

LL-3 Endangered Habitats League Dated: November 30, 2017

1. Introduction

The comment letter submitted by Endangered Habitats League (EHL), dated November 30, 2017, is a late letter that does not require a written response from the County.

Under CEQA Guidelines section 15105, the County was legally required to provide a 45-day public review period on the Draft Environmental Impact Report (EIR). To provide additional time, the County instead afforded 60 days for public review and comment. The Draft EIR public comment period began on June 15, 2017, and ended on August 14, 2017. All comment letters received after expiration of the public review and comment period ending on August 14, 2017, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the November 30, 2017, letter submitted by EHL. (See, CEQA Guidelines §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The Comment Letter, In Large Part, Addresses the County's Climate Action Plan, Not the Newland Sierra Project

EHL begins by stating that it wishes to supplement its comments on the County's draft Climate Action Plan (CAP) due to the availability of the October 2017 draft of the California Air Resources Board's (CARB) 2017 Climate Change Scoping Plan (2017 Scoping Plan). According to the letter, the new information from CARB "also affects" the Newland Sierra project and its Draft EIR; thus, EHL asks that the letter be submitted into the administrative record for the Newland Sierra project.

The County notes that, subsequent to this letter and CARB's publication of the October 2017 draft document, CARB released and adopted the final 2017 Scoping Plan (dated November 2017) on December 14, 2017, which is available at: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. The adopted, final document supersedes the one referenced in the late comment letter.

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Additionally, to the extent the comment letter addresses the County's CAP, EHL is referred to the County's website for the 2018 CAP and associated responses: https://www.sandiegocounty.gov/content/sdc/pds/ceqa/Climate_Action_Plan_Public_Review.html#FinalBOSDocs. The County provided a full response to this comment letter within the Revised Final Supplemental EIR (SEIR) prepared for the CAP at Response to Comment Letter X22, which is available at: <https://www.sandiegocounty.gov/content/dam/sdc/pds/advance/cap/publicreviewdocuments/FinalPublicReviewDocs/FinalBoardDocs/X22.pdf>. Those responses are also appended to the Sierra project's Final EIR in **Appendix JJ-21**.¹

3. The Newland Sierra Project Is Consistent with CARB's Scoping Plan as Incorporation of Mitigation Measures Will Ensure No Net Increase in GHG Emissions

Concerning comments directed to the Newland Sierra project within the comment letter, the County acknowledges that EHL expresses opposition to the project. However, the County does not concur with assertions that the EIR for the project is deficient, or that the project is inconsistent with CARB's 2017 Scoping Plan.

The Draft EIR for the project considered consistency with Senate Bill (SB) 32 (which established the statewide reduction target that is the focus of CARB's 2017 Scoping Plan), and determined impacts would be potentially significant. (Draft EIR, pp. 2.7-44 through 2.7-45.) However, the project – following utilization of on-site, emissions-reducing design features – would offset 100 percent of its annual GHG emissions, for a 30-year period, in order to achieve carbon neutrality (i.e., net zero emissions level). Because the project achieves carbon neutrality, thereby resulting in no net increase in GHG emissions relative to existing environmental conditions, the mitigated project would not interfere with implementation of CARB's 2017 Scoping Plan.

Of note, the utilization of carbon offsets to mitigate GHG emissions is expressly authorized by CEQA Guidelines section 15126.4(c)(3) – (c)(4), and is discussed as a recognized emissions-reducing strategy in the 2017 Scoping Plan. Further, the geographic priorities included in Mitigation Measures M-GHG-1 and M-GHG-2 have been drafted to be consistent with the policy recommendations included in CARB's 2017 Scoping Plan. Please also refer to **Appendix JJ-2** (Newland Sierra AQ/GHG CARB Scoping Plan Consistency Analysis) of the Final EIR, which

¹ The County Board of Supervisors adopted the CAP on February 14, 2018. For more information on the County's Final CAP as adopted, please see **Topical Response GHG-3 - County's 2018 Climate Action Plan (CAP)**. On March 19, 2018, the Sierra Club, joined by other environmental groups including EHL, filed suit against the County challenging its approval of the CAP. (*Sierra Club et al., v. County of San Diego*, San Diego Superior Court Case No. 37-2018-00014081-CU-TT-CTL.) Additional lawsuits were also filed by the Golden Door Properties, LLC on March 15, 2018 and Sierra Club on March 19, 2018. (*Golden Door Properties, LLC v. County of San Diego*, San Diego Superior Court Case No. 37-2018-00013324, and *Sierra Club v. County of San Diego*, San Diego Superior Court Case No. 37-2012-00101054-CU-TT-CTL.) Litigation in these cases is ongoing.

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addresses project implementation of recommended reduction strategies identified by CARB in Appendix B of its 2017 Scoping Plan.

EHL summarizes policies and language included in the October 2017 draft of the 2017 Scoping Plan related to the topic of vehicle miles traveled (VMT). The comment states that CARB's October 2017 draft clearly identifies VMT reductions as "separate and distinct" elements of a plan for mitigating project GHG emission impacts. The comment also asserts that, because the 2017 Scoping Plan includes language related to VMT, the County must not utilize carbon offset credits to reduce cumulative GHG emissions from General Plan Amendments (GPAs). The County disagrees with these contentions.

To the extent the comment addresses the County's CAP, the comments have been addressed by the County in the CAP's Revised Final SEIR, Master Response 2 – CAP and SB 375; Master Response 5 – Community Plan Updates; Master Response 6 – Transportation GHG Reduction Measures; and, Responses to Comments X22-4 through X22-6. Chapter 8.0 of the Revised Final SEIR (which contains the master responses) is available at: <https://www.sandiegocounty.gov/content/sdc/pds/advance/climateactionplan/capfinalseir.html>, and Responses to Comment Letter X22 is available at the web address previously provided. Additionally, Master Responses 2, 5 and 6, and Responses to Comment Letter X22 are appended to the Sierra project's Final EIR in **Appendix JJ-21**.

The County refers EHL to these responses, and particularly Responses to Comments X22-4 through X22-6. Response X22-4 describes the County's commitment to achieving VMT reductions, which may be accomplished through establishing mixed use villages, increasing density, enhancing roadways for multi-modal use, implementing transportation demand management and parking strategies, etc. Additionally, Response X22-6 explains the County's disagreement with EHL's position that GPAs that rely on offsets instead of VMT reductions would "inherently produce GHG emissions over and above those considered in the General Plan and mitigated in the CAP." Such a position elevates the form of GHG reductions (i.e., by VMT reductions instead of by the purchase of carbon offsets) over their function (GHG emission reductions). Purchase of carbon offsets and VMT reductions are simply two means to the same ultimate end objective of reducing GHG emissions. As explained in Response to Comment X22-6, the CAP mitigation program which requires the purchase of offsets ensures "no new net GHG emissions above what was considered by the 2011 GPU and would include all GHG emissions associated with project-related VMT." Thus, GHG emissions would *not* be higher through reliance on offsets instead of VMT reductions.

Further, the County's approach is consistent with CARB's 2017 Scoping Plan. When discussing how local governments can support climate action through CEQA, page 102 of the final 2017 Scoping Plan (November 2017) recommends that "lead agencies prioritize on-site design features that reduce emissions, especially from VMT, and direct investments in GHG reductions within the

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project's region that contribute potential air quality, health, and economic co-benefits locally." On that same page, however, CARB recognizes that "[w]here further project design or regional investments are infeasible or not proven to be effective," it also "may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits." As such, much like the framework established in CEQA Guidelines section 15126.4(c), CARB recognizes the utilization of a portfolio-based approach in the development and selection of feasible mitigation measures for the reduction of GHG emissions, while simultaneously recommending the prioritization of GHG emissions-reducing strategies in a project's vicinity due to the corresponding economic and air quality co-benefits.

Now that the County's CAP has been adopted, the project is required to comply with the CAP's guidelines for GPAs.² As discussed in Section 8.4.12 of the CAP's Revised Final SEIR, Master Response 12 - Mitigation Hierarchy and Use of Carbon Offset Credits, pages 8-51 to 8-52, because the Newland Sierra project requires a GPA, the CAP would not afford the project any streamlining benefits under CEQA Guidelines section 15183.5 (which allows certain, non-GPA projects to tier from and incorporate by reference the GHG emissions analysis presented in the CAP SEIR). (Chapter 8.0 of the Revised Final SEIR is available online (see web address above), and is appended to the Newland Sierra project's Final EIR in **Appendix JJ-21**.) Instead, the project is required to prepare a project-specific GHG emissions analysis; demonstrate consistency with applicable CAP measures outlined in the CAP Checklist; and reduce the increase in emissions in accordance with one of the two options set forth in Mitigation Measure M-GHG-1 of the CAP's SEIR. Those two options include: (1) Option 1: achieve no net increase in GHG emissions from additional density above the 2011 General Plan Update, or (2) Option 2: achieve a reduction in GHG emissions to no net increase over baseline conditions (net zero).

The Newland Sierra project would comply with the relevant measures in the CAP checklist and attain net zero emissions consistent with the CAP. Final EIR **Topical Response GHG-3**, at Table 1, Climate Action Plan Consistency Checklist, demonstrates the project's compliance with relevant measures in the CAP Checklist. The project's commitment to achieving carbon neutrality also is consistent with Option 2 (Net Zero) of CAP Mitigation Measure M-GHG-1. Further, **Appendix DD**, Land Use Consistency Analysis, Table DD-1 has been supplemented in the Final EIR to include the General Plan amendments adopted as part of the CAP. As shown therein, the project would be consistent with these amendments to the General Plan, in addition to achieving no net increase in GHG emissions.

Indeed, by mitigating to net zero, the project would actually achieve further reductions below CAP projections. This is because, while the proposed project is not included in the CAP's emissions

² Note that the project has been processed separate from the County's CAP. This is because the draft version of the CAP was not published until *after* release of the project (Newland Sierra) Draft EIR. The project's Draft EIR thus uses thresholds from Appendix G of the CEQA Guidelines, rather than those contained in the 2018 CAP's implementing documents; and adopts mitigation to reduce impacts pursuant to those thresholds.

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inventories, the CAP accounts for some level of development on the project Site, as the CAP is based on the existing land use designations in the County's General Plan (2011). The Final EIR has been supplemented to disclose the GHG emissions that would be anticipated under the existing land use designations; please see the Newland Sierra Existing General Plan Alternative - Greenhouse Gas Emissions Analysis, incorporated at **Appendix JJ-18**. As detailed therein, estimated emissions under the General Plan Alternative would total 42,146 MT CO₂e per year. If unmitigated, the Newland Sierra project would generate 43,498 MT CO₂e per year, an increase of around 3.2% when compared to the estimated emissions for the Site under the General Plan. However, the project as mitigated would reduce emissions to net zero levels. A General Plan-consistent alternative would not be required to reduce its emissions to net zero. Therefore, the project would actually result in a decrease in GHG emissions compared to development currently allowed under the General Plan, and as considered in the CAP based on the Site's land use designations.³

In sum, whether reduced through VMT or through on-site measures together with purchase of carbon offsets, the Newland Sierra project will not result in an increase in GHG emissions and will not impact the state's ability to reach its GHG reduction targets.

4. The Newland Sierra Project's EIR Adequately Evaluated Project VMT

The comment states that the project's Draft EIR does not describe how the Newland Sierra development will affect San Diego County's overall VMT.

First, contrary to the comment's assertion, the Draft EIR *does* describe how the development will affect San Diego County/ regional overall VMT. Page 2.7-44 of the Draft EIR states that "the overall VMT in the region and at the project level with implementation of the project would be within 4.5 percent of SANDAG-forecasted VMT for the region."

The calculation determining the operational VMT attributable to the proposed project compared to the SANDAG-forecasted VMT for the region is derived from information contained within Table 2.7-16 of the Draft EIR. (See also Appendix K, Greenhouse Gas Emissions Technical Report, Table 24.) Table 2.7-16, in turn, presents VMT information that was provided by SANDAG, which is incorporated in the Draft EIR at Appendix R4 – Transportation Modeling for the Newland Sierra Development. SANDAG calculated the region-wide VMT and project (Select Zone) VMT for the "with" and "without" project scenarios. The "with" project scenario VMT was calculated at 294,804 VMT, and the "No Project" scenario VMT was calculated at 251,116 VMT,

³ Further, the Newland Sierra project is also included in the cumulative analysis of the CAP's Supplemental EIR (see County of San Diego, Final Supplement to the 2011 General Plan Update Program Environmental Impact Report for the Climate Action Plan, General Plan Amendment, GHG Threshold, and Guidelines for Determining Significance for Climate Change (SCH No. 2016101055), Table 1-3, Cumulative Projects List (see, e.g., page 1-74)). As demonstrated therein, the County considered the Newland Sierra project as a reasonably foreseeable cumulative project in its environmental analysis for the 2018 CAP.

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as presented in Table 2.7-16. The “with” project VMT was then reduced by 11.1 percent based on the results of Appendix R3 – Newland Sierra TDM Program VMT Reduction Evaluation, for a total of 262,376 VMT. This total is 4.5 percent greater than the No Project VMT total of 251,116.

Accordingly, the Draft EIR discussed that the project would generally be consistent with SANDAG’s Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) as it would generally be consistent with planned uses and overall County/regional VMT (just a 4.5 percent difference); would provide a balanced mix of uses to allow the project to reduce VMT by offering resident-serving land uses internally; and would combine with an integrated pathway and trail plan and a dense system of internal streets and roads that would promote a pedestrian use and facilitate non-vehicular travel. (Draft EIR, p. 2.7-44.)

Second, the County does not agree the EIR provides only a cursory analysis of the project’s VMT. Please refer to Draft EIR Section 2.13.10, VMT Analysis, Appendices R-2 through R-4, and Appendix K (Appendix D). Please also refer to **Appendix JJ-9** (Fehr & Peers’ Addendum to Newland Sierra VMT Analysis in Response to SB 743) of the Final EIR.

Third, while EHL is correct the project incorporates project design features (PDFs) to reduce VMT, the implementation of the Transportation Demand Management (TDM) Program would be secured through Mitigation Measure M-GHG-3. The project includes 32 on-site PDFs (see Draft EIR, Table 2.7-7) to reduce GHG emissions, including the TDM Program — PDF-1 through PDF-20 — which is proposed to reduce the VMT by project residents, employees and visitors by 11.1%. (See Appendix D of Draft EIR Appendix K; Appendix R-3 to the Draft EIR, Newland Sierra TDM Program – VMT Reduction Evaluation, prepared by Fehr & Peers.) M-GHG-3 would ensure implementation of the TDM Program.

5. The EIR’s Discussion of Consistency with CARB Policies is Adequate

The comment states that the CAP’s Draft SEIR does not provide information related to how the CAP’s GHG emissions metrics compare to the 2017 Scoping Plan’s GHG emissions metric, and questions whether the CAP’s population assumptions are consistent with the metrics used by CARB. The comment asks the County to analyze whether exceedances of VMT metrics may be cured by the purchase of offsets without separate VMT mitigation. With respect to the Newland Sierra Project, the comment contends that because SANDAGs RTP/SCS was based on General Plan land uses, emissions and VMTs from the project were not considered and additional analysis is required.

The County notes that the majority of the comment addresses the County’s CAP. The County addressed the issues raised in the comment in the CAP’s Revised Final SEIR, at Master Response 2 - CAP and SB 375, and Responses to Comments X22-9 through X22-12. The County refers EHL to those responses, copies of which are included in **Appendix JJ-21** of this Final EIR.

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As concerns the Newland Sierra project, first, the County notes that the VMT reductions cited in the comment letter (see page 3) are listed in the 2017 Scoping Plan as “Recommended Local Plan-Level Greenhouse Gas Emissions Reduction Goals.” (2017 Scoping Plan, pp. 99-101 (emphasis added)).) It does not appear under the heading titled “Project-Level Greenhouse Gas Emissions Reduction Actions and Thresholds.” (Id. at pp. 101-102 (emphasis added)).) Accordingly, the 2017 Scoping Plan does not state that the referenced 7% and 15% VMT reduction targets for 2030 and 2050, respectively, are applicable to individual projects, such as the Newland Sierra project. Rather, those are plan-level considerations for local jurisdictions.

Second, the Draft EIR contains detailed analysis demonstrating that project implementation would not conflict with the RTP/SCS. (See **Responses to Comment Nos. O-1-147 to O-1-156.**) The Draft EIR reasoned that the resulting VMT in the region with the project would be similar (within 4.5 percent of the SANDAG-forecasted VMT) to the expected VMT if the project Site was developed with the underlying land uses anticipated by the County’s General Plan and SANDAG modeling (Draft EIR Table 2.7-16 as informed by Appendix R including Appendix R1a, Traffic Impact Analysis prepared by LLG and Appendix R3, Newland Sierra TDM Program - VMT Reduction Evaluation prepared by Fehr & Peers contained therein). The Draft EIR also reasoned that the project and its TDM Program (which attains an approximate 11 percent reduction in VMT) would be consistent with the RTP/SCS policies and objectives. Section 2.7.3.2 and Table 2.7-15 of the Newland Sierra EIR also evaluate the project’s consistency with SANDAG’s RTP/SCS, and determine the project would be consistent with the RTP/SCS. Accordingly, the Draft EIR concluded that the project would have a less-than-significant impact with respect to the RTP/SCS. (Draft EIR, pp. 2.7-42 through 2.7-44.) Neither CEQA nor the RTP/SCS require that the quantitative analysis requested by EHL be prepared to evaluate project consistency (see, e.g., CEQA Guidelines section 15064.4(a)).

Third, SANDAG did not object to the determination that the project would be consistent with the RTP/SCS (see Comment Letter A-8).

Fourth, the County notes that, while SANDAG is responsible for the preparation of regional planning reports and projects, land use authority to implement regional planning is vested in the County and the 18 incorporated cities. If this project is approved by the County, SANDAG will include the project in the next RTP/SCS update (as required by Government Code section 65080(b)(2)(B)) and will address progress towards meeting its GHG reduction targets at that time quantitatively and qualitatively, as appropriate. If VMT growth occurs at an undesired rate from a regional perspective (*i.e.*, at a rate that is not consistent with SANDAG’s estimates and reduction targets), SANDAG would be required to address that consequence as part of its air quality conformity analysis for its RTP, and via compliance with regional GHG reduction targets set for the SCS. Subsequent actions or mitigation developed by SANDAG for the RTP/SCS that would be applicable in unincorporated San Diego County would apply to the project’s future residents, workers, and visitors.

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This is not to say that the County does not consider the VMT implications of projects under its jurisdiction. To the contrary, the County's General Plan contains multiple provisions that recognize and advance sustainability principles that consider the relationship between land use location and VMT, and this project's Draft EIR considered the environmental implications of project-generated VMT under the emerging, and not yet adopted framework for implementation of SB 743 (see Draft EIR Section 2.13.10, VMT Analysis; see also **Appendix JJ-9** of the Final EIR).

Lastly, as to concerns whether the project will impact SANDAG's ability to meet its CARB-adopted regional GHG reduction targets, the proposed project would offset 100% of its GHG emissions for the life of the project.⁴ Specifically, with Mitigation Measure M-GHG-1 and M-GHG-2, and implementation of its 32 PDFs, the project would not result in any net additional GHG emissions. CARB has already determined that implementation of mitigation requirements that are comparable to those established in Mitigation Measure M-GHG-2 would enable another project to not result in any net additional GHG emissions. (See CDFW, Final Additional Environmental Analysis for the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (SCH No. 2000011025) (June 2017); CARB, California's 2017 Climate Change Scoping Plan (November 2017); and, Letter from CARB to CDFW re: "[CARB] Review of the [GHG] Analysis in the Final Additional Environmental Analysis for the Newhall Ranch [RMDP/SCP]" (June 7, 2017).) With this mitigation, the project would result in a greater *reduction* in GHG emissions compared to the analysis performed by SANDAG as part of its regional planning.

6. The Project Will Not Significantly Impact SANDAG's Regional GHG Reduction Targets.

The comment letter next provides information concerning CARB's proposed (October 2017) GHG emission reduction targets for Metropolitan Planning Organizations (MPOs) such as SANDAG. The comment states the CAP should analyze how the CAP helps or hinders meeting SANDAG's targets and analyze impacts to regional VMT. The comment contends that the Newland Sierra project would increase VMT to such an extent that the San Diego County region would fall short of SANDAG's updated total VMT and per capita VMT reduction goals of the 2015 RTP/SCS and likely the upcoming 2020 RTP/SCS.

⁴ See County of San Diego, Final Supplement to the 2011 General Plan Update Program Environmental Impact Report for the Climate Action Plan, General Plan Amendment, GHG Threshold, and Guidelines for Determining Significance for Climate Change (SCH No. 2016101055), Comment Letter L4 (SANDAG), Master Response 2 – CAP and SB 375, and Section 2.7.5.2. As illustrated therein, SANDAG's comment letter on the County's CAP did not identify any conflict between the County's proposal and its SCS. Additionally, the County's environmental analysis for the CAP considered the implications of future General Plan Amendments on SANDAG's SCS, and concluded that such impacts would be less than cumulatively considerable because individual projects would be required to reduce their GHG emissions to a no net increase level.

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The County initially notes that, subsequent to this letter, CARB adopted its updated SB 375 Regional GHG Reduction Targets on March 22, 2018. (See CARB Resolution 18-12, available at <https://www.arb.ca.gov/cc/sb375/finalres18-12.pdf>.) For SANDAG, the adopted 2035 target is a 19% reduction in per capita passenger vehicle GHG emissions relative to 2005 (which constitutes a 1% increase in the reduction target adopted for SANDAG, as CARB's initial round of SB 375 targets set an 18% reduction for SANDAG in 2035). (See Attachment A to Resolution 18-12, SB 375 Regional Greenhouse Gas Emissions Reduction Targets, available at <https://www.arb.ca.gov/cc/sb375/finaltargets2018.pdf>.)

Concerning the CAP, the County acknowledges the comment and notes the comment does not address the Newland Sierra project or its Draft EIR. The County specifically responded to these issues in the CAP's Revised Final SEIR, Master Response 2 - CAP and SB 375; Master Response 6 - Transportation GHG Reduction Measures; and Responses to Comments X22-14 through X22-17. (Chapter 8.0 of the Revised Final SEIR and Response to Comment Letter X22 are available online (see web addresses above). These responses also are appended to the Newland Sierra project's Final EIR in **Appendix JJ-21**.)

Concerning the project, in addition to the responsive information provided above, the County refers EHL to Draft EIR pages 2.7-42 through 2.7-44, and Table 2.7-15 concerning project consistency with the RTP/SCS. The Draft EIR determined the project would be consistent with the RTP/SCS, and therefore impacts would be less than significant. With respect to the project's VMT, as described in **Response to Comment O-1.4-19**, the project's GHG emissions were estimated using CalEEMod, the industry standard modeling platform for CEQA analysis, which models emissions from VMT. For purposes of the Draft EIR's GHG emissions analysis, traffic information for each project land use was provided by LLG, a transportation engineering firm. (See Draft EIR, Appendix C to Appendix K.) Hence, the Draft EIR modeled and evaluated GHG emissions, including those resulting from project-related VMT emissions.

Mitigation Measure M-GHG-3 calls for implementation of PDFs 1-20, which constitute the Newland Sierra TDM Program. The TDM Program serves to reduce the VMT by project residents, employees and visitors by 11.1%. (See Appendix D of Draft EIR Appendix K; Appendix R-3 to the Draft EIR, Newland Sierra TDM Program – VMT Reduction Evaluation, prepared by Fehr & Peers.) Mitigation Measures M-GHG-1 and M-GHG-2 would reduce the project's GHG emissions to net zero, which would include those emissions associated with project-related VMT. The project would not conflict with the statewide and regionwide planning frameworks for the reduction of GHG emissions due to the project's mitigation framework calling for achievement of net zero GHG emissions.

For additional information concerning Newland Sierra project's consistency with SANDAG's RTP/SCS and SB 375, please see **Responses to Comments O-1-149 through O-1-156**.

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7. Locational Attributes of Carbon Offsets, and Environmental Justice

The County concurs with EHL that CARB recommends “lead agencies prioritize on-site design features that reduce emissions, especially from VMT, and direct investments in GHG reductions within the project’s region that contribute potential air quality, health, and economic co-benefits locally.” (2017 Scoping Plan (November 2017), p. 102.) However, CARB specifically recognizes on the very same page of the Scoping Plan that “[w]here further project design or regional investments are infeasible or not proven to be effective,” it also “may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits.” (Id.)

The Newland Sierra project complies with this guidance, achieving an 18 percent emission reduction through the implementation of on-site, emissions-reducing strategies (see Draft EIR Tables 2.7-6 and 2.7-8) before pivoting to the adoption of Mitigation Measures M-GHG-1 and M-GHG-2, which require the purchase and retirement of carbon offsets to reduce project GHG emissions to net zero. Please also refer to **Appendix JJ-2** (Newland Sierra AQ/GHG CARB Scoping Plan Consistency Analysis) of the Final EIR, which addresses project implementation of recommended reduction strategies identified by CARB in Appendix B of its 2017 Scoping Plan.

The County does not concur with EHL’s characterization of the project’s EIR as allowing “100% ‘offshore offsets.’” Instead, the locational attributes of eligible offsets will be evaluated at the time the necessary reductions are required to be secured. The carbon offset mitigation measures include geographic priority provisions that are accompanied by a process that requires a sufficient evidentiary showing prior to use of “offshore offsets” (which, for purposes of this response, is verbiage that is assumed to refer to internationally-based offsets). For additional information about the geographic priorities, please refer to **Response to Comment O-1.4-70** and Mitigation Measures M-GHG-1 and M-GHG-2.

Addressing the contention that the EIR must “account for environmental justice” and consider that the project “cannot provide the necessary co-benefits” that EHL contends would result from VMT reductions, the County does not concur that a separate environmental justice analysis is required by CEQA. To the contrary, CEQA directs that evaluation must focus on adverse significant effects on the physical environment, not social or economic impacts. (CEQA Guidelines, §15382.) The EIR appropriately evaluates effects on the environment that may be relevant to environmental justice issues, including examining land use/planning (including evaluating consistency with CARB’s scoping plan), transportation, air quality, and other issues as required by CEQA; but no separate environmental justice analysis is required.

Lastly, concerning the CAP, the County acknowledges the comment and notes the comment does not address the Newland Sierra project or its Draft EIR. The County specifically responded to these issues in the CAP’s Revised Final SEIR, Master Response 3 - Local Direct Investment Program; Master Response 12 - Mitigation Hierarchy and Use of Carbon Offset Credits; and Responses to Comment X22-19 through X22-21. (Chapter 8.0 of the Revised Final SEIR and

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Response to Comment Letter X22 are available online (see web addresses above). These responses also are appended to the Newland Sierra project's Final EIR in **Appendix JJ-21.**)

8. Conclusion

In sum, as neither the County's General Plan nor the CEQA Guidelines impose a mandate that all GHG reductions be achieved within the County's boundaries, it is within the discretion of the County, acting as the lead agency for the proposed project, to select the portfolio of mitigation measures it finds are appropriate and supported by substantial evidence. While the County acknowledges CARB's support for the prioritization of on-site reduction strategies and the importance of VMT reduction efforts, where further VMT reductions, on-site project design methods, or regional investments are infeasible or ineffective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits. Section 2.7, Greenhouse Gas Emissions, of the project's EIR recommends mitigation measures that, in combination with identified project design features, including the project's TDM Program, would reduce the project's GHG emissions to net zero, supporting a determination that project impacts would be less than significant. The necessary GHG reductions would be achieved through a combination of on- and off-site reduction strategies, an approach which is not in conflict with the County's General Plan, CEQA's requirements, SANDAG's RTP/SCS, or CARB's recommendations on the subject.