
From: Terry Farmer
Sent: Friday, February 14, 2014 9:17 AM
To: CEQA Guidelines
Subject: CEQA Guidelines Update

Good morning,

My comments on the proposed CEQA Guidelines update are provided below. The format I am following is based on the letter "Possible Topics to be Addressed in the 2014 CEQA Guidelines Update", issued by OPR on December 30, 2013.

Section 15061 – While I understand the rationale for the proposed change, I have a problem with the phrase "common sense". In its general usage, "common sense" insinuates a general knowledge that sometimes turns out to be wrong. While there also may be issues with "general rule", I prefer that phrase.

Section 15063 – I agree with the proposed clarification. I would extend this to Sections 15162 and 15163, to clarify that subsequent and supplemental Negative Declarations can be prepared.

Section 15064 – I support adding the definition of a regulatory standard and guidance as to when it may be appropriately used in CEQA, assuming that the regulatory standard would lead to avoidance or minimization of an environmental impact. However, I would like to see further work on this.

The loss of open space example seems redundant, in light of proposed Appendix G changes.

I agree with the proposed addition of a baseline explanation in this section, to clarify its applicability to IS/NDs.

Section 15064.4 – I am confused about designating "business as usual" analysis as not appropriate, especially since the recent *Friends of Oroville* decision seems to approve of such analysis. Does this pertain to projects or plans?

Section 15065 – I would add (reducing greenhouse gas and criteria air pollutant emissions).

Section 15087 – The proposed change as it currently stands may lead to more confusion. What documents that are cited in the EIR may not be made available for public inspection? I would guess that reports containing confidential information (e.g., archaeological surveys) may be one such set of documents. Need more specific guidance here.

Section 15124 – I would be wary about allowing a discussion of project benefits. That could get too close to having an EIR appear to be an advocacy document, particularly if the lead agency is also the project proponent. I think the statement of project objectives should be adequate.

Section 15125 – If an alternative baseline based on changes resulting from climate change is permitted by the Guidelines, more explicit guidance as to when such a baseline may be appropriate is

necessary. Since global climate change is essentially a cumulative impact, I think discussion under cumulative impacts would be sufficient, and an alternative baseline would not be necessary.

Section 15126.4 – The proposed changes seem good, but a discussion of mitigation banking does not seem necessary.

Section 15370 – Agree. In addition, note that purchase of conservation easements may also be appropriate mitigation, in light of a recent court decision.

Appendix G

- The conversion of open space issue can be dealt with by expanding on the existing questions in the checklist, rather than providing a separate question.
- Cumulative loss of agricultural land can be dealt with by expanding on existing questions.
- My inclination is to split the question on paleontological resources and unique geologic features. Leave the portion on paleontological resources in Cultural Resource, and move the unique geologic features portion to Geology and Soils.
- I agree with deleting question (c) in the Land Use section.
- In light of the recent court decision in San Diego regarding parking, I would add a parking question to the Transportation section, but phrase it such that it addresses impacts of parking in surrounding areas, not on whether parking meets set standards. Exceptions can be made for qualified TOD projects.
- I would like to see either a new question or a modification to question (c) in the Aesthetics section to address whether a project conflicts with a design ordinance or guidelines adopted for the purpose of avoiding adverse visual impacts or improving the aesthetics of the built environment.

New Appendix: Mitigation Monitoring and Reporting Program – Since what is placed in the CEQA Guidelines is typically adopted for general use, I would be interested in seeing what is proposed first. Some jurisdictions have developed their own MMRP formats.

Thank you for the opportunity to provide comments on the update.

Terry Farmer