



August 12, 2018

TO: Napa County Dept of Planning, Building and Environmental Services
RE: Comments on Revised Draft Climate Action Plan

Dear Director Morrison and Planner Hade,

The following comments are submitted on behalf of Napa Climate NOW!

1. The Revised Draft does not address how Napa will meet the state goals for the reduction on Short-Lived Climate Pollutants per SB 1383.

Question: Does the County have a plan to respond to these requirements?

2. We do not believe the CAP as proposed will meet the requirements for a CEQA qualified plan because it will not meet the following requirement: (CEQA 15183.5, (1)(D)) “: “Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;”

Question: Has the County submitted the CAP to the Bay Area Air Quality Management District for review and comment to see if the Plan will meet CEQA standards?

3. The following measures are responsible for 55.1% of the projected 2020 emissions reductions:
 - LU-1 & LU-3 (pg 221-222): Assumes in 2020 that 21,039 trees would be cut, 14,727 would be “repurposed” and 2500 trees would be replanted. This would result in a reduction of 17,916 MTCO₂e or 38.5% of the Total Reduction for 2020.

- BE-4 (pg 219): Assumes in 2020 that all residential gas water heaters over 10 years old (and 50% of gas water heaters over 5 years old) will be replaced by electric or renewable fueled heaters for a reduction in emissions of 6,096 MTCO₂e or 13% of the total.
- AG-1 (pg 215): Assumes in 2020 that all diesel irrigation pumps are converted to electric for a reduction of 1,696 MT CO₂e or 3.6% of the total.

Question: What is the “substantial evidence” that these measures and reductions would be achievable by 2020?

Thank you,
Chris Benz
Napa Climate NOW!

AUG 15 2018

Agenda Item # 7A

I am submitting the following comments on behalf of California River Watch (CRW), an Internal Revenue Service Code § 501(c)(3) non-profit, public benefit corporation organized under the laws of the State of California. Its headquarters and main office are located in Sebastopol. Its mailing address is 708 Gravenstein Hwy North, Suite 407, Sebastopol, CA 95472.

CRW has the following concerns regarding the Napa County Revised Draft Climate Action Plan (CAP):

1. Failure to Provide an Accurate Description of Existing Conditions :

The CAP GHG Inventory understates GHG emissions generated by land use activity in the unincorporated County by limiting the range of emissions from vehicle miles traveled (VMT) included in its calculations to VMT from trips which begin or end in the unincorporated County or the Bay Area region. (CAP Appendix A. 1.5) The CAP justifies this restricted range of emissions as follows:

“Like many other local governments in California, the County prepared an emissions inventory using a framework consistent with the Protocol that accounts for emissions sources over which the County would have ‘significant influence’.” (CAP 2.1.2.)

This is exactly the same rationale presented, unsuccessfully, by Sonoma County in defense of its CAP. For local jurisdictions like Sonoma and Marin Counties, with economies that generate millions of VMT in the course of global export of locally produced wines and attraction of millions of tourists per year, their local governments have ample ability to significantly influence the generation of these VMT induced emissions through the permitting process. These long range emissions are the intended result of land use decisions made by local governments when they issue permits for the vineyards, wineries, event centers, hotels and other tourist destinations which generate billions of dollars in local revenues. These emissions fall squarely within the category of production- and activity-based emissions that are generated from local activities.

CRW contends that the full range of VMT induced emissions generated in the course of the global distribution of wines produced in unincorporated Napa

County and in the course of travel to and from tourist destinations in unincorporated Napa County must be included in the CAP's GHG inventory to provide an accurate description of existing conditions, i.e. the environmental baseline. The CAP tries to justify its limited range of VMT induced emissions by conflating the inclusion of extra regional VMT emissions with a full life cycle carbon footprint. (CAP 2.1.2.) As the CAP contends, there are private decisions made by individuals residing in the County regarding consumption and travel, which generate emissions over which the County has no control or influence. CRW is not proposing that all those emissions should be included in the County's GHG inventory. CRW is proposing that VMT induced emissions that were contemplated and encouraged by local government agencies when they issued permits for business operations that could only succeed by generating millions of metric tons of VMT induced emissions should and can be reasonably attributed to those business activities.

The CAP raises the concern that a more inclusive GHG Inventory could result in double counting. (CAP 2.1.2) The RTAC method, which the CAP employs, includes emissions from 50 percent of trips that either end in or depart from the unincorporated County. It is designed to avoid double counting. If a truck load of wine starts out from Napa County and ends up in Beijing China, and every jurisdiction along the route employs the same RTAC method, which excludes emissions from pass-through trips, there will be no double counting. It is a point of origin- point of destination method of emissions attribution. 50% of the emissions would be attributed to unincorporated Napa County, 50% to Beijing China.

CRW contends, as it did regarding the Sonoma County CAP, that the omission of the millions of metric tons of VMT induced global emissions from the dominant local business activities in unincorporated Napa County distorts the CAP's GHG Inventory to the extent that it lacks sufficient information for informed decision making and public participation.

The CAP contends that the reduction targets established under Assembly Bill (AB 32) and Senate Bill (SB 32) did not attempt to account for the State's global

carbon footprint. (CAP 2.1.2.) Again, CRW is not proposing that unincorporated Napa County account for its global footprint, just for VMT induced emissions generated by activity permitted by County agencies.

The CAP further contends that “The County’s inventory was prepared in accordance with the U.S. Community Protocol for Accounting and Reporting Greenhouse Gas Emissions (International Council for Local Environmental Initiatives [ICLEI] 2012). According to this Protocol, local governments retain discretion regarding the scope of emissions to be included in a local community emissions inventory. Like many other local governments in California, the County prepared an emissions inventory using a framework consistent with the Protocol that accounts for emissions sources over which the County would have ‘significant influence’. These sources primarily include community-wide activities that generate emissions within the boundaries of the unincorporated County; however, in the case of transportation, on-road vehicle trip origins and destinations may be located within the County (as a whole) or the broader region (i.e., the San Francisco Bay Area).” (CAP 2.1.2.)

The latest 2014 version of the ICLEI Global Protocol for Community-Scale Greenhouse Gas Emission Inventories (GPC), reflecting the most up to date scientific consensus, provides a standard methodology that local jurisdictions all over the world may use to estimate their local emissions. The GPC defines different scopes for transportation induced emissions. Scopes 1 and 2 include emissions from transport of people and freight within city or county boundaries and emissions from the generation of electricity for electric vehicles. This is the “Basic” level. The “Basic +” level includes scopes 1 and 2 plus scope 3, emissions from all trans boundary trips that either originate or terminate within the city or county boundaries. The Protocol requires that, **“where these sources (trans boundary trips) are significant”, they should be reported.** (GPC p.12, emphasis added). Clearly, scope 3 trans boundary transportation induced emissions are significant for Napa County and should be reported as part of the unincorporated County GHG Inventory.

2. Failure To Present Sufficiently Specific, Enforceable GHG Emissions Reduction Measures With Clearly Defined Performance Standards

Whether the CAP will actually result in reducing GHG emissions depends on whether it is based on accurate, sufficiently inclusive data and analysis in the GHG inventory, and whether its reduction measures are reasonably likely to be implemented and to result in the projected GHG reductions.

Many of the “primary measures” identified in the CAP as resulting in quantifiable GHG reductions are defined in terms that are too vague to be enforceable as a practical matter or that defer specifically defined measures to a future point in time. For example;

Building Energy Measures;

“BE-3 Increase participation in MCE’s Deep Green (100% renewable) option “ Here there is no defined level of increased participation, yet estimated yearly GHG emissions reductions of 4,005 MTCO₂e by 2020, 1,384 MTCO₂e by 2030. The CAP’s additional explanation, “The County will consider subsidizing the extra cost of opting into Deep Green (e.g., \$0.01 per kilowatt hour) for low-income households, and will develop incentives for wineries, hotels, and other businesses that opt into Deep Green. The County will also work with MCE to promote awareness of the Deep Green Option”, fails to provide specific terms.

“BE-5 Expand current renewable energy and green energy incentives and update local ordinances”- No specific definition of “expand”, the content of updated local ordinances deferred for future definition. The CAP’s additional explanation, “The County will continue to provide expedited permitting incentives for installing solar panels, electric vehicle charging stations, and wind turbines. The County will also consider expanding incentives to other green technologies (e.g., solar water heating systems, geothermal ground-source heat pumps, micro-turbines, and battery storage). The purpose of the ordinance update would be to ensure that ground based solar systems would not count against residential acreage limits on agricultural land uses. Any modifications to ordinances under this measure will ensure that ground-based solar panels will not change residential acreage limits

on agricultural land uses.” , again lacks specific terms, no specifically defined quantified incentives.

“BE-7 Support Waste-to-Energy Programs at Unincorporated Landfills “- “Support” undefined. The CAP’s additional explanation, “The County will encourage landfills located in the county to pursue waste-to-energy programs that convert waste-based fuel to usable energy that can offset a facility’s non-renewable energy usage.” adds no more specific language.

On-Road Transportation Measures;

“TR-1 Update Transportation System Management Ordinance (for employers)” estimated to reduce yearly GHG emissions by 4,818 MTCO₂e by 2025, 5823 MTCO₂e by 2030. The CAP’s additional explanation- “ The updated ordinance will include measures to reduce commute trips to workplaces within the county as well as a program to oversee implementation of these measures at businesses. The County may consider a point-based system that allows employers with more than 20 employees to choose the best trip reduction measures that work for them. The County may recommend a list of trip reduction measures, such as preferential parking for carpools/vanpools or providing shuttle service. The ordinance could also establish a measurable target (e.g., percent increased vanpool ridership and number of transit pass sales)” offers some possible alternative measures but does not mandate that at least one be adopted. Thus other measures could be proposed to satisfy the required update. This is a clear example of unacceptable deferred mitigation under CEQA.

Measure TR-3 “Increase affordable housing, especially workforce housing, in Napa County”; Explanation-“ The County will increase affordable housing (including workforce housing) through implementation of policies and programs in the County’s Housing Element, and by promoting and encouraging the development of affordable housing and transit-oriented development (TOD) in priority development areas in the County as allowable under the County’s jurisdiction. Also, the County will encourage the development of housing closer to jobs and

services. The Napa Valley Transportation Authority's (NVTA) Countywide Transportation Plan (Vision 2040) predicts growth in low-wage employment throughout the County. Given the many low-wage jobs already located in the county VMT from commuting will increase without sufficient affordable housing in the County." Here there is nothing but generic, aspirational language.

The above examples are typical of the generic, aspirational language in many of the CAP's "Primary Measures" to which quantified estimated yearly GHG emissions reductions are assigned. This clearly violates CEQA requirements for mitigation measures with clearly defined performance standards and prohibition against deferred mitigation.

The combination of an inadequate GHG Inventory that under estimates VMT induced emissions from activity permitted by County agencies and inadequately defined GHG reduction measures results in a lack of sufficient information to support the conclusions that the CAP will result in the projected future GHG emissions levels

Jerry Bernhaut
Law Office of Jerry Bernhaut
23 Woodgreen St.
Santa Rosa, CA 95407
email; j3bernhaut@gmail.com
tel: 707-595-1852

Attorney for California River Watch