

From: Teri Wissler Adam
Sent: Monday, October 12, 2015 5:07 PM
To: CEQA Guidelines
Cc: 'Ron Sisseem'
Subject: Proposed Update CEQA Guidelines Preliminary Discussion Draft Comments

Thank you for all of your hard work in starting the discussion about a long overdue update to the Guidelines. Thank you for the opportunity to comment on the draft changes. I work for a private consulting firm and have been assisting public agencies with CEQA compliance for 24 years. Here are my comments:

1. Within the Scope of a Program EIR. I think the recommended changes here are good. There is one additional issue that I believe the consultant community needs some clarification on. I often hear the term “program-level analysis” referring to a relatively general level of analysis in a Program EIR. I cannot find any reference in the Statutes or the Guidelines about “program-level analysis”. The term “Program” in the context of 15168 is all about the Project Description, not the level of analysis. If the program is a detailed program, then the level of analysis will be detailed. If the program is not detailed, then the level of analysis will not be detailed. The degree of specificity in the environmental analysis depends upon the degree of specificity of the project description (Guidelines 15146). I recommend adding “(f) The term Program refers to the project description and not the level of analysis. The degree of specificity required in the Program EIR will correspond to the degree of specificity involved in the underlying activity (program) which is described in the EIR.” Reference 15146.
2. Transit Oriented Development Exemption, Guidelines section 15182. My comment is regarding the addition of the “exempt” status to projects pursuant to adopted specific plans. Currently, residential projects pursuant to a specific plan would not require additional environmental review and would be considered by the decision makers using the specific plan EIR as the CEQA document. The development project would therefore, be required to comply with the specific plan EIR mitigation measures. “Exempt” projects do not require mitigation. Is it the intent of OPR to exempt the development projects from the requirements (e.g. mitigation measures) in the specific plan EIR? This seems counter-productive. May want to consider some language that clarifies the project is not exempt from the requirements of the certified specific plan EIR, just exempt from further review under CEQA.
3. Updating the Environmental Checklist. Aesthetics (a). The proposed question is, “Would the project have a substantial adverse effect on either a scenic vista or scenic resources within a designated scenic highway?”
 - a. Is this question only about impacts to resources “within a designated scenic highway” (i.e. scenic vista within a designated scenic highway OR scenic resources within a designated scenic highway”). Should it be “scenic vista when viewed from a designated

scenic highway”? “Within” the designated scenic highway implies the right-of-way (i.e. within) the highway.

- b. Or, are there two separate questions here. “Would the project have a substantial adverse effect on a scenic vista.” AND “Would the project have a substantial adverse effect on scenic resources within a designated scenic highway.”
 - c. I do like broadening the scenic resource from just State-designation to any designation (city, county, etc.)
4. Updating the Environmental Checklist. Energy. I don’t believe we need to add this to the checklist.
 - a. (a). See the comment on Analysis of Energy Impacts presented later regarding this question.
 - b. (b). All of the questions in the initial study checklist are focused on adverse impacts. This one focuses on beneficial impacts. It’s a good question but a bit of an odd bird, especially since so many initial study authors considered this checklist a substitution for thresholds of significance, which it is not.
5. Updating the Environmental Checklist. Hazards and Hazardous Materials (e). This question does not read as smoothly as the others. Suggest the following rewording, “Would the project...result in a safety hazard or excessive noise for people residing or working in the project area, if the project is located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip.”
6. Updating the Environmental Checklist. Open Space, Managed Resources and Working Landscapes. This new section includes a large mix of several environmental resource issues that could be confusing. I found it very disjointed. My first choice would be to put environmental resources and issues back into their own categories, with some modification and consolidation, but if not...here are a few thoughts:
 - a. (a) (i) and (ii). Habitat and waters of the state are already addressed under biological resources.
 - b. (b) (i). This revised question implies that the conversion of farmland to non-agricultural use is only about the loss of open space and not about the quality of the soils and farmland (e.g. Prime, Statewide Importance, etc.). Please clarify. For two decades, we have been analyzing the loss of farmland using the State’s Land Evaluation and Site Assessment (LESA) model, as recommended by the existing checklist, to evaluate whether the loss of farmland was significant, not the mere fact that it was conversion of open space. Having said that, I never thought that farmland was a natural resource that needed protection under CEQA. Although the loss of farmland could be a visual

impact, it is mainly a social impact (loss of food source) and economic impact (loss of \$\$). It also quite often results in a beneficial impact to water supply, as urban development typically requires less water than agricultural production.

- c. (b) (vi) “converting oak woodlands”, and (viii) “causing substantial soil erosion or the loss of topsoil” do not appear to be associated with the underlying question. “Would the project adversely impact open space used for production of resources by converting oak woodland.” I don’t believe oak woodland is considered a resource “for production”. CEQA section 21083.4 focuses on oak woodland conversation, not on production of the resource. And, “Would the project adversely impact open space used for production of resources by causing substantial soil erosion or the loss of topsoil” doesn’t make sense.
 - d. (c) Suggest adding the phrase, “and designated as such in an adopted local, regional, or state plan” after “outdoor recreation,” and before “including parks, trails...” We have the public illegally hiking on property that is designated in local and regional plans for development and they are complaining that the EIR did not address the loss of a recreation area.
 - e. (d) “Place new structures...” All of these environmental resource issues are addressed in other areas of the checklist:
 - i. Wetlands, riparian areas, and flood zones are addressed in other areas.
 - ii. Wildfire hazard areas has a new section all to itself.
 - iii. Unstable soils, etc. should be in the Hazards section.
 - iv. Water quality and water supply are addressed in other sections (hydrology and utilities)
7. Updating the Environmental Checklist. Population and Housing. I’ve never thought these were good checklist questions. Both of these questions are unnecessary, as they are about the project description, not an environmental resource or environmental issue. For example, a project that includes a General Plan Amendment from “agriculture” to “residential” and includes the subdivision of land is about the project description, not an environmental issue. It is unplanned population growth, but just because it is unplanned population growth does not mean it will result in any additional impacts that aren’t addressed by other checklist questions. The new question about jobs/housing balance falls into the same category.
8. Updating the Environmental Checklist. Wildfire
- a. “(b) Would the project, due to slope, prevailing winds, and other factors, expose project occupants to, or exacerbate risks from, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?” I believe attempting to answer this question would result in speculation, which CEQA guidelines section 15145 discourages.

- b. Answering (d) would be just a speculative.
 - c. (c) a couple of comments here...
 - i. Installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, etc.) are part of the project description and their impact, therefore, are required to be evaluated. They are not an environmental resource or environmental issue.
 - ii. Installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, etc.) would reduce fire risk, not exacerbate fire risk.
9. Analysis of Energy Impacts. This draft proposes adding a new subsection to 15126.2 to address wasteful, inefficient, or unnecessary consumption of energy. Germaine to your question about should the Guidelines define that phrase, is how a lead agency would determine a significance threshold. If a lead agency cannot rely on the energy efficiency improvements enacted by the legislature over the past several decades to adequately mitigate the impact, what incentive does one lead agency have to require their development community to require more than other jurisdictions? And to what extent? Maybe instead of adding a new subsection (b) to 15126.2, we should just add “energy” to the litany of issues presented in 15126.2 (a) and let lead agencies decide how to address the issue, without requiring an analysis of “wasteful, inefficient, or unnecessary consumption of energy.” Another way to address this issue is for the legislature to enact whatever rules they believe will eliminate wasteful, inefficient, or unnecessary consumption of energy so that the “rules” are applied evenly throughout the State. Energy impacts are already addressed in transportation (VTM) and in greenhouse gas emissions. Does it need a separate section in an EIR or even in an initial study?
10. Water Supply Analysis. New text 15155 (f) needs more definition regarding “supplies for a specific project than might be required for a conceptual plan.” I believe that “specific project” and “conceptual plan” should be defined. Instead of “specific project” (all projects under CEQA have some degree of specificity), how about “construction project (e.g. tentative subdivision map, conditional use permit, etc.)”. Instead of “conceptual plan” (conceptual plans do not require a discretionary approval), how about “plan-level document (e.g. specific plan, general plan amendment, zoning change, annexation, etc.)”
11. Baseline. Excellent! Thank you.
12. Deferral of Mitigation Details. Excellent! Thank you.
13. Citations. Excellent! Thank you. There is a difference between document referenced and documents incorporated by reference!

I look forward to being involved in the continued conversation.