

September 24, 2015

Governor's Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Subject: Comments on Proposed CEQA Guideline Revisions

Dear OPR:

As a matter of background, I have been a CEQA practitioner for 25 years and a member of the Association of Environmental Professionals during those years and at present. I offer the following comments pertaining to the proposed CEQA Guideline revisions.

To enhance both the efficiency and efficacy of the environmental review process OPR proposes the following:

- 1) to consolidate certain categories of questions to eliminate redundancy and ease data collection;
- 2) to reframe or delete certain questions that should be addressed in the planning process to focus attention on those issues must be addressed in the CEQA process;
- 3) to add questions that, although required by current law, tend to be overlooked in the environmental review process; and
- 4) to revise the questions related to tribal cultural resources, transportation impacts and wildfire risk as required by AB 52, SB 743 and SB 1241, respectively.

As an environmental professional, I find objectives 2-4 commendable and do not have any comments on proposed revisions that appear to meet these objectives. I do have comments relating to the first objective "to consolidate certain categories of questions to eliminate redundancy and ease data collection." My comments on the proposed consolidation revisions are provided as follows. Where applicable, the page number of the Preliminary Discussion Draft (PDD) that the comment references is provided before the comment. Additionally, where applicable, the first Initial Study Checklist section heading that the comment pertains to is presented.

PDD Page 39 - In my opinion lumping several environmental issues (Agriculture and Forest Resources, Geology and Soils, Mineral Resources, and Recreation) into one category is not helpful. First the new category title "Open Space, Managed Resources and Working Landscapes" in and of itself is too much to intuitively get one's head around. It may make a good title for an article or book, but is too inclusive for a single checklist heading. The individuals that may be responsible for preparation of an evaluation relating to recreation are often not the same individuals that specialize in the area of geology soils for example. Therefore, parsing out assignments for preparation of issue-specific segments for an Initial Study becomes a bit more convoluted under the proposed scenario. Furthermore, cultural resources and biological resources are also managed resources but have been retained as their own categories, thus confusing the meaning of "managed resources" as intended in the new category.

PDD page 50, Section I. Aesthetics - The proposal to recast the existing question on "visual character" to ask whether the project is consistent with zoning or other regulations governing visual character (see proposal below) may be problematic. This is because there are projects (such as infrastructure projects) that are proposed to be located in areas (such as agricultural zones) that do not have applicable or

comprehensive regulations pertaining to aesthetics. The intent of a jurisdiction relative to the protection of resources and aesthetics, particularly relative to open space and agricultural areas, is often presented as general policies rather than regulations. Therefore, aesthetic impacts to open space and agricultural areas may not be recognized with the application of the question as revised. Furthermore, zoning ordinances of a county or city do not apply to the location or construction of facilities for the production, generation, storage, or transmission of water or wastewater (Government Code Section 53091). So, the CEQA evaluation for a water or wastewater project could potentially have no evaluation of aesthetic impacts.

**~~e) Substantially degrade the existing~~
Substantially degrade the existing visual
character or quality of public views of the
site and its surroundings in conflict with
applicable zoning and other regulations?**

PDD page 55, VI Geology and Soils - The detailed questions that currently exist in the Geology Soils section are particularly helpful in making sure that the environmental analyst (who may not be a geologist) considers a comprehensive list of potential conditions (e.g., faults, groundshaking, liquefactions, landslides, soil erosion, subsidence, lateral spreading, collapse and expansive soils). Eliminating the Geology and Soils section and lumping some of these questions into a portion of a question under the Hazards and Hazardous Materials section and a portion of a question under the new Open Space, Managed Resources and Working Landscape section will likely result in inadequate consideration of these potential hazards and make it more difficult for reviewers that want to focus on geology and soils to evaluate the adequacy of the Initial Study.

PDD page 58, VIII Hazards and Hazardous Materials – Consolidating related questions such as the two currently separate questions on potential hazards associated with private and public airstrips may save some space on the form. However, there will be an increased potential for the person(s) conducting the Initial Study to forget to cover one of the two items when responding when separate questions are lumped. However, it is acknowledged that the responses / supporting data to separate questions are often lumped together in Initial Studies. This would be the same situation with the consolidation of questions pertaining to historical resources and unique archaeological resources; as well as temporary and long-term noise impacts.

PDD page 58, VIII Hazards and Hazardous Materials – Why lump noise associated with airports under hazards rather than keep it with the evaluation of other sources of noise? Typically, noise analyses are prepared by one individual and by splitting out airport noise, there will likely be increased incidences of airport noise not being properly evaluated (especially if the airport is not in close proximity to the project site.) Additionally, exposure to airport noise may be considered significant while not being a hazard per se.

PDD page 61, IX Land Use and Planning - The proposed removal of the word “applicable” from the Land Use and Planning question b (see below) is objectionable from the point of this CEQA practitioner in that the number of applicable land use plans and policies itself can sometimes be overwhelming to identify,

review and analyze; as such, what benefit is there to expanding the consideration of plans and policies to include those that are not applicable? How would one know what the limits of possible plans and policies that should be considered are?

b) ~~Conflict~~ Cause a significant environmental impact due to a conflict with any **applicable land use plan, policy, or regulation ~~of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance)~~ adopted for the purpose of avoiding or mitigating an environmental effect?**

PDD page 62 new XI Open Space, Managed Resources and Working Landscapes –

The term “working landscapes” is not one that is commonly recognized. If it is going to be used as a heading and / or in a question, perhaps it should be defined as it is not intuitive.

Why include a question pertaining to impacts to habitat required for the preservation of fish and wildlife species, including habitat corridors under Open Space, Managed Resources and Working Landscapes rather than Biological Resources since it is a question that most usually will need to be addressed presumably by the same biologist that addresses the questions in the Biological Resources section? In other words, this question would more appropriately be included in the Biological Resources section. Please keep in mind that a setting discussion as well as an impact analysis usually follows the questions in the checklist. It is easier to have the entirety of the setting discussion for a subject such as biological resources consolidated into one area. The setting from one area can be references in another part of the Initial Study; however, this is somewhat annoying for the reader and should be avoided when possible.

In my opinion, this new lumped category weakens the Initial Study checklist from an organizational standpoint rather than improving it and will likely cause unnecessary confusion for decision-makers, the public and CEQA practitioners. It would be preferable to: 1) keep habitat and oak woodland questions under Biological Resources; 2) make Paleontological Resources its own category; 3) place the unique geological features question under Geology and Soils; 4) keep Agriculture and Forest Resources as its own subject or two subjects; 5) include discussion of flood hazards under hazards instead of this new category; 6) discuss faults, liquefaction, erosion, loss of minerals, etc. under Geology and Soils rather than this new

heading; 7) include potential wildfire impacts under hazards rather than this new heading or include it in the proposed new section XVIII dedicated solely to wildfire; and 8) keep Recreation as a separate heading.

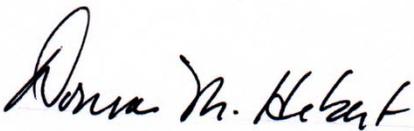
PDD page 67, XVI. Transportation –

a) Conflict with ~~an applicable~~ plan, ordinance or policy ~~establishing measures of effectiveness for the~~ addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes and pedestrian paths? ~~;~~ ~~taking into account all modes of transportation including mass transit and non motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?~~

The proposed removal of the word “applicable” from item a leads to confusion. Please see discussion under Land Use above.

Many lead agencies will use the revised checklist as is rather than as a basis to tailor their own, therefore, it is important to produce a checklist that provides the most thorough yet succinct and user friendly guidance possible. I appreciate OPR’s solicitation and consideration of comments on the preliminary draft revisions.

Respectfully,



Donna Hebert
2360 Pima Lane Ventura, CA 93001