The CEQA Guidelines are Silent on How to Perform an Analysis of Climate Change Impacts Affecting the Project and Project Site

The Amendments address GHG emissions analysis, *i.e.*, a project's potential impact upon the environment, but conversely, do not address climate change impacts and the risks such impacts may pose upon the prospective projects. Indeed, there are no references to "climate change" in the Amendments and the only references to "global warming" are contained within citations to the "Global Warming Solutions Act of 2006" ("AB 32" herein).

We note that AB 32 very clearly recognizes the need to consider the effects of global warming on projects when it recognized the adverse consequences of climate change, including increased incidence of sea rise, flooding, wildfires, as well as the significance of climate change on potable water supplies. Lead Agencies need guidance on how to address the impacts of climate change upon proposed projects and project sites in order to avoid uncertainty as to how CEQA's mandates are to be fulfilled vis-à-vis climate change. Moreover, the potential for costly litigation and project delays that would accompany such uncertainty may hinder economic development important to the California economy.

B. CEQA Guideline Section 15130(f)

The proposed amendment to Section 15130(f) of the CEQA Guidelines adds the phrase shown in italic below:

An EIR should evaluate greenhouse gas emissions associated with a proposed project when those emissions, *when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects*, may result in a cumulatively considerable impact to the environment that cannot be mitigated to a level of less than significant. (Emphasis added).

AEP requests that this phrase be removed from the CEQA Guidelines, or that the language emphasized in italics be replaced with language that evaluates the cumulative impact of a project's greenhouse gas emissions in the context of information known about the rate of change in global anthropogenic greenhouse gas emissions.

It is recognized that climate change's potential impacts on our environment are, by their nature, cumulative impacts. CEQA already mandates that cumulative project impacts be considered. See *e.g.* the other clauses of section 15130, as well as section 15355. The difficulty with the proposed amendment language is that describing all past, current, and probable future projects may be interpreted as requiring a list of *all* other projects in order to analyze cumulative impacts associated with GHG emissions. It would be impossible to develop a list of *all* projects associated with climate change impacts. CEQA's mandate that lead agencies consider cumulative impacts of climate change may be satisfied by using information known about the rate of anthropogenic greenhouse gas emissions, and the proposed project's place in context with that rate.



C. CEQA Guidelines Appendix G, Transportation/Traffic

AEP recognizes the need to balance level of service (LOS) and traffic congestion with other ways of measuring traffic impacts such as number of vehicle trips or vehicle miles traveled (VMT). Further, AEP recognizes that in order to address pedestrian and bicycle traffic, as well as motorized vehicle traffic, LOS needs to be augmented with other forms of traffic flow measurement.

AEP supports the amendments that would add roadway volume and VMT to the checklist questions under the heading "XVI. Transportation/Traffic." AEP objects, however, to the amendment that would delete the question in the same section relating to LOS. Eliminating LOS as a standard for traffic impact assessment is very likely to create unnecessary complications in the application of standardized methodologies for evaluating traffic impacts and circulation. As they have done historically, lead agencies should be allowed the flexibility to continue to refer to LOS as a proper method of evaluating traffic and circulation impacts. While vehicle miles traveled (VMT) is a valuable indicator of energy consumption, greenhouse gas emissions, and sound land use patterns, it does not have the same direct bearing on traffic and circulation issues on a local level as LOS does. In other words, how congested a particular intersection is depends more on the volume of traffic attempting to pass through it, in a specified time frame than the distance the cars passing through that intersection have traveled to get there.

AEP is also concerned about the amendment that would eliminate the checklist question relating to parking. Potential impacts resulting from inadequate parking, *i.e.*, double and illegal parking, blocked roadways to accommodate parallel parkers, slower circulation speeds as people hunt for parking spaces, *etc.*, *do* have a measured impact upon traffic and circulation. AEP requests that consideration of whether a proposed project would "Result in inadequate parking capacity" remain in the CEQA Guidelines checklist.

III. CONCLUSION

Thank you for the continued opportunity to play an active role in this process. Should you have any questions or need additional information regarding our comments, please do not hesitate to contact our Capital lobbyist, Mr. Allan Lind at: 916-503-2250 or lindallan@yahoo.com.

Sincerely,



Kent Norton
President

cc: Michael Chrisman Secretary, Natural Resources Agency
Linda Adams, Secretary, California Environmental Protection Agency
Mary Nichols, Chair, California Air Resources Board

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