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Letter
X32

January 16, 2018

VIA EMAIL AND U.S. POST

Maggie Soffel
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San Diego County Planning & Development Services
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Re: Comments of Backcountry Against Dumps and Donna Tisdale on
The County of San Diego Climate Action Plan (PDS2015-POD-15-002), General Plan
Plan Amendment (PDS2016-GPA-16-007) and Final SPEIR (Log No. PDS2016-
ER-16-00-003), SCH #2016101055

Dear Ms. Soffel:

We respectfully submit the following comments on San Diego County's (the "County's")
Final Supplemental Environmental Impact Report ("FSPEIR," SCH #2016101055), General Plan
Amendment ("GPA"), final Climate Action Plan ("CAP") and final Guidelines for Determining
Significance for Climate Change ("Guidelines," and collectively with the GPA and CAP, the
"Project") on behalf of Backcountry Against Dumps ("Backcountry") and Donna Tisdale. Please
include these comments in the public record for this Project.

As discussed below, the CAP, Guidelines and FSPEIR lack sufficient detail and
accountability to be approved and certified as is. In addition, under no circumstances should the
proposed Project be approved, since the Enhanced Direct Investment *Alternative* is feasible,
environmentally superior and meets all the Project objectives.

Furthermore, the recent fires throughout California, and most notably the Thomas Fire
(the largest fire on record in California), must be considered in the CAP and related EIR. The
programs proposed by the CAP have the potential to impact both firefighting and fire ignition.
Therefore, the CAP must incorporate this new information and consider all potential impacts
before any alternative is approved. This is especially true given the widespread, and potentially
devastating impacts of such fires on the environment and climate.

X32-1

Response to Comment Letter X32**Backcountry Against Dumps****Stephan C. Volker****January 16, 2018****X32-1**

The comment provides introductory remarks and introduces the commenting organization, Backcountry Against Dumps, as well as major themes that will be addressed in specific comments below. The comment asserts that the CAP, Guidelines, and Final SEIR are inadequate and that the project should not be adopted because the Enhanced Direct Investment Alternative is feasible. The comment also asserts that the recent wildfires throughout the State constitutes "new information" under CEQA and, therefore, necessitates revisions to the SEIR. The response to this issue is included below in response to comment X32-20. No further response is required.

1. The Baseline Inventory Omits Important Emissions Sources.

For the CAP to satisfy CEQA's requirements for tiered greenhouse gas ("GHG") emissions plans, it must "quantify [GHG] emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area." 14 Cal. Code Regs. ["CEQA Guidelines"] § 15183.5(b)(1)(A). Likewise, the FSPEIR must "include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published," which "will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." Guidelines § 15125(a). Here, the baseline inventory for GHG emissions presented in the August 2017 CAP and FSPEIR cannot serve these important functions without substantial revision.

Sonoma County's Climate Action Plan was recently invalidated in superior court. *California Riverwatch v. County of Sonoma*, Sonoma County Superior Court Case No. SCV-259242, Order Granting Petition for Writ of Mandate (filed July 20, 2017, attached hereto as Exhibit 1). There, the court found that Sonoma County improperly omitted emissions from its baseline inventory. Sonoma County had followed the Community Protocol prepared by the International Council for Local Environmental Initiatives ("ICLEI") to determine which emissions to include in the baseline inventory. It determined that under the ICLEI Community Protocol it was not necessary to include air travel emissions. Sonoma County's CAP cited a lack of local government control over air travel, and the dearth of available information on airport emissions to support its failure to include these emissions in its inventory. The court found that, absent evidence that it would be infeasible to include air travel emissions in the inventory, the CAP was required to include them.

Like Sonoma County's CAP, the CAP here excludes emissions from air traffic from the baseline inventory – despite including ground operation emissions from eight airports – because "air traffic is under federal jurisdiction." CAP 2-4. By this logic, however, the CAP could just as easily omit all vehicle emissions that occur on state highways because they are also outside the County's jurisdiction. Either result is absurd. Just as the emissions from the airport ground operations are included in the inventory, so too should the emissions from air travel to and from those airports. Each is associated with the same "defined geographic area." Guidelines § 15183.5(b)(1)(A). To accurately reflect the fact that air travel-related emissions are also attributable to activities *outside* the County, the County could treat these emissions as they do traffic that enters and leaves the County on the highway system. *See* CAP Appendix A ("2014 Inventory") 8 to 9, 8 (Fig. 3), 9 (Table 8).

The County attempts to excuse this failure, claiming that the *California Riverwatch* case is irrelevant because it is a superior court ruling, and that a lifecycle analysis "would be speculative under CEQA." FSPEIR Response to Comment O-5, pp. 4-5. But as the FSPEIR admits, such "consumption based inventories may be useful for disclosure purposes," such as a

X32-2

X32-2

The comment expresses concern regarding the baseline inventory that was prepared and utilized to establish GHG emissions reductions because the inventory does not include an estimate of air traffic emissions. The County has responded to this comment previously and no new information is provided here. Please refer to response to comment O5-7.

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baseline inventory. FSPEIR Response to Comment O-5, p. 6. That is exactly the case here. A lifecycle analysis, including information on air traffic emissions, will inform the discussion of the potential impacts from CAP measures and is therefore necessary and important. The Federal Aviation Administration's jurisdiction over aircraft emissions is irrelevant to the fact that these emissions should be considered as part of the CAP's baseline. FSPEIR Response to Comment O-5, p. 7.

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2. The County's Assumption that Electric Vehicles Will Reduce GHG Emissions in Rural Areas Is Misguided

The County assumes that an increase in electric vehicle use will help reduce GHG emissions in order to meet the County's emissions reduction targets. It states that passenger electric vehicles will become a greater percentage of the vehicles used in the unincorporated areas. *E.g.* FSPEIR Response to Comment O-5, p. 8 (predicting up to "7.6% of all passenger vehicles in San Diego County will be electric in 2030"); 2014 Inventory 49 (predicting that vehicle miles traveled by electric vehicle in San Diego County to grow from 0.2 in 2014 to 9.5 in 2050). In part, it relies upon an incentive program to encourage "electric vehicle purchases in the unincorporated County" to reduce GHG emissions. *See* FSPEIR 1-44 to 1-47 (Table 1-1). But the County overlooks two important factors that undermine the effectiveness of electric vehicles in rural unincorporated areas.

X32-3

First, the unincorporated areas of the County currently lack effective charging infrastructure.¹ Many East County communities – including Boulevard, Jacumba Hot Springs, Campo, Dulzura, and others – do not have *any* charging facilities at all. And the few existing charging facilities in these rural areas are insufficient for electric vehicle use to be scaled up. Many are limited to a single outlet, or a few charging stations. This discourages the adoption of electric vehicles because it causes range anxiety. While the CAP proposes to install electric vehicle charging stations, it is unclear where these stations will be installed and if they will remedy this shortcoming. CAP 3-36.

Data from the San Diego Association of Governments ("SANDAG") shows that 76% of workers in unincorporated San Diego County drive *alone* to work, and the average travel time to work for residents in unincorporated San Diego County is 31 minutes.² Thus, current commute

¹ *See* www.plugshare.com for a searchable map of electric vehicle charging locations. Last visited January 15, 2018.

² SANDAG Demographic and Socioeconomic Profile 2010, Jurisdiction: Unincorporated ("Unincorporated Profile," attached hereto as Exhibit 2), p. 6 available at: http://datasurfer.sandag.org/download/sandag_census_2010_jurisdiction_unincorporated.pdf.

X32-3

The comment expresses concern that rural areas of the county will not adopt electric vehicles (EV) at the rate estimated by the CAP because the unincorporated areas lack supportive charging infrastructure and because the median household income does not support the purchasing power necessary to obtain EVs. The comment urges that the baseline assumptions regarding this measure be revised to reflect these barriers to adoption. The County has responded to this comment previously and no new information is provided here. Please refer to response to comments O5-8 and O5-9. Regarding where EV charging stations will be located, the Final CAP GHG Reduction Measure T-3.5 was added in response to public comments on the Draft CAP and Draft SEIR (see Measure T-3.5 in the Final CAP). GHG Reduction Measure T-3.5 requires the installation of 2,040 Level 2 EV charging stations through public-private partnerships at priority locations in the unincorporated county by 2030. Through this measure, the County will establish a program to designate priority areas, identify funding, and install the EV charging stations. During the development of the program, a pilot project will be established to install 100 of the 2,040 EV charging stations by 2025. The County could prioritize areas such as commercial/retail centers, institutional and government buildings, libraries, and other priority locations. The County will determine the exact locations of EV charging stations during implementation of the CAP.

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conditions are a significant source of GHG emissions. These conditions will not change without the necessary infrastructure and the proposed CAP measure does not guarantee that the infrastructure will be built in the necessary areas.

Second, the current market for plug-in electric vehicles ("PEV") is out of reach for most residents in unincorporated San Diego County. As of January 2017, the median household income for used-PEVs purchasers was \$150,000 and the median household income for new-PEV purchasers was \$200,000.³ Yet in the unincorporated areas of San Diego County, the median household income was last estimated to be \$69,410, with approximately 70% of household incomes below \$100,000. Exhibit 2, p.7. At current prices and in the current economy, PEVs are simply out of reach for most households in unincorporated San Diego County. The County attempts to downplay this admitted barrier to adoption of electric vehicles by focusing on the decrease in cost to electric vehicle ownership between 2007 and 2015. But that decrease does not change the fact that, as discussed above, the average resident in unincorporated San Diego County could not afford to own an electric vehicle. That barrier still remains and creates significant questions about the CAP's conclusions that electric vehicles will be an effective way to reduce GHG emissions in the unincorporated County.

The County's reliance upon increased electric vehicle purchases to reduce GHG emissions cannot pencil out until the County removes the immense barriers to adoption that currently exist in these rural communities. The County must revise its baseline assumptions regarding these unlikely emissions reductions.

3. The CAP Measures Are Too Vague and Their Impacts Are Too Uncertain.

An EIR must contain a project description including "the project's technical, economic, and environmental characteristics." CEQA Guidelines § 15124(c). An "accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR," while a "curtailed, enigmatic or unstable project description" is unacceptable. *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197-199. As part of the Project, the CAP must be clearly and accurately described in the FSPEIR.

In addition, because the CAP is intended to be a "Plan[] for the Reduction of Greenhouse Gas Emissions" on which future "[p]roject-specific environmental documents may rely" for

Last visited January 15, 2018.

³ G. Tal, M.A. Nicholas, T.S. Turrentine. 2017. "First Look at the Plug-In Vehicle Secondary Market." U.C. Davis Institute of Transportation Studies. Working Paper #UCD-ITS-16-02 (attached hereto as Exhibit 3).

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X32-4

The comment states that the GHG Reduction Measures and their calculations are too vague to comply with CEQA's standards for a stable project description and CEQA Guidelines Section 15183.5. Specific measures are discussed in subsequent comments. The County has responded to this comment previously and no new information is provided here. Please refer to response to comment O5-11 and response to comment X23-2.

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analysis and mitigation of cumulative GHG emissions, it must comply with CEQA Guidelines section 15183.5. Among other things, that section requires that the CAP “[s]pecify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level” below which the “contribution of greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable.” CEQA Guidelines §§ 15183.5(b)(1)(D) (first quote), 15183.5(b)(1)(B) (second quote). Those measures must be just as specific, mandatory and enforceable as the mitigation measures on which lead agencies must rely to make the findings required by Public Resources Code sections 21081(a)(1) and 21081.6. *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1167.

Here, as discussed in the examples below, the CAP’s GHG reduction measures and the calculation of their expected GHG emissions reductions omit key details and are too vague to satisfy CEQA’s demands for an “accurate, stable and finite project description” and the requirements of a first-tier document under CEQA Guidelines section 15183.5.

Measures T-1.1 and T-1.2

According to Attachment I to CAP Appendix C (August 7, 2017 revised memo to PDS from Ascent Environmental re Greenhouse Gas Emissions Reduction Targets, Measures, and Gap Analysis for the Unincorporated County (“Memo”)), the GHG emissions reductions from acquiring open space conservation land and agricultural easements (measures T-1.1 and T-1.2) would come from removing – or “offsetting” – “dwelling units” on agricultural land. Memo, Attachment I, p. 3. The FSPEIR claims that individuals who “voluntarily retire” their agricultural land development potential will “not be allowed to transfer these densities to other locations,” but nothing stops these individuals from using the compensation they received from retiring these lands for development elsewhere. The Memo – and thus the CAP and FSPEIR that rely on it – fails to account for these critical factors that would significantly limit the GHG-emissions-reduction impacts of measures T-1.1 and T-1.2.

Measure T-1.3

The Memo bases the estimated GHG emissions reductions for the “Update Community Plans” measure on Measure LUT-9 (Improve Design of Development) described in the California Air Pollution Control Officers Association’s (“CAPCOA’s”) August 2010 report, “Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures” (“CAPCOA Report,” attached hereto as Exhibit 4). Memo, Attachment I, p. 4. But the Memo fails to explain how the CAPCOA Report and its GHG emissions reductions estimates can be applied here. For at least three reasons, it is inappropriate to apply the CAPCOA Report – and Measure LUT-9 specifically – to the CAP and measure T-1.3.

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X32-5 The comment questions where the residents of “offset” dwelling units from GHG Reduction Measures T-1.1 and T-1.2 will relocate and what will be their carbon footprint. The County has responded to this comment previously and no new information is provided here. How individuals who have voluntarily retired their land development potential use the compensation they received is entirely speculative and has no bearing on the adequacy of the CAP or SEIR. Please refer to response to comment O5-12.

X32-6 The comment questions the effectiveness of reductions from GHG Reduction Measure T-1.3. The County has responded to this comment previously and no new information is provided here. Please refer to response to comments O5-13 and O5-14. The CAP and SEIR have provided an appropriate level of analysis at the program level. Previous responses have disclosed the rationale for conducting such an analysis at the community plan level to ensure that the unique setting and needs of each individual community are met. This does not amount to a deferred analysis as stated in this comment because the CAP establishes a reduction target for this measure, specifies a performance standard that would need to be met by each Community Plan Update, and provides for regular monitoring and updates to ensure that the CAP target is met. Please see Master Response 5 regarding community plan updates.

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First, the “quantification methods provided” in the CAPCOA Report “are largely *project-level* in nature.” Exhibit 4, p. 3 (emphasis added). The CAP and the community plans it proposes to update are all *plan-level* in nature. And while the CAPCOA quantification measures like LUT-9 “can certainly *inform* planning decisions,” a “*complete* planning-level analysis of mitigation strategies will entail *additional quantification*.” *Id.* (emphasis added). The FSPEIR admits as much and declares that the measures implemented “depend[] upon multiple variables” and are provided “as examples of considerations the County would make in updating community plans.” FSPEIR 8-26 (first quote), 8-27 (second quote). Because of this discrepancy, “project attributes will be defined as Community Plan updates are undertaken.” FSPEIR 8-27.

Second, Measure LUT-9 estimates the GHG emissions reductions from increasing the “[n]umber of intersections per mile” in a new development above the density found in a “typical ITE suburban development.” Exhibit 1, pp. 182 (first quote), 183 (second quote). But CAP measure T-1.3 says *nothing* about increasing intersection density. Instead, it focuses on “affordable housing units,” “mixed-use development,” “sidewalk and bike lane improvements,” “shared parking,” and “parks and community services.” CAP 3-14. Again, the County admits this is an inconsistency and claims that the CAPCOA measure was “used as a proxy to estimate [vehicle miles traveled (“VMT”)] reductions.” FSPEIR 8-27. But this proxy does not substitute for the actual analysis that should have been computed and included in the CAP and FSPEIR.

Third and relatedly, the CAP does not provide enough detail about how exactly the community plans would be updated, and how those updates would translate into actual changes to the design of the built environment in the county villages. “The County acknowledges that implementation of GHG Reduction Measure T-1.3 assumes future legislative action” that may not be approved. FSPEIR 8-28. But the County ignores this potential to completely derail the Measure’s effectiveness and instead claims that annual monitoring and five-year reviews will address any potential legislative denials. That contention is without merit. Without more detail, it is impossible to estimate how much VMT – and thus GHG emissions – measure T-1.3 would reduce.

Fourth and finally, even if the proposed community plan updates would lead to increased intersection density, the Memo fails to demonstrate that the vehicle-miles-traveled (“VMT”) elasticities reported in the study on which Measure LUT-9 is based – Ewing & Cervero (2010, attached hereto as Exhibit 5) would apply in the context of CAP measure T-1.3. There are two problems.

The first problem is that measure T-1.3 proposes to “[f]ocus growth in the county villages,” with “possible mechanisms to increase density,” but the Memo fails to account for the possibility that this would increase the unincorporated County’s population beyond what is currently projected. CAP 3-14. That could *increase* VMT and GHG emissions *overall* even if the average VMT per household decreases. Yet the County ignores this potential, instead

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focusing on comments that question whether these improvements could even be applied in less dense areas. FSPEIR 8-27 to 8-28. But those comments and the County's response do not address the potential to increase growth in the unincorporated County beyond current projections. This potential must also be considered and analyzed under CEQA.

The second problem is that the Memo fails to show that the VMT elasticities from Ewing & Cervero (2010) apply in the context of *modifying* an *existing* development's design, as largely proposed here, as opposed to building a *new* development. Importantly, only one of the nine studies analyzed by Ewing & Cervero (2010) to derive VMT elasticities for built environment design controlled for self-selection – the idea that people who are less likely to drive in the first place choose to live in areas where the built environment design makes it easier to get around without driving. Exhibit 5, p. 9. Without controlling for self-selection, it is impossible to determine the magnitude of the effect of design modifications on travel choices since, as most studies analyzing the issue have found, “residential self-selection attenuates the effects of the built environment on travel.” Exhibit 5, p. 2. The County acknowledges this potential problem and again defers analysis to the community plan updated phase. FSPEIR 8-28. This deferral of analysis does not suffice because the CAP remains inadequate and future impact analysis will rely on the current inadequate review.

In sum, the CAP and Memo, respectively, fail to describe in sufficient detail the design changes measure T-1.3 would cause and accurately calculate the resulting GHG emissions reductions expected.

Measure T-2.1

The Memo bases the estimated GHG emissions reductions for the “Improve Roadway Segments as Multi-Modal” measure on Measure SDT-2 (Provide Traffic Calming Measures) described in the CAPCOA Report. Memo, Attachment 1, p. 5. But the Memo fails to explain how the CAPCOA Report and its GHG emissions reductions estimates can be applied here. For at least two reasons, it is inappropriate to apply the CAPCOA Report – and Measure SDT-2 specifically – to the CAP and measure T-2.1.

First, the “quantification methods provided” in the CAPCOA Report “are largely *project-level* in nature.” Exhibit 4, p. 3 (emphasis added). The CAP and the roadway improvements it proposes are *plan-level* in nature. As discussed above, the FSPEIR acknowledges this discrepancy but continues to downplay its significance. FSPEIR 8-26 to 8-27, Response to Comment O-5, p. 15. The locations of the roadway improvements are not specified, which makes it impossible to gauge whether any one area will improve enough to make a difference in safety and VMT. The fact that improvements would be prioritized based on GHG emission reduction effectiveness does not identify the location of those improvements or give the public any basis for determining their environmental impacts. FSPEIR Response to Comment O-5, p. 15. This information must be provided under CEQA.

X32-7

The comment states the Greenhouse Gas Emissions Reduction Targets, Measures, and Gap Analysis for the unincorporated County Memo included as an attachment to the CAP does not explain how Measure SDT-2 would apply to the CAP. Specifically, the comment contends that CAPCOA Measure SDT-2 quantification method is largely project-level and cannot be applied at the plan level. The County has responded to this comment previously and no new information is provided here. Please refer to response to comment O5-15.

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X32-7

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Second, the Memo fails to demonstrate that Measure SDT-2 applies to rural environments, which dominate the unincorporated County. As the CAPCOA Report itself warns, “[r]ural context is not specifically discussed in the literature” from which the Measure SDT-2 GHG emissions reductions estimates were derived. Exhibit 4, p. 192. The County acknowledges “that certain improvements would not be effective in a rural environment,” but fails to address how that shortcoming would impact the effectiveness of the measure. This information must be provided for a thorough analysis.

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Measure T-2.3

Measure T-2.3 proposes conducting “additional outreach to increase participation in the County’s vanpool, carpool, and transit pass subsidy programs, and the GWOW Program,” which the CAP and Memo assume will reduce County employee commute VMT by “20% below 2014 levels.” CAP 3-23. While the FSPEIR Response to Comment O-5 discusses some of the “additional outreach” measures the County plans to undertake, it fails to provide evidence that such outreach could actually reduce County employee commute VMT. FSPEIR Response to Comment O-5, p. 17. Measure T-2.3 is thus too vague to be informative or enforceable under CEQA. *Sierra Club v. County of San Diego*, 231 Cal.App.4th at 1170 (holding CAP measures inadequate under CEQA because “the County [did] not cite any evidence in the record to support its belief that people will participate in the various programs to the extent necessary to achieve the reductions asserted”).

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Measure T-2.4

Measure T-2.4 proposes amending the County Zoning Ordinance to, among other things, “address reductions in standard parking requirements for employee parking [for new non-residential development], and will establish minimum requirements for carpool/vanpool, shuttle, and Electric-Vehicle-only parking spaces.” CAP 3-24. But the CAP provides no specifics on what those new requirements might be. Instead, the County again relies on project-level implementation for specific requirements and only provides general goals in the CAP. Measure T-2.3 is thus too vague to be informative or enforceable under CEQA.

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Measures T-3.1 and T-3.2

Measures T-3.1 and T-3.2 both rely on a greater percentage of construction equipment utilizing “alternative fuels.” But they do not define “alternative fuels” with sufficient specificity to be informative, enforceable or allow for an accurate GHG emissions reduction calculation. Indeed, the measures explicitly defer defining “alternative fuel compliance requirements” until future “ordinance” amendments and agency implementation. CAP 3-28 to 3-31. The County admits that it “intends to be flexible in implementing this measure,” and therefore only provides “examples” of alternative fuels. FSPEIR Response to Comment O-5, p. 19. It also states that the fuels used will “not be limited to those identified” on the example list. *Id.* That violates CEQA.

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X32-8 The comment states that the CAP provided no evidence that additional outreach associated with GHG Reduction Measure T.2.3 would reduce County employee commute VMT. The County has responded to this comment previously and no new information is provided here. Please refer to response to comment O5-17.

X32-9 The comment states the CAP provides no specifics on what Measure T-2.4 will entail. The County has responded to this comment previously and no new information is provided here. Please refer to response to comment O5-18.

X32-10 The comment states that Measure T-3.1 and T-3.2 do not define alternative fuels with sufficient specificity to be informative or enforceable. The County has responded to this comment previously and no new information is provided here. Please refer to response to comment O5-20.

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Measure T-3.3

Measure T-3.3 would use financial incentives to retire 1600 “late-model vehicles (model year 1996 or older).” CAP 3-32. But the CAP and Memo fail to demonstrate how the measure would reduce GHG emissions by 866 metric tons of carbon dioxide equivalents (“MTCO₂e”) by 2030. They fail to “cite any evidence in the record to support [the assertion] that people will participate in the various programs to the extent necessary to achieve the reductions asserted”). *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th at 1170. While the FSPEIR identifies other similar programs with participation meeting the anticipated levels, there is no discussion of how those programs compare to the program proposed here or what incentives prompted those levels of participation. FSPEIR Response to Comment O-5, pp. 19-20. This is especially concerning given that the CAP has doubled the number of vehicles it proposes to retire. *Id.* The CAP and FSPEIR must provide an analysis of how the proposed program compares to those other programs identified and explain why the County anticipates the levels of participation it relies on.

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Measure E-1.3

Measure E-1.3 is impermissibly vague because it fails to specify what the required “energy efficiency audit” would entail. CAP 3-48. While the FSPEIR identified numerous audit programs throughout the state, it fails to identify which, if any, example it will follow. FSPEIR Response to Comment O-5, pp. 21-22 (County’s audit program *could* follow a similar approach to energy audits,” emphasis added). Without this necessary information, the public and decisionmakers cannot evaluate the measure’s effectiveness in reducing GHG emissions and the discussion is therefore inadequate under CEQA.

X32-12

Measure E-2.1

Measure E-2.1 is too vague because it fails to specify (1) what type of “Renewable Energy Program” the County would adopt, and (2) what the renewable energy generation mix would be under the program. CAP 3-54 to 3-55. The County erroneously claims that this information is “not required to demonstrate effectiveness.” FSPEIR Response to Comment O-5, pp. 22-23. But without knowing that, it is impossible to know how feasible the County’s 90-percent renewable electricity goal is, and what impact it would have on GHG emissions. The County’s identification of possible programs that it may adopt under this measure does not remedy this failure. *Id.* at 23-24.

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In addition, the County may not adopt measure E-2.1 because it is not part of the environmentally-superior Enhanced Direct Investment Alternative. As discussed below, CEQA requires adoption of the Enhanced Direct Investment Alternative instead of the proposed Project.

Measure E-2.2

Measure E-2.2 allows the County to “define the minimum renewable electricity generation require[d]” for new non-residential development that would “achieve the GHG

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X32-11 The comment states the Greenhouse Gas Emissions Reduction Targets, Measures, and Gap Analysis for the Unincorporated County Memo included as an attachment to the CAP does not show how Measure T-3.3 would reduce GHG emissions by 866 MTCO₂e by 2030. The County has responded to this comment previously and no new information is provided here. Please refer to response to comment O5-21. The previous responses provide data from CARB’s Enhanced Fleet Modernization Program to demonstrate effectiveness and participation rates from vehicle retirement programs. The County’s proposed participation of 1,600 vehicles by 2030 is lower than similar programs. The San Diego County Air Pollution Control District has implemented such programs in the past and is the agency with the expertise in this area. The County believes that this level of participation is achievable due to the data presented in response O5-21.

X32-12 The comment states that GHG Reduction Measure E-1.3 is vague because it does not specify what the required energy efficiency audit would entail. The County has responded to this comment previously and no new information is provided here. Please refer to response to comment O5-22.

X32-13 The comment states that GHG Reduction Measure E-2.1 is vague because it does not specify what type of renewable energy program the County would adopt and what the renewable energy generation mix would be under the program. The County has responded to this comment previously and no new information is provided here. Please refer to responses to comments O5-23 and O5-24.

X32-14 The comment states that GHG Reduction Measure E-2.2 is too vague because it does not define what the minimum renewable electricity generation would be for non-residential development and does not identify what outreach would entail. The County has responded to this comment previously and no new information is provided here. Please refer to response to comment O5-25.

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reduction target,” but fails to identify what those minimum requirements would be or how they would achieve the desired GHG reduction goals. CAP 3-56 to 3-57. The CAP also proposes “[c]ollaborat[ion] with regional partners to provide outreach and education to property owners on renewable electricity system financing programs,” but fails to identify what this “outreach and education” would entail. Measure E-2.2 is thus too vague to be enforceable under CEQA.

Measure E-2.3

Measure E-2.3 assumes that the anticipated percent of electricity use in homes offset by solar will jump from 32% in 2020 to 80% in 2030. Memo, Attachment 1, p. 21. On this basis, the CAP concludes that GHG emissions will be reduced by 114,571 MTCO₂e by 2020 and 260,322 by 2030. *Id.*; CAP 3-58. But these assumptions are not supported by evidence in the record and are therefore too vague to be enforceable under CEQA. The County’s assumption that the recent rate of growth seen with these programs will continue is unsupported. FSPEIR Response to Comment O-5, p. 26/ There is no evidence to suggest that the initial surge will continue at the same rate without additional incentive.

For example, neither the CAP nor the Memo explains how “continu[ing] the online solar PV permitting, County innovation initiatives, and the Solar and EV Ready Ordinance” will entice “an additional 77,902 existing homes” to install PV between 2020 and 2030, when these homes have not taken advantage of these opportunities by 2020. CAP 3-58 to 3-59; *Sierra Club v. County of San Diego*, 231 Cal.App.4th at 1170. The CAP provides no information on the types of “outreach and education to property owners” that would occur or how they would induce such behavior. CAP 3-57. And without a finalized Comprehensive Renewable Energy Plan (“CREP”) Phase One Report, the CAP’s reliance on that document is also speculative. *Id.* The County fails to explain how it will still achieve its GHG reduction goals if the CREP Phase One Report is not implemented. FSPEIR Response to Comment O-5, p. 27.

Furthermore, the CAP recognizes that one of the major impediments to solar installation is battery storage potential, but its claim that it will “increase battery storage capacity in the unincorporated county” is not supported by any evidence or information about how this would occur. The County again fails to demonstrate how it would still meet its GHG reduction goals without these measures. FSPEIR Response to Comment O-5, pp. 27-28. The vague nature of this measure is unsupportable and must be remedied.

Measure W-1.1

Measure W-1.1 is unclear in its requirements. While the County Code requires all new construction to comply with the state mandated CALGreen building standards, “the code also includes voluntary ‘tiers’ that reach beyond the current State code requirements.” CAP 3-68. Measure W-1.1 “would accelerate the adoption of CalGreen Tier 1 measures for residential construction, as it pertains to water-efficient kitchen faucets and ENERGY STAR-rated dishwashers and clothes washers.” *Id.* But Tier 1 compliance is not required under the County

X32-14
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X32-15

X32-16

X32-15 The comment claims that the anticipated percent of electricity use in homes offset by solar (32 to 80% from 2020 to 2030) is not supported by evidence and is too vague to be enforceable by CEQA. The County has responded to this comment previously and no new information is provided here. Please refer to response to comment O5-26.

X32-16 The comment states that GHG Reduction Measure W-1.1 is unclear in its requirements. The County has responded to this comment previously and no new information is provided here. Please refer to response to comment O5-27. Please also see Response to Comment O2-5 regarding the implementation and monitoring approach that will ensure GHG Reduction Measure W-1.1 is developed and implemented to achieve the targeted GHG reductions.

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Code and the CAP does not specify what amendments to Title 9 of the County Construction Code would be enacted to help encourage participation in that program or enforce these potential GHG reductions. *Sierra Club v. County of San Diego*, 231 Cal.App.4th at 1170.

The FSPEIR claims that Tier 1 compliance standards will be required for all new residential development, but goes on to admit that such a requirement will first need to be “approved by the Board of Supervisors and require noticed public hearings” before both the Board and the Planning Commission. FSPEIR Response to Comment O-5, pp. 28-29. If the Tier 1 standards are not mandated, then the Memo’s claim regarding GHG reductions from installation of water efficient kitchen faucets, dishwashers, and clothes washers is purely speculative. Memo, Attachment I, p. 23. The CAP must address this potential and how it would impact the anticipated GHG emission reductions.

X32-16
cont.

Measure W-2.1

Water Measure W-2.1 calls for “outreach, education, and marketing” to increase use of rain barrels at both new and existing development to collect rainwater for use on outdoor landscaping. CAP 3-76 to 3-77. But the Memo’s calculations regarding GHG emissions reductions assume that this outreach and education will cause new individuals and households to participate in this program. Without any information on the type of education, outreach, and marketing that would be employed, and their effectiveness, these GHG reductions are purely speculative. *Sierra Club v. County of San Diego*, 231 Cal.App.4th at 1170. The County’s plan to continue to work with water agencies does not provide the information necessary to inform the public and decisionmakers about what its actions will entail, and certainly does not address how effective any such program would be. FSPEIR Response to Comment O-5, p. 30. More information is needed on the efforts that the County will employ to promote this rain barrel program before Measure W-2.1 can be considered enforceable under CEQA.

X32-17

Measures A-1.1 and A-1.2

Measures A-1.1 and A-1.2 call for conversion of farm equipment to electric but do not discuss how these electric vehicles and equipment will be charged in an area that is not equipped for readily accessible electric equipment charging. CAP 3-80 to 3-83. These measures must be updated to include information on how they will actually operate in the unincorporated County to be enforceable under CEQA. Furthermore, the County’s reliance on future upgrades to this technology, such as longer battery life, are purely speculative and violate CEQA. *Sierra Club v. County of San Diego*, 231 Cal.App.4th at 1170; FSPEIR Response to Comment O-5, p. 31.

X32-18

Suggestions to Improve Other CAP Measures

Energy Measure E-2.4 should be extended. CAP 3-60 to 3-61. That measure proposes to increase the County’s reliance on renewable energy for operational electricity from 2.6% now, to 10% by 2020 and 20% by 2030 through an increase in Power Purchase Agreements. CAP 3-60.

X32-19

X32-17 The comment states that GHG Reduction Measure W-2.1 does not define what types of education, outreach, and marketing that would be employed and would therefore be unenforceable. The County has responded to this comment previously and no new information is provided here. Please refer to response to comment O5-28.

X32-18 The comment states that GHG Reduction Measures A-1.1 and A-1.2 do not discuss how converted farm equipment will be charged in rural areas that do not have electric equipment charging. The County has responded to this comment previously and no new information is provided here. Please refer to response to comment O5-29. The County also disagrees with the assertion that the measure relies on battery upgrades to become feasible. To the contrary, the County asserts that the measure is achievable with existing infrastructure as noted in the response.

X32-19 The comment asserts that GHG Reduction Measures E-2.4, W-1.3, and A-2.2 should be modified. The County has responded to this comment previously and no new information is provided here. Please refer to responses to comments O5-30 and O5-31.

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However, the measure cuts itself short at 2030 for no reason, and merely maintains a 20% renewable energy generation requirement by 2050, when the County could and should strive for more generation through the use of distributed renewable generation for all county operational energy demands.

Similarly, Water Measure W-1.3 should also be extended to further reduce water use at County facilities beyond 20% by 2050. CAP 3-72 to 3-73. For example, the County could move toward the use of greywater or recycled water for landscaping where replacement with artificial turf (or other more environmentally benign landscaping options) is not feasible, implement the use of rain barrels at all of its facilities, or provide new education programs to teach employees about water saving measures.

Agriculture and Conservation Measure A-2.2: Increase County Tree Planting, requires the preparation of "a tree planting program for the unincorporated county to plant a minimum of 3,500 trees annually starting in 2017" in furtherance of CAP Strategy A-2: Increase Carbon Sequestration. CAP 3-78, 3-88 (quote). However, that measure should include water conservation measures because the addition of 3,500 trees per year, while beneficial in many ways, could substantially increase the County's water use. For example, Measure A-2.2 should require the use of drought-tolerant and native trees and should be encouraged in areas that are served by recycled or greywater infrastructure, similar to the water conservation strategies employed in Measure A-2.1. CAP 3-86.

4. The FSPEIR Fails to Adequately Analyze the Project's Environmental Impacts.

The FSPEIR's impact analyses must be reevaluated after the CAP strategies and measures are changed, as discussed above. More specific strategies and measures will provide better information about potential impacts, and those impacts must be included in the FSPEIR. Without such analysis, the FSPEIR is inadequate under CEQA. CEQA Guidelines §§ 15126, 15126.2. Furthermore, this updated impacts analysis could provide valuable information leading to the formulation of additional or stronger mitigation measures that would help eliminate the significant project impacts. CEQA Guidelines § 15126.4.

The FSPEIR's informational failures are particularly egregious with respect to Measure E-2.1. Requiring the County to "achieve 90% renewable electricity for the unincorporated county by 2030" would commit the County to "increased reliance on large-scale solar photovoltaic, wind, and geothermal facilities." CAP 3-54 (first quote); FSPEIR Response to Comment Letter O-5, p. 23 (second quote). Alternative options 1 and 3 presented by County staff would go even further, mandating 100% renewable electricity. Planning Commission Hearing Report, pp. 15-16. Yet not only does the FSPEIR fail to provide the public and County decisionmakers with the detailed environmental impact analysis CEQA requires, it (and the

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X32-20

X32-20 The comment states that the Draft SEIR impacts should be reevaluated once changes to the CAP are made based on the comments above with less vague strategies and measures. The County has responded to this comment previously. Please refer to response to comment O5-32.

A new comment expresses concerns regarding the CAP Options 1 and 3 and states that the associated environmental impacts resulting from the adoption of a 100% Renewable Energy Alternative were not addressed within the Final SEIR. The County disagrees and refers the commenter to pages 4.23 through 4.48 of the Final SEIR which discloses the potential environmental impacts of the alternative if adopted. Similarly, all Options are accompanied by Findings and Statements of Overriding Considerations on the CAP Website: https://www.sandiegocounty.gov/content/sdc/pds/ceqa/Climate_Action_Plan_Public_Review.html. These items were made available along with the Final CAP and Final SEIR on January 8, 2018. The County does not agree that finding potential impacts to be significant and unavoidable is the same as "sweeping impacts under the rug" because, in addition to the Final SEIR's disclosure of impacts from these future projects, each new large-scale renewable energy project would also be required to undergo a comprehensive discretionary review process and independent CEQA analysis at the time of project application.

The comment also suggests that the Final SEIR does not adequately evaluate the potential for increased wildfires related to large-scale renewable energy projects. The County disagrees and refers the commenter to pages 2.8-32 to 2.8-33 of the Final SEIR which identified significant and unavoidable impacts related to wildfires. As stated within the Final SEIR, large-scale projects would be required to undergo a comprehensive CEQA analysis at the time of project application. The County does not agree that a lack of mention of the Climate Change Vulnerability Assessment results in an inadequate analysis of impacts.

The comment also suggests that the Final SEIR does not adequately evaluate impacts on biological resources because

	<p>it does not specifically mention bats. The County disagrees with this assertion and refers the commenter to page 2.4-16 which describes the potentially significant impacts that small-scale wind turbines could have on bat species and page 2.4-18 which describes the potentially significant impacts that large-scale wind turbines could have on bat species.</p> <p>The comment reiterates a comment previously submitted regarding wind turbine-related noise impacts. The County has addressed this comment previously. Please refer to responses to comment O5-32 and comment letter X30.</p> <p>Finally, the comment suggests that if the Final SEIR were utilized as a document to tier from, it would inappropriately result in the County ignoring environmental impacts resulting from future projects. The County disagrees. The Final SEIR fully discloses impacts at the program level from these future projects. In addition, tiering from program EIRs is specifically allowed under CEQA Guidelines sections 15168 and 15162. Tiering from the Final SEIR would also be allowed for the analysis of GHG emissions under CEQA Guidelines 15183.5. This topic is addressed comprehensively in Master Response 10.</p>
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proposed Statement of Overriding Considerations) incorrectly concludes that many industrial-scale project impacts would be unavoidable, and also risks sweeping those impacts under the rug in future project-specific analyses.

As an example of the FSPEIR's failure to fully or correctly analyze the impacts of industrial-scale renewable energy project impacts as CEQA requires, it fails to acknowledge the severe – and increasing – fire risks in San Diego County, let alone analyze how a proliferation of electrical generation facilities and associated transmission lines and substations would exacerbate those risks. Wildfire risk in the County is already high, particularly in the dry East County areas.⁴ And the risk is increasing with global warming. As reported in the County's own August 2017 Climate Change Vulnerability Assessment for San Diego County, CalAdapt's wildfire tool estimates that under both a low-GHG-emissions scenario and a high-emissions scenario, substantially more land in the County will burn due to wildfire by 2099. CAP, Appendix D, p. 12. Under the low-emissions scenario, over 3,500 more acres are expected to burn every year by 2099. *Id.* Under a high-emissions scenario, the additional annual acreage scorched by wildfire increases to nearly 8,500. *Id.* Yet the FSPEIR's cursory fire impact analysis fails to even mention the Climate Change Vulnerability Assessment, let alone the increasing fire risks in the County or how the additional electrical generation and distribution facilities required to comply with Measure E-2.1 would exacerbate those risks. It simply defers analysis of fire impacts to project-level environmental review. FSPEIR 2.8-32 to 2.8-33. That violates CEQA's fundamental purpose of informing the public and decisionmakers of the consequences of a proposed action *before* the action is taken.

The FSPEIR also fails to fully analyze the impacts of industrial-scale facilities on biological resources. For example, the Biological Resources chapter does not even *mention* the devastation wind turbines wreak on bats, despite increasing evidence that not only do wind turbines kill bats, bats are *attracted* to wind turbines.⁵

Additionally, while the FSPEIR admits that "implementation of large-scale renewable wind energy projects could result in potentially significant impacts related to annoyance from low-frequency noise from large wind turbines" (FSPEIR 2.11-13) and to "increases in ambient noise" (FSPEIR 2.11-22), the FSPEIR incorrectly claims that there is "no published scientific evident to conclude wind turbine noise could cause adverse health effects." FSPEIR 2.11-13,

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⁴ California Department of Forestry and Fire Protection (CAL FIRE), June 12, 2009, "Very High Fire Hazard Severity Zones in LRA: As Recommended by CAL FIRE" (attached hereto as Exhibit 6, and also available here: http://frap.fire.ca.gov/webdata/maps/san_diego/fhszl_map.37.jpg).

⁵ V.J. Bennett, A.M. Hale & D.A. Williams. 2017. "Fecal surveys reveal species-specific bat activity at wind turbines." *Mammalian Biology* 87:125-129 (attached hereto as Exhibit 7).

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2.11-22. Indeed, a recent report on the impacts of wind turbine noise concluded “that an important minority of local inhabitants is severely impacted by noise emitted by wind farms sited too close to their homes” and that “the adverse effect on people’s health is far from small.”⁶ This inaccuracy in the FSPEIR must be remedied to reflect the recent data showing negative health impacts from wind turbine noise.

The County’s attempt to push this analysis off until individual projects are proposed does not address or remedy the incorrect statements made in this FSPEIR. FSPEIR Response to Comment O-5, p. 33. Such a failure also opens the door to the risk of tiering project-specific analysis off these incorrect statements. If that tiering were to occur, there is a potential that these important impacts are ignored altogether at both the CAP stage and the project analysis stage. Therefore, it is extremely important that the CAP and FSPEIR remedy these incorrect statements now, not only for the CAP analysis, but for project-specific impact analysis at a future date.

Moreover, the conclusion in the FSPEIR and the draft Statement of Overriding Considerations that these and other impacts caused by Measure E-2.1 – and the industrial-scale projects required to comply with it – are *unavoidable* is refuted by the FSPEIR itself. As the FSPEIR demonstrates, the Enhanced Direct Investment Alternative “would achieve all project objectives” (FSPEIR 4-15), and “would reduce significant and unavoidable impacts” of the project (FSPEIR 4-79), in part by excluding Measure E-2.1.

5. The County May Not Rely on an Outdated Study to Determine Feasibility of the Distributed Generation Alternative

The Distributed Generation Alternative was rejected from consideration based on feasibility considerations. FSPEIR 4-9 to 4-10. However, the County relied on an outdated study to support this erroneous conclusion. As noted in the FSPEIR, a “2009 solar feasibility study for San Diego County estimated that the” unincorporated County had approximately “18.7 million square feet of available non-residential roof space” available for distributed solar. FSPEIR 4-9. According to that study, that is “less than what would be required to install 265 MW of solar. Thus, it would be unlikely that there would be sufficient sites and infrastructure that could support distributed generation facilities to provide the amount of GHG reductions to make up for those allocated from large, utility-scale renewable energy facilities.” *Id.*

This conclusion is flawed for a number of reasons. First, and most notably, the study is nine years old and outdated. Roof-top solar has come a long way since 2009 and therefore may be more effective in smaller spaces than the study considered. Additionally, the amount of rooftop space available may have changed significantly during that time. Second, the study

⁶A. Evans. 2017. “Environmental Noise Pollution: Has Public Health Become too Utilitarian?” *Open Journal of Social Sciences*, 5, 80-109, 100 (attached hereto as Exhibit 8).

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X32-21

X32-21 The comment expresses concern regarding the dismissal of the Distributed Generation Alternative and asserts that the County incorrectly based this conclusion upon a flawed, outdated study. The County has responded to this comment previously and no new information is provided here. Please refer to responses to comments C5-43, C4-44 and O16-6. As described therein, the referenced study is the best available information that documents existing residential and commercial rooftop space that could support solar facilities. The commenter does not provide any evidence to the contrary.

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failed to consider residential distributed generation that could supplement the available non-residential roof space. And lastly, the study only considered distributed solar, not all distributed generation alternatives, such as a mix of distributed solar and wind.

For these reasons, the elimination of the Distributed Generation Alternative was premature and should be reconsidered.

6. The County May Not Adopt the Proposed Project Instead of the Environmentally Superior Alternative.

Once the changes to the strategies and measures discussed above are incorporated into the CAP, the Enhanced Direct Investment Program Alternative should be implemented. As noted in the FSPEIR, the Enhanced Direct Investment Program Alternative is “environmentally superior to the project because it would reduce significant and unavoidable impacts related to the induced demand for large-scale renewable energy systems while still achieving both the primary objective of GHG emissions reductions consistent with SB 32 and all other supporting project objectives.” FSPEIR 4-79. Its focus on “direct investments in local projects to offset carbon emissions to a greater degree than currently proposed in the CAP” also maintains the rural and bucolic nature of unincorporated San Diego County, rather than encouraging industrial-scale solar and wind projects that would harm species, destroy views, create wildfire hazards, and use significant amounts of water. FSPEIR 4-14 (quote), 4-15 to 4-19.

In fact, this alternative *must* be adopted pursuant to CEQA’s mandates. “An agency may not approve a project that will result in significant impacts *unless it first finds that mitigation measures or alternatives are infeasible.*” Exhibit 1, p. 27 (citing PRC § 21081; CEQA Guidelines §§ 15091, 15093, emphasis in original). Public Resources Code section 21002 demands that “public agencies should not approve projects as proposed if there are feasible alternatives . . . available which would substantially lessen the significant environmental effects of such projects.” The County claims that “CEQA provides no such mandate,” but fails to explain why the provisions cited above do not apply. FSPEIR Response to Comment O-5, p. 34. Indeed, that is exactly the case here, as admitted by the FSPEIR. The Enhanced Direct Investment Program Alternative is feasible, “would achieve all project objectives” (FSPEIR 4-15), and “would reduce significant and unavoidable impacts” of the project (FSPEIR 4-79).

The Enhanced Direct Investment Program Alternative is feasible. The FSPEIR presents a host of direct investment projects and “the desired GHG emissions reductions targets of the CAP *would be achieved* by implementing a . . . number of direct investment projects.” FSPEIR 4-14 (emphasis added); FSPEIR Appendix B, “Range of Direct Investment Protocols”. Because there are so many direct investment opportunities that can be implemented and combined to achieve the project’s goals, this alternative is entirely feasible. *Id.*

Furthermore, the Enhanced Direct Investment Program Alternative “would achieve all

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X32-22

X32-22 The comment states that the Enhanced Direct Investment Alternative must be adopted pursuant to CEQA’s mandates. The commenter cites sections of the CEQA Guidelines in reference to consideration and adoption of the project and alternatives and suggests that the County must adopt the Enhanced Direct Investment Program Alternative because it is the Environmentally Superior Alternative. The County has responded to this comment previously. Please refer to response to comment O5-33.

A new comment expresses concerns about the final determination of feasibility of the Enhanced Direct Investment Alternative. The County disagrees that it has made a premature determination. As described therein, the feasibility report supports that the Alternative is no longer feasible. However, the Board of Supervisors will make a final determination of feasibility for this alternative based upon the best available evidence, which could include the feasibility report referenced in the Staff Report.

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project objectives.” FSPEIR 4-15. It would achieve “both the primary objective of GHG emissions reductions consistent with SB 32 and all other supporting project objectives.” FSPEIR 4-79. Because this feasible alternative would achieve the project’s main and supporting objectives, and would lessen impacts as shown below, it must be adopted. PRC § 21002, 21081; CEQA Guidelines §§ 15091, 15093.

Finally, the Enhanced Direct Investment Program Alternative “would reduce significant and unavoidable impacts” of the project. FSPEIR 4-79. It “would reduce the construction and operational impacts of large-scale renewable energy facilities that were induced by the program.” FSPEIR 4-15. For example, “the significant scenic vista, scenic resource, and nighttime lighting and glare impacts [of large-scale wind, solar photovoltaic, and geothermal renewable energy systems] would be reduced compared to the project.” *Id.* Similarly, “the significant and unavoidable project and cumulative impacts to special-status species, riparian habitat, and conflicts with wildlife movement corridors would be reduced.” FSPEIR 4-16. “[T]his alternative would reduce the project’s significant and unavoidable wildfire impacts and overall impacts would be less,” and “a fewer number of large-scale systems would be developed and the significant and unavoidable project and cumulative groundwater supply impacts would be reduced.” FSPEIR 4-18. The same is true for the project’s significant and unavoidable land use, noise, and transportation impacts. “[T]his alternative would reduce” those impacts and the “overall impacts would be less.” FSPEIR 4-18.

Because the Enhanced Direct Investment Program Alternative is feasible, would achieve all of the project’s objectives, and would reduce the significant impacts it *must* be adopted here. PRC § 21002, 21081; CEQA Guidelines §§ 15091, 15093. The County claims that the “Board of Supervisors will make a final feasibility determination [about this alternative] prior to making a decision on the CAP.” FSPEIR Response to Comment O-5, p. 34. But notably, the Staff Report for January 18, 2018 Planning Commission meeting prematurely eliminates any decision on the feasibility of this alternative. Instead, the Staff Report declares that the Enhanced Direct Investment Program Alternative, despite being the environmentally superior option, “was determined to no longer be feasible.” Staff Report 14. By prematurely making that determination, the Planning Commission, and subsequently, the Board of Supervisors are foreclosed from implementing this alternative. Therefore, the County’s claim that the Board will make the final feasibility determination is plainly false and misleading. Rather, this environmentally superior alternative has been prematurely eliminated, despite the fact that CEQA mandates its approval.

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For each of the foregoing five reasons, the FSPEIR, CAP and Guidelines are inadequate, and must be revised to comply with CEQA and, ultimately, to be effective in reducing GHG emissions in the County.

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Respectfully submitted,



Stephan C. Volker
 Attorney for Backcountry Against Dumps
 and Donna Tisdale

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Attachments: **Exhibit 1** - *California Riverwatch v. County of Sonoma*, Sonoma County Superior Court Case No. SCV-259242, Order Granting Petition for Writ of Mandate (filed July 20, 2017)

Exhibit 2 - SANDAG Demographic and Socioeconomic Profile 2010, Jurisdiction: Unincorporated, available at: http://datasurfer.sandag.org/download/sandag_census_2010_jurisdiction_unincorporated.pdf. Last visited September 25, 2017.

Exhibit 3 - G. Tal, M.A. Nicholas & T.S. Turrentine. 2017. "First Look at the Plug-In Vehicle Secondary Market." U.C. Davis Institute of Transportation Studies. Working Paper #January 16, 2018UCD-ITS-16-02

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Exhibit 4 - California Air Pollution Control Officers Association's. August 2010. "Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures."

Exhibit 5 - R. Ewing & R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association*, 76(3).

Exhibit 6 - California Department of Forestry and Fire Protection (CAL FIRE), June 12, 2009, "Very High Fire Hazard Severity Zones in LRA: As Recommended by CAL FIRE" (available here: http://frap.fire.ca.gov/webdata/maps/san_diego/fhszl_map.37.jpg).

X32-33 The comment provides a list of attachments that are referenced in the above response to comments. The attachments have been considered through the above responses. No further response is required.

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Exhibit 7 - V.J. Bennett, A.M. Hale & D.A. Williams. 2017. "Fecal surveys reveal species-specific bat activity at wind turbines." *Mammalian Biology* 87:125-129.

Exhibit 8 - A. Evans. 2017. "Environmental Noise Pollution: Has Public Health Become too Utilitarian?," *Open Journal of Social Sciences*, 5, 80-109.

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