

Letter  
18

**From:** John Suhr  
**To:** CAP  
**Subject:** Rehear or appeal the court case  
**Date:** Wednesday, August 23, 2017 5:16:21 PM

Thank you,

I believe all my comments are pertinent and should be included. Note that La Mesa has encountered serious problems with its updated draft CAP probably due to the overturn of the Schwarzenegger Executive Order and has had to extend its schedule. Hopefully the same will be true with the County's CAP.

John Suhr

-----Original Message-----

From: CAP <CAP@sdcounty.ca.gov>  
 To: John Suhr <johnsuhr@aol.com>  
 Sent: Wed, Aug 16, 2017 4:45 pm  
 Subject: RE: Rehear or appeal the court case

Mr. Suhr,

Thank you for your email. The County's Draft Climate Action Plan, Draft Supplemental Environmental Impact Report, and related project documents have been released for a 45-day public comment period from August 10, 2017 to September 25, 2017. Please let us know which, if any, of your comments below you would like to be included in the final Supplemental Environmental Impact Report and Response to Comments.

Sincerely,

The County's Climate Action Plan Team

**From:** John Suhr [mailto:johnsuhr@aol.com]  
**Sent:** Tuesday, August 15, 2017 12:29 PM  
**To:** CAP; Montgomery, Thomas E  
**Subject:** Re: Rehear or appeal the court case

Thanks Mr. Canseco,

Yes, but the Court's ruling was based on the Schwarzenegger Executive Order which the state Supreme Court has ruled against so should no longer be effective. Please see:

<http://www.courts.ca.gov/opinions/nonpub/D064243.PDF>

Possibly La Mesa and maybe Santee would join the County in rehearing or appealing the Court's ruling as it could affect their own CAPs.

In addition the County's emissions are surely much less than significant under CEQA as mentioned below. See CEQA Guidelines 15064 (b). Thus no action should be necessary under CEQA.

18-1

## Response to Comment Letter 18

**John Suhr**  
**August 23, 2017**

**18-1** The comment offers commentary and opinions on La Mesa's CAP and on litigation associated with the County's CAP. The County acknowledges this comment. This comment does not address the adequacy of the Draft SEIR; therefore, no further response is required.

**John Suhr**  
**619-461-1246**

-----Original Message-----  
From: CAP <CAP@sdcounty.ca.gov>  
To: John Suhr <johnsuhr@aol.com>  
Sent: Wed, Aug 9, 2017 11:07 am  
Subject: RE: Rehear or appeal the court case

Hello Mr. Suhr,

The County did appeal the litigation; however, the Court upheld the ruling on the Sierra's behalf.

Thank you,

**Bulmaro Canseco** | Land Use/Environmental Planner  
COUNTY OF SAN DIEGO | Planning & Development Services

**From:** John Suhr [mailto:johnsuhr@aol.com]  
**Sent:** Tuesday, August 08, 2017 12:37 PM  
**To:** CAP  
**Cc:** kckcsasa@cox.net; bhaber@ci.la-mesa.ca.us  
**Subject:** Rehear or appeal the court case

Thanks,

As a La Mesa resident I'm primarily interested in its CAP. The same activists are using the County court case to threaten to sue the city as well so if the case can be reheard or appealed and mandates downgraded it would benefit us here also. Those cities having CAPs already could also revise them downward without the 80% order.

Although the CARB 2030 Scoping Plan refers to an EIR I haven't found it anywhere. I hope the County will request the plan be rewritten now and the EIR published proving the state's emissions are *scientifically* significant under CEQA. Using the same below calculations ending the state's annual 460 MMTe of CO2 emissions entirely would only reduce global temperatures:

$$460/7800 = 0.059 \times 0.007 = 0.00041 \text{ degrees C.}$$

How can that be judged scientifically significant? The state needs to admit that the scientific basis for its climate legislation is not there and revise it accordingly. Effort and funds would be better invested elsewhere.

For the basis of calculation please see my climate questions webpage:

<https://sites.google.com/site/climatechangeseriousquestions/>

John Suhr

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18-1  
cont.