

Memo

To: Governor's Office of Planning and Research

From: Al Herson, JD, FAICP

Subject: Comments on August 11, 2015 Discussion Draft of the Initial Study Checklist

Date: October 12, 2015

General Comment: The existing organization of the Initial Study checklist should be largely retained. Most EIR preparers use the Initial Study environmental resource topics (Roman numerals) to organize EIRs, use the questions as thresholds of significance, and using the existing checklist organization to assign technical specialists to particular environmental resource topics. The below comments are offered to avoid confusion and inefficiencies in CEQA document preparation, and better align the proposed checklist with current CEQA practices.

Specific comments:

1. Retain agriculture and forest resources as a separate environmental resource topic. Retain existing question except (e). Rationale: see general comment. Question(e) is recommended for deletion because it is too open-ended and general.
2. Retain geology and soils as a separate environmental resource topic. Rationale: see general comment.
3. Question V(b): rephrase as "increase fossil fuel use or use energy wastefully." Rationale: the current question is phrased as a beneficial impact, not an adverse impact.
4. Question VIII(h): Retain the flooding question in the hydrology section, and the soils and geological hazards question in the soils and geology section. Do not combine these with wildland fires into one global hazards question. Rationale: see general comment. These are three discrete impacts analyzed by different technical specialists.
5. Question IX(c)(iii): Delete "or provide substantial sources of polluted runoff" at end of question. Rationale: This impact is covered by question (a), which asks about water quality degradation.
6. Retain questions IX(g) and (h) regarding flooding and flood hazards. Rationale: See comment 4.
7. Retain questions XII(c) and (d) regarding substantial permanent or temporary increases in noise levels. Rationale: not all noise impacts are covered by the standards in question (a).
8. Delete environmental resource topic XI (open space, managed resources, and working landscapes), and move questions that are retained to the appropriate existing environmental resource categories. Rationale: see general comment. The terms "managed resources" and "working landscapes" represent imprecise planning jargon that will be unfamiliar to many CEQA document preparers, especially those not working on land use or planning projects. The Initial Study checklist questions should be written to have the broadest possible applicability to all project types. Specific recommendations are below.
 - a. Delete question (i) related to habitat because already covered under biological resources. Delete question (ii) related to waters of the state because it is overly-general

and imprecise; water quality impacts on waters of the state are already covered under the hydrology and water quality questions. Move question (iii) related to paleontological and unique geologic features back to the geology and soils topic.

- b. Move questions (i) through (v) related to agriculture and forestry resources back to that topic. Move question (vi) related to oak woodlands conversion to the biology topic. Delete question (vii) related to groundwater recharge because it is already covered by hydrology and water quality question IX(b). Move questions (viii) and (ix) related to soil erosion and minerals back to the geology and soils topic.
 - c. Move question (c) related to recreation impacts to the public services topic.
 - d. Move question (i) related to flooding to the hydrology and water quality topic. Move question (ii) related to wildfires to the hazards topic. Move question (iii) related to unstable soil areas to the geology and soils topic. Move question (iv) related to water quality and water supply to the hydrology and water quality topic.
9. Question XIII(c): Delete this question related to regional jobs/housing fit. Rationale: “regional jobs/housing fit” is imprecise planning jargon that will be unfamiliar to many CEQA document preparers, especially those not working on land use or planning projects. Why is jobs/housing balance per se an adverse population and housing impact? To the extent that a jobs/housing imbalance causes secondary impacts such as increased VMT and emissions, these impacts are already covered in other environmental resource topics.
10. Question XVII (g) related to solid waste regulatory compliance should be deleted. Rationale: There is no reason to single out solid waste as a utility or service system for a regulatory compliance question. In practice, this question is seldom useful in EIR preparation.