

California Native Plant Society

San Diego Chapter of the California Native Plant Society
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September 12, 2016

County of San Diego
 Planning & Development Services
 ATTN: Darin Neufeld
 5510 Overland Avenue, Suite 310
 San Diego, CA 92123
 Sent via email to:

RE: Lake Jennings Marketplace Recirculated Draft EIR

Dear Mr. Neufeld:

We appreciate the opportunity to comment on the Lake Jennings Marketplace ("Project") Recirculated Draft Environmental Impact Report ("DEIR"). The San Diego Chapter of the California Native Plant Society (CNPS) works to protect California's native plant heritage and preserve it for future generations. CNPS promotes sound plant science as the backbone of effective natural areas protection. We work closely with decision-makers, scientists, and local planners to advocate for well informed and environmentally friendly policies, regulations, and land management practices. We are writing to question the botanical analysis.

U-1

As background, the California Native Plant Society (CNPS, the parent organization of CNPSSD), was a co-plaintiff in the Center for Biological Diversity et al. vs. the California Department of Fish and Wildlife and the Newhall Land and Farming Company, ("Newhall Ranch") which was decided in our favor by the California Supreme Court on November 30, 2015. Subsequent to that decision, CNPS has more actively commented on climate change issues than we have in the past. The reason is simple: climate change has become a major factor in most of the conservation issues facing native plants, right along with habitat loss.

The Sierra Club noted, in a July 26, 2016 letter to the Office of County Counsel, that the County General Plan is incomplete without a Climate Action Plan, and the County will not have a valid Climate Action Plan for at least another year. Whether this means that any project can or should be approved under the incomplete General Plan is a legal question we are not qualified to comment on. However, we are very concerned that the County should even contemplate approving a project with significant and unmitigable greenhouse gas emissions, as noted in the DEIR. It is not fair to the development community and to County residents if projects get away with substantial greenhouse gas impacts now, while later project have to shoulder increased greenhouse gas reductions in order to reach County and State goals.

U-2



Dedicated to the preservation of California native flora


Response to Comment Letter U

California Native Plant Society, San Diego Chapter
 September 12, 2016

U-1 This comment is introductory and provides an overview of the organization. As such, this comment is noted.

U-2 The comment summarizes a letter sent from Sierra Club to the Office of County Counsel but does not address the adequacy of the EIR. Refer to response to comment T-3 for more information regarding the CAP.

As discussed in Appendix E and Section 2.3 of the Final EIR, the project proposes all feasible on-site mitigation measures to reduce impacts from GHG emissions, and in addition, the project will be required to purchase carbon off-set credits so that the project results in a "net zero" increase in GHG emissions. See responses to comments V-17 through V-20 for more information.

<p>Last week, Governor Brown signed into law Senate Bill 32 and Assembly Bill 197. These tightened the requirements for greenhouse gas emissions reduction by stretching the compliance time out to 2030, and requiring emissions reductions to 40% below 1990 levels by that time. AB 197 changes the way the California Air Resources Board considers impacts and reductions, which apparently affect the way cap-and-trade regulations may be used to offset emissions from the proposed Project.</p>	<p>U-3</p>	<p>U-3 The commenter summarizes SB 32 and AB 197 and this comment is acknowledged. Please refer to response to comment U-4.</p>
<p>At this point, I suggest that the recirculated DEIR is still incomplete, as it does not appear to consider impacts under these two new laws. While I sympathize with the project's proponents, they need to follow the law, even when the law is quickly evolving. I therefore suggest that the County work with the Project's proponents to determine how SB 32 and AB197 affect the Project, incorporate that analysis into the EIR, and recirculate it again.</p>	<p>U-4</p>	<p>U-4 The County disagrees that the Draft Revised EIR is incomplete and needs to be recirculated with respect to SB 32 and AB 197. Both SB 32 and AB 197 include extending GHG emission reduction targets through 2030. Since the proposed project buildout year is 2018, using a 2020 target is the most appropriate for the project. As discussed on Draft Revised EIR page S-4, the project is estimated to be completed in approximately 9 ½ months and would be completed in one phase. The County Planning Commission and Board of Supervisors are anticipated to consider approval of the project in summer and fall of 2017. The Applicant would commence construction soon after project approval and obtaining necessary permits (e.g., grading permit) and is therefore expected to complete the project in 2018. The approach of using a 2020 target is consistent with the California Association of Environmental Professional's (AEP's) White Paper <i>Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California</i> (October, 2016). The project will implement all feasible mitigation measures to reduce potential GHG emissions associated with the project, and with implementation of these measures, the project would result in no net increase in GHG emissions. Please refer to responses to comments U-2 and V-17.</p>
<p>I also strongly suggest that the County not approve the Project in its current form, with the available documentation. Climate change is far too big a threat to the continued well-being of the County to let any project avoid shouldering its share of the burden of dealing with it.</p>	<p>U-5</p>	<p>U-5 Comment noted.</p>
<p>Thank you for taking my comments. Please keep me informed of all developments on this project by email at conservation@cnpsd.org.</p>	<p>U-6</p>	
<p>Sincerely,  Frank Landis, PhD (Botany) Conservation Chair California Native Plant Society, San Diego Chapter</p>		

	<p>U-6 As requested in this comment, the County will provide notice to the California Native Plant Society in accordance with the requirements of CEQA, including availability of the Final EIR and future public hearings.</p>
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