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August 27, 2009

VIA U.S. MAIL AND EMAIL CEQA.Rulemaking@resources.ca.gov
Christopher.Calfee@opr.ca.gov

Christopher Calfee, Special Counsel
ATTN: CEQA Guidelines
California Resources Agency
1017 L Street, #2223
Sacramento, CA 95814

Re: Comments on the Governor's Office of Planning and Research (OPR) Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions

Dear Mr. Calfee:

The Pacific Forest Trust[1] appreciates the opportunity to provide comments on the proposed CEQA amendments. In particular, PFT strongly supports the explicit inclusion of forest resources in the sample Environmental Checklist form found in section II of Appendix G. Our forests provide a host of critical environmental values, from clean water and wildlife habitat to biodiversity and sustainable forest products. A key value for this update of the CEQA guidelines is the role of forests in climate change. Forests release significant amounts of carbon dioxide (CO2) when converted to non-forest use, and, alternatively, can absorb and store CO2 for long periods of time when restored, protected, and sustainably managed. The recognition of environmental impacts to forestland, including forest loss, conversion to non-forest use, and zoning changes, is a crucial step forward for appropriately assessing the climate value of forest land and ensuring adequate mitigation. This approach is also consistent with the California Air Resources Board Scoping Plan for AB 32, which recognizes the significant effect of forest conversion on climate, and identifies CEQA as a main mechanism for assessing and mitigating impacts.[2]

Comments Pertaining to Analysis of Forest Resources

To help ensure full assessment and appropriate mitigation of project greenhouse gas (GHG) impacts, PFT makes the following recommendations, discussed in detail below:

1. **Add language specific to land conversion as a source of GHGs and lost**

[1] PFT is a non-profit organization dedicated to sustaining private forests for all their public benefits, including climate benefits. We own and manage forestland, as well as hold and steward conservation easements on private forestland throughout California and the Pacific Northwest. In collaboration with landowners, forest managers, public agencies and others, PFT has helped lead the development of forest climate policies and projects to achieve substantial benefits for the climate through conservation and stewardship.
[2] CARB Climate Change Proposed Scoping Plan Appendices, Volume I, page C-166.

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sequestration in Section 15064.4.

2. **Revise Section 15126.4 subdivision (c) to reflect clear mitigation priorities and rigorous GHG accounting standards for any offsets.**
3. **Include questions in Appendix G about impacts from projects that will likely result in future conversion of forest land.**
4. **Include a question in Appendix G section VII regarding loss of sequestration capacity that may occur as a result of a project.**

1. Add language specific to land conversion as a source of GHGs and lost sequestration in Section 15064.4.

This section, *Determining the Significance of Impacts from Greenhouse Gas Emissions*, is incredibly important for assisting lead agencies in assessing the full scope of project impacts on climate change. As such, PFT suggests that the regulations make clear that loss of sequestration capacity is a greenhouse gas emission. The text could be modified to read:

(b)(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting, taking into account greenhouse gas emissions from the loss of carbon stocks and loss of future sequestration capacity.

Methodologies for assessing GHG impacts from land conversion are available for some land types,[3] forests in particular, and are in the process of being developed for additional land types. In cases where no methodology has been developed, this change would encourage development of new GHG assessment methods. This language would also complement the addition of forest resources in Appendix G, clearly linking forests and climate. Lead agencies would retain the discretion to determine the circumstances under which a detailed assessment of carbon stock loss and future sequestration capacity is warranted. On a related point, PFT supports clarification of proposed Guidelines section 15064.4 subdivision (a) to require quantification of greenhouse gas emissions when models or methodologies are available, as suggested in the comment letter submitted by the Center for Biological Diversity on the draft CEQA amendments. (See CEQA Guidelines, §§ 15144, 15151.)

2. Revise Section 15126.4 subdivision (c) to reflect clear mitigation priorities and rigorous GHG accounting standards for any offsets.

PFT strongly encourages some prioritization in the discussion of mitigation measures related to GHG emissions. Specifically, we would recommend making it clear that projects should first take all actions possible to reduce the expected impacts from the project itself; examples of such actions include minimizing the footprint of development projects and placing a conservation easement on remaining undeveloped land. In some circumstances,

[3] See, e.g., Forest Protocols, Final Draft version 3.0. 2009 (to be considered for adoption by California Air Resources Board and Climate Action Registry in September 2009); see also (1) U.S. Environmental Protection Agency. 2005. Greenhouse Gas Mitigation Potential in U.S. Forestry and Agriculture. EPA 430-R-05-006. Washington, D.C.;(2) Congressional Budget Office. 2007. The Potential for Carbon Sequestration in the United States;(3) U.S. Climate Change Science Program. 2007. The First State of the Carbon Cycle Report: The North American Carbon Budget and Implications for the Global Carbon Cycle. Synthesis and Assessment Product 2.2.; (4) IPCC Good Practice Guidance for LULUCF, 2003; (5) 2006 IPCC Guidelines for National Greenhouse Gas Inventories.

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however, off-site measures ~~are~~ can be appropriate and valuable.

Due to the multiple ecosystem services of forests, including climate benefits but also wildlife habitat, biodiversity, adaptation value, and water provision, among others, off-site mitigation measures for impacts to forest resources should be targeted within the forest sector. This approach is consistent with the AB 32 Scoping Plan target of "no net loss" of forest climate benefits as well as the general CEQA requirement for a nexus between impacts and mitigation measures.[4] Additionally, to the degree offsets are utilized for CEQA mitigation, we urge OPR to incorporate standard domestic and international language addressing the required quality of those offsets. Under AB 32, and as commonly stated in a number of GHG programs and protocols,[5] all emission reductions must be real, additional, quantifiable, verifiable, permanent, and enforceable. Thus, the text could read:

(c)(3) Off-site measures (preferably within the same sector) to mitigate a project's emissions, including offsets that are real, permanent, quantifiable, verifiable, enforceable and additional, and otherwise meet CARB requirements;

3. Include questions in Appendix G about impacts from projects that will likely result in future conversion of forest land.

As discussed above, PFT is very excited about the potential for inclusion of forest resources in the Appendix G checklist to better assess the GHG impacts of projects analyzed under CEQA. As a refinement to the inclusion guidance to explicitly consider this resource – the maintenance of which is so important to meeting the State's climate goals – PFT supports the inclusion of additional questions in the checklist regarding reasonably foreseeable future land use changes that a proposed project may cause. Specifically, PFT concurs with and supports the recommendations of the California Department of Forestry and Fire Protection (CAL FIRE) on these proposed Guidelines amendments regarding additional questions that should be included in Appendix G sample Environmental Checklist. Given the serious threats posed by continued forest land conversion, the long-term, indirect and cumulative effects of projects that will eventually lead to forest land conversion should be analyzed.

4. Include a question in Appendix G section VII regarding loss of sequestration capacity that may occur as a result of a project.

PFT also support's CAL FIRE's suggestion to include a specific question in Appendix G section VII regarding the potential of a project to result in GHG emissions by converting or removing trees and other vegetation that sequesters carbon. As explained above, the CARB Scoping Plan relies on increases in sequestration capacity in the forest sector as an essential component of meeting AB 32 goals.

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[4] CARB Climate Change Proposed Scoping Plan Appendices, Volume I, page C-166; see also CEQA Guidelines Section 15126.4, subd. (a)(4).

[5] See, for example, the Regional Greenhouse Gas Initiative (RGGI), California Climate Action Registry Project Protocols, Voluntary Carbon Standard (VCS), Clean Development Mechanism under the Kyoto Protocol, among others.

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Other Comments

With respect to analysis of Transportation, PFT supports a shift away from a roadway capacity based standard for determining the significance of transportation-related impacts. As suggested in the comment letter submitted by the Center for Biological Diversity on the these proposed CEQA amendments, PFT supports modifications to the Appendix G checklist item XVI subdivision (a) that would rely on measures directly related to the environmental impacts of a project (primarily number of trips generated and miles traveled). Focus on these aspects will ensure that transportation related greenhouse gas emission impacts are fully analyzed, complementing greenhouse gas emissions reductions in other sectors.

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Thank you very much for your consideration of our comments and recommendations. A supplemental reference list is attached for your reference and use in the regulatory process. We look forward to working with Resources Agency and OPR through the completion of the rulemaking process to ensure that proper guidance is provided for analysis of projects affecting forest resources. Please do not hesitate to contact us with any questions or concerns.

Sincerely,

Paul Mason
Director, California Policy ~~Director~~
Pacific Forest Trust

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Enclosure

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Reference List For Assessment of Emissions Relating to Forest Resources

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