



January 16, 2018

Leon Brooks, Chair  
 San Diego County Planning Commission  
 5510 Overland Ave, Third Floor  
 San Diego CA 92123

RE: **Climate Action Plan (Item 1, January 18, 2018)**

Dear Chairman Brooks and Members of the Commission:

Endangered Habitats League (EHL) appreciates the opportunity to provide written testimony. As proposed, the Climate Action Plan (CAP) is mitigation for the 2011 General Plan as well as a path for GHG compliance for a host of future General Plan Amendments, which are considered as cumulative impacts. Many but not all measures in the former are sound, but the latter is hopelessly flawed. EHL's concerns are summarized below.

There is inadequate mitigation of GHG emissions within the transportation sector, and indeed, facilitation of sprawl development.

While on-road transportation accounts for 45% of GHG emissions, this sector provides only 13% of the reductions. According to the staff report, "The County has limited options under its control for implementing transportation-based strategies and relies heavily on energy-based solutions to meet the County's commitments." This is patently false, as the County uniquely controls land use, which in turn determines transportation. And the County's control is no more evident than in its absolute control over GPAs. Specifically, there is no measure to specifically reduce vehicle miles traveled in newly planned residential development. This is a fatal flaw.

According to the California Air Resources Board 2017 Scoping Plan, "CARB staff is more convinced than ever that, in addition to achieving GHG reductions from cleaner fuels and vehicles, California must also reduce VMT." Yet despite of this imperative, the CAP bends over backwards to provide a path for compliance for sprawl development in remote locations, which have intrinsically high vehicle miles traveled VMTs. These high VMTs will be permanent and ongoing, and undermine all other County efforts.

The DEIR fails to address consistency with the regional Sustainable Communities Strategy.

**Response to Comment Letter X26**

**Endangered Habitats League  
 Dan Silver, Executive Director  
 January 16, 2018**

**X26-1** The comment expresses concern regarding the disproportionate amount of GHG emissions attributed to the transportation sector as compared to the amount of GHG emissions reductions that would occur under the CAP. The comment also references the 2017 Scoping Plan and asserts that the County is required to reduce VMT. Both concerns have been addressed by the County previously. The concern regarding transportation GHG emissions is addressed in Master Response 6 and response to comments O12-3 through O12-5. The concern regarding the Scoping Plan language is addressed in responses to comment letter X22. Please refer to those responses to comments. The comment will be included in the administrative record and provided to decision makers for consideration.

**X26-2** The comment expresses concern regarding the CAP's consistency with SB 375 and SANDAG's regional planning efforts. The County describes how the CAP is consistent with regional planning efforts in Master Response 2 and disagrees that the project-level analysis of GPA projects is deferring analysis. The CAP is not a land use plan, it is a greenhouse gas reduction plan and therefore future processing of GPA projects would occur as a separate and discreet discretionary action. The CAP provides a pathway for mitigating GHG emissions of GPA projects, but does not authorize or otherwise approve GPA projects. GPA projects must undergo a comprehensive evaluation for policy consistency and potential environmental impacts prior to being considered by the Planning Commission and Board of Supervisors. GPAs also do not get to streamline their GHG analysis by relying on the CAP Consistency Review Checklist. For more information related to the use of carbon offset credits as mitigation for

X26-1

X26-2

project-related GHG emissions, please refer to pages 2.7-39 through 2.7-41 of the Final SEIR and Master Response 12. In addition, the commenter suggests two ways to reduce VMT in the new residential development sector, by developing in SANDAG “Smart Growth Opportunity Areas” or by making a “fair share contribution to SCS VMT-reduction targets. As stated in Master Response 2, the CAP is inherently consistent with the SANDAG Regional Plan (which includes the Regional Transportation Plan and Sustainable Communities Strategies) because the land uses in the General Plan were provided to SANDAG and form the basis of the Regional Plan. The CAP provides for VMT reductions through GHG Reduction Measures that are in addition to the reductions accounted for in the Regional Plan (including, but not limited to, GHG Reduction Measures T-1.3, T-2.2, T-2.3, and T-2.4). Therefore, the CAP does more than the Regional Plan to reduce VMT in the unincorporated county. As stated in Master Response 2, GPAs would have to evaluate consistency with the Regional Plan in their respective CEQA documents. The comment will be included in the administrative record and provided to decision makers for consideration.

<p>Consistent recent court decisions, the CAP DSEIR must <i>itself</i> analyze and identify how the CAP will affect regional compliance with the SANDAG Sustainable Communities Strategy (SCS) as well as CARB’s updated targets for the SCS. Instead, according to the responses to comments, this crucial step is deferred to project-by-project analysis for future GPAs.<sup>1</sup> Even if such deferral were permissible, the CAP’s scheme allows GPAs to proceed with none of the VMT reductions called for in the SCS.<sup>2</sup> Instead, GPAs can buy their way out of sprawl with “carbon offsets,” irrespective of perpetually high VMTs and associated GHG emissions. Instead, it would be perfectly reasonable to require VMT reduction in the new residential development sector, for example by developing in the several SANDAG “Smart Growth Opportunity Areas” in the unincorporated area or by otherwise making a “fair share” contribution to SCS VMT-reduction targets.</p> <p><u>The compliance path for GPAs is unacceptable.</u></p> <p>This proposed compliance path for GPAs is both ill-conceived and unaccountable.</p> <ul style="list-style-type: none"> <li>• The prioritization scheme is a sham. The hierarchy of on-site GHG first, followed by local, state, national, and foreign, wholly depends upon determinations of “feasibility.” But there are no methods or standards for such determinations, which are sure to be self-serving. With the Newland Sierra project proposing 82% of its GHG reductions off-site, we can see where feasibility determinations are heading. At a minimum, the CAP should set a minimum threshold for onsite GHG reductions.<sup>3</sup></li> <li>• Studies have discredited carbon offsets, showing them to be ineffective in the first instance and lacking enforcement thereafter. What is the County’s budget for inspecting offsets in distant parts of the nation or globe?</li> <li>• As a practical matter, carbon offsets will <i>not</i> be available locally. The DSEIR admits that <i>no</i> local “off the shelf” carbon registry projects are ready for use. Furthermore, the County’s own Direct Investment Program will consume all future local credits for its own use. Thus, offsets for GPAs will have to be in more distant and far less accountable locations. The CAP would theoretically allow 100% “offshoring” of offsets, doing nothing to make San Diego a more carbon-efficient economy.</li> </ul> <p><u>The Direct Investment Program does not meet CEQA standards.</u></p> <p>While the concept of a Direct Investment Program for local GHG-reduction programs to mitigate the 2011 General Plan has a place in the CAP, it is currently just a</p> <p><sup>1</sup> “CAP Mitigation Measure M-GHG-1 would ensure that GPAs are mitigating their emissions such that they would not conflict with the Regional Plan and SB 375 targets.”</p> <p><sup>2</sup> The SCS calls for a 15% reduction in VMTs from cars and light trucks.</p> <p><sup>3</sup> While EHL does not endorse this threshold, Newhall Ranch, a large master planned development in Los Angeles County, met 50% of its reductions onsite.</p>	<p><b>X26-3</b> The comment expresses concern regarding CAP Mitigation Measure M-GHG-1. The comment suggests that a minimum threshold for onsite GHG reductions be established. As described in response to comment O14-12, at a program-level of analysis, establishing a minimum threshold would be speculative because there are many ways in which a project can mitigate GHG emissions. In addition, the County will apply to M-GHG-1 the standard of feasibility established by CEQA Guidelines section 15364: capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. The comment also suggests that carbon offsets have been demonstrated to be ineffective, however the commenter does not provide evidence of this assertion, therefore, no further response can be provided. Please refer to pages 2.7-39 through 2.7-41 of the Final SEIR which describes how all carbon offset credits must be demonstrated to be certified and legitimate through a CARB-approved carbon offset registry to be considered appropriate mitigation for GPA projects. Finally, the comment suggests that carbon offset credits will not be available locally, which will result in an “offshoring” of offsets. The County agrees that carbon offset credits are not widely available currently, but it is speculative to assume that local credits will never be available. At any rate, as described in Master Response 12, the County has established a mitigation hierarchy that first requires onsite and local mitigation before considering non-local mitigation. The use of carbon offset credits to mitigate GHG emissions is expressly authorized by CEQA Guidelines Section 15126.4(c)(3). Lastly, the commenter confuses the local direct investment program required under GHG Reduction Measure T-4.1 with carbon offsets for purchase by GPAs and land development projects from CARB-approved registries (e.g., Climate Action Reserve, Verified Carbon Standard, American Carbon Registry). As stated on page 2.7-24 of the SEIR and throughout the record, the County will not purchase carbon offset credits from a registry in the carbon offset market, but will use the registry to track carbon offsets achieved through</p>
---	---

X26-2  
cont.

X26-3

X26-4

	<p>County direct investment projects under Measure T-4.1. The County will invest locally under Measure T-4.1 as stated in the CAP and will not consume all future local credits from the registries as the commenter assumes. The comment will be included in the administrative record and provided to decision makers for consideration.</p> <p><b>X26-4</b> The comment expresses concern regarding the enforceability of the local direct investment program under GHG Reduction Measure T-4.1. Local direct investments are described on pages 3-40 and 3-41 of the Final CAP, in Master Response 3, and in Attachment H-3 Preliminary Assessment of the County of San Diego Local Direct Investment Program. The Preliminary Assessment refines the analysis in the Draft CAP and Draft SEIR and concludes that the County could directly invest in projects to reduce up to 198,800 MTCO<sub>2e</sub> of GHG reductions with the establishment of the local direct investment program. However, the County would not provide more than the 190,262 MTCO<sub>2e</sub> from local direct investments as analyzed in the Draft SEIR. As with every other GHG Reduction Measure that becomes part of the adopted Final CAP, the County is committing to the GHG reductions associated with the measure as part of meeting the performance standard to meet or exceed the established GHG emissions reduction targets for 2020 and 2030. In addition, the direct investment protocols listed in the Final SEIR Appendix B, provide further specific performance standards under which direct investment projects will be carried out to ensure that GHG emissions reductions will be achieved. The CAP's robust monitoring and update requirement will further allow the County to periodically assess the progress of this measure and make any adjustments if needed. As a result, the direct investment reduction measure does not improperly defer mitigation. It is one of the 30 GHG reduction measures that would together, allow the County to reach the 2030 target. The study referenced above in Attachment H-3 while not necessary at this time (a local direct investment program is due by 2020), provides evidence and establishes the preliminary framework to demonstrate that the measure would result in substantial GHG emissions reductions</p>
--	--

upon implementation. On the issue of performance standards in the protocols that will be used to establish projects under the local direct investment program please see Master Response 3. The comment will be included in the administrative record and provided to decision makers for consideration.

menu of options. A preliminary assessment (Attachments H3 and H4) finds that there are *potential* projects in the unincorporated area that align with existing carbon credit protocols and which have the capacity to reduce GHG emissions. But the County would still need to set these up and make sure they are funded and implemented, which is highly uncertain.

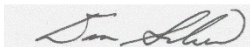
Also, if not to constitute “deferred mitigation” under CEQA, there must be measurable and enforceable performance standards associated with the Direct Investment Program options. However, these are not provided. For example, there are no standards such as, “Weatherize 500 existing homes to reduce energy consumption by [X amount] within 5 years.” Rather, there are “placeholders” for weatherization and other options. Specific performance standards cannot be deferred, or else the program is more illusory than real.

Recommendations on staff-provided options

Regarding the three options put forward by staff, we support Option 1 for 100% renewable energy. We oppose Option 2 for “housing affordability” as false economy. According to staff, energy efficiency investments in new homes actually save money over the long term. This option would also increase taxpayer costs via increased direct investment. We also oppose Option 3, as it suffers from the same flaws as Option 2 and in addition eliminates water efficiency provisions.

We urge improvement in the CAP along the lines described above prior to adoption.

Yours truly,



Dan Silver  
Executive Director

X26-4  
cont.

X26-5

**X26-5** The comment expresses support for Option 1 and opposes Options 2 and 3. The County acknowledges the comment and no further response is required. The comment will be included in the administrative record and provided to decision makers for consideration.