Late Letter (LL)-8

Shute, Mihaly & Weinberger
March 1, 2019

(San Diego County's Climate Action Plan Obligation and the Injunction against Using Mitigation Measure GHG-1)

1. Introduction

The comment letter submitted by Mr. William White, dated March 1, 2019, 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 EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, 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 26, 2018, letter from CDFW. (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 letter is reiterating and expanding upon issues raised in previous comment letters.

The comment letter addresses the use of the County's Climate Action Plan (CAP) Mitigation Measure GHG-1, which allows projects to use carbon offsets to mitigate a project's impacts to greenhouse gases. Refer to **Thematic Response – Carbon Offsets** and **Thematic Response – CAP Consistency**, as well as **Response to Comments O-5-113, O-6-164** through **O-6-179**, and **Response to Comments O-7-60** through **O-7-68**.

INTENTIONALLY LEFT BLANK