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## SACRAMENTO COUNTY, DRAFT CAP REVISE: RESPONSE TO NOP (REVISED)

**Revision Note:** These comments supersede and replace 350 Sacramento's January 9, 2024 similarly-titled letter. The two versions are substantively identical with the following exceptions:

- Section II.E.5, "Conflicts with Existing Plans", subsection a) has been augmented.
- Section II.F, "Sprawl Mitigation is Unsupported", Subsection 4, "Consideration in the SEIR" has been augmented.
- Section IV.A.3.a), "The County General Plan" has been augmented.
- Section IV,B, "VMT Reduction Element" has been augmented.
- A new Attachment 4, "Approved and Pending Major Residential Developments" has been added, referenced from pages 7, 8, and 12.
- Footnotes 10 and 23 have been revised.

Dear Todd,

Bill McKibben famously observed in regard to climate change, "winning slow is losing". 350 Sacramento (350 Sac) appreciates the opportunity to provide scoping suggestions for a revised draft of the County's Climate Action Plan (CAP) and associated Supplemental EIR (SEIR). We are gratified that, based on the consultant's scope of work (Consultant Scope),<sup>1</sup> the County has seen fit to address eight of 350 Sac's long-standing concerns,<sup>2</sup> including by preparing the SEIR. However, over twelve years have passed since the County obligated itself to adopt a CAP "within a year", and almost four years since supervisors formally initiated the CAP. We hope the NOP and this re-draft will lead to an effective, CEQA-compliant CAP. The timing of the NOP seems irregular,<sup>3</sup> and we hope any resulting delay will be minimal.

Our comments are organized as follows (hyperlinks aid navigation)

- I. [Project Background](#)
- II. [Comments on NOP](#)
- III. [County-Identified Alternatives](#)
- IV. [Proposed "Smart Growth" Alternative](#)

<sup>1</sup> Sacramento County. Sacramento County Climate Action Plan - Scope of Work and Schedule for Revisions and Technical Updates - June 2023. June 2023. Online: [https://drive.google.com/file/d/1HNx900T6l-H0tMmw\\_sawB35seYa4SJAa/view?usp=sharing](https://drive.google.com/file/d/1HNx900T6l-H0tMmw_sawB35seYa4SJAa/view?usp=sharing)

<sup>2</sup> 350 Sac. Fact Sheet 7, County Progress In Addressing Draft CAP Deficiencies. November 2023. Online: <https://drive.google.com/file/d/1UdGqJwnSAiaNI28v1S65YN6-Fg-oS7uq/view?usp=sharing>.

<sup>3</sup> CEQA Guidelines §15082 requires the NOP "immediately after deciding that an environmental impact report is required"; per the Consultant Scope this was known by June 2023.

V. [Application of CAP to Future Plans](#)

## I. PROJECT BACKGROUND

In connection with its 2011 general plan update (GPU), the County committed to implementing a number of greenhouse gas (GHG) mitigation measures, including adopting a CAP “within a year”. Almost none of the measures have been accomplished to date, including CAP adoption. [ATTACHMENT 1](#) reviews the County’s 2011 commitments and their implementation status.

The County formally initiated the CAP in 2020 at the urging of 350 Sac and others. Since then, the County has published five draft CAPs (four public, one administrative and shared with stakeholders). All were critiqued by 350 Sac,<sup>4</sup> and others as, among other things, lacking measures substantiated as feasible, effective, and enforceable; and using an inappropriate environmental document. Our September 27, 2022 letter collates and updates our comments to that date. We here incorporate all our prior comments by reference.

At a contentious September 27, 2022 hearing, supervisors declined to adopt a proposed final CAP. They directed certain revisions and that the item be returned to a December 6, 2022 Board meeting. It was not, and the current proposed revise continues the previous work. [ATTACHMENT 2](#) provides a timeline of CAP development to date.

## II. COMMENTS ON NOP

Our comments in this section are organized as follows:

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|---|---|
| A. <a href="#">EDITORIAL COMMENTS</a>     | E. <a href="#">POTENTIAL ENV EFFECTS</a>            |
| B. <a href="#">PROJECT BACKGROUND</a>     | F. <a href="#">SPRAWL MITIGATION IS UNSUPPORTED</a> |
| C. <a href="#">REVISE SCS FORCASTS</a>    | G. <a href="#">IMPL MONITORING AND REPORTING</a>    |
| D. <a href="#">GHG REDUCTION STRATEGY</a> | H. <a href="#">REQUEST TECHNICAL REPORTS</a>        |

### A. EDITORIAL COMMENTS

1. **Table of Contents.** We’re gratified that the SEIR will include a table of contents (Consultant Scope, p.11), and request that the revised CAP also include a complete table of contents (unlike previous versions). We also suggest that in both documents the listings be hyperlinked to their respective text sections to aid navigation, as is common

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<sup>4</sup> [350 Sacramento \(350 Sac\), ECOS, Sierra Club. July 16, 2020.](#)  
[350 Sac, September 25, 2020.](#)  
[350 Sac, November 19, 2020.](#)  
[350 Sac, January 18, 2021.](#)  
[350 Sac, ECOS, March 23, 2021.](#)  
[350 Sac, April 9, 2021.](#)  
[350 Sac, October 8, 2021.](#)  
[350 Sac, March 23, 2022.](#)  
[350 Sac, September 27, 2022.](#)  
[350 Sac, October 11, 2022.](#)  
[350 Sac, August 3, 2023.](#)

nowadays.

2. **CAP Status.** Several references to the current and previous draft CAP could confuse readers as to the CAPs adoption status. , e.g., "...2022 Final CAP" (p. 8); "...update the CAP" (p. 9); "...Revised CAP" (pp.11); "...County's current CAP" (p. 11). These statements might imply that a communitywide CAP has been adopted, which is incorrect. To avoid ambiguity, we suggest future documents consistently add the modifier "draft"; and use the verb "revise" rather than "update".

## **B. PROJECT BACKGROUND (NOP p. 4 ff)**

### **1. The CAP's History.**

*"The County implemented MM-CC-2 in several phases... On September 11, 2012, the Board of Supervisors adopted the Climate Action Plan – Government Operations" ... "The County began work on a comprehensive CAP in 2016..."* (both, NOP p. 4).

- a) Government Operations. The Government Operations CAP is not an element of mitigation measure MM-CC-2, so it appears incorrect to say it implements that measure.
- b) Work History. The County has not worked on the CAP since 2016 with any continuity, as might be implied. Staff made an abortive attempt to get the CAP off the ground in 2016, reaching out to stakeholders, and presenting supervisors with an updated GHG Inventory and sample mitigation measures at a May 2017 workshop. Supervisors did not direct staff to continue work, and no further work products were issued until after April 7, 2020, when Supervisors directed CAP initiation (see Climate Action Plan History, ATTACHMENT 2).

2. **The Project's Purpose.** Confusion as to project purpose could be problematic because it would influence the selection of alternatives. The NOP variously states:

- *"The CAP is intended to serve as mitigation for climate change impacts of the County's 2030 General Plan, as provided by Mitigation Measure (MM) CC-2 in the 2030 General Plan EIR (SCH # 2007082086)"* (p. 1).
- *"The overall objective of the 2024 CAP is to reduce GHG emissions generated from ... the unincorporated county (community) and ... County facilities ... to meet or exceed GHG reduction goals under State laws"* (p. 4).

Both statements are accurate as far as they go, and we suggest that one be chosen or their key features be combined. A possible formulation is:

*The purpose of the CAP is to reduce GHG emissions from the unincorporated county, meeting or exceeding State GHG reduction goals to mitigate climate change impacts of the County's 2030 General Plan, as specified in Mitigation Measure CC-2 in the 2030 General Plan EIR (SCH # 2007082086)"*

## **C. GHG EMISSIONS – REVISE SCS PROJECTIONS (NOP p.4 ff.)**

*"Growth projections will be based on [SACOG's SCS] ...augmented as necessary to reflect in-process and reasonably foreseeable growth not captured\_in the 2020 ...[SCS]"* (p. 5).

The rationale for deviating from the 2020 SCS, and any available 2025 draft SCS projections, should be clearly explained. The SEIR should analyze the potential effects of any such deviations on achievement of the SCS's mandated "vehicle miles traveled" (VMT)-reduction goals; and other secondary and cumulative environmental impacts should be identified (see also comment II.E.2 re potential plan conflicts).

#### D. GREENHOUSE GAS REDUCTION STRATEGY (NOP p.5)

1. **Measure Substantiation.** We appreciate the statements in this section relating to substantiating compliance with CEQA requirements and the County's 2011 CAP commitments.

##### 2. Voluntary Programs

*"...voluntary programs can be effective ... and can be monitored for effectiveness and quantified reductions..."* (NOP p. 5).

We agree in principle. However, such measures need to be substantiated as effective and practicably enforceable on the County through adoption in the CAP. They will need clear, meaningful, detailed performance criteria and monitoring parameters, documented in a checklist or comparable format, to allow timely tracking and modification if needed.

##### 3. Scheduling

*"...each measure will include a clear timeline of implementation.... This may include the year... longer-term measures...will include estimated milestone dates by which...actions...would be completed, particularly when... details cannot be specified prior to...CAP...adoption"* (p. 5).

This statement raises uncertainty that scheduling will be detailed enough to substantiate CAP measures. Detailed timelines are critical for successful, timely implantation of complex programs such as the CAP's, with inter-related and chronologically over-lapping tasks. Detailed scheduling, showing discrete, defined tasks, start and end dates, and task relationships allows efficient work sequencing, resource allocation, progress tracking and reporting; and provides management a tool to avoid or address scheduling conflicts and setbacks. Nowadays, project management software makes it easy to create and use timelines. But careful planning is needed to ensure that the implementation scheme is both ambitious and realistic, and to ensure and demonstrate that the agency can feasibly complete the work as scheduled. A single end-point target date for measures is inadequate to inform management decisions and to provide accountability.

- a) Implementing Activities. We are gratified that, *"Ascent recommends assigning one or more implementing actions to each measure to define how ...[it] will be implemented... consistent with any performance standards, timing, and enforcement mechanism defined in Task 4.1"* (Consultant Scope, Task 4.2).
- b) Implementing, *"details [which] cannot be specified prior to...CAP...adoption"* should be avoided. The point of an "Action" plan is to provide decision makers and the public with measures which are actionable, not deferred. If any such detail cannot be avoided, it needs to be clearly justified as such, and the pathway and timeline for resolving such details documented and committed to consistent with Guidelines

- §15126.4(a)(1)(B), as part of the implementation scheme,
- c) To support timely implementation, consistent with MM CC-2's "detailed" provision, each measure should be broken down into logical constituent tasks, with start and completion dates, expected products, and critical path relationships indicated. Consistent with professional-level project-management principles, activities should be of short duration and limited scope, to allow efficient, timely management, tracking, and problem-solving.
  - b) Short-term measures, scheduled for accomplishment within two years; and near-term activities for longer-term measures, should include the year and month in which actions will be initiated and completed.
  - c) Longer term actions should be adequately conceptualized, with needed antecedent and supporting actions documented and realistic timeframes identified.
  - d) Schedules should be formally reviewed for update at least annually, in connection with the reporting schedule, to adjust for early or late task completion; and to further detail longer-term measures as their implementing activities come within the two-year time-frame
4. **Sequestration Targets.** The County's Consultant Scope, Task 3.2. notes that AB 1279 establishes a state 2045 GHG emissions goal of net zero/85% reduction, raising the possibility that up to 15 percent of the CAP's mitigation burden could be met through atmospheric drawdown. The County has strong regulatory authority over land use, and very little over natural and working lands management. We support restoring natural sequestration, but have previously provided,<sup>5</sup> and here augment,<sup>6</sup> difficulties in substantiating the effectiveness of a voluntary "carbon farming" program. We therefore encourage the County to focus on measures best aligned with its authorities.

In the context of natural sequestration, the County should use its land use authority to avoid loss of carbon stored on Sacramento County natural grassland and other soils, by maximum avoidance of construction-related disturbance. The more the County reduces emissions clearly within its control, especially by avoidance, the less it need consider unlikely re-capture of carbon released through County-permitted activities. Please see further discussion at ATTACHMENT 3. The GPU did not evaluate soil carbon losses from greenfield development whose GHG emissions would be governed by the CAP, and the SEIR should do so.

## E. POTENTIAL ENVIRONMENTAL EFFECTS (NOP p. 6 ff.)

*"... the SEIR will focus on whether the CAP would result in any new or substantially more severe significant impacts compared to those identified in the certified 2030 General Plan EIR" (NOP p. 6)*

1. **Increased Significance of Impacts.** CAP-related GHG impacts may "be substantially more severe" now than when they were reviewed for the 2011 GPU, because targets under SB 32 and AB 1279 are substantially more stringent than those in effect in 2011

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<sup>5</sup> [350 Sac, October 8, 2021](#) (pp. 23-25).

<sup>6</sup> Julie Creswell. Companies' Climate Promises Face a Wild Card: Farmers. NY Times, July 9, 2022. Online: <https://www.nytimes.com/2022/07/09/business/farmers-climate-change.html>

under AB 32.

2. **Standard of SEIR Analysis.**

*“Consistent with the requirements of ... CEQA Guidelines Section 15168, the analysis will provide a program-level discussion of the impacts of implementation the CAP”* (NOP, p. 7).

Guidelines §15168 pertains to projects consistent with a community plan or zoning. Section 15183.5 refers more specifically to programmatic greenhouse gas reduction plans, e.g., CAPs. Reducing GHGs is best addressed at the program level, where fundamental land-use and other policy options not available during project-level review can be considered.

Pursuant to §15183.5(b)(1)(D), CAP measures must also demonstrate they would achieve the CAP’s emission targets if implemented on a *“project-by project basis”*. This project-level specificity is reflected in the NOP’s recognition that, to allow CEQA streamlining under the CAP, *“Each GHG reduction measure will have a performance standard”*, and an associated, *“CAP Consistency Checklist will be required to enforce implementation”* of the project-level performance standard through project-level permitting (both, NOP, p. 5). This requirement for enforceable project-level measures is perhaps unique among CEQA-regulated programmatic plans. To the extent that the CAP’s measures are meant to be relied on for, and will streamline and supplant, subsequent project-level CEQA review, they require project-level environmental analysis.

3. **Air Quality Impacts** (NOP, p. 6). The CAP could facilitate approval of greenfield projects outside the County’s adopted Urban Policy Area (UPA) and Urban Services Boundary (USB), requiring general plan amendments (GPA’s). Such GPA projects include the Upper West Side and Grandpark developments currently in planning. Both projects are remote from existing urbanization, in a land use pattern known to induce on-road automobile traffic. The SEIR should discuss the CAP’s potential secondary impacts to air quality from foreseeable emissions of priority pollutants from induced traffic.
4. **Loss of Sequestered Soil Carbon.** Soil disturbance, including from urban development, results in oxidation and release to the atmosphere of sequestered soil carbon, as discussed in comment II.D.4 above and ATTACHMENT 3. The SEIR should analyze resulting soil carbon emissions.
5. **Conflicts with Existing Plans.** CEQA Guidelines §15125(d) requires that the SEIR discuss any inconsistencies with other plans. Any such inconsistencies are now unknown, but based on past draft CAPs, and information provided in the Consultant Scope and the NOP, the following may be possible:
  - a) Inconsistencies with GPU policies LU-3 and LU-68.
  - b) Inconsistencies with Phase 1 CAP
  - c) Inconsistencies with SACOG’s SCS.

6. **Unexamined Excess Entitlements.** Per our previous comments,<sup>7</sup> the County has entitled far more DU's than needed to accommodate expected growth, and plans to approve many more as displayed in ATTACHMENT 4. Such excess entitlements, far exceeding market demand, appear likely to result in GHG emissions and other environmental impacts not previously subjected to CEQA analysis in the 2011 FEIR. The County has yet to respond to our concerns. The SEIR should consider the potential effects of such excess entitlements; alternatively, the SEIR should discuss this issue as a known controversy, pursuant to §15123(b)(2).

## F. THE COUNTY'S SPRAWL MITIGATION APPEARS UNSUPPORTED

We have previously asserted that the County's proposed mitigation for project-specific expansion of the County's UPA. Land Use Policies LU-119 and LU-120, allowing project-specific expansion of the UPA growth boundary, were not subject to environmental review in the GPU's 2011 FEIR,<sup>8</sup> and we here elaborate.

1. **The GPU FEIR's Analysis.** The FEIR found that project-specific UPA expansion:
- a) Conflicts with smart growth. *"The Jackson Highway Corridor<sup>9</sup> conflicts with smart growth principles significantly..."* (GP FEIR p. 3-75).
  - b) Confounds Infrastructure Planning. *"If this boundary is expanded more frequently than necessary or includes too much land, it makes the logical planning and prioritization of growth and infrastructure difficult to achieve. This policy conflicts with smart growth..."* (GP FEIR p.3-39).
  - c) Undermines County goals, policies, and principles re infill, contiguous urban development, and the "Smart Growth" principles which the GPU claims to embody.<sup>10</sup>  
*"Locating...growth...within an area dominated by open space and agriculture conflicts with smart growth. ...this superabundance of greenfield growth area is likely to draw development away from the more challenging infill and redevelopment projects... [which also] conflicts with smart growth..."* (FEIR, pp. 3-31 - 3-32).

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<sup>7</sup> [350 Sac, April 9, 2021](#) (p. 2).

[350 Sac, October 8, 2021](#) (p. 11).

[350 Sac, Comment Letter, September 27, 2022](#) (p. 8).

<sup>8</sup> [350 Sac, October 8, 2021. Comment letter](#) (pp. 11-12).

<sup>9</sup> In 2011, only three candidates for GPA project-specific UPA expansion were proposed, and discussed in the FEIR, all on the Jackson corridor: New Bridge, Jackson Township, and Jackson West (two of which are now approved). Subsequently, two more very large GPA projects in North Natomas were approved for planning and are in process. The FEIR's analysis would apply to all.

<sup>10</sup> Such policies include: EN-10G, LU-1, LU-3, LU-4, LU-5, LU-6, LU-7, LU -8, LU-11, LU-23, LU-26, LU-60, LU-81, LU-33, LU-34, LU-68, LU-90, LU-57, LU-68, LU-74, LU-82, LU-108B.

d) Creates “Leapfrog Pressure” and planning complications.

*“The larger the area designated for growth... the greater the potential [for] developments... disconnected... from each other and... existing urbanized area. This... scattered, or leapfrog, development makes it difficult to provide... walkable neighborhoods ... [and] causes difficulties with master planning transportation, drainage, and other infrastructure....”* (FEIR, pp. 3-31 - 3-32).

e) Would cause significant impacts.

*The... policy conflicts with smart growth principles... are of great import, because the policies deal with expansion of the Urban Policy Area... The physical effects... are significant”,* (FEIR, p. 3-40).

f) Is not needed. The FEIR identified three environmentally preferable ways to meet housing needs: development of the Easton growth area; the West of Watt new growth area; and redevelopment of Commercial Corridors adjacent the City of Sacramento.<sup>11</sup>

*“Among their advantages are adjacency to existing urban development, smart growth design, and access to transportation corridors and/or transit... consistent with the smart growth principles, impacts are less than significant”* (FEIR, p. 3-34 - 3-35).

g) Could be mitigated in only one way.

*“[Project specific UPA expansion] conflicts with smart growth principles significantly, but the introduction of a policy requiring logical phasing of development in the area would reduce the impact to less-than-significant levels.”* (GP FEIR p. 3-75).

2. **The County Response.** Supervisors did not adopt the FEIR’s proposed mitigation. Instead, they took three actions, none supported by the FEIR’s analyses:

- a) rejected policies to increase densities,
- b) reduced the amount of growth assumed within the approved UPA,
- c) approved two new land use policies permitting project-specific expansion of the UPA: <sup>12</sup>
  - i. New Policy LU-119 permits project-specific expansion, requires that such expansions be contiguous to the existing UPA boundary, and asserts that this assures urban continuity. However, because the UPA boundary is meant to delineate the furthest possible extent of development during the GPU’s planning period, it will rarely be built-out. As a result, the UPA boundary, originally established to demarcate the area within which growth would be accommodated, has become the malleable line from which further greenfield encroachment can progressively expand, project-by-project, in “leap-frog” fashion.

<sup>11</sup> Franklin Boulevard, Stockton Boulevard South and Central, Florin Road Area, Folsom Boulevard, Fair Oaks Boulevard West, Auburn Boulevard South, and Watt Avenue Central.

<sup>12</sup> Sacramento County. General Plan Update, Findings of Fact and Statement of Overriding Considerations (pp. 1-2). November 9, 2011.



- ii. New Policy LU-120, directs the onsite form, but not the location, of such development. Onsite mitigation was not considered as a mitigation measure in the FEIR and does not address the location-based problems identified in the FEIR as being inherent to “leapfrog” development.

In summary, the mitigation identified in the FEIR was not adopted, and the adopted mitigation was not identified in the FEIR.

### 3. The County’s CEQA Findings.

- a) The County’s Rationale. The County explains, “...*accurately predicting future demand is difficult... Given turbulent market conditions that exist today, it is nearly impossible to accurately anticipate future housing demand*”.<sup>13</sup> “[I]n 2011, the General Plan added policies...to allow applicants to request an expansion of the UPA anywhere within the USB<sup>14</sup> regardless of demand or existing capacity. The County’s intent was to let the market determine the need and location for new growth...”.<sup>15</sup>
- b) The Effect of the County’s Action. In effect, in 2011 the County abandoned its responsibility to plan efficient land use, and used its planning authority to invite inefficient “leapfrog” development outside the adopted County growth boundary, based on an unsupported contention that uncertainties in future growth made rational planning impossible. The observable result today is the multiple sprawl developments adopted and being planned along the Jackson highway and in North Natomas.
- c) The County’s Legal Justification. Deviation from the FEIR’s conclusion was reflected in the County’s Findings, supported by an apparently inapposite legal precedent, *Laguna Beach*,<sup>16</sup> which the Findings describe, and quote as, “*It is not unreasonable to conclude that an alternative not discussed in an EIR could be intelligently considered by studying the adequate descriptions of the plans that are discussed*”,

However, we question whether adoption of measures not at all considered in the FEIR’s analysis; the efficacy of which cannot be deduced from the FEIR’s findings; and which conflict with the FEIR’s conclusions, properly falls within the decision-scope of *Laguna Beach*.

- c) The GPU’s Unfaithful Transcription of GHG Mitigation. FEIR GHG mitigation measure CC-2 includes a proviso that its measures would be adopted into the GPU as policy statements. The County’s Findings accurately quotes the FEIR’s GHG mitigation measure CC-2, followed by a heading statement, “*Actual text in the draft Land Use Element that complies with CC - 2:*”. However, the succeeding recitation of CC-2 differs from and is substantially weaker than that in the FEIR. The Findings do not

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<sup>13</sup> Sacramento County. General Plan Update, Findings of Fact and Statement of Overriding Considerations (p. 2). November 9, 2011.

<sup>14</sup> The Urban Policy Area (UPA) nominally establishes the area available for development during the current planning period. The Urban Services Boundary (USB) is the ultimate growth boundary established in the General Plan to demarcate the area beyond which urban growth is never expected to occur or associated County services provided. Several GPA projects now in planning lie outside both the UPA and USB.

<sup>15</sup> Sacramento County. 2030 General Plan 2020 Annual Report. March 24, 2021

<sup>16</sup> Village Laguna of Laguna Beach, Inc. v. Orange County Board of Supervisors (1982) 134 Cal.App.3d 1022, 1028-1029 (Laguna Beach)

acknowledge the difference, or explain in what sense the weaker version “complies” with the original language. ATTACHMENT 5 contrasts the two versions.

#### 4. Consideration in the SEIR.

Read together, relevant CEQA Guidelines provisions require that CEQA Findings be supported by substantial evidence, and that potential impacts not adequately analyzed in a prior EIR be fully considered in a subsequent tiered environmental document.<sup>17</sup> The County Board of Supervisors adopted GPU Policies LU-119 and LU-120 when approving the 2011 General Plan update as a means of mitigating “leapfrog” development. The County’s Findings state, “...*the Project includes a new growth management policy...supported by the environmental analysis provided in the FEIR*”, with an inappropriately cite to *Laguna Beach* as discussed above (Section II.F.3.c). However, GPU Policies LU-119 and LU-120 were not in any way considered in the County’s 2011 GPU FEIR, nor could they have been. These measures were developed and adopted after preparation of the FEIR, and the efficacy of their measures is not substantiated either in the FEIR or in the County’s Findings. Consequently, the measures’ effect in mitigating impacts from GPA projects outside the UPA, and their own potentially significant environmental impacts, have not been subject to prior environmental review. The SEIR is therefore required to provide such analysis.

The related issues requiring review in the SEIR include:

- a) LU-120, vision of proximity to future projects. GPU Policy LU-120, PC-1, requires, “...*a vision of how the development will connect to other adjacent existing and potential future development areas within the USB....*” That the County values adjacency to potential future development as highly as to existing urbanization invites the “leapfrog pressure” the FEIR warns against, wherein each GPA project provides a springboard for future projects, encroaching progressively further outward from the adopted UPA boundary into rural, natural, and working lands. It also calls into question what “strategic” consideration the County is pursuing, as cited in GPU Policy LU-3 (see section IV.A.3.a) below). The 2011 FEIR did not consider the efficacy of LU-120’s measures in mitigating the adverse impacts of “leapfrog pressure”.
- b) LU-120 – Alternative 1, CB-4, Transit. In principle, transit service can reduce VMT among a serviced population. Criterion CB-4 requires that at least 65 percent of all residential units be located within ½ mile of existing or planned transit service (for GPA projects there will never be existing service), and headways of at least hourly, half-hourly, or every 15 minutes during peak hours, with credit given for more frequent headways. Pursuant to existing County plans, transit service will be phased in during project buildout, with target headways reached only at full buildout.<sup>18 19</sup> However, the following issues are not addressed in the 2011 FEIR:

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<sup>17</sup> §15091(b); §15064(h)(3), §15130(e), §15183(j).

<sup>18</sup> E.g., Sacramento County. Final Environmental Impact Report, Jackson Township Specific Plan. November 2022.

<sup>19</sup> Sacramento County. Staff Report, Transportation Workshop for the Jackson Corridor Development Projects Transportation Mitigation Strategy. July 23, 2019. Online: <https://agendanet.sacounty.gov/BoardofSupervisors/Documents/ViewDocument/BDL%20Jackson%20Highway%20Master%20Plan%20Workshop.docx.pdf?meetingId=3529&documentType=Agend>

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- i. Potentially ineffective headways. Transit ridership correlates directly with headway frequency. LU-120, Alternative 1 identifies five scoring criteria, each with three levels of performance assigned different point values. Under the County's scoring system, target headways of as much as an hour (and less frequent until full buildout) would be allowed. This is unlikely to substantially reduce VMT.
  - ii. Planned buildout period. Target headways, and maximum VMT reduction will be achieved only at full project buildout. In analyzing impacts, VMT/GHG modelling should document emissions during the planned buildout period, before target headways and ridership rates are achieved.
  - iii. Delayed buildout due to excess entitlements . Per previous 350 Sac comments (cited in Section III.E.6 above), the County's adopted and planned projects will provide a 400 percent excess of residential building entitlements relative to SACOG's projected market demand. This plethora of competing projects pursuing limited market demand will likely result in partial build-out of scattered, competing tracts, and indefinitely delay full planned build-out and achievement of target headways. This scattered and incomplete buildout would also undermine the County's strategy to reduce VMT by approving multiple large projects with enough cumulative urban mass to shorten some vehicle trips.
- c) LU-124 – Fifty-acre mitigation exemption. Per GPU Policy LU-124, "*expansions of the UPA (<50 acres) may be considered independent of the requirements per LU-119 and LU-120*". Although impacts from smaller CPA projects may be less than from the County's very large adopted and planned ones, no evidence is presented in the FEIR that they are less than significant. These smaller GPA projects are exempt from the general mitigation specified for GPA projects; could be located anywhere within the USB; and are of unlimited number, so impacts could be cumulatively considerable. This issue is not addressed in the 2011 FEIR.
- d) The County's Solution to Sprawl. The County has asserted that VMT induced by disjunct development will be reduced as further nearby greenfield projects are developed, creating urban mass,<sup>20</sup> i.e., the solution to sprawl is more sprawl. This concept is supported by LU-120's measures PC-1 and CB-2, which respectively invite a vision of how a proposed GPA project outside the UPA will connect to potential future GPA projects, in "leapfrog" fashion; and require that project plans include service areas near residences to provide local urban mass. The result would be, and is, to provide multiple opportunities for residential development at various locations in the unincorporated County, far exceeding SACOG's growth projections for the County, but capable of absorbing a large portion of regional population growth. However, because the number of adopted and planned County-entitled dwelling units far exceeds foreseeable market demand, providing 140 years-worth of growth at current buildout rates,<sup>21</sup> future development would compete for shares of a limited market. As a result, the entitled projects will likely be too thinly built-out to

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<sup>20</sup> Sacramento County. Final Environmental Impact Report, Jackson Township Specific Plan. November 2022.

<sup>21</sup> Sacramento County. 2030 General Plan 2020 Annual Report. March 24, 2021.

provide the urban mass or to support the transit service that the County is counting on to mitigate the VMT induced by far-flung greenfield development.

The County's 2011 FEIR clearly states that a growth pattern involving development outside the UPA would cause significant impacts; and high induced VMT/GHGs is certainly among them. The County has to-date entitled or approved for planning five very large GPA developments in the central and northern unincorporated areas (see [ATTACHMENT 4](#)); and a sixth massive project is proposed in the east County, outside both the UPA and Urban Services Boundaries.<sup>22, 23</sup>

GPU Policies LU-119 and LU-120 authorize, support, and purport to mitigate the environmental impacts of the above-described pattern of widespread greenfield development. However, because the County's 2011 GPU FEIR did not assess the efficacy or growth implications of these policies, decision makers and the public were, and are, improperly deprived of analysis of their mitigation value and environmental impacts. To correct this and satisfy CEQA's informational and substantive mitigation requirements, the SEIR should address the cumulative, indirect, and growth-inducing impacts associated with development patterns facilitated through these GPU Policies.

## G. IMPLEMENTATION MONITORING AND REPORTING

Timely program reporting is fundamental for accountability and to ensure prompt adjustments to the program when needed to accomplish its purpose. The NOP is silent on program reporting, but the Consultant Scope (Task 6.1.5) indicates the final SEIR will include a Mitigation Monitoring and Reporting Plan for all mitigation measures. We appreciate the intention to ensure that, "*the language used to identify the County's CAP monitoring, evaluation, and reporting commitments is clear, specific, and enforceable*". We have previously asserted that the prior drafts' reporting scheme was not credible,<sup>24</sup> and suggest:

1. **Annual Reporting.** There should be a minimum of annual public reporting to Supervisors, detailed enough to provide a complete and accurate assessment of program status relative to the implementation schedule.
2. **Formal CAP Updates** should be scheduled at five-year intervals, at dates certain, to ensure the program is evolving appropriately in response to emerging challenges and opportunities.
3. **Interim Reporting.** We strongly endorse the suggestion (Consultant Scope, Task 7) for, "*public information campaigns to share this data [ongoing monitoring and evaluation of the CAP's progress], with the public and decision-makers (e.g., online dashboard)*".

## H. REQUEST FOR INTERIM TECHNICAL REPORTS

To enhance public participation in the revised CAP/EIR's development, we request copies

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<sup>22</sup> Re UPA and Urban Services Boundary (USB), see footnote 15,

<sup>23</sup> The project would encompass 2.876 acres, 8,817 dwelling units, and a medical complex. Epidaurus Management Company. Community for Health and Independence, Project Narrative. December 22, 2023.

<sup>24</sup> [350 Sac, September 27, 2022](#) (pp. 11-12).

of the following final interim products:

1. Task 3 Technical Memorandum – Emissions Forecasts and Reduction Targets.
2. Task 4 Technical Memorandum – Revised GHG Reduction Measures.

### III. COUNTY-IDENTIFIED ALTERNATIVES

Pursuant to §15126.6, the SEIR should describe a range of reasonable alternatives and evaluate their comparative merits. According to the Consultant Scope (p. 10), the County anticipates the draft SEIR “will include an evaluation of three project alternatives”:

- (1) No Action Alternative, “...retention of the current CAP;”
- (2) “[A]lternatives considered but rejected that may be based on previous concepts for the Revised CAP”
- (3) Project Alternative; the revised draft CAP.

Identifying the number and content of alternatives prior to CEQA scoping appears premature, and we are gratified the County is now requesting input regarding this key CEQA element.

Our comments on this section are organized as follows:

- A. NO ACTION ALTERNATIVE
- B. [ALTERNATIVES CONSIDERED BUT REJECTED](#)

#### A. NO ACTION ALTERNATIVE

1. The No Action alternative represents conditions that would prevail if the project were not adopted; and assumes that the August 2022 final draft, presented to supervisors but not adopted on September 27, 2022, would be adopted instead. Because a qualified CAP obviates further GHG CEQA review, that CAP’s legally insufficient measures if unchallenged would result in cumulatively considerable secondary GHG impacts. Hence the necessity of the 2024 revised draft CAP, which as mentioned above promises to correct eight important deficiencies of that prior version. Any CAP, including the 2024 revision, if not adequately substantiated as feasible, effective, and enforceable would result in such adverse impacts.

#### B. ALTERNATIVES CONSIDERED BUT REJECTED”

The second alternative would involve, “*alternatives considered but rejected*” by County staff, who relegated them in the prior draft CAP to, “*Appendix F: Additional Options Considered for the CAP – Provides a discussion of strategy options and a list of CAP measures that were considered for inclusion, but excluded ...*”

We have previously commented, with examples, that Appendix F’s “reasons for dismissal” lack credibility.<sup>25</sup> In any case, there is no problem re-considering previously rejected measures, but limiting options to those previously rejected seems arbitrary, and unlikely to provide the “range of reasonable alternatives” required by 14 CCR § 5126.6(a).

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<sup>25</sup> [350 Sac, October 8, 2021. Comment letter](#) (p. 26).

Instead of or in addition to the above we propose a new “smart growth” alternative.

#### IV. PROPOSED “SMART GROWTH”<sup>26</sup> ALTERNATIVE

Given the importance of VMT as a GHG source, Sacramento County’s land use choices will be the major factor in determining the County’s future emissions. The County is well-positioned to consider a “smart growth” alternative, focusing on infill and VMT reduction, because:

- The connection between land use and induced VMT is well-known;<sup>27 28 29</sup>
- State and regional policy strongly favor infill and VMT reduction;
- Infill and VMT reduction are supported by the County’s 2011 GPU and other plans.
- Courts have recognized that in considering VMT reduction, a “smart growth” land use-alternative is appropriate, including in climate action plans.<sup>30</sup>

Our comments in this section are organized as follows:

- A. INFILL ELEMENT
- B. [VMT-REDUCTION ELEMENT](#)

##### A. THE INFILL ELEMENT

1. **State Guidance.** The State has long and clearly maintained that, notwithstanding future phase-out of gasoline-fueled vehicles, reducing VMT through changes in local land use is critical to meeting the State’s GHG targets. SB 375 states:

*“Section 1.(c). Greenhouse gas emissions from automobiles and light trucks can be substantially reduced by new vehicle technology and by the increased use of low carbon fuel. However, even taking these measures into account, it will be necessary to achieve significant additional greenhouse gas reductions from changed land use patterns and improved transportation. Without improved land*

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<sup>26</sup> “Smart Growth” is “compact, efficient, and environmentally sensitive pattern of development that focuses future growth away from rural areas and closer to existing and planned job centers and public facilities, while preserving open space and making more efficient use of existing urban infrastructure” (Golden Door Properties, LLC v. County of San Diego (2020) 50 Cal.App.5th 467)

<sup>27</sup> Decker, N. et al. Right Type, Right Place - Assessing the Environmental and Economic Impacts of Infill Residential Development through 2030. Next 10. March 28, 2017. Online: <https://www.next10.org/publications/right-housing>.

<sup>28</sup> Popovich, N et al. The Climate Impact of Your Neighborhood, Mapped. NY Times. December 13, 2022. Online: <https://www.nytimes.com/interactive/2022/12/13/climate/climate-footprint-map-neighborhood.html> <https://www.nytimes.com/interactive/2022/12/13/climate/climate-footprint-map-neighborhood.html>

<sup>29</sup> Karlamangla, S. What’s Your Neighborhood’s Climate Impact? NY Times. February. 6, 2023. Online: <https://www.nytimes.com/2023/02/06/us/california-neighborhood-climate-impact.html>

<sup>30</sup> Cleveland National Forest Foundation v. San Diego Association of Governments (2017) 17 Cal.App 5th 413 (“Cleveland III”). Golden Door Properties, LLC v. County of San Diego, 50 Cal. App. 5th 467 (2020)

use and transportation policy, California will not be able to achieve the goals of AB 32", (emphasis added).

- a) CARB Scoping Document.<sup>31</sup> This State guidance states, "...strategies that support more compact development infill areas...have the greatest potential to reduce emissions (p. 5) ... the State has long been clear that urban infill projects, particularly in high-resource and low-VMT areas, would be generally supportive of the State's climate and regional air quality goals" (p. 20). CARB's "Priority GHG Reduction Strategies",<sup>32</sup> include, "... enable mixed-use, walkable, transit-oriented, and compact infill development", and, "Preserve natural and working lands ... guide development toward infill areas and do not convert "greenfield" land to urban uses (p.12).
- b) CARB SCS Guidance. SB 375 requires the Sacramento Council of Governments (SACOG) to adopt a regional Sustainable Community Strategies (SCS) to reduce VMT through coordinated transportation, housing, and land use planning. CARB sets VMT-reduction targets for SACOG and evaluates compliance. Developments consistent with the SCS are relieved of certain CEQA requirements.<sup>33</sup>  
*"Many local agencies have not successfully advanced infill and climate-friendly development as needed, even with many regions identifying priority areas in the SCSs to do that. Too often growth is still being planned for land outside existing communities or built there first".<sup>34</sup>*
- c) CARB Mitigation Recommendations. In the context of SCS consistency, CARB has identified mitigation criteria focused on Sacramento County.<sup>35</sup>
- d) Office of Planning and Research. *"Infill development is critical to accommodating growth and redesigning our cities to be environmentally- and socially-sustainable. .... OPR is committed to promoting compact development in order to: Reduce greenhouse gas emissions and improve regional air quality by reducing the distance people need to travel; reduce conversion of agricultural land, sensitive habitat, and open space for new development; reduce costs to build and maintain expensive infrastructure; facilitate healthy and environmentally-friendly active transportation; reduce storm-water runoff resulting in flooding and pollution of waterways; bring vibrancy, community and social connection to neighborhoods".<sup>36</sup>*

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<sup>31</sup> California Air Resources Board. 2022 Scoping Plan, appendix D, Local Actions. November 2022. Online: [https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp-appendix-d-local-actions\\_0.pdf](https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp-appendix-d-local-actions_0.pdf)

<sup>32</sup> "...designated as 'priority' because they are the GHG reduction opportunities over which local governments have the most authority and that have the highest GHG reduction potential" (CARB, Scoping Plan, 2022, Table 1).

<sup>33</sup> CARB. Sustainable Communities & Climate Protection Program. Online: <https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-climate-protection-program>

<sup>34</sup> California Air Resources Board. 2022 Progress Report, California's Sustainable Communities and Climate Protection Act (SB 375) (p. 36). 2022.

<sup>35</sup> CARB. Comments on the Sacramento County Transportation Maintenance, Safety, and Congestion Relief Act of 2022—Retail Transactions and Use Tax (Measure A). October 10, 2022. Online: [https://drive.google.com/file/d/1-vFaHEOCBJDzs26rNj\\_3Po9Fk3evyi17/view?usp=sharing](https://drive.google.com/file/d/1-vFaHEOCBJDzs26rNj_3Po9Fk3evyi17/view?usp=sharing).

<sup>36</sup> Office of Planning and Research. Infill Development. Online: <https://opr.ca.gov/planning/land->

## 2. Regional Guidance

- a) SACOG's regional SCS/Blueprint is mandated by SB 375 and focuses on infill, compact development, and related transportation strategies to reduce GHG emissions. *"Prioritizing and incentivizing infill development is one of the most important actions government agencies can take to reduce the amount and distance that people need to drive, manage congestion, foster economic development, and reduce tailpipe emissions that affect air quality and greenhouse gas emissions"*.<sup>37</sup>
- b) SMAQMD. The Sacramento Metropolitan AQMD publishes GHG thresholds and VMT-reduction guidance.<sup>38</sup>
- c) Sacramento Regional Transit District (SacRT) provides bus, light rail, paratransit, and other transit services to Sacramento and nearby Counties. SacRT advocates for land use compatible with efficient transit service,

## 3. The County's Plans

- a) The County General Plan (GP)

Infill is a stated priority in the goals, policies, and implementation measures of multiple GP elements including the Land Use, Housing, Economic Development, and Circulation elements, and the GP's "Land Use Strategies and Policies" statement.<sup>39</sup> GP policies focusing on infill include LU-3, LU-4, LU-6, LU-7, LU-8, and LU-68 among others.

GP Policy LU-3 states,

*"It is the intent of the County to focus investment of public resources on revitalization efforts within existing communities, especially within commercial corridors, while also allowing planning and development to occur within strategic new growth areas"*.

Unfortunately, the GP does not define "strategic", so the practical application of policy LU-3 is subject to wide interpretation. However, LU-3 directs that,

*"... the County must ensure that resources are not prematurely shifted away from corridor revitalization efforts and buildout of planned communities to plan for development in the new growth areas"* (LU Element, p. 25).

Similarly, GP Policy LU-68 directs,

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[use/infill-development.](#)

<sup>37</sup> SACOG. Establishing Green Zones. Online: <https://www.sacog.org/funding/regional-funding-programs/green-means-go/establishing-green-zones>

<sup>38</sup> SMAQMD. Greenhouse Gas Thresholds for Sacramento County. June 2, 2020. Online: <https://www.airquality.org/LandUseTransportation/Documents/SMAQMDGHGThresholds2020-03-04v2.pdf>

<sup>39</sup> Sacramento County. 2030 General Plan 2022 Annual Report, Attachment 1. March 28, 2023.



*“Give the highest priority for public funding to projects that facilitate and encourage infill, reuse, redevelopment and rehabilitation, mixed-use development, particularly in Environmental Justice Communities, and that will result in per-person vehicle miles traveled lower than the County average ...”*

The GP thus recognizes the practical tension between revitalizing existing communities and developing new areas, and cautions that revitalizing existing communities and buildout of already planned and approved communities near the urban core, waiting build-out, should have priority and precede before “shifting” resource to outlying greenfield areas.

The “streamlining” function of the CAP will support development of the GPA projects, drawing staff resources away from infill and buildout of already entitled projects. The SEIR should consider the environmental impacts of such diversion of staff resources to GPA greenfield development.

- b) The County’s Phase 1 CAP.<sup>40</sup> The Phase 1 CAP was prepared to “*adopt overall strategies and goals*”, and be “*the foundation for the CAP components which follow*”, and to “*augment and inform the Goals, Objectives, Policies and Implementation Measures of the 2030 General Plan*”<sup>41</sup>. The Phase 1 CAP discusses infill and VMT reduction at some length, e.g., “*Sacramento County determines land use patterns, which in turn affect ... GHG emissions.... As VMT is directly tied to how communities are planned and developed, reducing VMT will require changes to ... land use ... practice (p. 33 )*”.
- c) The County Infill Development Program.<sup>42</sup> The County adopted an infill Program in 2008` seeking among other co-benefits to, “*improve regional air quality by reducing greenhouse gas emissions (GHGs) and vehicles miles traveled*”<sup>43</sup>. Work lagged, but in 2020 the County received LEAP funding to update the Program by:
- Assessing and developing a comprehensive inventory of infill sites.
  - Analyzing existing regulations and codes to assess the impediments to development.
  - Developing a comprehensive amendment package with a focus on reducing impediments for appropriate projects.
  - Developing incentives/strategies to maximize infill opportunities.

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<sup>40</sup> Sacramento County. Phase1 Climate Action Plan Framework and Policy Document. October 2011. Online: <https://planning.saccounty.gov/PlansandProjectsIn-Progress/Documents/Climate%20Action%20Plan/CAP%20Strategy%20and%20Framework%20Document.PDF>

<sup>41</sup> Sacramento County. “Resolution of the Board of Supervisors of the County of Sacramento, State of California Adopting a Strategy and Framework Document”. November 9, 2011

<sup>42</sup> Sacramento County Infill Development Program. Online: <https://planning.saccounty.gov/Programs/Pages/InfillDevelopmentProgram.aspx>

<sup>43</sup> Sacramento County. Board Agenda Item 10, Adopt Resolution Authorizing the Planning Director To Execute A Contract For Preparation Of The Infill Program Update With PlaceWorks Funded By A Local Early Action Planning Grant In The Amount Of \$249,978 With A Contingency Amount of \$25,000. August 23, 2022 .

Project completion was scheduled for September, 2023.

- d) The County's Green Means Go Zones. In partnership with SACOG, Sacramento County has identified and nominated five priority infill "Green Zones",<sup>44</sup> for funding through state Regional Early Action Program grants. Green Zones must be within infill areas defined by SACOG's 2020 MTP/SCS, planned for growth, and supported by local policies. They are, South Sacramento-Stockton Boulevard-14th Avenue to Mack Rd; Fair Oaks Blvd Corridor; Arden Way Corridor; Butterfield RT Station; and North Watt Corridor
- e) The 2022 Urban Land Institute Advisory Services Panel.<sup>45</sup> In November 2022, Sacramento County partnered with SACOG and the City of Folsom in a weeklong Panel centered on accelerating housing along suburban commercial corridors. The panel developed recommendations to facilitate infill residential development on North Watt Avenue in Sacramento County.
- f) The Re-Envision West Arcade Plan. In 2022 the County completed a two-year planning project to create safer and more appealing walking, rolling, bicycling, and driving conditions in the West Arcade community
- g) Other Related Activities <sup>46</sup>
  - (1) Completion of Active Transportation Plan.
  - (2) Amendments to facilitate Vineyard projects buildout.
  - (3) Update Stockton Boulevard SPA.
  - (4) Completion of ADU construction plans.
  - (5) In addition, the County has listed some 14 other plans and projects which it considers support infill.<sup>47</sup>

#### 4. The County's Sprawl Bias

Notwithstanding the above policies and plans, in practice Sacramento County has favored sprawl as its primary growth-accommodation strategy. The County has entitled a large number of dwelling units in areas disjunct from existing urbanization, and plans to entitle many more (ATTACHMENT 4) .

- a) GPU Policy LU 119. As the County explains, "*...in 2011, the General Plan added policies ... to allow applicants to request an expansion of the UPA anywhere within the USB*"<sup>48</sup> regardless of demand or existing capacity. The County's intent was to let

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<sup>44</sup> The County's five "Green Zones" are South Sacramento-Stockton Boulevard-14th Avenue to Mack Rd; Fair Oaks Blvd Corridor; Arden Way Corridor; Butterfield RT Station; and North Watt Corridor.

<sup>45</sup> Urban Land Institute (ULI) Advisory Services Panel. Online: <https://sacramento.uli.org/about/advisory-services/2022-uli-advisory-services-panel-with-sacog/>

<sup>46</sup> Sacramento County. 2030 General Plan 2022 Annual Report, Attachment 1. March 28, 2023.

<sup>47</sup> Sacramento County. Board of Supervisor's Meeting, Adoption Of The Communitywide Climate Action Plan, Attachment 3, Response to Comments (pp. 13-14). September 27, 2022.

<sup>48</sup> The Urban Policy Area (UPA) nominally establishes the area available for development during the current planning period. The Urban Services Boundary (USB) is the ultimate growth boundary established in the General Plan to demarcate the area beyond which urban growth is never expected to occur or associated County services provided. Several GPA projects now in planning lie outside both the UPA and USB.

- the market determine the need and location for new growth...*<sup>49</sup> As discussed above in comment II.F, the County's invitation to sprawl development far from existing urbanization and rejection of densification policies, has shifted public and private resources from infill to sprawl.
- b) GPA Projects. Since 2011, the County has approved planning for six large GPA projects outside the adopted UPA growth boundary, so far approving two. To our knowledge, the County has never rejected a GPA application, either for planning or final approval.<sup>50</sup>
- c) Excess Entitlements. As detailed in previous comments,<sup>51</sup> the County has entitled far more sprawl DU's than needed to accommodate expected growth, and plans to approve more. Excess entitlements far exceeding market demand will result in partially built-out tracts, with foreseeable GHG and other environmental impacts not subjected to prior CEQA analysis. The County has yet to respond to our remarks.
- d) County's Solution to Sprawl. The County has asserted that VMT induced by disjunct development will be reduced as further nearby greenfield projects are developed, creating urban mass – i.e., the solution to sprawl is more sprawl.<sup>52</sup>
- e) County's Objection to SACOG SCS Draft Projections. Per comment II.C above, the County proposes to "augment" SACOG's draft SCS 2025 projections to reflect more County sprawl. The County has reportedly asked SACOG to modify the projections to show 333 percent more County sprawl and 50 percent less infill than SACOG's plan, which would undermine the SCS's ability to achieve its VMT-reduction goal.<sup>53</sup>

## B. VMT-REDUCTION ELEMENT

1. **State, Regional, and County support** for VMT reduction measures is similar to that identified above for Infill. We recognize that the prior draft CAP includes several VMT reduction measures. Potential measures include, but are not limited to: T
- Transit-oriented development
  - EV/ZEV support
  - Transit and micro-transit
  - Active transportation
  - Shared mobility
  - Travel demand management

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<sup>49</sup> Sacramento County. 2030 General Plan 2020 Annual Report. March 24, 2021

<sup>50</sup> 350 Sac. [Fact Sheet 3, Sacramento County CAP Allows More Sprawl and GHG Pollution. March 2022.](#)

<sup>51</sup> [350 Sac. Comment letter, April 9, 2021](#) (p. 2).  
[350 Sac. Comment Letter, October 8, 2021](#) (p. 11).  
[350 Sac. Comment Letter, September 27, 2022](#) (p. 8).

<sup>52</sup> Sacramento County. Jackson Township Draft Environmental Impact Report (Recirculated), pp. 20-41, Table SI-2. May 2021.

<sup>53</sup> Philp, Tom. Sacramento Bee, Sacramento supervisors are addicted to sprawl. It could cost our region dearly. December 7, 2023. Online:  
<https://www.sacbee.com/opinion/article281716338.html#storylink=cpy>

- Complete streets
- Incentives
- Pricing disincentives.

2. **EV/ZEV Support.** We support the current NOP response comments submitted by the Sacramento Electric Vehicle Association. We endorse and recommend using the rate of EV adoption, as documented by the California Energy Commission in collaboration with the Department of Motor Vehicles, as the most meaningful parameter to track and report the success of EV-related measures.<sup>54</sup>

## V. APPLICATION OF CAP TO GENERAL PLAN AND UPDATE

The 2011 GPU's planning horizon is 2030, and updating will be a multi-year process. Supervisors budgeted \$250,000 for FY 2022-23 to initiate scoping and coordination work. The SEIR should indicate how the CAP will integrate with the current GP 2030, and into the future GP update process.

As always, our aim to support the County's adoption of an effective, CEQA-compliant CAP. Thank you for considering our comments.

Sincerely,



Oscar Balaguer, Chair  
350 Sacramento CAP Team

Cc: Liaisons, CCL, ECOS, SCC, Sierra Club, Sac EV

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<sup>54</sup> California Energy Commission. California Energy Commission Zero Emission Vehicle and Infrastructure Statistics. Online: <http://www.energy.ca.gov/zevstats>.

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## SACRAMENTO COUNTY CLIMATE MITIGATION - DEFERRED AND DISREGARDED PROMISES -

### October 2011 – CAP Strategy and Framework Document <sup>3</sup>

The *Strategy Document* is meant to, “...adopt overall strategies and goals” which the community-wide CAP would “flesh out”. It states that, “reducing transportation-related ... emissions is critical... [and] requires a shift in long-standing ... thinking related to development ... [s]hifting development patterns to ... compact development”.

**NOT DONE.** The current draft CAP does not discuss shifting from continued sprawl.

### November 2011 – General Plan Update & Environmental Impact Report <sup>1</sup>

CEQA required the County to mitigate the GHG impacts of its 2011 General Plan update<sup>2</sup>. The County deferred to promised future actions, including:

- Adopt a “detailed” Climate Action Plan “within one year”.
- Complete a GHG emissions inventory every three years.
- Adopt a Green Building Program by 2012, and update at minimum every five years.
- Adopt a development fee to fund the CAP.
- Adopt the promised mitigation into the General Plan

**NOT DONE.** No CAP adopted. Two Inventories completed out of five. No Green Building program established, or development fee adopted. Mitigation as adopted into the General Plan was substantially weakened.

### June 2012 – Government Operations CAP <sup>4</sup>

The *Gov Ops CAP* described County operation emission-reductions:

- Implement 25 specified measures to reduce GHG emissions by 6,363 MTCO<sub>2</sub>e/yr by 2020.
- Develop metrics to assess effectiveness of the Plan
- Report progress to elected officials and public, and update CAP as needed.

**NOT DONE.** No metrics, reports, or updates have been presented. The last draft CAP presents a Gov Ops plan with no evident correlation to or mention of the 2012 plan.

### December 2020 – Climate Emergency Declaration<sup>5</sup>

The County’s CED directs that the CAP, “ ... shall explain the County’s approach to ... achieve carbon neutrality by 2030, and ... Countystaff shall evaluate the resources necessary ... and ... emergency action required ... [and] shall identify [funding] gaps and... recommendations”.

**NOT DONE.** The current draft CAP does not substantively explain how the County can achieve the CED’s goal; evaluate needed resources; or identify emergency actions or recommendations. The CAP delegates this work to a future proposal to be developed by a volunteer Task Force

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<sup>1</sup> Sacramento County, General Plan 2030 FEIR, Vol II, “Mitigation Measures”, 2011 Page 12-39.

<sup>2</sup> Pursuant to the California Environmental Quality Act.

<sup>3</sup> Sacramento County, Phase 1 CAP, Strategy and Framework Document, November 9, 2011.

<sup>4</sup> Sacramento County, Climate Action Plan for Government Operations, June 2012.

<sup>5</sup> Sacramento County, *Resolution Declaring A Climate Emergency*, December 2020, 3rd and 4th Resolves

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## SACRAMENTO COUNTY CLIMATE ACTION PLAN – HISTORY –

To a scientific certainty, unless global governments at every level rapidly transition from fossil fuels, their citizens will face progressively severe weather catastrophes. It is also widely recognized that this difficult transition is not happening fast enough.

Sacramento County began planning a climate action plan (CAP) in 2008. More than 15 years later, the County has not yet adopted a CAP. A review of the County's efforts may offer an instructive case study on how institutional inertia can stymie staff and public efforts to effectively complete what is arguably the most consequential planning effort the County will ever undertake. Key milestones in the County's process are listed below.

**2007.** SB 97 amends the California Environmental Protection Act (CEQA) to require analysis and mitigation of greenhouse gases (GHG) during CEQA process, effective March 18, 2010.

**April 29, 2008.** Sacramento County staff presents to the Board of Supervisors background information on climate change, State regulations, and associated opportunities and challenges.

**May 27, 2008.** Supervisors direct staff to return to the Board as needed with updates and work products requiring review and action.

**May 12, 2009:** Staff presents the draft Phase 1 CAP, the first of various work products prepared to address "regulatory drivers and local priorities". The draft includes a GHG emissions inventory, and describes how the County can integrate climate protection into planning and resource management, adopt green building practices, promote healthy, pedestrian-friendly communities, and curb vehicle emissions.

**June 2, 2009:** Supervisors allocate a portion of the County's federal Energy Efficiency Conservation Block Grant Program (EECBGP) grant to fund the Phase 2 CAP (a prime purpose of the EECBGP is to "reduce fossil fuel emissions").

**August 25, 2010.** At a Supervisor workshop, staff introduces the Phase 2 Implementation Plan which will include two phases: a 2A County government operations CAP, and a 2B communitywide CAP. Staff presents a timeline to provide, "adoption of a Phase 2 CAP within one year of the updated General Plan's adoption".

**November 9, 2011.** Supervisors adopt/certify a General Plan Update/Final Environmental Impact Report (FEIR), promising the County will:

- Adopt a Phase 1 CAP, "Framework and Policy Document",<sup>1</sup> which presents "overall strategies and goals"; and is meant to "augment and inform the Goals, Objectives, Policies and Implementation Measures of the 2030 General Plan"; and to be, "the foundation for the CAP components which follow".
  - Adopt a Phase 2B Communitywide CAP, "within one year... that includes economic analysis and detailed programs and performance measures, including timelines".
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- Complete other specified GHG-reduction measures.

The General Plan update includes many policies supporting compact, climate-friendly growth; but it also for the first time creates a pathway for urban development outside the County's adopted urban growth boundaries. The Phase 1 CAP is adopted concurrently with the General Plan. The County subsequently fails almost all its GHG commitments. The Phase 1 Plan and General Plan each fail to contain or substantially weaken a number of measures which the FEIR specified were to be included. The County did not, as it promised, adopt the Phase 2B Communitywide CAP within one year (it is still outstanding); adopt a Green Building Program by 2012 and update every five years; provide triennial GHG inventories;<sup>2</sup> timely adopt GHG thresholds of significance;<sup>3</sup> or enact a fee on new development to fund the CAP.

**September 11, 2012.** Using EECBGP funds, the County adopts a Phase 2A Government Operations CAP, specifying products and reports to be delivered. There is no evidence that these were ever produced. The County's recent drafts of a County Operations CAP do not mention the 2012 CAP or any accomplishments.

**2016.** County staff conducts targeted public outreach regarding the Phase 2B Communitywide CAP.

**May 24, 2017.** With the Communitywide CAP five years overdue, the County schedules a Board hearing to consider. Staff presents a base-year 2015 GHG Inventory; Vulnerability Assessment; and four potential GHG-reduction measures. Some Supervisors balk at the measures. Supervisors and staff state that staff will return with more detailed proposals in late 2017; however, they do not. Subsequently the County claims that the CAP is delayed pending the outcome of litigation in another jurisdiction (*Sierra Club/Golden Door v. County of San Diego*).

**June 11, 2019.** 350 and allies request CAP funding be provided in the County FY 2019-2020 Budget. There is no response.

**January 27, 2020.** 350 Sac and allies advise County in formal comments that since the 2011 commitment to adopt a CAP, four other jurisdictions in the SACOG region have adopted one, and three more are currently in active draft, notwithstanding pending litigation.

**January 28, 2020.** 350 Sac comments at the final adoption hearing for Mather South Specific Plan that approval would be inconsistent with the County's promise to address GHG emissions via a CAP, and therefore inconsistent with CEQA. Three Board members support CAP initiation. In February, 350 Sac and allies meet with the three Supervisors and with County staff, and request that the Board formally consider the CAP at an upcoming Annual General Plan Report hearing.

**February 18, 2020.** 350 Sac and allies write County staff, requesting that the 2019 Annual General Plan Report include a discussion of CAP status.

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**April 6, 2020.** 350 and allies write Supervisors, thank for agreeing to discuss the CAP at an April 7, 2020 hearing on the County's annual general plan report; note that the report states CAP work won't begin until "a path forward is made clear"; and asks the Board to direct staff to begin work.

**April 7, 2020.** Supervisors direct staff to initiate CAP work.

**August 12, 2020.** County initiates a "Focused Stakeholder Group" including environmental, equity, and building industry representatives. The Group meets five times. Absent professional facilitation; a discussion of possible shared goals; and a focus on participant interaction, a collaborative dynamic is not achieved. Meeting frequency decreases.

**May 11 2021.** At the fifth meeting of the Stakeholders Group, staff advises intent to use an Addendum to the 2011 General Plan FEIR for CEQA compliance. 350 Sac demurs at meeting and subsequently in writing. Staff does not schedule further meetings.

**January 2021.** County issues Administrative Draft CAP. 350 Sac and others comment to the effect that its measures are not substantiated as feasible, effective, and enforceable .

**March 2021.** County issues Public Draft CAP . 350 Sac and others comment to the effect that its measures are not substantiated as feasible, effective, and enforceable.

**September 2021.** County issues Final Draft CAP and an EIR Addendum to the 2011 County General Plan FEIR. 350 Sac and others comment to the effect that its measures are not substantiated as feasible, effective, and enforceable, and the Addendum is inconsistent with CEQA requirements.

**February 2022.** County issues Revised Final Draft CAP. 350 Sac and others comment to the effect that its measures are not substantiated as feasible, effective, and enforceable, and the Addendum is inconsistent with CEQA requirements.

**August 2022.** County issues second Revised Final Draft CAP; and a revised Addendum to the 2011 FEIR . 350 Sac comments to the effect that the CAP measures are not substantiated as feasible, effective, and enforceable, and the Addendum is inconsistent with CEQA requirements.

**September 27, 2022.** Staff presents the second Revised Final Draft CAP to Supervisors for adoption. 350 and others provide extensive written and oral comment. Supervisors decline to approve the CAP, request revision, and direct staff to bring it back to the Board's December 6, 2022 meeting. or earlier. The December meeting agenda states in regard to the CAP, "THIS ITEM WILL BE DROPPED", without further explanation.

**October 13, 2023.** Responding to multiple requests, staff provides 350 Sac a copy of a June 2023 consultant contract/work statement to revise the CAP and prepare a Supplemental EIR (SEIR). The specified work appears to address a number of the concerns expressed by 350 Sac and others since January 2021. Public review of the revised draft CAP is scheduled for May 2024.

**December 14, 2023.** County publishes a Notice of Preparation for the SEIR and schedules a January 10, 2024 scoping meeting.



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**NATIVE CARBON SEQUESTRATION  
IN  
SACRAMENTO COUNTY SOIL –  
ASSESSMENT, AVOIDANCE, AND MITIGATION**

**A. Importance of Maintaining Natural Carbon Sequestration**

Permanent loss of carbon sequestration due to construction-related vegetation and soil disturbance from greenfield development is among the reasonably foreseeable secondary impacts of CAP adoption the SEIR should evaluate. The California Resource Agency's Statement of Reasons for adopting CEQA Guidelines §15183.5 notes that, "*All substantial evidence regarding potential impacts of a project must be considered in an IS, even if the particular potential impact is not listed in The Resources the Appendix G checklist. (Protect the Historic Amador Waterways, 16 Cal.App.4th at 1109.)*"<sup>1</sup>

The Sacramento Municipal Utility District (SMUD) has determined that natural soils and vegetation in Sacramento County sequester large amounts of carbon which are released with landscape disturbance, and found that such sequestration loss can be modeled and quantified under different development scenarios, allowing identification of mitigation choices.<sup>2</sup>

The California Air Resources Control Board (CARB) states:

*"Although natural and working lands can remove carbon dioxide from the atmosphere and sequester it in soil and vegetation, disturbances such as severe wildfire, land degradation, and conversion can cause these landscapes to emit more carbon dioxide than they store.... Protect[ng] land from conversion to more intensified uses by increasing conservation opportunities and pursuing local planning processes that avoid greenfield development" [can mitigate this loss].*<sup>3</sup>

**B. Losses of Carbon Caused by Greenfield Development Should be Mitigated**

SMUD has quantified the current landscape carbon storage in Sacramento County; forecasted Sacramento County landscape carbon storage under varied land use projections, and developed a method for incorporating carbon as an explicit conservation benefit in land use decision-making. Among the findings are:

- There is relatively little overall difference between the footprints of the business-as-usual and compact new growth scenarios, but the infill scenario retained a higher share of landscape carbon,
- The business-as-usual scenario would result in new emissions of 5.2 million MTCO<sub>2</sub>e (via a reduction in the 2014 baseline stored carbon estimate), which exceeds the 2015 emissions of unincorporated Sacramento County.
- This information provides opportunity to leverage land use planning to maintain and

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<sup>1</sup> Resources Agency, December 2009, p. 75.

<sup>2</sup> Sacramento Municipal Utility District (SMUD). Sacramento County Landscape Carbon Assessment – Initial Study, pp. 1-2. 2017

<sup>3</sup> CARB. Natural and Working Lands Climate Change Implementation Plan - Concept Paper, p. 2. 2018.

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expand landscape carbon stocks in Sacramento County.<sup>4</sup>

**C. Tools are Available to Model Both Carbon Loss and Mitigation Options**

*“Planning for landscape carbon storage can make a meaningful mitigation contribution, and the analytical tools to do so in a spatially-explicit manner exist today for the Sacramento region.”<sup>5</sup>*

SMUD has developed a GIS-based model that incorporates best practices and draws land classification data from USGS’s LANDFIRE program, soil carbon densities from the NRCS’s gSSURGO database, and biomass carbon densities from the California Air Resources Board.<sup>6</sup>

CARB’s *California Natural and Working Lands Carbon and Greenhouse Gas Model (CALAND)* is a carbon accounting model that assesses the projected GHG benefits of conservation, restoration, and management activities.<sup>7</sup>

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<sup>4</sup> Sacramento Municipal Utility District. Sacramento County Landscape Carbon Assessment Initial Study. December 2017, pp. 2-4.

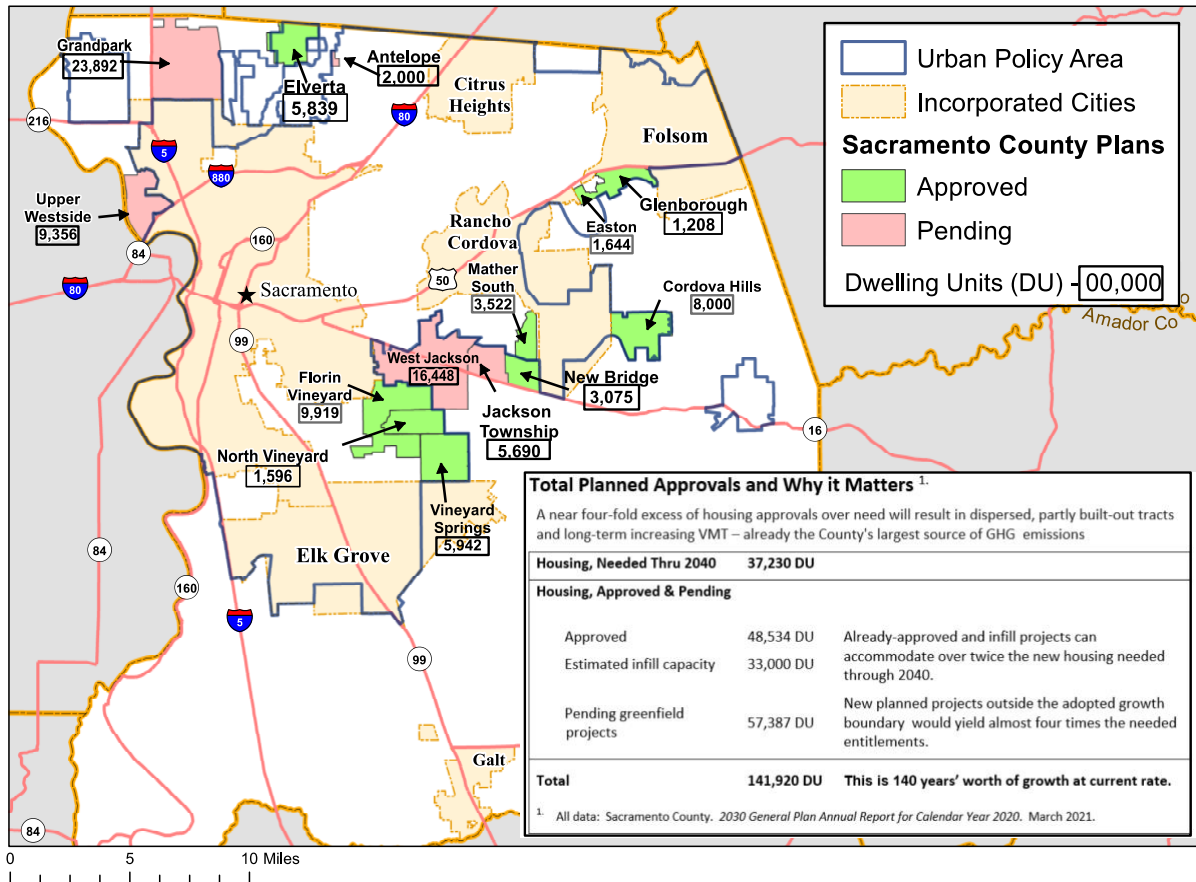
<sup>5</sup> SMUD, 2017, p. 7.

<sup>6</sup> SMUD, 2017.

<sup>7</sup> Natural Resources Agency. California Natural and Working Lands Carbon and Greenhouse Gas Model (CALAND). July 2017. Online: [https://resources.ca.gov/CNRALegacyFiles/wp-Content/uploads/2017/01/CALAND-Technical-Description\\_9.22.17.pdf](https://resources.ca.gov/CNRALegacyFiles/wp-Content/uploads/2017/01/CALAND-Technical-Description_9.22.17.pdf).

## SACRAMENTO COUNTY APPROVED AND PENDING MAJOR RESIDENTIAL DEVELOPMENTS

**Sacramento County's Excess Housing Approvals will Increase GHG Emissions**



**SACRAMENTO COUNTY GHG COMMITMENTS  
 FEIR / GPU INCONSISTENCIES**

**GHG mitigation as transcribed in the General Plan was substantially weakened.**

FEIR GHG mitigation measure CC-2 included a proviso that the measures would be adopted in the GPU as policy statements. The CEQA Findings accurately quote GHG mitigation measure CC-2, followed by the statement, “*Actual text in the draft Land Use Element that complies with CC – 2:*”. However, the succeeding recitation of CC-2 is substantially weaker than that in the FEIR. The Findings do not acknowledge the difference or explain in what sense the weaker version “complies” with the original language.

The following table displays both versions, with underlining to high-light discrepancies. In sum, the general plan version substantially weakens CAP adoption and funding commitments; and removes mitigation relating to green buildings, fees on new development, and targets for new development (targets were eventually adopted after projects were approved by the County over 350’s objections).

<b>SAC CO GHG COMMITMENTS - FEIR / GPU INCONSISTENCIES</b>			
FEIR, VOL II, p. 12-39, “MITIGATION MEASURES”		GPU LU-115, “IMPLEMENTATION MEASURES”	
CC-2	...the following shall be included [in the GPU] as implementation measures...		
CC-2, A.	... County shall adopt a <i>first-phase Climate Action Plan</i> , concurrent with [GPU] update, that contains...: .	F	Adopt ... a first-phase Climate Action Plan, concurrent with ...[GPU] approval ....
CC-2. A.a.	... County shall complete a GHG... inventory every three years ...	G.	... complete a GHG emissions inventory every three years
CC-2. A.b.	... <u>County shall adopt a green building program by 2012...updated... every 5 years.</u> :		<u>[no mention]</u>
CC-2, A.c.	... <u>County shall enact a Climate Change Program that includes</u> ...		<u>[no mention]</u>
CC-2, A.c.i	... <u>includes a fee</u> ...for all new development ...[to fund CAP]...oversight and maintenance ...	I.	... The County shall develop sustainable funding ... which <u>may include a fee</u> ...[on] development...
CC-2, A.c.ii	... <u>reduction targets that apply to new development</u>		<u>[no mention]</u>

## California Department of Transportation

DISTRICT 3  
703 B STREET | MARYSVILLE, CA 95901-5556  
(530) 821-8401 | FAX (530) 741-4245 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



January 9, 2024

GTS #03-SAC-2023-01584  
SCH #2023120386

Mr. Todd Smith  
Planning Director  
Planning and Environmental Review  
827 7th Street, Room 225  
Sacramento, CA 95814

### **PLNP2016-00063 Sacramento County Climate Action Plan**

Dear Mr. Smith:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. We reviewed this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision, and goals, some of which includes addressing equity, climate change, and safety, as outlined in our statewide plans such as the California Transportation Plan 2050, Caltrans Strategic Plan, and Climate Action Plan for Transportation Infrastructure.

The CAP would apply to existing and proposed development in unincorporated Sacramento County, which encompasses approximately 496,083 acres or 775 square miles, and County operations. Sacramento County is in the northern portion of California's Central Valley. The overall objective of the 2024 CAP is to reduce GHG emissions generated from activities within the unincorporated county (community) and GHG emissions generated by County facilities and operational activities throughout the county, including facilities and operations located within incorporated cities, to meet or exceed GHG reduction goals under State laws. The CAP will establish a GHG emissions reduction strategy informed by a baseline inventory and forecast emissions and establish a strategy for adapting to the impacts of climate change. Based on the Notice of Preparation of a Draft Environmental Impact Report (EIR) provided, Caltrans has the following requests and recommendations:

## **Freeway Operations**

In order to reduce GHG and VMT, SAC County is preparing a plan to integrate its public transportation plan with SACRT and local infrastructure. Caltrans supports the Goals and Objectives proposed by the CAP. However, this CAP document only provides high level scope and objectives. It is difficult to identify what Caltrans' roles and responsibilities are to help Sacramento County to achieve its GHG and VMT reduction goal. It is recommended to have a meeting with Sacramento County and generate an Action Items List to identify what Caltrans can do/perform to accomplish the objective from the CAP. Also, we can mention that the County would be benefited greatly with the expansion of transit to better serve the whole County and reduce VMT by giving people other transportation options.

## **Traffic Safety**

The comments are limited without a more concrete less aspirational document. The improvements that are laid out are welcome especially with regard to pedestrian and bike safety. The GHG reduction measures mention working in partnership with various agencies to promote ped/bike infrastructure and update the pedestrian and bicycle master plans. We hope there is follow up and these programs will lead to projects (development of a pedestrian capital improvement program is promising for example).

## **Complete Streets**

Caltrans in cooperation with Sacramento County to reduce GHG emissions through the implementation of complete streets improvements county wide. Caltrans to evaluate multi-modal transportation improvements, including safety improvements across a variety of travel modes, changes in land use or other regulations to attract community level economic development, and community identification and place-making. Implementation of Pedestrian Master Plan, updating community and corridor plans to foster robust transit, bike and pedestrian improvements, infill development and establish a focus on ride share and employee transportation plans (may include telework solutions).

## **Forecasting & Modeling**

The Sacramento County Climate Action Plan (CAP) is aimed at lessening greenhouse gas emissions (GHGs) to at or below the GHG emissions targets as per state policy. Please provide a report documenting the forecast GHG emissions with and without the alternative VMT reduction mitigation strategies.

Mr. Todd Smith, Planning Director  
January 9, 2024  
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## Encroachment Permit

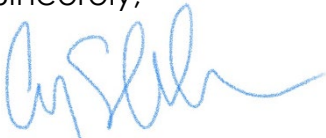
Any project along or within the State's ROW requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to:

Hikmat Bsaibess  
California Department of Transportation  
District 3, Office of Permits  
703 B Street  
Marysville, CA 95901

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Satwinder Dhatt, Local Development Review Coordinator, by phone (530) 821-8261 or via email at [satwinder.dhatt@dot.ca.gov](mailto:satwinder.dhatt@dot.ca.gov).

Sincerely,



GARY ARNOLD, Branch Chief  
Local Development Review, Equity and Complete Streets  
Division of Planning, Local Assistance, and Sustainability  
California Department of Transportation, District 3



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670-4599  
(916) 358-2900  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



January 29, 2024

Todd Smith, Planning Director  
Sacramento County  
827 7th Street, Room 225  
Sacramento, CA 95814  
[CEQA@saccounty.gov](mailto:CEQA@saccounty.gov)

Subject: 2024 SACRAMENTO COUNTY CLIMATE ACTION PLAN (CAP)  
DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (DSEIR)  
SCH No. 2023120386

Dear Todd Smith:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation of a Draft Subsequent Environmental Impact Report (DSEIR) from Sacramento County (County) for the 2024 Sacramento County Climate Action Plan (Project) in Sacramento County pursuant the California Environmental Quality Act (CEQA) statute and guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants and their habitats. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

## **CDFW ROLE**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802.). Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.



## 2024 Sacramento County Action Plan

January 29, 2024

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CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

### **PROJECT DESCRIPTION SUMMARY**

The Project site is located in existing and proposed development in unincorporated Sacramento County, which encompasses approximately 496,083 acres or 775 square miles, and County operations. It extends from the delta formed at the confluence of the Sacramento and San Joaquin Rivers in the southwest to Folsom Lake and the Sierra Nevada foothills in the northeast. It is bordered by eight counties: El Dorado, Amador, San Joaquin, Contra Costa, Solano, Yolo, Sutter, and Placer.

The Project consists of both quantified and non-quantified activities/measures that will reduce greenhouse gas (GHG) emissions generated from activities within the unincorporated county (community) and GHG emissions generated by County facilities and operational activities throughout the county, including facilities and operations located within incorporated cities, to meet or exceed GHG reduction goals under State laws. The activities/measures are based on the 2022 Final CAP. The following sustainability planning strategies were considered when developing the activities/measures:

1. Clean Energy: Focuses on providing clean and affordable sources of energy for the County by increasing the use of renewables.
2. Low and Zero Emissions Vehicles and Equipment: Support electrification and alternative fuels in on- and off-road vehicles and equipment, as well as fuel efficiency measures that would reduce the amount of gasoline and diesel fuel consumed.
3. Green Buildings: Reduce commercial and residential building energy and water consumption, and incorporate design features that reduce or eliminate the need for fossil fuels.
4. Natural and Working Lands: Sequester carbon dioxide from the atmosphere by focusing on habitat preservation, increasing urban forest and connected open space, and carbon farming.
5. Reduced Driving and Alternative Transportation Modes: Reduce emissions-generating activities by promoting public transit, and alternative modes of transportation such as biking and walking, carpooling, and transit-oriented development.

## 2024 Sacramento County Action Plan

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The 2024 CAP will establish a GHG emissions reduction strategy informed by a baseline inventory and forecast emissions, and establish a strategy for adapting to the impacts of climate change.

### **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations presented below to assist Sacramento County in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming DSEIR address the following:

#### **Project Description**

The Project description should include the whole action as defined in the CEQA Guidelines § 15378 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment stage area, spoils areas, adjacent infrastructure development, staging areas and access and haul roads if applicable.

As required by § 15126.6 of the CEQA Guidelines, the DSEIR should include an appropriate range of reasonable and feasible alternatives that would attain most of the basic Project objectives and avoid or minimize significant impacts to resources under CDFW's jurisdiction.

#### **Assessment of Biological Resources**

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the Project, the DSEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. CDFW recommends the DSEIR specifically include:

1. A general assessment of all habitat types located within the Project footprint, and a generalized map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following, *The Manual of California Vegetation*, second edition (Sawyer 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat

## 2024 Sacramento County Action Plan

January 29, 2024

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type onsite and within adjacent areas that could be affected by the Project. CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. A nine United States Geologic Survey 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (see *Data Use Guidelines* on the Department webpage [www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data](http://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data)). Please review the webpage for information on how to access the database to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations.

3. A complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code § § 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. CDFW recommends Sacramento County rely on survey and monitoring protocols and guidelines available at: [www.wildlife.ca.gov/Conservation/Survey-Protocols](http://www.wildlife.ca.gov/Conservation/Survey-Protocols). Alternative survey protocols may be warranted; justification should be provided to substantiate why an alternative protocol is necessary. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Some aspects of the Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought or deluge.
4. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).

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### **Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources**

The DSEIR should provide a thorough discussion of the Project's potential direct, indirect, and cumulative impacts on biological resources. To ensure that Project impacts on biological resources are fully analyzed, the following information should be included in the DSEIR:

1. The DSEIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). The DSEIR must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed, and it must permit the significant effects of the Project to be considered in the full environmental context.
2. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by Project activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages. The DSEIR should address Project-related changes to drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.
3. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g., National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Conservation or Recovery Plan, or other conserved lands).
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The DSEIR should discuss the Project's cumulative impacts to natural resources and determine if that contribution would result in a significant impact. The DSEIR should include a list of present, past, and probable future projects producing related impacts to biological resources or shall include a summary of the projections contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect. The cumulative analysis shall include impact analysis of vegetation and habitat reductions within the area and their potential cumulative effects. Please include all potential direct and indirect Project-related impacts to riparian areas, wetlands, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and/or special-status species, open space, and adjacent natural habitats in the cumulative effects analysis.

CDFW supports Project activities that help reduce GHG emissions to reduce climate change, especially if the Project activities avoid or minimize impacts to sensitive

## 2024 Sacramento County Action Plan

January 29, 2024

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biological resources and effectively conserve wetlands, riparian forests, oak woodlands, streams, and other sensitive habitats.

**Mitigation Measures for Project Impacts to Biological Resources**

The DSEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the Project. CDFW also recommends the environmental documentation provide scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines § § 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Several Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area, including, but not limited to: California black rail (*Laterallus jamaicensis coturniculus*), golden eagle (*Aquila chrysaetos*), white-tailed kite (*Elanus leucurus*), ringtail (*Genus Bassariscus*), and wolverine (*Gulo luscus*). Project activities described in the DSEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:
  - Take is necessary for scientific research,
  - Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock, or
  - They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code 3511, 4700, 5050, and 5515).

Project proponents should consult with CDFW early in the project planning process.

CDFW also recommends the DSEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that Sacramento County include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.

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2. *Species of Special Concern*: Several Species of Special Concern (SSC) have the potential to occur within or adjacent to the Project area, including, but not limited to: western spadefoot (*Spea hammondi*), burrowing owl (*Athene cunicularia*), western pond turtle (*Emys marmorata*), and loggerhead shrike (*Lanius ludovicianus*). Project activities described in the DSEIR should be designed to avoid any SSC that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the DSEIR fully analyze potential adverse impacts to SSC due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends Sacramento County include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce impacts to SSC.
3. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer 2009). The DSEIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts.
4. *Mitigation*: CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DSEIR should include mitigation measures for adverse Project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration, enhancement, or permanent protection should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

The DSEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

The 2022 Final CAP identified Natural and Working Lands as a sustainability planning strategy which sequesters carbon dioxide from the atmosphere by focusing on habitat preservation, increasing urban forest and connected open space, and carbon farming. CDFW supports Project activities that provides carbon storage in natural and working lands to mitigate greenhouse gas emissions. CDFW recommends that carbon storage involves the usage of native trees and shrubs to restore the natural habitats of special-status species like riparian forests

## 2024 Sacramento County Action Plan

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and oak woodlands. CDFW recognizes Sacramento County's concern about the increased risk of wildfires from the planting due to climate change, so CDFW recommends that native fire-resistant species be considered as part of the planting palette such as California buckeyes (*Aesculus californica*).

The 2022 Final CAP discussed preparation for increased drought and increased flooding resulting from climate change involving improving water quality, streamflow, flood management, and watershed stewardship in the Sacramento River and the Lower American River watersheds. CDFW recommends that some of the improvements be focused on improvement of fish habitats. Project activities that benefit fish species such as restoring degraded channels and floodplains to original form and function, creating/opening tidal channels, removing natural barriers to increase spawning habitat, and protecting and improving wetland-fed streams that maintain higher summer flows can also create new flood capacity and increase water retention.

Also discussed in the 2022 Final CAP was restoring and replanting concrete lined channels and bared disturbed areas (around streams) to act as flood protection, improve water quality, and prevent erosion/sedimentation to help deal with climate change effects. CDFW strongly supports these Project activities as they increase stream habitat resiliency as well as provide restored habitat for local native species.

The 2022 Final CAP mentioned replacement of outdated lighting with new LED lighting. CDFW recommends that, for human and wildlife benefit, permanent project lighting implement the following measures to reduce excessive lighting at night:

1. All new installations or replacements of previously existing light emitters or bulb types for permanent use have an output of 2,700 kelvin or less that results in the output of a warm white color spectrum;
2. All new installations or replacements of previously existing light emitters or bulb types be fitted with back-shielding;
3. The surface area of the light should be directed so that it does not project into adjacent natural lands and habitat areas;
4. All permanent lighting should be directed towards the ground and employ adjusted mast height and adjusted reach arm lengths designed for site specific conditions to reduce light pollution into adjacent natural lands and habitat areas;
5. Motion sensor-based lighting systems, programmable lighting systems that operate on timers, and/or systems that have the potential to be shut down or tuned down in light intensity during critical times of the year such as migratory bird season or amphibian mating periods should be used, especially in areas adjacent to natural lands and habitat areas;

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6. New lighting installations should be designed to include lights embedded in stairs, bollards, and other new features to produce light for visibility and safety at ground level and to minimize the amount of overhead light spillage.
5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in the regional ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be appropriately timed to ensure the viability of the seeds when planted. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate. Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project. Examples may include retention of woody material, logs, snags, rocks, and brush piles. Fish and Game Code sections 1002, 1002.5 and 1003 authorize CDFW to issue permits for the take or possession of plants and wildlife for scientific, educational, and propagation purposes. Please see our website for more information on Scientific Collecting Permits at [www.wildlife.ca.gov/Licensing/Scientific-Collecting#53949678-regulations-](http://www.wildlife.ca.gov/Licensing/Scientific-Collecting#53949678-regulations-).

Another area of restoration mitigation opportunity is invasive plant species management. Many rare, threatened, and endangered native plants are more susceptible to extinction caused by climate change due principally to small population sizes and limited suitable habitat types. While some animals have the ability to move when conditions become unfavorable, plants are immobile and thus cannot as easily adapt to a quickly changing environment. Climate change may alter plant life stages such as leaf emergence or flowering period which may hinder survival and reproduction. Some studies estimate that endemic plant species' ranges may shift up to 90 miles under intense climate change, but this shift may be a slow process relative to a rapidly changing climate. Furthermore,



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plants that are restricted to extremely specific habitats are especially at risk because while the climatic environment may shift, the soil and nutrient environment will not. Invasive plant species pose a threat to native plants because invasives tend to do well in the changing conditions that climate change is thought to promote, and those invasives may then out-compete rare plants for vital resources. Invasive species management should aim to conserve and manage large areas of protected habitat for plants, which may rely on dispersal and a variety of habitat gradients and varied microsites to cope with the changing environment. Efforts should focus on reducing the negative effects of non-native invasive plant species like preventing the introduction of these species into the natural habitats of the County, detecting and responding to introductions when they occur, and preventing the spread of invasive plant species that have become established.

6. *Nesting Birds*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory nongame native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Sections 3503, 3503.5, and 3513 of the Fish and Game Code afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto; section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Potential habitat for nesting birds and birds of prey is present within the Project area. The Project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the DSEIR.

Particular focus should also be directed to Project activities involving renewable energy installations like solar panels, wind turbines, and concentrated solar power (mirrors). While these renewable energy infrastructures are valuable tools to reduce GHG emission, they also have the side effect of potentially resulting in long-term take of both avian and bat species even after construction is completed. CDFW recommends the DSEIR fully analyze potential solar panels collisions because, from the air, they appear similar to water bodies (lakes) and birds fly into it, especially waterfowl. Similarly, Sacramento County should analyze concentrated solar power

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which can burn birds if they fly in the direct path where the mirrors focus the sunlight onto the receiver. Furthermore, CDFW recommends the DSEIR fully analyze potential impacts from wind turbines which can strike birds if they fly past them, especially at night when visibility is reduced.

CDFW recommends the DSEIR include specific avoidance and minimization measures to ensure that impacts to nesting birds or their nests do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The DSEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. In addition to larger, protocol level survey efforts (e.g., Swainson's hawk surveys) and scientific assessments, CDFW recommends a final preconstruction survey be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted earlier.

The County should consider avoiding the construction of these renewable energy infrastructures near suitable habitats for birds and not in their migratory routes. Large solar installations should be properly sited to avoid disrupting bird habitat, and to minimize the chances that birds collide with the solar panels and associated infrastructure, like transmission lines and substations. In addition, the County should consider installation of deterrence devices to reduce the likelihood of bird collisions like acoustics sounds of predators or the distress calls of each species to keep birds away, painting of turbine blades black to reduce motion smearing to make the blades more visible to the birds, turbine shutdown when birds are flying nearby, and plastic predators to scare birds away.

7. *Moving out of Harm's Way*: The Project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, Sacramento County should state in the DSEIR a requirement for a qualified biologist with the proper handling permits, will be retained to be onsite prior to and during all ground- and habitat-disturbing activities. Furthermore, the DSEIR should describe that the qualified biologist with the proper permits may move out of harm's way special-status species or other wildlife of low or limited mobility that would otherwise be injured or killed from Project-related activities, as needed. The DSEIR should also describe qualified biologist qualifications and authorities to stop work to prevent direct mortality of special-status species. CDFW recommends fish and wildlife species be allowed to move out of harm's way on their own volition, if possible, and to assist their relocation as a last resort. It should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for habitat loss.
8. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as the sole mitigation for impacts to rare, threatened, or endangered species as these efforts are generally experimental in nature and largely unsuccessful. Therefore, the DSEIR should describe additional mitigation measures utilizing habitat restoration, conservation, and/or preservation, in addition

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to avoidance and minimization measures, if it is determined that there may be impacts to rare, threatened, or endangered species.

The DSEIR should incorporate mitigation performance standards that would ensure that impacts are reduced to a less-than-significant level. Mitigation measures proposed in the DSEIR should be made a condition of approval of the Project. Please note that obtaining a permit from CDFW by itself with no other mitigation proposal may constitute mitigation deferral. CEQA Guidelines section 15126.4, subdivision (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. To avoid deferring mitigation in this way, the DSEIR should describe avoidance, minimization and mitigation measures that would be implemented should the impact occur.

### California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (Fish & G. Code § 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of State-listed CESA species, either through construction or over the life of the Project.

State-listed species with the potential to occur in the area include, but are not limited to: Antioch Dunes evening-primrose (*Oenothera deltoides ssp. howellii*), bald eagle (*Haliaeetus leucocephalus*), bank swallow (*Riparia riparia*), Boggs Lake hedge-hyssop (*Gratiola heterosepala*), California tiger salamander - central California DPS (*Ambystoma californiense pop. 1*), Crotch’s bumble bee (*Bombus crotchii*), delta smelt (*Hypomesus transpacificus*), giant garter snake (*Thamnophis gigas*), least Bell’s vireo (*Vireo bellii pusillus*), longfin smelt (*Spirinchus thaleichthys*), Mason’s lilaepsis (*Lilaepsis masonii*), Sacramento Orcutt grass (*Orcuttia viscida*), salt-marsh harvest mouse (*Reithrodontomys raviventris*), slender Orcutt grass (*Orcuttia tenuis*), soft salty bird’s-beak (*Chloropyron molle ssp. molle*), Swainson’s hawk (*Buteo swainsoni*), tricolored blackbird (*Agelaius tricolor*), and western yellow-billed cuckoo (*Coccyzus americanus occidentalis*).

The DSEIR should disclose the potential of the Project to take State-listed species and how the impacts will be avoided, minimized, and mitigated. Please note that mitigation measures that are adequate to reduce impacts to a less-than significant level to meet CEQA requirements may not be enough for the issuance of an ITP. To facilitate the issuance of an ITP, if applicable, CDFW recommends the DSEIR include measures to minimize and fully mitigate the impacts to any State-listed species the Project has potential to take. CDFW encourages early consultation with staff to determine appropriate measures to facilitate future permitting processes and to engage with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service to coordinate specific measures if both State and federally listed species may be present within the Project vicinity.

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### **Native Plant Protection Act**

The Native Plant Protection Act (Fish & G. Code §1900 *et seq.*) prohibits the take or possession of State-listed rare and endangered plants, including any part or product thereof, unless authorized by CDFW or in certain limited circumstances. Take of State-listed rare and/or endangered plants due to Project activities may only be permitted through an ITP or other authorization issued by CDFW pursuant to California Code of Regulations, Title 14, section 786.9 subdivision (b).

### **Lake and Streambed Alteration Program**

The DSEIR should generally identify all perennial, intermittent, and ephemeral rivers, streams, lakes, other hydrologically connected aquatic features, and any associated biological resources/habitats present within the entire Project footprint (including utilities, access and staging areas). The environmental document should analyze all potential temporary, permanent, direct, indirect and/or cumulative impacts to the above-mentioned features and associated biological resources/habitats that may occur because of the Project. If it is determined the Project will result in significant impacts to these resources the DSEIR shall propose appropriate avoidance, minimization and/or mitigation measures to reduce impacts to a less-than-significant level.

Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

1. Substantially divert or obstruct the natural flow of any river, stream or lake;
2. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
3. Deposit debris, waste or other materials where it may pass into any river, stream or lake.

Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

If upon review of an entity's notification, CDFW determines that the Project activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if one is necessary, the DSEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the Project may avoid or reduce impacts to fish and wildlife resources. All LSA Notification types must be submitted online through CDFW's Environmental Permit Information Management System (EPIMS). For more

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information about EPIMS, please visit <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>. More information about LSA Notifications, paper forms and fees may be found at <https://www.wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

Please note that other agencies may use specific methods and definitions to determine impacts to areas subject to their authorities. These methods and definitions often do not include all needed information for CDFW to determine the extent of fish and wildlife resources affected by activities subject to Notification under Fish and Game Code section 1602. Therefore, CDFW does not recommend relying solely on methods developed specifically for delineating areas subject to other agencies' jurisdiction (such as United States Army Corps of Engineers) when mapping lakes, streams, wetlands, floodplains, riparian areas, etc. in preparation for submitting a Notification of an LSA.

CDFW relies on the lead agency environmental document analysis when acting as a responsible agency issuing an LSA Agreement. CDFW recommends lead agencies coordinate with us as early as possible, since potential modification of the proposed Project may avoid or reduce impacts to fish and wildlife resources and expedite the Project approval process.

The following information will be required for the processing of an LSA Notification and CDFW recommends incorporating this information into any forthcoming CEQA document(s) to avoid subsequent documentation and Project delays:

1. Mapping and quantification of lakes, streams, and associated fish and wildlife habitat (e.g., riparian habitat, freshwater wetlands, etc.) that will be temporarily and/or permanently impacted by the Project, including impacts from access and staging areas. Please include an estimate of impact to each habitat type.
2. Discussion of specific avoidance, minimization, and mitigation measures to reduce Project impacts to fish and wildlife resources to a less-than-significant level. Please refer to section 15370 of the CEQA Guidelines.

Based on review of Project materials, aerial photography and observation of the site from public roadways, the Project site supports streams (American River, Cosumnes River, Mokelumne River, Sacramento River, San Joaquin River, Sacramento–San Joaquin River Delta, and their tributaries), lakes (Folsom Lake, Lake Natomas, Stone Lake, etc.), and their associated tributaries and riparian habitat. CDFW recommends the DSEIR fully identify the Project's potential impacts to the stream and/or its associated vegetation and wetlands.

### **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form

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can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov).

## FILING FEES

The Project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by Sacramento County and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code § 711.4; Pub. Resources Code, § 21089.)

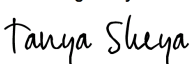
## CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to [R2CEQA@wildlife.ca.gov](mailto:R2CEQA@wildlife.ca.gov).

CDFW appreciates the opportunity to comment on the Notice of Preparation of the DSEIR for the 2024 Sacramento County Climate Action Plan and recommends that Sacramento County address CDFW's comments and concerns in the forthcoming DSEIR. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter, or wish to schedule a meeting and/or site visit within CDFW Region 2 (Sacramento County east of Interstate 5), please contact Harvey Tran, Senior Environmental Scientist at (916) 358-4035 or [harvey.tran@wildlife.ca.gov](mailto:harvey.tran@wildlife.ca.gov). Within CDFW Region 3 (Sacramento County west of Interstate 5), please contact Andrea Boertien, Environmental Scientist at (707) 317-0388 or [Andrea.Boertien@wildlife.ca.gov](mailto:Andrea.Boertien@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
1ABC45303752499...

Tanya Sheya  
Environmental Program Manager

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ec: Dylan Wood, Senior Environmental Scientist (Supervisory)  
Harvey Tran, Senior Environmental Scientist (Specialist)  
Michelle Battaglia, Senior Environmental Scientist (Supervisory)  
Andrea Boertien, Environmental Scientist  
*California Department of Fish and Wildlife*

Office of Planning and Research, State Clearinghouse, Sacramento

## **REFERENCES**

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A Manual of California Vegetation, 2<sup>nd</sup> ed. California Native Plant Society Press, Sacramento, California.  
<http://vegetation.cnps.org/>



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January 31, 2024

Todd Smith, Planning Director  
Planning and Environmental Review  
827 7<sup>th</sup> St., Room 225  
Sacramento, CA 95814  
[smithtodd@saccounty.gov](mailto:smithtodd@saccounty.gov)

**Re: Scoping Comments on the Sacramento County Climate Action Plan  
Subsequent Environmental Impact Report**

Dear Mr. Smith:

Please accept the following comments on behalf of the Sacramento Group and the Mother Lode Chapter of the Sierra Club (“Sierra Club”) regarding the preparation of a Subsequent Environmental Impact Report (“SEIR”) for the Sacramento County Climate Action Plan (“CAP”). The Sierra Club has provided comments on prior versions of the Sacramento County CAP and remains dedicated to ensuring effective strategies for greenhouse gas (“GHG”) reductions and adapting to climate change. Sierra Club appreciates the County undertaking an SEIR and providing the opportunity to provide scoping comments.

In addition to the impacts, mitigation strategies, and alternatives described in the County’s Notice, the Sierra Club requests that the following be studied in the SEIR.

**I. Land Use Impacts Must Be Studied**

Land use must be added as a focus area of the SEIR. Land use often “drives GHG emissions”. (*See Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 549.). Several land use impacts should be examined in the SEIR. For example, the SEIR must study whether additional transportation corridors and other proposed land use changes will be consistent with the Sacramento Area Council of Government (“SACOG”) Blueprint. The CAP must also include land use policies to encourage smart growth and reduce GHG emissions related to transportation, the largest source of GHG emissions in the County.

Additionally, the SEIR must evaluate and address the GHG emissions that will be created from urban boundary adjustments, including the cumulative impacts of recently approved and pending urban boundary adjustment projects. Previously, the Sierra Club raised concerns that previous inventories and forecasts were inaccurate because they did not account for GHGs from pending



or approved projects that were not included in SACOG's growth projections. The following plans and projects must be included in the study:

- Cordova Hills Specific Plan;
- Jackson Township Specific Plan;
- Newbridge Specific Plan;
- The Northwest Special Planning Area;
- Specific Plans and projects in Unincorporated Sacramento County, including the West Jackson Specific Plan; and
- Any additional projects beyond the UPA and USB including, Jackson West, Grand Park, and Upper West Side, and the recently submitted Conceptual Annexation Proposal for the City of Folsom.

The SEIR must also evaluate any impacts to the County's agricultural lands, forest lands, and lands with high carbon sequestration. Preservation of these areas is essential – not only to meeting reduction targets and neutrality goals, but also to the health of the community and environment.

## **II. CAP Components and Measures To Be Studied**

The SEIR must examine whether the CAP's baseline year serves as an accurate representation of local emissions levels. The Sierra Club has raised concerns in previous comments and at scoping meetings that 2021 may be under representative of the area's emissions, given that COVID was still greatly impacting the County at this time. The baseline for the CAP must rely on the best available data to provide an accurate and updated representation of the County's emissions levels and sources. Therefore, if the CAP intends to rely on 2021 as a baseline, we request that the SEIR provide substantial evidence that this year is in fact the most accurate data.

Additionally, the SEIR should study carbon neutrality requirements for new greenfield development. The CAP had previously included a carbon neutrality requirement, but this was taken out. As a preliminary matter, Sierra Club advocates for smart growth, and opposes greenfield sprawl that results in significant GHG impacts. However, if the County is to consider a new greenfield development, it must require carbon neutrality to preclude obstruction of the County's GHG reduction targets. Further, any carbon neutrality requirement must include adequate safeguards to ensure the CAP will not facilitate urban sprawl and that new greenfield development will actually achieve carbon neutrality. Out-of-County carbon offsets must not be relied on, given the prolific evidence demonstrating they do not produce the promised GHG reductions, as discussed further below in Section III.<sup>1</sup>

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<sup>1</sup> See Patrick Greenfield, "Cookstove carbon offsets overstate climate benefit by 1000%, study finds," *The Guardian* (January 23, 2024) (<https://www.theguardian.com/environment/2024/jan/23/clean-cookstove-carbon-offsets->

We request that the SEIR examine the CAP's unquantified measures and whether quantification is achievable for those measures. Sierra Club recognizes that not every measure can be quantified, however, more quantification allows more robust tracking of the CAP's progress in reducing emissions. Previously, some CAP components were unquantified due to lack of data. The SEIR provides an opportunity to examine new information<sup>2</sup> and support quantification where the requisite data exists.

In addition, the SEIR must evaluate the enforceability of both quantified and unquantified CAP measures. Too much reliance on voluntary measures, flexible requirements, and soft actions could frustrate the goals of the CAP. The feasibility and effectiveness of the CAP's implementation timelines must also be evaluated. Previous versions of and addendums to the CAP utilized different implementation dates and timelines. Sierra Club supports urgent and achievable action to address climate change.

The SEIR must also evaluate the CAP's monitoring and updating procedures, and whether they serve as an adequate safeguard for identifying and resolving inefficiencies and problems. The CAP must require regular assessments of its effectiveness, including the GHG reductions achieved by each measure.

Finally, the SEIR must evaluate the CAP's consistency with State regulations and requirements. Sierra Club appreciates the County's plans to update the CAP to comply with recent changes, including the State's 2022 Climate Scoping Plan.

### **III. Mitigation Measures That Must Be Studied**

The SEIR must evaluate the feasibility of a local GHG mitigation program. Sierra Club has consistently supported the creation of a local GHG mitigation program over out-of-jurisdiction solutions or reliance on state programs. A local mitigation program is feasible and would help the County achieve its reduction targets, concentrate benefits of mitigation programs within the County, and allow the County to better enforce mitigation programs. Therefore, a local GHG mitigation program must be studied. The analysis should include sufficient details, including protocols and standards, for a local program that will ensure reductions are real, quantifiable, verified, additional, and permanent.

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[overstate-climate-benefit-by-1000-percent](#)); Nina Lakhani, "Revealed: top carbon offset projects may not cut planet-heating emissions," *The Guardian* (Sept. 9, 2023) (<https://www.theguardian.com/environment/2023/sep/19/do-carbon-credit-reduce-emissions-greenhouse-gases>).

<sup>2</sup> New information might include updated cost-effectiveness studies from the California Statewide Reach Codes Program and recommendations from the County's Climate Emergency Task Force. The Nonresidential New Construction Reach Code Cost-Effectiveness Study was released in November 2022. See Southern California Edison Co., "2022 Code: Nonresidential New Construction Reach Code Cost-Effectiveness Study." ([https://localenergycodes.com/download/1266/file\\_path/fieldList/2022%20Nonres%20New%20Construction%20Cost-ef%20Report.pdf](https://localenergycodes.com/download/1266/file_path/fieldList/2022%20Nonres%20New%20Construction%20Cost-ef%20Report.pdf).)

Generally, Sierra Club is concerned with the efficacy of out of County offset programs and their ability to deliver promised reductions. For instance, a 2019 study by the Harvard Kennedy School identified issues with California’s compliance offset market, including that one protocol produced more than 115.6 million illegitimate offsets.<sup>3</sup> Moreover, a paper by the University of California San Diego and Scripps Institute of Oceanography identified problems with out-of-jurisdiction carbon offsets, including that it is nearly impossible to tell if a project is additional.<sup>4</sup> If the CAP plans to allow out-of-County offsets, the SEIR must analyze the impact of this non-local mitigation on the County’s ability to meet its targets and enforce GHG mitigation standards.

While previous iterations of the CAP evolved to prioritize local offset projects over out-of-jurisdiction options, this preference is illusory if there are no local mitigation opportunities available. The CAP must preclude use of out-of-County carbon offset programs, and should instead establish local projects which can be verified and provide co-benefits for the community.

#### **IV. Smart Growth Alternatives Must Be Studied**

The SEIR must study a smart growth alternative that aligns with the regional transportation plan. Including a smart growth alternative in the SEIR is wholly appropriate and can provide meaningful strategies for GHG reduction. In *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, the Court of Appeal found that a smart growth alternative was consistent with achieving the goals of the San Diego County CAP. (*Id.* at p. 107.) The court rejected the County’s arguments that the CAP was “not a land use plan, but an emissions reduction plan” instead finding that “land use often drives GHG emission levels.” (*Id.* at 549.) For example, “the amount of GHG emissions from agricultural land and open space will be vastly different if that same land contains 14,000 homes, roads, and infrastructure.” (*Ibid.*) Therefore, a smart growth land use alternative was reasonably related to the CAP’s objective of GHG emission reductions. (*Ibid.*)

Similarly, land use and future development will influence GHG emissions in Sacramento County. A smart growth alternative would be consistent with the goals of the CAP and must be evaluated in the SEIR.

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<sup>3</sup> Jack B. Smith, “California Compliance Offsets: Problematic Protocols and Buyer Behavior,” Harvard Kennedy School, Mossavar-Rahmani Center for Business and Government (March 2019) (available online at [https://www.hks.harvard.edu/sites/default/files/centers/mrcbg/files/120\\_final.pdf](https://www.hks.harvard.edu/sites/default/files/centers/mrcbg/files/120_final.pdf)).

<sup>4</sup> Sara Wanous, “Carbon Offsets in San Diego County: An Analysis of Carbon Offset Policy Effectiveness, Best Practices, and Local Viability in the San Diego County Region,” *UC San Diego: Climate Science and Policy* (2019) (available online at <https://escholarship.org/uc/item/2t48k6m7>).

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January 31, 2024  
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**V. Conclusion**

Thank you for considering these comments. Sierra Club looks forward to the completion of the SEIR, an important next step in developing a successful CAP.

Sincerely,

A handwritten signature in blue ink that reads "Kathryn Pettit". The signature is written in a cursive style with a large initial 'K'.

Kathryn Pettit  
Josh Chatten-Brown  
Madelyn Sickle

**From:** [susanherre@gmail.com](mailto:susanherre@gmail.com)  
**To:** [Smith, Todd](#); [PER-CEQA](#)  
**Cc:** [Supervisor Serna](#); [Pat Hume](#); [Rich Desmond](#); [Kennedy, Supervisor](#); [Frost, Supervisor](#); [Clerk of the Board Public Email](#); [rpropper47@icloud.com](mailto:rpropper47@icloud.com); [ECOS Sacramento](#)  
**Subject:** ECOS Comment Letter re Notice of Preparation for SEIR for SacCounty CAP  
**Date:** Wednesday, January 31, 2024 3:32:14 PM  
**Attachments:** [240131 ECOS letter to Todd Smith re SacCountyCAP NOP.pdf](#)  
**Importance:** High

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Dear Todd,

ECOS offers two comments on the subject document, summarized below. Please see the **attached letter** for supporting information.

1. The Climate Action Plan (CAP) and SEIR should be complete, that is, they should show how carbon neutrality will be achieved in the County in whatever year the County believes is realistic.
2. We know that land use and transportation are the keys to GHG emissions reduction. Therefore, the CAP and SEIR should include alternatives or scenarios showing three levels and locations of development – mostly greenfield, some greenfield/some infill, and mostly infill – similar the SACOG’s three Pathways for our region that were discussed by the jurisdictions last summer.

Thank you for your consideration of these comments.

Sincerely yours,

Susan



*SUSAN HERRE AIA AICP*  
*President of the Board of Directors*  
*Environmental Council of Sacramento*  
<https://www.ecosacramento.net/>  
202-747-4087

From: Laurie Heller, 1401 Perkins Way, Sacramento CA 95818

To: Mr. Todd Smith, Director, Sacramento County Planning and Environmental Review

Re: SACRAMENTO COUNTY CAP REVISE AND SEIR - COMMENTS

Via Email Only: CEQA@saccounty.gov.

There are some things only government can do to make the structural changes necessary to address our climate crisis. The Biden administration provided a range of 'carrots' (grants) to tempt state and local governments to do the right thing. In recent decades, the State of California made numerous policy changes (AB 32, SB 375, et al) to compel local governments to take the necessary steps. My favorite recent example is ending food waste in our landfills. Adoption by individuals and businesses is made possible through State policy and County implementation, including education and support.

Likewise, reducing VMT and GHGs by reducing automobile traffic could be achieved through joint government action. Change is more attractive when local government has federal and state dollars to spend. But reducing VMT can only be adopted by the public if there is a change in local land use policy.

Growing up on the East Coast we relied on public transit. Even in the suburbs, I could easily walk from home/school/work to bus stops, or park-and-ride at an Amtrak station. Fifty years ago, we could travel long or short distances on public transit at affordable prices. In recent years too I traveled for work and pleasure through the Middle-States and New England on an expanded public-private network of trains and buses. I used dedicated express trains on the Boston-NYC-DC corridor, visited family on the Hudson River line, and the recently opened line through the Berkshires and Vermont. I did the same in Europe, relying on express buses (now enhanced by Uber and Lyft) between London and Oxford, high-speed rail from Sevilla to Madrid, and local trains from St. Petersburg to the Baltic beaches. Perhaps you have done this too.

But that could never happen here. In the Sacramento Valley we do not build communities to facilitate public transit, so the market forces which ensure success cannot work. I place the blame squarely on the County's 19<sup>th</sup> century conception of land-use.

Sacramento County has regulatory authority, but its land-use practices frequently conflict with the 'Smart Growth' principles in its General Plan. Expanding the UPI, as Sacramento County has consistently done, makes long-term infrastructure planning difficult, and undermines the County's own goals, policies, and principles. The potential to scatter development anywhere in the County a project may be proposed makes it especially difficult to master-plan transportation, or build walkable neighborhoods near work, schools, hospitals, et al.

Leap-frog development also draws dollars away from the more challenging infill and redevelopment projects. Yet the practice has been ubiquitous in Sacramento County – despite the 'carrots' Federal, State, and regional agencies offer for infill and transit-oriented development. Landowners know to wait patiently until Supervisors vote to breach the UPI in favor of their project. But allowing growth in areas dominated by open space and agriculture is done at a cost to the needs of vulnerable communities within their districts – and Supervisors' expressed claims of 'concern.'

The purpose of the CAP is to reduce GHG emissions in the unincorporated county, of which 40% are from VMT. But reducing VMT will not be accomplished by electric vehicles alone. PUBLIC TRANSIT should be a

feasible alternative. That requires a shift in Sacramento County's land use policies, and an honest FOCUS ON CONTIGUOUS URBAN DEVELOPMENT AND TRANSIT-ORIENTED INFILL. The County must show ALTERNATIVES in the SEIR that step up to the challenge – and make the essential course corrections on our current path to climate hell.

**From:** [Newton, Julie](#)  
**To:** [Smith, Todd](#)  
**Subject:** FW: EIR Comments  
**Date:** Thursday, January 11, 2024 9:55:47 AM

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-----Original Message-----

From: PER-CEQA <CEQA@saccounty.gov>  
Sent: Wednesday, January 10, 2024 7:42 AM  
To: Newton, Julie <newtonj@saccounty.gov>  
Cc: Little, Alison <littlea@saccounty.gov>; Messerschmitt, Kevin <messerschmittk@saccounty.gov>  
Subject: FW: EIR Comments

Andrea Guerra, Senior Office Assistant  
Planning and Environmental Review  
827 7th Street, Room 225, Sacramento, CA 95814 | (916) 874-2862 (direct) [www.planning.saccounty.gov](http://www.planning.saccounty.gov)

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-----Original Message-----

From: Karen Jacques <threegables1819@gmail.com>  
Sent: Tuesday, January 9, 2024 9:33 PM  
To: PER-CEQA <CEQA@saccounty.gov>  
Subject: EIR Comments

EXTERNAL EMAIL: If unknown sender, do not click links/attachments.  
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I am a resident of Sacramento County's District 1 and I am extremely concerned about the worsening climate crisis. I want to see the County do everything possible to address it. I am relieved to see the County begin its' long awaited the EIR process. I am writing to say that the Draft EIR must include a "smart growth" alternative and that "smart growth" alternative must be the preferred alternative. I believe that developing and adopting a 'smart growth' alternative is the single most effective thing cities and counties can do to reduce their green house gas emissions.

Vehicle emissions are the greatest source of green house gases in California. It is imperative that Sacramento County do everything possible to reduce vehicle miles traveled (VMT) and meet or, preferably, exceed state and regional (SACOG) VMT goals. The only way the County can do this is to stop its long history of relentless sprawl, establish a firm urban limit line that is adhered to and that protects both existing agricultural lands and existing wild lands and the wild species that inhabit them. What's needed is the creation and adoption of a 'smart growth' EIR alternative that prioritizes infill and mixed use. It needs to have the kind of density that encourages and supports mass transit. It also needs to be conducive to walking and biking with shaded streets, bicycle lanes, intersections that pedestrians can safely cross and shops located within easy walking distance of residences. It also needs a mixture of residence types, not just single family homes. It must include housing affordable to lower income residents. It is imperative that Sacramento County become a place where a person doesn't need to own a car to live comfortably and where households can share one car instead of having two or three.



It has been a long time since the County completed its last County wide EIR and there has already been far too much sprawl (including projects the County approved, but that aren't built yet). This EIR must be the EIR that ends sprawl and changes how the county develops. Time is of the essence. Please treat this EIR and the County's long awaited Climate Action Plan as priorities.

Thank-you for this opportunity to comment.

Karen Jacques, District 1

**From:** [Newton, Julie](#)  
**To:** [Smith, Todd](#)  
**Subject:** FW: Improving the Sacramento County CAP  
**Date:** Tuesday, January 16, 2024 8:05:25 AM

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**From:** PER-CEQA <CEQA@saccounty.gov>  
**Sent:** Tuesday, January 16, 2024 7:17 AM  
**To:** Newton, Julie <newtonj@saccounty.gov>; Messerschmitt, Kevin <messerschmittk@saccounty.gov>; Little, Alison <littlea@saccounty.gov>  
**Subject:** FW: Improving the Sacramento County CAP

CAP comments

***Andrea Guerra, Senior Office Assistant***


Planning and Environmental Review

827 7th Street, Room 225, Sacramento, CA 95814 | (916) 874-2862 (direct)

[www.planning.saccounty.gov](http://www.planning.saccounty.gov)



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**From:** Kitty Williamson <kitty\_williamson@yahoo.com>  
**Sent:** Monday, January 15, 2024 4:40 PM  
**To:** PER-CEQA <ceqa@saccounty.gov>  
**Subject:** Improving the Sacramento County CAP

**EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments.  
If you have concerns about this email, please report it via the Phish Alert button.

Thank you for continuing to revise and improve the Sacramento County Climate Action Plan (CAP). I'm writing to give you my input as a Sacramento County resident.

At this point in the CAP process, I urge you to include a *smart growth* alternative in the EIR, since infill development will reduce vehicle miles traveled (VMT) and greenhouse gasses. Vehicle exhaust is the largest source of greenhouse gasses in Sacramento County, so methods to reduce vehicle exhaust are needed. New housing should be built as infill, not outside the adopted growth boundary.

There is much support for infill projects at the State, SACOG, and the County. Let's prioritize infill as an effective way to reduce VMT and greenhouse gasses. Where possible, infill should be in locations where residents can avoid the use of private cars by using

transit, bikes, and walking. This is an important way to support the State's climate and air quality goals.

Thank you.

Katherine Williamson  
4805 Olive Oak Way  
Carmichael, CA 95608

**From:** [Newton, Julie](#)  
**To:** [Smith, Todd](#)  
**Subject:** FW: County draft CAP--EIR  
**Date:** Tuesday, January 16, 2024 3:56:12 PM

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**From:** PER-CEQA <CEQA@saccounty.gov>  
**Sent:** Tuesday, January 16, 2024 3:51 PM  
**To:** Little, Alison <littlea@saccounty.gov>; Messerschmitt, Kevin <messerschmittk@saccounty.gov>; Newton, Julie <newtonj@saccounty.gov>  
**Subject:** FW: County draft CAP--EIR

***Andrea Guerra, Senior Office Assistant***

Planning and Environmental Review  
827 7th Street, Room 225, Sacramento, CA 95814 | (916) 874-2862 (direct)  
[www.planning.saccounty.gov](http://www.planning.saccounty.gov)



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**From:** Laura Drath <lfdrath@gmail.com>  
**Sent:** Tuesday, January 16, 2024 3:35 PM  
**To:** PER-CEQA <CEQA@saccounty.gov>  
**Subject:** Re: County draft CAP--EIR

**EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments.  
If you have concerns about this email, please report it via the Phish Alert button.

Good afternoon--I am writing to urge that you include a Smart Growth alternative in the Environmental Impact Report for the County's proposed Climate Action Plan. The State, SACOG, and the County itself have all identified an emphasis on infill in planning as a crucial strategy in reducing VMT and the emission of greenhouse gases. Given this, it makes no sense that the County should allow for the planning of sprawl projects outside its adopted growth boundary. Auto traffic is the largest source of greenhouse gas emissions in our county, and it is imperative that we create a future that is LESS reliant--not more--on vehicular transportation. Please include a Smart Growth alternative in your plans. Thank you for your efforts--

Laura Drath  
Citrus Heights 95610

**From:** [Newton, Julie](#)  
**To:** [Smith, Todd](#)  
**Subject:** FW: Smart Growth  
**Date:** Thursday, January 18, 2024 8:19:06 AM

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**From:** PER-CEQA <CEQA@saccounty.gov>  
**Sent:** Thursday, January 18, 2024 8:18 AM  
**To:** Newton, Julie <newtonj@saccounty.gov>; Messerschmitt, Kevin <messerschmittk@saccounty.gov>; Little, Alison <littlea@saccounty.gov>  
**Subject:** FW: Smart Growth

***Andrea Guerra, Senior Office Assistant***

Planning and Environmental Review  
827 7th Street, Room 225, Sacramento, CA 95814 | (916) 874-2862 (direct)  
[www.planning.saccounty.gov](http://www.planning.saccounty.gov)



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**From:** Margie Tomenko <margietomenko@comcast.net>  
**Sent:** Wednesday, January 17, 2024 9:47 PM  
**To:** PER-CEQA <CEQA@saccounty.gov>  
**Subject:** Smart Growth

**EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments.  
If you have concerns about this email, please report it via the Phish Alert button.

Sacramento County,

While the CAP has many concerns and issues, most important is to include some Smart Growth with the revised CAP.

Please provide Smart Growth alternatives in the EIR. This is very important. The State said that infill and VMT reductions are a must to meet CA's climate goals. More infill has the greatest potential to reduce emissions.

There is much support for this. The County's own general plan AND Phase 1 Strategy CAP, SACOG's

regional sustainable communities strategy. With so much support, why are the huge sprawl projects still planned outside the adopted growth boundary???

Please include infill and VMT as Smart Growth alternatives in the EIR.

Thank you.

-Margie Tomenko

Sent from my happy little iPad

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## NATIVE AMERICAN HERITAGE COMMISSION

December 19, 2023

RECEIVED

DEC 22 2023

Todd Smith  
Sacramento County  
827 7<sup>th</sup> Street, Rm. 225  
Sacramento, CA 95814

County of Sacramento  
Department of Community Development  
Planning and Environmental Review Division

Re: 2023120386, Sacramento County Climate Action Plan Project, Sacramento County

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West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

Dear Mr. Smith:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

[AB 52](#)



AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Pricilla.Torres-Fuentes@nahc.ca.gov](mailto:Pricilla.Torres-Fuentes@nahc.ca.gov).

Sincerely,

*Pricilla Torres-Fuentes*

Pricilla Torres-Fuentes  
Cultural Resources Analyst

cc: State Clearinghouse



**From:** [Chris Brown](#)  
**To:** [PER. climateactionplan](#); [Smith, Todd](#)  
**Subject:** Comments on the Scoping plan for the County CAP  
**Date:** Wednesday, January 31, 2024 4:44:36 PM

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**EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments.  
If you have concerns about this email, please report it via the Phish Alert button.

Dear Sacramento County representatives,

Please include in the scope of the CAP analysis and plans:

- Analysis of how public-private partnerships can accelerate climate responses. There are many ways that private equity can be encouraged to invest in the kinds of changes in appliances/equipment and using renewable energy that are cost prohibitive as upfront investments by individuals and small businesses, but which could be paid off over time. The County would provide the "banking structure" under existing law in which private equity could be invested in such programs.
- Climate adaptation programs that include extensive use of community NGO partners and community based decision-making processes so as to improve the uptake of the resulting programs, and the alertness of the community as to responses to extreme weather events, and rising temperatures.
- By extension, all of the previous comments provided by the Sacramento Climate Coalition and its members in the 2021 through 2022 community input processes on previous drafts of the CAP.
- Guarantees that the CAP document will not be used to slow down programs or actions which could more rapidly reduce GHG emissions and the attendant impacts of climate change.

Sincerely yours,  
Chris Brown  
Sacramento Climate Coalition



# SACRAMENTO COUNTY FARM BUREAU

PUTTING THE FOOD ON YOUR FORK SINCE 1917

Jan 30, 2024

Sacramento County Planning and Environmental Review

Todd Smith, Planning Director

827 7<sup>th</sup> St, Rm 225

Sacramento, CA 95814

[smithtodd@saccounty.gov](mailto:smithtodd@saccounty.gov)

**RE: Sacramento County Climate Action Plan SEIR**

Dear Mr. Smith,

The Sacramento County Farm Bureau is a grassroots membership organization focusing on preserving and protecting our agricultural economy and rural lifestyle since 1917. Four thousand acres of vital farmland are lost each year to urbanization. There is a great concern among farmers and ranchers, that not only is the practice of farming and ranching decreasing, but their rural way of life is being threatened. Area growers work hard to supply consumers with high quality products while battling such obstacles as increased production costs and water availability. As the earth's original conservationists, farmers and ranchers have a keen interest in preserving our precious land for future generations. Farmers are concerned with natural resources, animal health, water, and air quality, among other imperative topics. Farm Bureau's voluntary elected leaders and professional staff work hard for all Californians to ensure the rural economy's growth, to protect the family farm, and to maintain the treasured natural resources that are so important to this state's vitality and lifestyle.

The Sacramento County Farm Bureau has several concerns with the Sacramento County Climate Action Plan. The climate action plan has no data on the amount of carbon and other greenhouse gases (GHG) currently being captured or proposed to be captured which would provide beneficial offset to emissions. Without this information, it does not solve the problem at hand. This plan needs to be applied with science-based data and analysis as to what components contribute to GHG emissions and what components contribute to GHG sequestration to ultimately develop a holistic plan that can reach carbon neutrality through proper management and balance of the whole county.

Sacramento County needs to look beyond just cutting emissions and really at what solutions will capture GHGs. The county will find that farmers usually have a negative carbon footprint. Having farmers cut more GHG emissions will actually decrease their ability to manage these agricultural lands properly, therefore hindering GHG sequestration alongside the huge reduction in food availability and economic revenue for the communities in our county. Agriculture is the solution for helping to mitigate other areas that cannot capture carbon. Therefore, we need to increase our agriculture within the county to strengthen the county's long-term sustainability in human health, food availability, and its economy. Though conserved lands do capture carbon, it is not as much as working agricultural lands. All lands need some type of management to be efficient and conservation areas are no different. When these lands are fenced off to preserve and prevent outside influences and disruptions, these preserved lands decrease in diversity, productivity, and therefore GHG sequestration.



## SACRAMENTO COUNTY FARM BUREAU

PUTTING THE FOOD ON YOUR FORK SINCE 1917

Farmers have always been innovative towards advancements in technology and conservation practices to preserve their land, improve yields, improve energy efficiencies, and minimize economic costs. Utilizing these practices and technology, they have been continuing to reduce the amount of GHGs that they emit, while maintaining the amount of GHGs that they capture on their agricultural lands. But there is a limit to how much more they can cut. Our commercial farmers have been continually striving to become more efficiently productive and sustainable for the longevity of their farming operations and lands. Unfortunately, the electrification of all agricultural equipment is not realistic or economical. First, the power grid is not able to handle the additional energy loads that are required. Second, the infrastructure is not in place for a majority of these agricultural areas. The limited nearby lines that are in place mainly for residents are constantly unreliable for power and safety. Third, electric batteries are also more harmful to our land. The required number and size of these batteries would add enormous amounts of weight to the tractors, therefore increasing soil compaction and damage to crops and land. More tillage and working of the land prior to planting will be required to try to minimize the damage but will ultimately, permanently destroy this prime farmland.

Limiting urban sprawl to its current boundaries will also limit GHG emissions from the need for importation of food and fiber products that the urban centers required but cannot produce from farther locations that result in additional GHG emissions. Having more agriculture lands in our county will make our county more productive, more economically stable, and maintain food security for our communities in the future.

Agriculture is the solution and Sacramento County needs to embrace and encourage that essential industry before it's too late. Continuing to ask agriculture to make GHG cuts is ridiculous. They've been making cuts. They've been continuing to strive for maximum efficiency. They've been the solution all along for sequestering GHGs. Having other areas cut GHG emissions to reduce their loads that they contribute while not able to sequester GHGs is a good idea. But to penalize agriculture when it is the only solution the county has to actually reach GHG neutrality for its communities is a detriment to the county. The true solution for climate adaptation changes is to preserve the importance of agricultural land and increase agricultural production in our county while minimizing or consolidating the outward growth of urban areas.

Sincerely,

Jerry Spencer  
President





January 29, 2024

Mr. Todd Smith, Director  
Sacramento County Planning and Environmental Review  
827 7th Street,  
Sacramento, CA 95814,

*Via Email Only:* [CEQA@saccounty.gov](mailto:CEQA@saccounty.gov).

## **RESPONSE TO SACRAMENTO COUNTY NOP**

Dear Todd,

The Sacramento Electric Vehicle Association (SacEV) appreciates the opportunity to provide scoping recommendations for a revised draft of the County's Climate Action Plan (CAP) and Supplemental EIR (SEIR).

We strongly recommend that the county set an EV adoption target to deliver a substantial portion of the desired GHG reductions. Each transition from a gas-powered vehicle to an EV saves an estimated 4 tons of GHG annually. The DMV and CEC provide vehicle adoption metrics. These can be used to evaluate the CAP's actions for its impact on the adoption target and adjusted as needed. Over time, actions and expenses with limited influence on EV adoption can be replaced with more effective ones.

Seven years ago, in early 2017, the Sacramento Electric Vehicle Association was one of eight organizations that contributed to the "Sacramento Area Plug-In Electric Vehicle Collaborative's Electric Vehicle Readiness and Infrastructure Plan." Several CAP actions reference this plan and the need to update it, but no specific target date is provided. A near term delivery date needs to be set for an updated plan which reflects the changes in the vehicle market and associated infrastructure.

These recommendations, updated from our discussions in 2023, are submitted to assist the county in meeting its GHG reduction targets while enhancing cost-effective options in the CAP. **Simple steps can be taken by the county to encourage and motivate residents to make their next vehicle purchase a zero-emission vehicle. Each transition results in an annual savings of approximately 4 tons of GHG.** At little cost, these recommendations significantly increase GHG reductions.

The county's efforts can leverage and amplify industry, SMUD, state, and federal agency support



for EV adoption. With over 100,000 EVs purchased by residents in the Sacramento region<sup>1</sup>, one in four new vehicles sold is currently an EV. The federal Inflation Reduction Act's incentive of up to \$4,000 for each used EV purchased has significantly expanded the used EV market.

While we have several recommendations, we wish to highlight some aspects:

- We applaud the county's proposal to use the CalGreen Building code Tier 2 for EV charging infrastructure, particularly for new construction. Approximately one-third of families in the county will not adopt EVs without readily accessible, affordable, safe, and secure EV charging. **The CalGreen code cycles mentioned should align with those that will go into effect on January 1, 2026.** The CalGreen Building Codes are especially important for apartment dwellers, as home charging is by far the most critical enabler of EV adoption. Additionally, enhancing EV infrastructure at the workplace supports employees who lack access to charging at home.
- The county should make every effort to inform families and its workforce about the advantages of adopting an EV for their next new or used vehicle purchase. With the right information and encouragement, **each family's decision to EV for their next vehicle can not only save them money but also help the county reach its GHG reduction goals.** Active inclusion of community organizations at all county events should occur to provide EV education and share firsthand accounts of EV ownership. Independent events that provide EV education should be supported and promoted.
- All building electrification projects and initiatives should include EV infrastructure to enable EV adoption by all residents.
- Incentives, such as parking and charging discounts, should be deployed to shift workforce commuting to clean transportation. These can be made to be revenue neutral to the county.

As always, our aim is to support the County's adoption of an effective, CEQA-compliant CAP.

Respectfully submitted on behalf of the Sacramento Electric Vehicle Association,

A handwritten signature in black ink that reads "Guy T. Hall".

Guy Hall, Sacramento Electric Vehicle Association Director

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<sup>1</sup> SacEV defines the Sacramento region as the counties of Sacramento, Placer, El Dorado, Yolo, Nevada, Sutter, Amador, Yuba, San Joaquin. Sacramento County alone is approaching 43,000 EVs sold.

**MEASURE GHG-04: INCREASE ENERGY EFFICIENCY AND ELECTRIFICATION OF EXISTING COMMERCIAL/NONRESIDENTIAL BUILDINGS AND FACILITIES**

- Energy Efficiency and Electrification options should include EV charging infrastructure in every instance. EV charging infrastructure is especially important to achieving GHG reductions if technology to install all-electric water and space heating appliances is not available. Installing EV charging infrastructure can significantly reduce the CO2 footprint of commercial and MFH buildings when associated transportation is taken into account.
- The Target Indicator for electrification upgrades should include EV charging infrastructure such as 50 percent participation to provide at least 10 percent of spaces supporting a Low Level 2 or 20 percent of spaces supporting a Level 1.

**MEASURE GHG-05: INCREASE ENERGY EFFICIENCY AND ELECTRIFICATION OF NEW COMMERCIAL/NONRESIDENTIAL BUILDINGS OR FACILITIES**

- Energy Efficiency and Electrification options should include EV charging infrastructure in every instance. EV charging infrastructure is critical for residents in older communities without access to EV charging. Unavailability of home charging places substantial financial, convenience and security impediments for these families to adopt clean EVs. Workplaces provide the second most useful charging facilities as the parking dwell time of most workers frequently matches the needs for commute.
- The Target Indicator for electrification upgrades should include EV charging infrastructure matching the Tier 2 of the CalGreen Building codes for EV infrastructure in non-residential construction scheduled for January 1st, 2026

**MEASURE GHG-10: ELECTRIC VEHICLE INFRASTRUCTURE PROGRAM**

- The Sacramento Electric Vehicle Association was one of the eight entities that contributed to the “Sacramento Area Plug-In Electric Vehicle Collaborative’s Electric Vehicle Readiness and Infrastructure Plan” in early 2017. The plan proposed EV charging levels based on EV model availability at the time. With the recent substantial increases in EV model availability, and recognizing the Climate Emergency Act, this plan needs updating to support the County CAP goals to accelerate transition of community and commuter vehicles to EV by 2030.
- Support of underserved communities is a key aspect of GHG-19 for new construction (residential and workplace) and should be a top priority. The majority of apartments / condos and older homes will not be helped by GHG-19, additional support is necessary for underserved communities via a sufficient number of appropriately located workplace EV charging stations and neighborhood Fast Charging, aligned with user dwell times. Given the current number of Fast Chargers is over 260<sup>1</sup>, the Target Indicators of 160 installed by 2025 and 400 installed by 2030 are far too low. Outside of workplace and home charging, Level 2 charging is no longer a strong contributor to EV adoption.
- Target Indicator: The number of chargers is not the end goal. Rather the goal is a transition of vehicles from fossil fuel to electric. As stated at the top of our message the County needs to have an EV adoption goal, which this measure supports. The County EV

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<sup>1</sup> As of December 31, 2021, the countywide count is 1,813 (DCFC: 262, L2 1,464, L1: 87) This count appears to be for public charging stations and includes the City of Sacramento, SMUD, SACOG, SMAQMD, State DGS and others.

registration goal should exceed its portion by 50% of the state's 2030 goal<sup>2</sup>. This would be 25% of all vehicles on the road to be electric by 2030. That is about 210,000 EVs on the road by 2030.

- When planning implementation of EV charging, the speed of charging, and time required to charge, should match the EV parking dwell time of the EV driver at that site, which may require a mix of EV charging stations with different charging speeds.
- The county should have goals for medium and heavy-duty vehicle charging / refueling as well. The county should conduct research and assess the state's Zero Emission Truck (ZET) goals, and how those goals will impact Sac County. Sacramento County can be a hub for ZET charging as the state capitol, with reasonable electric rates and a gateway to Reno/Tahoe/80 region.
- *Notes:*
  - [California hits ambitious goal for electric cars 2 years early](#) *In 2012, Brown signed an executive order setting a target of 1.5 million "zero emission vehicles," or ZEVs, sold in California by 2025. But by March 31, 2023 the total had already reached. , 21% of all new passenger vehicles sold in California from Jan. 1 to March 31 were electric, a total of 124,053 vehicles.*
  - *For Sacramento county, 2,955 ZEVs sold in Q1 2023 bringing total sales to 85,000.*

#### **GHG-11: REDUCE EMISSIONS FROM NEW RESIDENTIAL AND OFFICE/BUSINESS PROFESSIONAL DEVELOPMENT VEHICLE MILES TRAVELED**

- We applaud the efforts to reduce VMT, but VMT should not be the sole mechanism to reduce GHGs. Encouraging transition to clean EVs for those unable or unwilling to reduce VMT should be a high priority as EVs can be the largest contributor to GHG reductions.

#### **MEASURE GHG-12: UPDATE TRANSPORTATION SYSTEM MANAGEMENT PLAN FOR NONRESIDENTIAL PROJECTS**

- We applaud the efforts to reduce trips generated by new projects as part of the TSM plan, but we recommend that EVs be included as a key component in the TSM planning process.

#### **MEASURE GHG-13: REVISE PARKING STANDARDS FOR NONRESIDENTIAL DEVELOPMENT**

- We support the appropriate sizing of non-residential parking. For parking spaces included in new construction, appropriate EV charging infrastructure needs to be included in the parking standards revisions, as described in GHG-19.

#### **MEASURE GHG-14: IMPROVE TRANSIT ACCESS**

- Low power EV charging should be provided at all light rail stations to reduce GHG along with VMT and parking congestion elsewhere.

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<sup>2</sup> California Air Resources Board passed landmark rules that prohibit the sale of all new gasoline-powered cars, SUVs, minivans and pickups in the state by 2035. They require that 35% of all new passenger vehicles offered for sale in California starting in 2026 to be zero-emission — basically electric, plug-in — ramping up to 68% by 2030 and 100% by 2035.

So far six other states have copied California's rules: New York, Virginia, Washington, Oregon, Massachusetts and Vermont. Others, including Colorado, Maryland, New Jersey, Rhode Island and Connecticut are considering similar rules. Sacramento county has 19.7% of new car sales being ZEV for Q1

- Consideration of locating mobility hubs in conjunction with transit and light rail.

#### **MEASURE GHG-19: EV PARKING CODE**

- **The EV Parking Code proposal in GHG-19 is one of the most impactful actions in the CAP.** It, along with GHG-10, opens EV adoption to residents in older homes, new apartments and condos, which comprise nearly a third of our community and are common in underserved communities.
- The phrase “EV charging capability” should be “EV Ready” as defined by the CalGreen code.
- The start date should coincide with the 2025 CalGreen code cycle update effective 1/1/2026.

#### **MEASURE GHG-27: SHARED ELECTRIC VEHICLES AT AFFORDABLE HOUSING PROJECTS**

- We support this measure, particularly for residents who don’t have their own vehicle. Experiencing electric vehicle driving is highly influential in the decision of a future vehicle purchase. The lower cost of EV ownership (new, used or shared) should be an option for all.

#### **MEASURE GOV-EC-01: EMPLOYEE TRANSPORTATION PROGRAM**

- We stress the importance of an education and incentives program for zero-emission commuters. We are glad to see the focus is on reduction of transportation related GHG.
- “Create two new staff positions”, not just “an assignment”, under the Chief of Fleets (or County Executive Office) to establish and operate a County Employee Transportation Demand Management Program” with their primary focus and goal to achieve a transition to zero emission employee commuting transportation. This is a low-cost investment that will yield high GHG reductions.
- The Transportation Demand Management Program should include acceleration of EV Adoption by employees. The target should show eight yearly steps towards a 2030 goal of 100%. Eight years ago, there were 19 EV models with only one having a range of over 200 miles and most had ranges under 100 miles. Today there are 87 models with most having over a 200-mile range or plug-in hybrids.
- We concur with providing incentives to employees who regularly walk, bike, or drive EVs. While a 10% participation goal (by 2030?) is mentioned, the 2030 goal assuming an average vehicle ownership is under 7 years<sup>3</sup> should be 100% participation by 2030.
- Develop online videos about buying, driving, and maintaining EVs, that are hosted on the County’s website and linked to state
- The Target Indicator should reflect 100% participation of employees by 2030 with annual goals.

#### **RE GOV-EC-02: TRANSIT SUBSIDY PROGRAM**

- A similar EV adoption target should be set such as an alternative to use of gas vehicles. Incentives should match those in other subsidy programs.
- This measure should be integrated with GOV-EC-01.

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<sup>3</sup> According to IHS, the average length of ownership was a record 79.3 months, or nearly seven years.

**MEASURE GOV-EC-05: PROVIDE CARPOOL-AT-WORK INCENTIVES**

- Any carpool-at-work incentive should only apply if the shared transportation mode is zero emission.

**MEASURE GOV-FL-01: FLEET CONVERSION PROGRAM**

- The County fleet conversion program to zero emission vehicles should be at least as foresightful as the City of Sacramento program and should not be a laggard in contributing to reduced GHG emissions.
- Implement an Employee Workplace EV Charging Program wherever County employees park, aligned to employee dwell time or other low-cost approaches. This program should avoid the cost of monthly network fees whenever possible.
- Install EV charging stations at existing County parking facilities for visitor use, aligned to EV driver dwell time whenever possible.
- Replace every light duty vehicle that is a fossil fuel vehicle with a zero emission vehicle when the fossil fuel vehicle is retired, or sooner if possible.
- Establish an overall goal of transitioning the County fleet to zero emission vehicles with annual metrics to be established. The overall County Implementation and Target for new zero emission vehicle procurements should meet or exceed all State regulatory fleet requirements with the following overarching goals:
  - FY 2023-24 – 2024-25 25%
  - FY 2027-28 – 2025-29 50%
  - FY 2029-30 - 2030-34 75%
  - FY 2034-35 & thereafter 100%
- Exceptions to purchasing zero emission vehicles should be EXTREMELY LIMITED, and only if the replacement vehicle has significantly lower GHG emissions than the fossil fuel vehicle it replaces, or it uses renewable fuels or advanced technology hybrids with the lowest GHG emissions. Prior reasons that EVs are not suitable or are not convenient to charge, are no longer applicable for many duty cycles due to technology improvements.

**MEASURE GOV-BE-03: EMPLOYEE GREEN BUILDING TRAINING**

- 2025 CalGreen Building codes for charging infrastructure are significantly more complex than in prior years. Proper interpretation and implementation of the code will require training for employees in the County permitting office, as well as for architects and electrical engineers submitting permit applications, which should be provided by the County.

**MEASURE GOV-BE-04: ELECTRIFY MUNICIPAL BUILDINGS**

- The plan to be developed and implemented to electrify County-owned facilities should include actions to provide EV charging infrastructure for employees and visitors.

**RE GOV-AR-01: AIRPORT FLEET REPLACEMENT**

- This measure needs to be greatly expanded to go beyond shuttle buses<sup>4</sup> and should include the transition to all electric vehicles, including all ramp and ground support vehicles,

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<sup>4</sup> Target Indicator: 15 zero-emission electric shuttle buses purchased by 2030

such as catering trucks, pushback tugs, belt loaders, baggage tractors and fueling trucks. They should purchase demonstration models by the end of 2022.

- As described above relating to equity, the county needs to provide charging stations for all airport employees. As with other staff, the county needs to focus on getting more airport workers into EVs. Most of these workers are private contractors and airline employees. Incentives, outreach, education, and marketing efforts, similar to those used with County employees will help.
- All county operated airports should be included: Sacramento International, Mather, Executive, and Franklin Field.
- The county should work with the vehicle rental agencies to create the infrastructure and program necessary for EV rental showcases at the airport.
- The Target Indicator should be far more aggressive and align with measure GOV-FL-01.

If you would like any additional information or would like us to discuss anything further with you, let us know. We look forward to working with the County to implement the Climate Action Plan.

Sincerely,

Sacramento Electric Vehicle Association  
Guy Hall  
Dwight MacCurdy  
Cynthia Shalliti  
Peter Macklin



January 30, 2024

Todd Smith, Planning Director  
Sacramento County Planning and Environmental Review  
827 7<sup>th</sup> Street, Room 225  
Sacramento, CA 95814  
[smithtodd@sacounty.gov](mailto:smithtodd@sacounty.gov)

**Subject: Notice of Preparation of a Subsequent Environmental Impact Report for the Sacramento County Climate Action Plan**

Dear Mr. Smith,

Thank you for routing the Notice of Preparation (NOP) for the Sacramento County Climate Action Plan to the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) for review. The Climate Action Plan (CAP) is intended to serve as mitigation for climate change impacts of the County's 2030 General Plan, as provided by Mitigation Measure (MM) CC-2 in the 2030 General Plan EIR (SCH# 2007082086). As the lead agency, the County will prepare a focused Subsequent Environmental Impact Report (SEIR) for the CAP that will tier from the certified 2030 General Plan EIR and will evaluate whether implementation of the CAP would result in new or substantially more severe significant impacts than the impacts disclosed in the 2030 General Plan EIR. Sac Metro Air District comments follow.

**Mitigation Measures**

**Cool Pavement Measure** – Cool pavements are an example of high-albedo building material that can reduce the urban heat island effect, reduce building energy consumption, save money and mitigate peak electricity demand. Sac Metro Air District and the California Air Pollution Control Officers Association (CAPCOA) are currently quantifying the greenhouse gas reductions associated with cool pavements and expect to be completed in the summer. The Sac Metro Air District is happy to share preliminary information if the County wishes to pursue and quantify this measure.

**Transition Natural Gas in Existing Buildings** – We encourage the county to continue pursuing the decarbonization of buildings, one of the most cost-effective and healthful measures that can be undertaken. However, we recommend a more comprehensive approach to electrifying existing buildings, including not only water and space heaters, but also other appliances, especially cooktops. As a model, consider the [City of Rancho Cordova's Climate Action and Adaptation plan](#) measure Energy-1.1, which implements a Utility User Tax increase of 3% on natural gas to incentivize electrification and generate funding for retrofit projects.

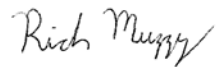


Refer to the Sac Metro Air District's [Guide to Air Quality Assessment in Sacramento County](#)<sup>1</sup> (CEQA Guide) when preparing the draft environmental impact report (DEIR).

When available, please send a copy of the SEIR to [projectreview@airquality.org](mailto:projectreview@airquality.org).

Please contact me if you have questions at (279) 207 – 1139 or [rmuzzy@airquality.org](mailto:rmuzzy@airquality.org). We look forward to reviewing the DEIR.

Sincerely,

A handwritten signature in cursive script that reads "Rich Muzzy".

Rich Muzzy  
Air Quality Planner / Analyst

C: Paul Philley, AICP, Land Use and Transportation

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<sup>1</sup> <http://www.airquality.org/Businesses/CEQA-Land-Use-Planning/CEQA-Guidance-Tools>