

**READER'S GUIDE TO  
ADDITIONAL INFORMATION REGARDING CARBON OFFSET PROTOCOLS  
FOR GREENHOUSE GAS EMISSION REDUCTION  
FOR OTAY RANCH RESORT VILLAGE (VILLAGE 13)**

The County of San Diego (County) is providing information regarding the updated mitigation measures for greenhouse gas impacts from the proposed Otay Ranch Resort Village (Village 13) project (proposed Project). The County is providing this information for a 30-day public disclosure period and requesting that the public and interested stakeholders review and provide comment on the carbon offset protocols to be used as mitigation of the proposed Project's greenhouse gas impacts. Comments must be received by the County no later than **September 18, 2020 at 4:00 p.m.**

On June 12, 2020, the Fourth District Court of Appeal published its decision in *Sierra Club v. County of San Diego* (Case No. D075478), which addressed, among other legal issues, standards for adequate carbon offsets mitigation under the California Environmental Quality Act (CEQA). In response to that decision's holdings, mitigation measures M-GCC-7 and M-GCC-8 of the proposed Project's Environmental Impact Report (EIR) have been refined, augmented and strengthened to provide additional rigor, clarity and information regarding the standards that the County will apply to the use of carbon offsets in the event of Project approval. Additional information and analysis concerning the Fourth District Court of Appeal ruling in *Sierra Club v. County of San Diego* also are provided in Global Responses R1 and R2, as discussed further below.

Project mitigation measures M-GCC-7 and M-GCC-8, which have been updated and refined, provide for the use of carbon offsets to mitigate greenhouse gas emissions. The County is disclosing and requesting comments on the new Attachments "A" and "B" to M-GCC-7 and M-GCC-8. Attachment "A" includes copies of the manuals used by the registries named in M-GCC-7 and M-GCC-8 (Climate Action Reserve, American Carbon Registry and Verra) to administer their carbon offset programs. In addition, Attachment "A" identifies the carbon offset protocols and methodologies, developed and used by these three registries, which the County proposes to be eligible for use when reducing greenhouse gas emissions pursuant to M-GCC-7 and M-GCC-8. Attachment "B" includes a narrative explanation and chart describing how offset credits shall be reviewed and approved by the County. The refined mitigation measures and their related attachments are provided in clean format as these mitigation measures replace, in full, the previously published carbon offsets mitigation measures.

Additional information is also being provided in Global Responses R1 and R2 (and their supporting attachments), which provide context and explain in detail the purpose of carbon offsets, the environmental integrity standards that offsets are held to, and how revisions to the mitigation measures respond to the Fourth District Court of Appeal's ruling. Global Response R1, Carbon Offsets, addresses comments received on the 2019 Recirculated Portions of the Draft EIR stating that the proposed Project has not sufficiently

demonstrated that the carbon offsets required by mitigation measures M-GCC-7 and M-GCC-8 would effectively reduce greenhouse gas emissions. Global Response R2, County of San Diego Climate Action Plan, addresses comments received on the 2019 Recirculated Portions of the Draft EIR stating that the proposed Project is not consistent with the County of San Diego's CAP. Both Global Response R1 and Global Response R2 provide additional information responsive to the June 12, 2020 Fourth District Court of Appeal decision in *Sierra Club v. County of San Diego*. For ease of review, both Global Responses are provided in clean format and track changes format.

### **Recirculation Not Required**

CEQA Guidelines (14 California Code of Regulations, Chapter 3) Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when "significant new information" is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (CEQA Guidelines, §15088.5(a).) Under Section 15088.5(a), "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

Examples of significant new information provided by the CEQA Guidelines include a disclosure showing that a "new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented"; that a "substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance"; or that a "feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it." (CEQA Guidelines, §15088.5(a)(1)-(3).)

Recirculation is not required where "the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." (CEQA Guidelines, §15088.5(b).) Recirculation also is not required simply because new information is added to the EIR. Indeed, new information is often added to Final EIRs due to CEQA's public/agency comment and response process, as well as CEQA's post-Draft EIR requirement that proposed responses to public agency comments be circulated to those agencies. Recirculation is "intended to be an exception rather than the general rule." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.)

In response to the Fourth District Court of Appeal's decision in *Sierra Club v. County of San Diego* (Case No. D075478), mitigation measures M-GCC-7 and M-GCC-8 have been refined, augmented and strengthened to provide additional rigor, clarity, and information regarding the standards that the County would apply to the use of carbon offsets in the

event of Project approval. These refinements and additional clarity do not result in any new significant impacts or increase the severity of any previously identified significant impact. The information provided in response to the Fourth District Court of Appeal ruling also does not indicate that meaningful public review of the Draft EIR was precluded. Accordingly, recirculation of the EIR is not required as the information provided augments and strengthens the mitigation in the Draft EIR and provides additional clarity and information regarding carbon offsets and standards. Further, this public review period of the greenhouse gas emission offset protocols does not constitute a recirculation of any portion of the project EIR and is provided as an additional public disclosure not required by CEQA.

For more information, please refer to the Otay Ranch Village 13 web page:

<https://www.sandiegocounty.gov/content/sdc/pds/ceqa/OtayRanchVillage13.html>

Comments may be submitted by mail to Planning & Development Services, 5510 Overland Avenue, Suite 310, San Diego, California 92123 attention Gregory Mattson, Project Manager at (858) 694- 2249 or by e-mail at [Gregory.mattson@sdcounty.ca.gov](mailto:Gregory.mattson@sdcounty.ca.gov) or Mark Slovick, Deputy Director at (858) 495-5172 or by email at [Mark.Slovick@sdcounty.ca.gov](mailto:Mark.Slovick@sdcounty.ca.gov).