

# California Native Plant Society

Letter  
X25

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January 15, 2018

County of San Diego  
 Planning & Development Services  
 5510 Overland Avenue, Suite 110  
 San Diego, CA 92123  
 By email to: Lisa.Fitzpatrick@sdcounty.ca.gov

**Re: ITEM 1 of January 18, 2018 hearing: County of San Diego Climate Action Plan (PDS2015-POD-15-002), General Plan Amendment (PDS2016-GPA-16-007), Draft SEIR (LOG NO. PDS2016-ER-16-00-003).**

Dear Leon Brooks, Chair and Commissioners,

Thank you for the opportunity to send you information on the County of San Diego ("County") Climate Action Plan ("CAP") and associated draft subsequent EIR ("SEIR"). This letter is to provide information to the Commission, information that is important to your decision making, but which cannot be expressed in three minutes of testimony. My goal is not to stop any CAP from going into force, but for the County to end up with a CAP that actually works.

The San Diego Chapter of the California Native Plant Society ("CNPSSD") 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. Our focus is on California's native plants, the vegetation they form, and climate change as it affects both.

Based on what I (Frank Landis, CNPSSD conservation chair) have read in the SEIR, the final SEIR, and the responses to the CNPSSD comment letter to the SEIR, I believe that County Planning and Development Services does not fully understand how carbon offsets work, especially with regards to reforestation projects. Since these investments are being proposed (as in the Newland Sierra EIR) as a key greenhouse mitigation strategy, this appears to be a serious problem.

Here I will detail my personal background, my experience with carbon offsets as CNPSSD conservation chair, the issues raised in the SEIR and subsequent documents, and possible solutions.

**Personal background.** I have a BA in environmental science (UC Berkeley), a MA in botany (Humboldt State University, specializing in vegetation science), and a PhD in botany (UW-Madison, specializing in plant ecology and soils). In 2015 I published *Hot Earth Dreams: what if severe climate change happens, and humans survive?* based on three years of research. I have been conservation chair of CNPSSD since 2010.



*Dedicated to the preservation of California native flora*

## Response to Comment Letter X25

**California Native Plant Society, San Diego Chapter  
 Frank Landis, PhD, Conservation Chair  
 January 15, 2018**

**X25-1** The comment introduces the commenter and affiliated organization, the California Native Plant Society, and expresses the interest of the commenter related to the CAP. No further response is required however, the County appreciates the commenter's interest in the project and relevant background.

X25-1

**CNPSSD background with carbon offsets:** Between 2013 and 2015, CNPSSD engaged with Cuyamaca Rancho State Park (CRSP) over their 2012 Reforestation Project and how CRSP refused to include their reforestation project in their 2015 General Plan Update, even though the project is scheduled to last until around 2125 and cover up to 25% of CRSP. We (CNPSSD) found many aspects of the program troubling (the complete case is far too complex to go into here), and in trying to understand it, we met multiple times with park officials and employees, obtained and read their project records through a PRA request, read the relevant documents at Climate Action Reserve (CAR),<sup>1</sup> and visited the park multiple times to study the state of reforested areas. What I describe below is based on this body of knowledge, and I am happy to direct people to specific documents as needed.

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**Technical issues with carbon offsets in the SEIR:** One big misunderstanding is evident from reading the FEIR (p.8-52): "At the time of this writing, there is one project out of approximately 650 projects listed on CARB-approved registries located within San Diego County. The project is a reforestation project located in Cuyamaca State Park and the credits are not listed because the trees have not reached maturity. Therefore, there is very little opportunity currently to purchase carbon offset credits within San Diego's unincorporated area and the County will allow the use of offset credits from outside of the boundaries of unincorporated area as directed under CAP Mitigation Measure M-GHG-1."

Here are the issues:

- **Carbon offsets do not start with mature trees.** CAR reforestation protocols require that reforestation projects start by clearing the site and planting trees. As those trees grow, they sequester carbon. To stay in the registry, the trees planted have meet growth goals by specified dates, and stay alive for 100 years. Failure to meet goals means that the investment is lost. **The statement quoted above is factually incorrect.**
- **The CRSP Reforestation Project was not designed to be a good investment for carbon offsets.** My understanding is that the idea for the Reforestation Project came from then Gov. Schwarznegger, who saw it as a way for corporations like Disney and Pepsi to effectively donate money towards the reforestation of CRSP after the 2003 Cedars fire, which burned most of the park. I was told by park staff that the project was always presented as a high risk investment that was unlikely to pay off in terms of carbon sequestration, and that the companies bought into it knowing this. The high number of dead seedlings and replanted areas appears consistent with this analysis. Note that this is not a criticism of CRSP or State Parks, simply a description of how the Project came to be.
- **Growing large trees for 100 years is going to be tricky in San Diego County.** The CRSP Reforestation Project is the only one of its kind in Southern California for the same reason that there is not a timber industry in southern California: it is too dry and the climate is too variable to reliably and quickly grow big trees here. Most carbon offset reforestation projects in California take place in redwood country, in the Cascades, and in the northern and central Sierras, and many of them are repurposed timber farms. Unfortunately, reforestation projects throughout the state are at risk from climate change

X25-2

**X25-2** The comment expresses concern regarding a reference to a reforestation project found on page 8-52 of the Final SEIR. The commenter confuses the broad mitigation mechanism established under Mitigation Measure M-GHG-1 that would require the purchase of carbon offset credits as project-level mitigation for GPAs, with the reforestation project which is only one example of how those carbon offset credits may be produced. The Final SEIR is correct in stating that the reforestation project would not be available for GPAs to purchase credits from, which is one of the reasons why the purchase of carbon offsets from outside the County would be allowed. Regarding the commenter's information on the effectiveness of the Cuyamaca Rancho State Park Reforestation Project, the County consulted with the Climate Action Reserve (one of the CARB-approved registries) and the credits from that project are not yet listed because the trees have not matured and offset credits cannot be verified. If a carbon offset project does not result in real, quantifiable, verifiable, and additional/surplus offsets, then they cannot be listed on a registry to be purchased. The registries ensure that the offset projects are effective based on performance criteria. If credits from this Cuyamaca Rancho State Park Reforestation Project are not listed, they cannot be used for mitigation. As stated on page 8-52, under Mitigation Measure M-GHG-1, the County would require the purchase of carbon offset credits that are reputable and validated by approved registries such as the Climate Action Reserve, Verified Carbon Standard, and American Carbon Registry. These registries include a slate of diverse carbon offset projects that provide credits which can be purchased as mitigation, and include projects that are very different from reforestation projects including wetland creation and industrial equipment retrofits. Therefore, while the County appreciates the commenter's remarks and expertise in reforestation projects, the County would like to clarify that there is no expectation that any carbon offset credit projects would include reforestation. Please refer to Master Response 3, which distinguishes the local direct investment program under

<sup>1</sup> <https://theserve2.apx.com/mymodule/reg/TabDocuments.asp?r=111&ad=Prpt&act=update&type=PRO&aProj=pub&tablename=doc&id1=505> (note the space inserted between Proj and pub, if you want to follow the link)

GHG Reduction Measure T-4.1 from carbon offset credits to mitigate GPA emissions.

making it too hot for the trees to survive.<sup>2</sup> This is particularly true for large trees in San Diego County.

Worse, black oaks and coast live oaks are threatened by the gold-spotted oak borer, while cottonwoods and sycamores are threatened by Kuroshio shothole borers. While eucalyptus plantations on private lands may be tempting, eucalypts tend to live less than a century and are threatened by their own plagues of pest insects and fungi. These non-native trees also do not count as reforestation.

- **CAR Reforestation Protocols use historical forests as models for reforestation.** (CAR Forest Project Protocol, p. 16, document in FEIR): " All Forest Projects are required to establish and/or maintain forest types that are native to the Project Area. For the purposes of this protocol, native forests are defined as those forests occurring naturally in an area, as neither a direct nor indirect consequence of human activity." At CRSP, the oldest trees that burned in 2003 dated back to the Little Ice Age. The problem with CAR's protocol is that the only way to plant trees outside their native range for climate change adaptation is given as (p. 16): "[p]lantings that will result in more than 5% of native species from beyond their current distribution must be done in accordance with a state or federally approved adaptation plan, or a local plan that has gone through a transparent public review process, post-dating European settlement." There are not federal, state, or County adaptation plans for San Diego, so 95% of any CAR reforestation project in the County must be historically accurate, whether or not this group of species will survive the next 100 years.

- **While all these statements should be confirmed by contacting state parks and CAR, I do not believe there are any carbon offset reforestation projects in San Diego County that are suitable for mitigation. Moreover, I believe that it will be difficult to initiate a CAR-compliant reforestation project in San Diego County on the simple biological grounds that the trees are likely to die before they achieve their required sizes.** Other types of projects (such as urban forestry or agriculture based projects) might work.

**Legal issues with carbon offsets in the SEIR**

- **CAR's Additionality Legal Requirement Test.**" Some version of this is part of every CAR protocol (CAR Forest Project Protocol, p. 8): " Forest Projects must satisfy the following tests to be considered additional: 1. Legal Requirement Test. Forest Projects must achieve GHG reductions or removals above and beyond any GHG reductions or removals that would result from compliance with any federal, state, or local law, statute, rule, regulation, or ordinance. Forest Projects must also achieve GHG reductions and removals above and beyond any GHG reductions or removals that would result from compliance with any court order or other legally binding mandates including management plans (such as Timber Harvest Plans) that are required for government agency approval of harvest activities."

Since Timber Harvest Plans are legally equivalent to EIRs, I read CAR's Legal Requirement Test for Additionality as making it difficult to use any of CAR's projects as

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<sup>2</sup> Thorne, J.H., Boynton, R.M., Holguin, A.J., Stewart, J.A. and Bjorkman, J., 2016. A climate change vulnerability assessment of California's terrestrial vegetation. *California Department of Fish and Wildlife, Sacramento, CA, 331 pp.* <https://icnetwork.org/resource/climate-change-vulnerability-assessment-californias-terrestrial-vegetation>

mitigation under CEQA. I have sought clarification from CAR about how their test relates to mitigation under CEQA, without response. **Simple due diligence seems to require that the County verify that it can require the use of a CAR project as mitigation before recommending it to project proponents. All other registry protocols should be studied to determine if they have similar issues, and these issues need to be resolved before these registries are used.**

- **The County Planning response when these issues were first raised:** (FEIR response to CNPSSD letter, p. 19): "As described on pages 2.7-23 through 2.7-27, the direct investment program would be established by the County by 2020 as a future discretionary action. If the CAP is adopted the County would determine which protocols would be feasible to implement in the County, and would undertake a separate CEQA evaluation at the time of the establishment of the program if required." **This response misses the critical issue about the Additionality Legal Requirement Test: can the County legally require any project to buy into a carbon offset project under CAR?** Pages 2.7-24 through -27 discuss the physical impacts of creating projects, which I agree are properly analyzed under CEQA. **The program-level question here is whether CAR or any other registry will register mitigation projects. This cannot be deferred to separate consideration of each protocol.**
- **This is current issue, not a future one.** In the Newland Sierra DEIR, for which the County is the lead agency (p.2.7-47): "In accordance with CEQA Guidelines Section 15126.4(c) and other pertinent guidance, the County has determined that additional off-site mitigation can further reduce impacts from GHG emissions to a less-than-significant level through the purchase of carbon offsets." **If off-site mitigation of GHG emissions at Newland Sierra requires the County to prepare a separate CEQA process to determine if off-site mitigation can be undertaken, why is the County processing this or any other project?**

As noted above, I am primarily interested in the County adopting a Climate Action Plan that works, not in stopping the current project. Since off-site GHG mitigation appears to be a primary method for mitigating GHG emissions, County planners *must* have a good understanding of how all the relevant programs work and whether they can be used as mitigation under CEQA. Fortunately, I believe that there are solutions.

**I ask the County to consider these solutions**

- **Work with CAR and other registries to determine whether language like CAR's Additionality Legal Requirement Test impede the County's ability to direct project proponents to use carbon offsets as offsite mitigation.** This should not require more CEQA review. It requires County staff communicating with registry staff and clarifying protocols, so that everyone is on the same page, and project proponents get consistent and useful direction.
- **Adjust offsite mitigation based on dialog with the registries.** If there are issues, then County Planning needs to direct project proponents to focus more on onsite mitigation of greenhouse gas emissions. This may require rewriting parts of the Climate Action Plan.
- **Work with State Parks to determine if CRSP is a viable site for County mitigation.** My understanding is that it is not. Moreover, I and CNPSSD are extremely concerned about CRSP's use of controlled burns to clear land for tree planting, and with its other

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X25-3

**X25-3**

The comment expresses concern regarding the ability to effectively utilize carbon offset credits from one particular reforestation project to mitigate project emissions as established under CAP Mitigation Measure M-GHG-1. However, as stated above in response to comment X25-2, the County does not intend that projects would strictly purchase carbon offset credits that are derived from reforestation projects. Additionally, as described on pages 2.7-37 through 2.7-40 of the Final SEIR, projects that utilize carbon offset credits would be required to provide evidence to the County's Planning & Development Services Director that a sufficient purchase of retired credits to offset project-related GHG emissions has occurred. As stated, carbon offset credits must be purchased through a verified and CARB approved registry which will ensure that the carbon credits are retired in perpetuity.

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land management practices. We hope they do not burn down the park, we doubt that the trees they have planted will live 100 years, and we are concerned at the loss of other species and the introduction of weeds as a result of the Reforestation Project. However, all my statements need to be checked by County staff.

- **Determine where reforestation projects might be viable in California.** This does not require CEQA. Last year, CDFW issued "A Climate Change Vulnerability Assessment of California Terrestrial Vegetation."<sup>3</sup> This is a broad-brush modeling answer to how vegetation will change under four separate climate models. The maps in this report show which parts of the State are expected to retain each type of vegetation in 2100, so they serve as a useful proxy for determining whether proposed off-site mitigations are likely to work. **County planners should use this and other information to develop a process to determine which offsite mitigation plans are likely to work, to direct project proponents toward the most suitable sites, and to understand how much offsite mitigation is possible.** Land for stable forests is quite finite, and it is likely that growth in urban California will totally fund all suitable reforestation project sites. Other alternatives need to be investigated.
- **County Planning needs to become much more familiar with carbon offsets and registry policies.** I am concerned by the confusion manifested in the SEIR and in responses to CNPSSD comments. All of CAR's documents are available online, and I provided relevant ones in the CNPSSD comment letter. They should be read.
- **Do not approve the Climate Action Plan and its SEIR until these issues are settled.** To me, this is about due diligence. There appear to be serious but fixable problems with the CAP and the SEIR as written. If these problems are real, it may be harder to mitigate for greenhouse gas emissions than the CAP assumes. These issues need to be checked and corrected as needed. Since it is possible that phone calls and emails might be sufficient to take care of some or all of the issues, requesting that the County delay approval until they are fixed is not a burden, considering the impact they could have if they are serious issues.

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Thank you for taking my testimony. Please feel free to contact me with any questions, comments, or concerns.

Sincerely,

  
 Frank Landis, PhD  
 Conservation Chair  
 CNPS San Diego

cc:  
 Maggie Soffel (CAP@sdcounty.ca.gov)

<sup>3</sup> Ibid. Available at <https://ccnetwork.org/resource/climate-change-vulnerability-assessment-californias-terrestrial-vegetation>.