

From: [Morrison, David](#)
To: [Hade, Jason](#); [Erik de Kok](#)
Subject: FW: CAP
Date: Sunday, July 02, 2017 7:33:38 AM

Sent with Good (www.good.com)

From: Kit Long
Sent: Sunday, July 02, 2017 7:23:34 AM
To: Joelle Gallagher; Terry Scott; Anne Cottrell; Michael Basayne; Morrison, David; Jeri Gill
Subject: CAP

I believe the current CAP plan must be rejected. The measures it suggests are not significant in meeting the urgency of climate change. We know from analyzing radiative forcing levels of the Short Lived Climate Pollutants that the GMT will be at 2.0°C within the next decade.

Napa County has an opportunity to lead in meeting this crisis. This valley is known throughout the world, and policies that we create here can have a broad influence. Converting water heaters, irrigation systems and recreational vehicles to electric are well intentioned, but more must be done. County policy makers have a duty of care to create solutions that can make a difference, and educate our citizens as to why they are needed.

I urge you to take this opportunity to continue developing the CAP, and work with the knowledge of informed local citizens and stakeholders. The SLCP's must be measured with the most current standards instead of formulas nearly 3 decades old which are based on projections that CO2 levels would be problematic in 100 years. Warming is occurring more rapidly than originally projected. The new metrics are available and should be adopted going forward.

Climate science changes rapidly as we learn more. The CAP must be researched and improved in an ongoing process, and changes updated annually. I would certainly support the creation of climate plan advisor position to work with the Planning Commission and Board of Supervisors to ensure they have the most recent research for solutions. Climate change is unprecedented at must be given economic priority. We all have read the statistics of how much it will cost to ignore it.

Sincerely,

Kit Long
Napa CA

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From: [Morrison, David](#)
To: [Erik de Kok](#); [Hade, Jason](#)
Subject: FW: Battery Technology
Date: Sunday, July 02, 2017 12:52:02 PM

Sent with Good (www.good.com)

From: Steven & Sandra Booth
Sent: Sunday, July 02, 2017 11:17:15 AM
To: Wagenknecht, Brad
Subject: Battery Technology

Brad,

Just a quick note to pass along information on battery technology (see link, attached) that will help humans move toward a zero emission future, especially zero emission vehicles (ZEV's) since it seems historically obvious humans have a unrelenting urge to move around up, down, and all over the place - by land, water, air, and in space.

Also, new battery technology will enable humans to eliminate the need for fossil fuel based (dinosaur era) power generation and transmission.

And, don't forget the ubiquitous use of electronic devices.

The elimination of the major negative impacts from human travel and power generation and transmission is the looming imperative to halt and reverse global heating and climate change. We've got to put a CAP on climate change NOW! not later.

For the health and welfare of people and the planet, let's move toward zero emissions without delay for a positive change that benefits everyone

Your aware and concerned citizen,

Steve Booth

www.pocket-lint.com/news/130380-future-batteries-coming-soon-charge-in-seconds-last-months-and-power-over-the-air

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Napa Group,
PO Box 5531
Napa, CA 94581

Napa County Board of Supervisors
Napa County Planning Commissioners

July 1, 2017

Dear Supervisors and Commissioners:

We thank you for the opportunity to comment on the Climate Action Plan.

The CAP is a step forward in addressing Napa County's contributions to greenhouse gases, however we believe that the methodological foundations of the plan are so seriously flawed as to render the CAP non-compliant with state law.

During the many years that Napa has delayed its Climate Action Plan, both the science and State policies have moved ahead. This CAP is founded on outdated science, and does not meet current State policy imperatives.

Carbon Sequestration in Plants and Soils

For more than a decade the Napa Sierra Club has advocated for meaningful accounting and mitigation for loss of carbon sequestration when woodlands and forests are converted to other uses, most usually to vineyards.

We agree with Ron Cowan of Quercus Group, the expert commentator for Vision 2050, that the CAP does not use accurate methods for accounting for vegetation and soil carbon cycling.

The County itself suggests, in Master Response 4, that they could consider working with experts "such as Quercus Group" that have "already invested research in County-specific analysis for "future CAP efforts". As Mr. Cowan points out, vineyard developers always perform soil analysis during the process of conversion. This means that the County already has access to the necessary data for assessing carbon soil sequestration on a project by project basis. There is no reason to delay accurate accounting until "future CAP efforts"

Short-Lived Climate Pollutants (SCLPs)

As the commentators from Vision 2050 and Napa Climate NOW have both pointed out, the CAP metrics for SCLPs are based on outdated science, which has been abandoned by the California Air Resources Board (CARB). Current science recognizes that SCLPs such as methane and black carbon exert many times the climate-warming effects of carbon dioxide. To effectively address global warming we *must* address these pollutants, and the legislature via SB 605 (2014) and SB 1383 (2016) demands that this

be done. CARB's updated SCLP Reduction Strategy takes effect a mere 6 months from now. It calls for a 50% reduction in anthropogenic black carbon and a 40% reduction in methane emissions by 2030. Napa cannot ignore this major change to climate strategy.

Because this CAP does not reflect the current science, it is not compliant with CEQA regulations. We ask that the current version be returned to the Planning Department for revision to reflect current science and policy.

Thank you for your consideration,



Nancy Tamarisk
Vice-Chair, Napa Sierra Club

members

- Black Stallion Winery
- Cakebread Cellars
- Catlin Farm
- Constellation Brands U.S.
- Duckhorn Vineyards
- Far Niente Winery
- HALL Wines
- Harlan Estate Winery
- Joseph Phelps Vineyards
- Jackson Family Wines
- Michael Mondavi Family Estate
- Piña Vineyard Management
- Renteria Vineyard Management
- Round Pond Estate
- Rombauer Vineyards
- Silver Oak Cellars
- Silverado Premium Properties
- Swanson Family Estate
- Trefethen Family Vineyards
- Trinchero Family Estates



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July 3, 2017

Mr. Jason Hade
Napa County Planning, Building & Environmental Services
Planning Division
1195 Third Street, 2nd Floor
Napa, CA 94559

RE: Final Draft of Napa County Climate Action Plan

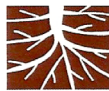
Dear Mr. Hade:

On behalf of the Winegrowers of Napa County (“Winegrowers”), we submit the comments below on the proposed Final Draft of the Napa County Climate Action Plan (the “Draft CAP”), which was made available to the public on June 8, 2017. Winegrowers is a non-profit association of vintners and grape growers whose principal mission is to promote and preserve sustainable agriculture as the highest and best use of the County’s natural resources while protecting the ability of wineries and grape growers to grow grapes and produce and market wine. Our general comments are presented in bold below with associated comments and analysis thereunder.

The 2014 GHG emission inventory under the “Business-As-Usual with Legislative Reductions” does not include the GHG reductions associated with the Cap and Trade program for Fuel Producers and Importers.

The Draft CAP includes analysis of both the “business-as-usual” (BAU) forecasted emissions based on a continuation of current trends in activity and the BAU with Legislative Reductions, which accounts for regulatory actions taken by State or Federal agencies. This information is used to determine what the scale of local reductions are needed to achieve the GHG emissions reduction targets, in addition to legislative actions. (Draft CAP, p.2-10.) In other words, the County and other local agencies include the legislative actions into future forecasts in order to account for these reductions in GHG emission forecasts so that the County’s CAP can focus on addressing the remaining reductions necessary after accounting for these legislative actions. These legislative actions result in reduced County GHG emissions, without local government action called for in the Draft CAP. (Draft CAP, p.2-11.)

Based on a review of the legislative actions listed in the Draft CAP, the California Cap-and-Trade Program has not been included. As a result, the County has not accounted for how this program mitigates the GHG emissions from fuels, such as gasoline, diesel, propane, and natural gas and offsets emissions generated by the use of these fuels within the County. The Cap-and-Trade Program places an economy-wide “cap” on major sources of GHG emissions, including refineries, power plants, industrial facilities and transportation fuels. The California Air



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Resource Board (CARB) provides the following description of the Cap-and-Trade Program for fuels:

Starting on January 1, 2015, the carbon pollution (greenhouse gas emissions) from fuels, such as gasoline, diesel, propane, and natural gas, was covered under the Cap-and-Trade Program. Fuel suppliers are required to purchase pollution permits to cover the carbon pollution produced when the fuel they supply is burned. (Exhibit A, CARB Information for Entities That Take Delivery of Fuel of Fuels Phased into the Cap-and-Trade Program Beginning on January 1, 2015.)

The CARB 2017 Scoping Plan Update includes the continuation of the Cap-and-Trade Program in its Proposed Scenario. Therefore, it is appropriate to include the program as a legislative action within the final CAP that will reduce GHG emissions associated with the burning of covered fuels. (CARB 2017 Scoping Plan Update, p. 32.)

The absence of any accounting of the GHG reduction benefits associated with the Cap-and-Trade Program raises concerns about double-counting GHG emissions and thus overstating the actual amount of emissions generated by the County. For instance, the U.S. Community Protocol for Accounting and Reporting of GHG Emissions includes a section that provides useful examples of typical double-counting scenarios and ends with the following words of caution:

For all of the reasons described above, great care should be taken in any aggregation of emissions. A full representation of how a community contributes to GHG emissions will benefit from inclusion of more than one “total” figure and reporting framework. It is exceptionally difficult to add all emissions together into a single comprehensive total without some double counting. (U.S. Community Protocol for Accounting and Reporting of GHG Emissions, Version 1.1, (July 2013) pp. 47-49)

Given that the CARB 2017 Scoping Plan Update references the U.S. Community Protocol for Accounting and Reporting of GHG Emissions for purposes of local CAP preparation, the County should explore the issue further to ensure that our community is not inappropriately burdened by GHG reduction goals that do not accurately reflect its actual GHG emissions.

The Draft CAP’s GHG emission forecasts appear to use growth projects that are different from those used in the General Plan EIR.

The Draft CAP utilized County-specific demographic and vehicle activity projections through 2040 from the Metropolitan Transportation Commission (MTC) to establish the demographic trends included in its forecast of GHG emissions. (Draft CAP, pp. 2-10 and 2-11.) The County General Plan Draft EIR references different data sources in its Population/Housing/Employment section, describing the data relied on in its analysis as follows:

This section analyzes the socioeconomic conditions within Napa County. Within this section are discussions on the population characteristics, housing, and employment opportunities within the Planning Area. Population data relies on several resources including: 1990 and 2000 U.S. Census data and U.S. Census Bureau, 2005 Population Estimates; The Association of Bay Area Governments (ABAG) 2003 and 2005 projection data; population projections prepared by Keyser Marston Associates, Inc. (KMA), 2006; the Napa County Baseline Data Report (BDR), 2005; and the State



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Income Limits for 2006 from the State of California, Department of Housing and Community Development. Multiple data sources from different years were used for this analysis in order to present existing population trends and to develop reasonable housing and employment projections for each alternative. (General Plan Draft EIR, Section 4.3, p. 4.3-1.)

In addition, the Draft CAP states that “[t]he forecasts also consider anticipated changes in land use based on Napa County General Plan. These land use change forecasts not only affect housing and population, but they also indicate losses in natural vegetation, such as oak woodlands and forests, that sequester CO₂ from the atmosphere.” (Draft CAP, p. 2-11.) The Draft CAP Technical Memorandum Memo #1, dated August 25, 2016 states the following:

Fundamentally, emissions forecasts from land use change are based on anticipated land use changes and associated cover types under buildout of the County’s 2008 General Plan. Guided by the General Plan, the County provided acreage forecasts of anticipated conversions of natural lands to vineyards or urban uses from 2005 to 2020 and 2030, as shown in Table 38. (Draft CAP, Appendix A, Technical Memorandum Memo #1- Greenhouse Gas Emissions Inventory and Forecasts.)

The Napa County General Plan Draft EIR evaluated four scenarios for development of vineyard between 2005 and 2030. “The amount of vineyard development projected was determined by reviewing the trend line from 1958 to the present, reviewing the type and acreage of recent and pending applications for erosion control plans, considering the accessibility and availability of suitable lands, and the likely influence of other factors over time such as land economics and global competition.” (Napa County General Plan Update Draft EIR, February 2007, pp. 4.0-1 and 4.0-2.) These four scenarios ranged from 10,000 to 15,000 acres of new vineyards. (*Id.* at Appendix H, p. 10.) However, the Draft CAP, while stating it uses a conservative approach,¹ diverges from the General Plan projections by using 8,574 acres for its projected acres of vineyard development between 2005 and 2030. (Draft CAP, Appendix A, Table 38, p. 40.)

Based on these different data sources and acreage assumptions it is unclear whether the Draft CAP’s development assumptions are consistent with the General Plan projections or rely on more recent data not available at the time the General Plan was updated. This is an important issue that requires clarification given the County’s reliance on the CAP being consistent with the General Plan EIR analysis for compliance with the California Environmental Quality Act (CEQA) and the use of the CAP by future projects for purposes of streamlining the project’s CEQA analysis related to GHG emissions.

The Draft CAP’s use of GHG percent reductions versus use of an efficiency factor.

The CARB 2017 Scoping Plan Update recognizes the use of a per capita or per service population GHG efficiency metric. (CARB 2017 Scoping Plan, p. 133.) The Draft CAP neither discusses this approach nor explains why the County did not consider using it. Please provide an explanation of how the use of an efficiency factor compares with the proposed approach used in the CAP. For

¹ “The land use change forecast method assumes that all future development assumed under the General Plan would result in a complete loss of all existing vegetation on a typical project site. This is a conservative, worst-case assumption and differs from typical losses sustained in actual individual development projects, in which not all existing vegetation is typically permitted for removal due to open space conservation, mitigation, and buffering requirements.” (Draft CAP, Appendix A, p. 42.)



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instance, how does the use of service population change the efficiency factor verses the use of the per capita approach verses the current approach. Given that many of the employees who work in the unincorporated County live in other jurisdictions the service population approach may be useful in more accurately determining the efficiency of these businesses' GHG emissions. Inversely it may prove to be inappropriate or provide no tangible benefits verses the Draft CAP, but without any analysis or discussion one cannot reach such a conclusion.

CEQA streamlining for future discretionary projects is best provided by reliance on the partial statutory exemption provided for in Public Resources Code 21083.3

The Draft CAP states that the County will use the CAP to streamline the analysis of project-level emissions. More specifically, the Draft CAP provides:

[I]f a project can show consistency with applicable GHG reduction measures in a CAP, the level of analysis for the project required under CEQA with respect to GHG emissions can be reduced considerably (i.e., detailed analysis of project-level GHG emissions and potential climate change impacts is not needed). Furthermore, a project's incremental contribution to cumulative GHG emissions may be determined not to be cumulatively considerable. (Draft CAP, p. 5-4.)

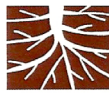
However, assuming that the Draft CAP meets Section 15183.5's criteria for a GHG reduction plan, it is uncertain whether the County can streamline its CEQA review for a particular project due to the absence of a specific CEQA analysis for the Draft CAP. Since there is no specific CEQA analysis for the Draft CAP, future projects will have to rely upon the General Plan EIR's analysis and conclusions. However, the General Plan EIR concludes that the County's GHG emissions will remain significant and unavoidable, even with the adoption of the CAP.

In assuming the Draft CAP will provide streamlining opportunities for future projects, the County relies on CEQA Guidelines Section 15183.5, subd. (a), which states in part that:

Lead agencies may analyze and mitigate the significant effects of greenhouse gas emissions at a programmatic level, such as in a general plan . . . or separate plan to reduce greenhouse gas emissions. Later project-specific environmental documents may tier from and/or incorporate by reference that *existing programmatic review. Project-specific environmental documents may rely on an EIR containing a programmatic analysis of greenhouse gas emissions as provided in section 15152 (tiering), 15167 (staged EIRs), 15168 (program EIRs), 15175-15179.5 (Master EIRs), 15182 (EIRs Prepared for Specific Plans), and 15183 (EIRs Prepared for General Plans, Community Plans, or Zoning).* (Emphasis added.)

In practice, the only CEQA document that the County can tier from and/or incorporate by reference is the General Plan EIR, which as previously stated concludes that GHG impacts are significant and unavoidable. As a result, questions remain as to whether future discretionary projects can rely upon a categorical exemption, negative declaration, or mitigated negative declaration since reliance on the CAP for mitigating GHG and Climate Change impacts leads back to the General Plan EIR's conclusion that GHG impacts are significant and unavoidable, even if compliant with the CAP. (See *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98²

² This decision invalidated a portion of CEQA Guidelines section 15152 that identified when a first-tier CEQA document had "adequately addressed" an impact such that the agency did not need to revisit the impact in its second-tier document. Under the



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and CEQA Guidelines Section 15183.5 requiring preparation of an EIR regardless of CAP compliance where substantial evidence of significant impacts exists).

These CEQA streamlining issues and the limitations of *Communities for a Better Environment v. California Resources Agency* are best addressed by taking advantage of the partial statutory exemption provided by Public Resources Code Section 21083.3, as embodied in CEQA Guidelines Section 15183. This statutory exemption is preferable to CEQA's other streamlining provisions, such as tiering and/or incorporation by reference. As noted above CEQA Guidelines Section 15183.5 references multiple CEQA Guideline sections that provide lead agencies opportunities for streamlining the analysis of GHG emissions, one of these is Section 15183. Since Section 15183 implements a statutory mandate, projects that comply with its requirements are not required, with some limited exceptions, to conduct any additional CEQA analysis. Accordingly, the County should make certain that its approval of the Draft CAP includes the legal findings necessary to take full advantage of the CEQA streamlining mechanisms provided by this statutory exemption. Specifically, the findings required pursuant to 15183(e) and (f) regarding "uniformly applied development policies or standards". Pursuant to CEQA Guidelines Section 15183(e) and (f) the CAP approval should take place at a public hearing with all necessary legal findings, including the following:

- (1) The CAP is being approved to implement the 2007 Update Draft EIR mitigation measure 4.8.7, as reflected in Napa County General Plan Action Item CON CPSP-2; and
- (2) The CAP establishes development policies and standards that will substantially mitigate the environmental effect when applied to future projects.

While not the only means for projects to potentially qualify for CEQA streamlining pursuant to Public Resources Code Section 21083.3, these findings provided added legal protections for projects that are in compliance with the CAP GHG reduction measures. Making these findings will allow future projects to rely on uniform development policies and standards (GHG Reduction Measures) to mitigate for GHG impacts. This approach will provide the maximum CEQA streamlining benefits available pursuant to Public Resources Code Section 21083.3.

The Draft CAP and use of the terms Mandatory and Voluntary create Confusion

The County should consider revising the Draft CAP to provide more clarity regarding the applicability and implementation of "Mandatory" and "Voluntary" GHG reduction measures. Based on the plain meaning of these words, their use when compared to how the GHG reduction measures are planned to be implemented creates unnecessary confusion regarding what these terms actually mean and more importantly how the measures will be implemented. For example, the fact that "Voluntary" GHG reduction measures are treated as mandatory for discretionary projects creates confusion. To make matters more confusing "Mandatory" measures, as well as some "Voluntary" measures appear to fall into various categories, such as: (1) mandatory requirements for either ministerial or discretionary projects; (2) County specific actions; or (3) County and private partnerships that appear to result in voluntary programs. As a result it is less than clear as to what these terms actually mean, since they are used in various contexts. For example, "Mandatory" can mean that certain types of permit applicants must comply, the County will initiate a partnership

invalidated Guideline, the agency had "adequately addressed" the impact in the first-tier document if the agency concluded that all feasible mitigation had been identified, that the impact was significant and unavoidable, and nothing further could be done to address the impact. Under such circumstances, the former Guideline provided that the agency did not need to prepare an EIR simply to disclose the significant and unavoidable impact.



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with another entity to promote voluntary GHG reductions, or in other instances it simply directs the County to act unilaterally. Modifying the Draft CAP's Implementation Assumptions for GHG Reduction and Adaptation Measures (Table 5-1) to separate the GHG measures into separate sections/categories or new tables that are categorized as applicable to ministerial projects, discretionary projects, or voluntary programs should be considered for the purpose of clarifying the applicability of the individual GHG measures.

The Draft CAP's Master Response 5 on proposed Agricultural Measures does not adequately address the comments it purports to be addressing.

Master Response 5 attempts to provide responses to numerous comments, the issues that have not been adequately addressed are discussed below:

- Draft CAP does not acknowledge the GHG Benefits of the County's Agricultural Preserve

The County's Agricultural Preserve was established in 1968 for the purpose of protecting the County from urban sprawl and development pressure. Napa County has a long history of agricultural preservation that focuses on continuing to insure the viability of agriculture. Measure J was passed in 1990 and Measure P extending the Measure P protections for an additional 50 years was passed in 2007. These measures continue the County's legacy of insuring agriculture in balance with the environment remains the highest and best use of land. The GHG benefits associated with these local legislative actions, taken as recently as 2007, are not given any consideration in the Draft CAP. This seems counterintuitive given that as a result of these local actions the County has grown relatively slowly, particularly compared to the other counties in the Bay Area. In fact, the population of our entire County is less than the population of Santa Rosa and the General Plan categorized 93 percent of the County as being open space.

The Master Response 5 response states: "[a]ny benefits that may have been achieved as the result of existing policies are already reflected in baseline emissions levels shown in the inventory; or *put differently, estimated emissions in 2014 would have been substantially higher than shown if such policies were not adopted.*" (Emphasis added.) (Master Response to Comments to Draft CAP (June 2017), p.7.) This statement acknowledges that the County has taken local actions that have resulted in slower growth than other counties in the Bay Area; however, the proposed response is to add an additional GHG Reduction Measure, AG-6 to encourage and support the use of carbon farming and other sustainable agricultural practices. The addition of AG-6 is not responsive to comments regarding the Draft CAP's failure to acknowledge the environmental benefits already achieved in the County by existing farming practices and creations and continued support for the agricultural preserve. This response provides no changes to the Draft CAP discussing the County's past actions and the associated GHG benefits.

- Draft CAP must clarify the implementation of GHG Reduction Measures AG-1, AG-2, AG-3, AG-4, AG-5, and AG-6

AG-1: The Draft CAP has been revised to reflect concerns regarding the feasibility of banning open burning of removed agricultural biomass and flood debris. This issue was recently addressed by Napa County's Upper Valley Waste Management Agency (UVA) who determined that feasible options to burning are not currently available. The Draft CAP Implementation Assumptions for GHG Reduction and Adaptation Measures, Table 5-1 has been revised such that AG-1 is no longer



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“mandatory” and is now considered “voluntary”. Despite AG-1 not being included in the CAP Consistency Checklist, LU-3 (limiting burning of trees and other woody debris) is included as “mandatory”. Therefore, the same concerns that led to AG-1 becoming voluntary still exist with respect to LU-3. If LU-3 will be treated as mandatory for discretionary projects, consideration should be given to the feasibility of alternatives to open burning. For instance, onsite disposal may raise other environmental issues (including spreading disease) and possible alternatives to onsite disposal may not be practicable.

AG-2: The prior version of the Draft CAP included a mandatory requirement that all stationary diesel or gas-powered irrigation pumps be converted to electric pumps. This measure raised numerous concerns regarding feasibility, economic impacts, legal constraints (e.g., the need for utility easements), and environmental impacts related to construction. While the Draft CAP states this measure is now voluntary, pursuant to the CAP Consistency Checklist it will be treated as mandatory for discretionary projects. The County has not considered the infeasibility of adopting the measure universally. In instances where electric irrigation pumps are not feasible due to environmental, engineering, legal, or financial considerations, the CAP should provide alternative options, such as alternative fuel powered pumps.

AG-3: This measure is also voluntary, but since it is being treated as mandatory for discretionary projects it raises concerns regarding the availability of equipment that would comply with this measure. Has any research been conducted into the availability of off-road vineyard specific farming equipment that meets these requirements? What equipment does the measure apply to, motorized hand held equipment, ATVs, tractors, construction related equipment, such as, bulldozers? Based on the information presented it is unclear what if any such equipment is readily available or if available whether it has been proven to be functional in actual farming operations. Further, many smaller vineyard operations contract with vineyard management companies, compliance with this measure may prove to be difficult.

AG-4: Based on review of the Climate Action Plan Consistency Checklist, measures AG-3 and AG-4 are listed under the same checklist item which provides the option to comply with either AG-3 or AG-4. Providing this type of flexibility is something we agree with but please see comments above regarding AG-3 and availability of appropriate equipment.

AG-5: In response to AG-1 being changed from mandatory to voluntary, the Draft CAP has been revised to include voluntary measure AG-5. Since this measure does not appear to be included in the Climate Action Plan Consistency Checklist please clarify whether AG-5 will be mandatory for discretionary projects and, if so, how will it be implemented. For instance, the reduction targets of 5 percent by 2020, 10 percent by 2030, and 30 percent by 2050 from 2014 levels of inorganic nitrogen applied in the County do not translate easily to a “new” project. Will the County require best management practices by complied with or will it prohibit the use of inorganic nitrogen?

AG-6: In response to comments regarding the Draft CAP’s lack of acknowledgment of the benefits associated with the creation and continuation of the County’s Agricultural Preserve, the County added AG-6 to the Draft CAP to encourage and support the use of carbon farming and other sustainable agricultural practices (see comment above). Please clarify how AG-6 will be implemented. Have any studies been done on the appropriateness of carbon farming in various soil types and the possible impact on wine quality or increase in farming soil inputs to account for this change in soil characteristics?



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The CAP contains 88 GHG Reduction Measures that will require substantial staff, consultant, and financial resources to implement and monitor to insure that the CAP's targets and CEQA streamlining objectives are met.

“Ensuring that the measures translate to on-the-ground results and reductions in the GHG emissions is critical to the success of the CAP.” (Draft CAP, p. 5-3.) The Draft CAP contains 88 GHG Reduction Measures the vast majority of which are identified as requiring County collaboration and administrative capacity to implement. Of the 88 GHG Reduction Measures, 41 are required within 1-3 years, an additional 41 are required within 4-7 years, with the remaining 6 required by 2030. (Draft CAP, Table 5-1, pp. 5-7 to 5-16.)

Although the Draft CAP acknowledges that implementation of the GHG Reduction Measures will result in costs associated with start-up, ongoing administration, and enforcement, it does not analyze what these costs may be or how the County will sufficiently fund the implementation of the measures to ensure that it meets the implementation schedules. Additionally, the Draft CAP states that “the CAP will need to be updated and maintained if it is to remain relevant and effective.” This requires not only implementing the measures, but County staff must evaluate and monitor the plan’s performance over time, including updating GHG emissions inventories and analyzing GHG performance measures (Draft CAP, p. 5-17.) Given the potential long-term and significant costs associated with implementing and updating the Draft CAP, please provide a summary of the expected budget implications associated with the CAP. Without understanding the budget implications of the adoption of the Draft CAP, the County cannot ensure that it will be managed in a manner that will provide the anticipated co-benefits, such as reduced GHG emissions and CEQA streamlining?

Thank you for the opportunity to comment on the Draft CAP. If you have any questions regarding these comments, please contact me at 707-738-4847.

Sincerely,

Michelle Benvenuto
Executive Director



Via Electronic Mail and USPS (w/Attachments)

Jason R. Hade
Napa County Planning Building & Environmental Services Department
1195 Third Street, Suite 210
Napa, California 94559
jason.hade@countyofnapa.org

Re: Comments on Napa County's Final Draft Climate Action Plan

Dear Mr. Hade:

These comments are submitted on behalf of the Center for Biological Diversity (the "Center") regarding Napa County's Final Draft Climate Action Plan (the "Final CAP"). The Final CAP and the County's response to comments do not adequately address the Center's previously stated concerns regarding the procedural and substantive inadequacies of the Draft CAP. As with the Draft CAP, the Final CAP is not sufficient as a compliance mechanism under the California Environmental Quality Act ("CEQA") because it does not provide specific, mandatory, and enforceable policies necessary to adequately fulfill the County's legal responsibilities to mitigate greenhouse gas ("GHG") emissions arising from within the County. In addition, the Center hereby incorporates by reference its comments on the Draft CAP, which were submitted to the County on July 14, 2016 (the "July 14th Letter").

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over one million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Napa County.

I. The General Plan EIR does not adequately serve as a CEQA compliance document.

In the July 14th Letter, the Center noted that it did not appear that the County had prepared an EIR for the Draft CAP. In its Responses to Comments and in the "CEQA Memorandum" thereafter issued by the County, the County has taken the position that the General Plan EIR serves as the CEQA environmental review document for the Final CAP. The CEQA Memorandum references what is asserted to be a hyperlink to the General Plan EIR, but the hyperlink merely directs the user to a database containing various County documents. (*See* CEQA Memorandum at 1.) After reviewing the database, Center staff were able to locate

portions of the General Plan EIR in various separate PDFs, but it is unclear whether the entire document is available. To the extent that the County is continuing to maintain that its CEQA compliance is based upon the General Plan EIR, the General Plan EIR – including comments on the General Plan EIR¹ – should have been easily accessible to the public so that the public can comment on whether that document adequately fulfills its purported role as an EIR for the Final CAP. The Final CAP should be recirculated along with the documents that the County believes support its CEQA compliance.

The CEQA Memorandum claims that the General Plan EIR “contained an extensive discussion of climate change and GHG emissions in Section 3.4.4 of the Final EIR, including potential strategies for reducing emissions in compliance with AB 32.” (CEQA Memorandum at 1.) Yet, an “extensive discussion” of a topic is not the same as an adequate project description. Under CEQA, a “project” is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1222 (citing CEQA Guidelines § 15378, subd. (a).) An “accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” (*Cnty. of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193; (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655 (project description held unstable and misleading) [hereinafter “*San Joaquin Raptor*”].) “However, a curtailed, enigmatic or unstable project description draws a red herring across the path of public input.” (*San Joaquin Raptor*, 149 Cal.App.4th, at 655.).

The County is correct that section 3.4.4 of the Final EIR contains a general discussion of climate change and states that the County plans to prepare a “greenhouse gas reduction plan” to “reduce GHG emissions to 1990 levels by 2020.” (General Plan Final EIR at 3.0-50.) This brief section – which is in the Final EIR’s response to comments – does not qualify as a project description. More importantly, nowhere in the Final EIR is a detailed discussion of the various environmental impacts associated with the Final CAP. This omission is unsurprising given that the Final CAP did not exist at the time the General Plan EIR was drafted or certified.

The lack of analysis of the Final CAP’s environmental impacts is not merely a theoretical problem with the CAP. By the County’s own admission, the Final CAP will “streamline” CEQA review for discretionary projects in the County, thereby acting as a catalyst for future development – among many other impacts, the Final CAP will allow development applicants to avoid further CEQA review for GHG impacts even when they destroy up to 70 percent of the tress on their lands. The Final CAP’s streamlining of development may also lead to growth-inducing impacts. Yet, the County never acknowledges the impacts of the CAP. By the same token, no environmental review document exists that analyzes the effectiveness (or lack thereof) of the mitigation measures proposed in the Final CAP.

¹ Indeed, the Center submitted a letter that identified deficiencies in the General Plan EIR (referenced as Letter 138) in the General Plan EIR, which is hereby incorporated by reference.

The CEQA Memorandum also is inconsistent with the General Plan EIR. On the one hand, the CEQA Memorandum recounts that the General Plan EIR stated that even with the “preparation of an emission reduction plan such as the Climate Action Plan now proposed,” GHG impacts would be “significant and unavoidable.” (CEQA Memorandum at 1.) On the other hand, the CEQA Memorandum states that the Final CAP would “effectively mitigate the impact.” (*Id.* at 2.) The County is thus changing its position regarding the purported effectiveness of a CAP. The County’s change in position is at odds with its claim in the Responses to Comments that there “have been no changes to the General Plan, no changes to circumstances, and no new information of substantial importance that would necessitate supplemental environmental review.” Instead, the County’s change in position indicates that all of these changes have occurred.

Moreover, the County’s claim that the General Plan EIR functions as the environmental review document for the Final CAP is inconsistent with the text of the Final CAP – the Final CAP states that “***The CAP is not a part of the General Plan***, but must be maintained consistent with the General Plan.” (Final CAP at 1-7, emphasis added.) The County cannot claim that the Final CAP is a “project” covered by the General Plan EIR while also claiming that the Final CAP is not part of the General Plan.

The County needs to prepare an EIR analyzing and explaining how the emission reduction plan purportedly described in the General Plan EIR has changed such that it now will in fact reduce GHG impacts to less than significant levels. Such a change in the project is obviously significant and warrants the preparation of additional environmental review documentation. It is unclear how the County will be able to explain this change in position, given that even the Final CAP frames itself as an optional set of policies that applicants for projects can comply with in order to avoid more extensive CEQA review. (*See* Final Appx. D Checklist at 1 (“Projects requiring discretionary review that cannot demonstrate consistency with the CAP using this Checklist would be required to prepare a separate, more detailed project-level GHG analysis as part of the CEQA document prepared for the project.”).)

A. *Sierra Club v. County of San Diego* requires preparation of an EIR.

Courts have required the preparation of an EIR when a county adopts a CAP. In *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, the County claimed that it did not have to prepare an EIR for its CAP because the CAP “was the same project as the general plan update.” (*Id.* at 1170.) Both the trial court and Court of Appeal rejected this argument. The Court of Appeal held that the County of San Diego had violated CEQA by failing to analyze and make findings regarding the impacts of the CAP project. (*Id.* at 1170-1171.)

At a minimum, the County should prepare a “tiered EIR” which analyzes “the impacts of a later project that is consistent with an EIR prepared for a general plan, policy, or program” (*See id.* at 1165.) In *Sierra Club*, the Court of Appeal held that an EIR was required because (1) the General Plan Update Program EIR did not include sufficient detail on the CAP; (2) the project (the CAP) was not created at the time of the General Plan Update; and (3) the General

Plan Update Program EIR did not contemplate preparation of the project at the “plan level.” (*Sierra Club*, 231 Cal.App.4th at 1171-1175.) Moreover, the General Plan Update Program EIR in *Sierra Club* did not include “baseline GHG emissions inventory; detailed GHG-reduction targets and deadlines; comprehensive and enforceable GHG emissions-reduction measures; and implementation, monitoring, and reporting of progress toward the targets defined in the CAP.” (*Id.* at 1174.) Similarly, the environmental impacts of the CAP in *Sierra Club* were not independently or adequately analyzed. (*Id.* at 1172.) The Final CAP here shares all of the same defects as the CAP in *Sierra Club* and therefore violates CEQA.

II. The Final CAP “Mitigation Measures” are even weaker than those in the Draft CAP.

Like the Draft CAP, the Final CAP fails to contain specific and enforceable mitigation measures that will actually reduce the County’s GHG impacts to less than significant levels. The July 14th Letter described how the “mitigation measures” in the Draft CAP did not meet the standard of CEQA mitigation measures and how language “encouraging” or “supporting” certain measures were expressly disapproved by the California Attorney General. The Final CAP contains most of the same improper language, and in the Responses to Comments the County merely states that it “respectfully disagrees” with the Center’s position that the CAP is not sufficient as a CEQA streamlining document. (Responses to Comments at 10.) Nowhere does that County explain how these measures meet the standard set forth by the California Attorney General. Indeed, the Final CAP actually contains *more* such voluntary language – for instance, Measure AG-2 previously stated “Convert all stationary diesel or gas-powered irrigation pumps to electric pumps” but the word “convert” is now replaced with “*support* the conversion of.” (Final CAP at 3-20.)

Sierra Club criticized the County of San Diego for including measures in its CAP that were not backed up by a firm commitment by the County that they would be implemented. More specifically, the Court noted that many of the measures in the CAP “are not currently funded,” such that the County of San Diego could not rely upon such unfunded programs to meet GHG reductions. (231 Cal.App.4th at 1168-1169.) *Sierra Club* also questioned whether people would participate in various programs outlined in the CAP, given that the record contained no evidence of such participation. (*Id.* at 1170.) Here, the Final CAP suffers from similar defects – there is no evidence of funding the various programs set forth in the Final CAP or that people or industry will actually participate in the voluntary programs described in the Final CAP.

Notably, even regulated parties have raised concern regarding the lack of clarity regarding which measures in the Final CAP are enforceable and which are voluntary. As you know, the Napa Valley Grapegrowers (“NWG”) sent you a letter on June 30, 2017 stating that “considerably more clarification and consideration is needed prior to adopting the proposed CAP” and that more time is needed to understand the Checklist and “the definition of ‘voluntary’.” NWG also noted the very tight timeline in assessing the Checklist. The County should heed the request from both the environmental and regulated communities to slow down

the process to allow time for meaningful public participation and a comprehensive and adequately drafted CAP.

In any event, the Final CAP appears to have further reduced the amount of measures enforceable against project applicants. For instance, in its Responses to Comments, the County discloses that the Checklist in Appendix D (which was unavailable until after the comment period for the Draft CAP), only lists some of the mitigation measures in the CAP that “can be feasibly applied to projects that are subject to discretionary review...” (Response to Comments at 11.)

In reviewing the Checklist, only a handful of the mitigation measures described in the Draft CAP actually appear on the Checklist. To the extent that any of the mitigation measures described in the Draft or Final CAP are enforceable against individual project applicants, only those in the Checklist would even potentially meet this standard. And as discussed in the July 14th Letter, these measures are not adequate to reduce impacts to less than significant levels. Similarly, the County has failed to analyze or explain in either Final CAP or in CEQA document how each of these measures will adequately reduce GHG impacts.

Similarly, other mitigation measures have been further weakened. For instance, TR-10 – which requires that the County “promote existing ride-matching services for people living and working in the county” now only applies to the “unincorporated county.” (Final CAP at 3-16.) This revisions means that the County’s efforts to promote such services will be much more limited.

III. The Final CAP inexplicably exempts major types of projects from the CAP and allows County staff to modify the CAP outside of public view.

The Checklist discloses that many types of major projects are exempt from the Checklist, including “roads, pipelines, or other public works projects that are not directly tied to specific development proposals.” (Checklist at 3.) The County claims that these types of projects “would not result in changes in land use” such that the Checklist and the CAP may not be applicable. Yet, building highways, roads, or infrastructure projects obviously *do* result in changes in land use – they do so by physically altering the land, and often lead to growth inducing impacts or further residential, commercial, or agricultural development. The County does not provide any evidence or analysis for its striking assertion to the contrary.

The Checklist then suggests that such road or infrastructure projects might have to undergo other CEQA review, but that “staff” would make a “final determination” as to whether such review is necessary or whether the Checklist suffices. CEQA requires that such decisions be made in public by the decision-maker (e.g., the County Board of Supervisors), not by staff in a secretive and non-public process.

The Checklist further states that it is an “administrative document” that can be “updated periodically by County staff...” (Checklist at 3.) In other words, the Checklist – which is

essentially the heart of the CAP and the only document setting forth purported “mitigation” measures – *can be changed in the future at any time by County staff*. Indeed, there is nothing prohibiting County staff from significantly weakening the already feeble mitigation measures in the Checklist – all outside of public view and outside of the CEQA decision-making process. The Checklist and the Final CAP clearly are not sufficient under CEQA to allow for “streamlined” CEQA compliance.

Sierra Club also indicates that the Final CAP’s “mitigation” is legally insufficient under CEQA. In *Sierra Club*, the Court held that the CAP is required by CEQA to incorporate mitigation measures and a monitoring program directly into the document. (231 Cal.App.4th at 1173.) *Sierra Club* therefore prohibits “off-loading” these measures into an “administrative document” which is subject to change by County staff at any time.

IV. The Final CAP should require stronger Building Energy Measures.

The generation and consumption of electricity poses many negative impacts to human and environmental health. Therefore, it is necessary to both reduce consumption through conservation and efficiency, and also transition to less damaging forms of generation. Electricity generation accounts for 20% of California’s greenhouse gas emissions. (CARB 2016) Without energy efficiency measures, California’s combined electricity demand is projected to grow by 1.41 percent from 2010-2020, while efficiency measures could reduce that to a projected .91 percent. (CEC 2011) Electricity generated from fossil fuels contributes to air pollution from carbon dioxide and fine particulate matter, and water pollution from direct spills or impacts to groundwater through drilling, mining and injection activities. (Heberger 2015) The generation of electricity is highly water intensive, which is problematic in persistent drought conditions. (Larson 2007) In order to reduce the negative impacts to water supplies, water and energy utilities should work together to design more efficient systems for both resources. (Tarroja 2016) Wildlife and their habitats are impacted by electricity generation and transmission. (Cameron 2012) The land-use footprint of energy production is significant and will continue to grow with population unless conservation and distributed generation siting measures are put in place. (Trainor 2016)

The concept of energy efficiency as a resource has the potential to decrease energy production requirements and associated costs and negative impacts. Energy efficiency reduces the need for resource consumption and is thereby in itself a consumable resource with positive impacts rather than negative. (Hopper 2009) Shifting from non-renewable fossil fuels to renewable energy sources will reduce greenhouse gas emissions, air and water pollution and impacts to wildlife and habitat provided these renewable sources are sited appropriately in the vicinity of the demand they serve. (McDonald 2009; Hernandez 2015) Distributed solar, often referred to as rooftop or on-site solar, is a good example of appropriately sited renewable energy that maximizes system and cost efficiency and protects open space, wildlife and habitat. (Elkind 2009; Powers 2009) Legislation that supports the appropriate siting of renewable energy, such as the California Green Building Standards Code, which requires solar-ready roofs and solar-ready pre-wiring, is needed to ensure that renewable energy is able to realize its full potential. (LA

Dept. Public Planning 2013) Building codes that support and encourage passive solar design contribute to even greater energy efficiency. (LA DPP 2013) Another building design concept that offers a variety of benefits from greater energy security to cost efficiency and environmental protection is the zero energy building. Such buildings produce enough renewable energy to meet annual needs, and when combined into communities, the zero energy design means that these areas are no longer reliant upon nonrenewable energy grids that harm human and environmental health, contribute to climate change and are vulnerable to outages and natural disasters. (Peterson 2015) The California Public Utilities Commission has committed to the goal of zero net energy for all new residential construction by 2020 and for all new commercial construction by 2030. (CPUC 2008)

While the above-cited science and policies indicate that there are feasible means to significantly reduce energy consumption and GHG impacts, the Final CAP does not require LEED or even minimum amounts of solar generation on residential development. Instead it merely requires compliance with the California Building Code for projects through 2019, and suggests that zero net energy will be required for some residential projects beginning in 2020. As discussed in the July 14th Letter, feasible technologies already exist that go above and beyond California Building Code requirements – such technologies including LEED and/or solar generation should be required of all residential projects. Such standards should apply to commercial projects as well. And while the Center supports the use of zero net energy, the Checklist does not contain sufficient to detail for the County to ascertain whether the applicant is in fact meeting zero net energy. Instead, zero net energy is framed as a “yes” or “no” question on the Checklist with 8 lines of blank space for the applicant to describe how zero net energy is met.

Notably, the County did not respond to the Center’s comments regarding LEED certification or minimum solar generation. The County’s failure to respond on this topic and other topics runs afoul of *Sierra Club*, which faulted the County of San Diego for not responding to comments from the Sierra Club regarding measures that had been implemented elsewhere. (231 Cal.App.4th at 1173.)

V. The Final CAP does not adequately mitigate the GHG impacts of sprawl development.

As discussed in the July 14th Letter, the Draft CAP contains very little analysis of the impacts of sprawl development on GHG emissions. The Final CAP compounds this lack of analysis by including a Checklist that purports to exempt road and infrastructure projects from the CAP. The County should take this critical opportunity to develop a CAP that address and mitigate the significant GHG impacts arising from the siting of residential projects.

VI. The Final CAP should include stronger Agriculture Measures based upon the best available science.

The July 14th Letter identified specific strategies the County could adopt to help control emissions associated with agriculture. The County did not respond to the Center’s suggestions. Instead, the agricultural mitigation measures in the Final CAP have been watered down at the request of regulated parties. The Responses to Comments indicate that the County has modified AG-1 so that it “encourage[s] reductions in open burning where possible, rather than suggesting that it should be banned.”² (Responses to Comments at 8.) While the County claims that AG-5 will make up for changing AG-1 to a “voluntary measure,” AG-5 also “focuses on *voluntary* efforts” to reduce N2O emissions. (*Id.*, emphasis added.) Because AG-5 also is voluntary by the County’s own admission, neither AG-1 nor AG-5 can be used to substantiate any reduction in GHG emissions. Nor can they be used as CEQA streamlining tool.

Scientists and policy-makers have already identified other sustainable management practices that can be used to reduce GHG emissions arising from agriculture. (*See* 2013 Comargo) Some of the policies identified include using organic agricultural practices, cover cropping, better equipment maintenance, optimizing tillage, solar powered pumps, biogas control systems, and reforesting rangelands. (*See* Table 5 of 2013 Haden.) Similarly, improved cropland and grazing land management and restoration of degraded lands are significant means to reduce GHG emissions. (*See* 2008 Smith)

VII. The Final CAP’s Land Use Change Measures are insufficient to protect Napa’s forests or achieve adequate GHG reductions.

In the July 14th Letter, the Center explained how the Draft CAP did not contain sufficient measures to mitigate the impacts of destroying trees and forests in the County (e.g., LU-1, which claims to require two trees to be planted for everyone one destroyed). Once again, requiring preservation of only 30 percent of trees is an extremely low goal given the significant deforestation which has already occurred in the County. Similarly, the County has not shown how this goal is consistent with Public Resources Code section 9001.5, which sets forth a policy for the protection of “natural and working lands,” including “forests, grasslands, [] freshwater and riparian systems . . .” Nor does the record indicate that the County considered this policy in preparing the Final CAP.

Furthermore, the Responses to Comments reveal that LU-1 does not even require that the trees be planted in Napa County. (Responses to Comments at 7.) Once again, the Final CAP does not explain how this tree planting program will adequately mitigate the significant impacts of destroying large numbers of trees in the County. For instance, there is no program to ensure that such tree planting is “additional” in the sense that it would not already occur, nor is there effective monitoring to ensure that trees planted actually survive and grow into large trees (and,

² The Final CAP also now states that the County “does not have regulatory control over open burning,” (Final CAP at 3-20) but does not cite any regulation or policy prohibiting it from exerting such control.

as discussed above, no environmental review was conducted of this mitigation measure). Furthermore, the Final CAP does not account for the temporal loss of carbon sequestration for the many dozens of years while the newly-planted trees are growing. Given the potentially catastrophic impacts of climate change over the coming decades (including potential tipping points), such half-measures that will provide virtually no carbon sequestration benefits for many years are not sufficient.

The Final CAP similarly does not account for impacts to wetlands or soils. In response to comments citing the Draft CAP's failure to quantify losses in carbon sequestration arising from wetlands and soils, the County states that it would need to conduct a "detailed study," but that such a study "was not readily available." The time to do such studies is concurrent with the adoption of the Project (the CAP) through the environmental review process. The County should take the time to conduct a thorough analysis of the environmental impacts (and potential benefits) of the CAP as required by CEQA, instead of either (1) deferring such analysis to some unspecified future time or (2) refusing to develop meaningful mitigation measures due to a claimed lack of information.

VIII. The Final CAP ignores impacts of climate change on wildlife.

As discussed in the July 14th Letter, the CAP does not address the impacts and risks to wildlife arising from climate change, such as increased temperatures, increased wildfire risk, and increased likelihood of flooding. This omission remains in the Final CAP, and the County did not respond to this concern in its Responses to Comments.

IX. The Final CAP still does not require consistent reporting of progress.

In the July 14th Letter, the Center requested that the County prepare emissions inventory and implementation measure status reports every two years instead of every five years. While the Final CAP appears to now require an evaluation of measures every two years, it still only requires the more detailed reports with emissions inventory every five years. (Final CAP at 6.) The Center is concerned that the two-year reports may not contain necessary information because the Final CAP does not specify what information (if any) must be included in these reports. And by setting forth five categories of information for the five-year reports (estimated annual GHG reductions, participation rates, implementation costs and funding needs, community benefits realized, remaining barriers to implementation, and recommendations for changes to the CAP), the Final CAP suggests that the two-year reports need not include this information. The Center again requests that more consistent monitoring and reporting be required in order to assess the progress of the CAP. Such monitoring and reporting is particularly necessary because – as noted above – the Checklist indicates that County staff may alter the required mitigation measures at any time, which necessarily would alter the effectiveness of the CAP.

X. The Final CAP should include stronger science-based water conservation measures.

Water availability and quality is a critical issue for California, with substantial implications for land use, the economy, and the environment. Since 2011, the state has been experiencing severe drought conditions, prompting a mandatory 25% reduction in municipal water use, cuts to senior agriculture water rights, and the 2014 [Sustainable Groundwater Management Act](#). (Wilson 2016) Even as surface drought conditions are alleviated by recent precipitation, there is still a deficit in groundwater, which is a critical component of the state's water supply system. Not only are the state's human residents vulnerable to impacts of drought, so too are its iconic plants, animals and regions. In the face of climate change, the gap between supply and demand will continue to widen as the existing water deficit is unreconciled with increased pressures from development, population growth and agriculture. (Wilson 2016) California's water supply relies heavily on snow pack in the Sierra Nevada Mountains, which has been at record lows the past few years. (Weiser 2016) As the snow pack continues to diminish, California has become increasingly dependent on groundwater extraction to meet its water needs. Aquifer depletion and land subsidence have become a serious concern as an increasingly warmer climate has resulted in less snowpack, less rain and more evaporation. A business as usual approach cannot and does not address the complex nature of California's water needs in a changing climate. Innovations in science and technology, as well as in legal, political and social structures, are required to adequately manage the state's water security in an uncertain future. (Dept. of Water Resources 2009; Cooley 2016)

The Final CAP should require that new development projects maximize water use efficiency and conservation in their plans. An ideal method for ensuring incorporation of such measures is through a life-cycle assessment of the project accounting for not only the end product but also the whole life of all products, materials and processes being used. (Ghattas 2013) Water efficiency and conservation should be central aspects of not only the final project, but also of all materials and processes used in its construction. A similar concept to this holistic style of project design is known as cradle to cradle design which emphasizes the creation of systems that generate no waste throughout their life span. (Tyrnauer 2008) Technology and legislation now enable and incentives many forms of water conservation. (Cooley 2016; LA Dept. of City Planning 2013) For example, preventing water loss due to run-off can be accomplished by laser-leveling of land during project construction, and installing permeable surfaces in place of traditional paving where applicable allows for groundwater recharging. (Shanesy 2016) Landscaping choices offer a prime opportunity for water conservation. Drought tolerant and native plants and rain gardens which allow for groundwater recharging are a responsible alternative to traditional lawns and plants with high water demands. (Ritzo 2015) Drip and micro-spray irrigation also limit water use and waste by only watering specific areas and avoiding evaporation. Graywater filtration systems can be used to reclaim waste water from sinks showers and laundry for use in irrigation. (Ritzo 2015; LA Dept. of City Planning 2013) High density, attached housing designs such as urban infill projects maximize water use efficiency by concentrating demand and also reducing the total area of landscaping, as compared to detached, single family homes. High density infill projects also assist with maintaining water

quality, and thus reducing costs associated with treatment, by preserving more open space and undeveloped land that is then able to act as a natural filtration system and recharge for groundwater. (Cosgrove 2015)

Energy and water are inextricably linked as energy generation is water-intensive, and water treatment and delivery is energy-intensive; increased integration in a shared systems paradigm would result in greater efficiency for both. (Tarroja 2016; Larson 2007) Part of what makes water use energy-intensive is the distance it must travel to reach users. (Fang 2015) Developments located far from existing water sources require more energy and are thus less efficient. (Cosgrove 2015) Another factor is the energy demand involved in treating waste water. Given that approximately 8% of California's electricity consumption is for treating and transmitting water, water utilities could reduce carbon emissions by investing in renewable sources of energy for treatment and transmission. (Fang 2015) On a residential scale, energy is needed for heating water for washing, and this energy demand could be reduced with more efficient appliances. (Cohen 2004) Therefore, increasing urban water use efficiency will decrease demands for energy generation. Considering that many types of energy generation not only require large amounts of water, but also contribute to water pollution, water and energy production cannot be easily separated. The Final CAP should require that new development projects recognize this linkage water-energy linkage and design plans that are both water and energy efficient, as one cannot be truly effective without the other. (Larson 2007)

XI. The Final CAP should include stronger science-based transportation measures.

Transportation infrastructure is important for the movement of people and goods. Although roads are needed to facilitate movement among other types of transportation infrastructure, such as railroads and ports, they often lead to the most negative impacts on public health and the environment. (Newman; Betancourt and Vallianatos 2012) The ubiquity of highways, freeways and surface streets makes roads the most heavily used form of transportation. (Noland and Cowart 2000) Road construction and maintenance contribute substantially to greenhouse gas emissions. (B.C. Ministry of Transportation and Infrastructure 2011; Santero and Horvath 2009) Road construction facilitates development into remote or isolated areas, many of which may serve as quality habitat for wildlife. The expansion into undeveloped areas is not only problematic for wildlife, but it also exacerbates issues with urban sprawl, such as reduced open space, increased traffic congestion and increased greenhouse gas emissions. (Hansen and Huang 1997)

Since roads are so prevalent and fraught with negative public health and environmental impacts, people and businesses need to be given better transportation options to reduce their reliance on personal vehicles. Improving rail infrastructure and using clean fuel trains can reduce road use and improve air quality. Diesel is highly polluting, and it has become a serious public health issue for areas with high volumes of diesel truck traffic such as ports and warehouse centers. (Betancourt and Vallianatos 2012) Converting truck fleets to cleaner fuels would help alleviate this health problem. (Bailey) Promotion of more efficient public transportation, also using cleaner fuels for buses, can reduce the amount of private vehicles on the roads. (Anderson

2015) Siting housing, shopping and employment centers in a higher density can remove the need for driving. (Welch) Existing roads should be retrofitted, where applicable, to make them safer for activities such as biking and walking, thus expanding their capacity beyond use solely by vehicles. (Anderson 2015; Atherton 2017) Road construction and maintenance projects can implement more effective technology to reduce greenhouse gas emissions and improve fuel efficiency. (B.C. Ministry of Transportation and Infrastructure 2011; Wang 2014) Vehicle fuel efficiency standards should be raised to make driving as efficient as possible with less pollution. (US DOT)

Unfortunately, the Final CAP contains the same problems as the Draft CAP in that it only contains weak and non-binding transportation measures. The County should take advantage of the best available science to adopt the mitigation measures discussed above.

XII. The Center shares the concerns set forth by Napa Vision 2050 and Sierra Club.

The Center joins in the concerns raised by Napa Vision 2050 and the Sierra Club regarding the CAP's inventory analysis, mitigation measures, and black carbon emissions. As with the Center's comments, the comments of these organizations have not been adequately addressed by the County in the Responses to Comments or in the Final CAP.

XIII. Conclusion.

Given the possibility that the Center will be required to pursue appropriate legal remedies in order to ensure enforcement of CEQA, we would like to remind the County of its duty to maintain and preserve all documents and communications that may constitute part of the "administrative record." As you may know, the administrative record encompasses any and all documents and communications which relate to any and all actions taken by the County with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA" (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further contains all correspondence, emails, and text messages sent to or received by the County's representatives or employees, which relate to the CAP, including any correspondence, emails, and text messages sent between the County's representatives, employees, or consultants. And given that the County is claiming that the General Plan EIR constitutes the environmental review documentation for the CAP, the administrative record (including all correspondence) for the General Plan is part of the administrative record for the CAP. Maintenance and preservation of the administrative record requires that, *inter alia*, the County (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

Thank you for the opportunity to submit comments on the Final CAP. We look forward to working to assure that the Final CAP sets forth a specific and enforceable plan to reduce the County's GHG emission in accordance with state law. Please do not hesitate to contact the Center with any questions at the number listed below.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Rose', with a long horizontal flourish extending to the right.

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