



**ECOS**

ENVIRONMENTAL  
♦ COUNCIL ♦  
OF SACRAMENTO

**ECOS Land Use Committee Meeting Minutes  
Monday December 14th, 2015  
Mogavero / Notestine 2012 K Street  
6:00 – 7:30 pm**

In Attendance: *Ron Maertz, Rob Burness, Alexandra Reagan, M. Basinger, R. Meagher, Robert Coplin, John Deeter, Andy Sawyer, Lynn Wheat, Charley Duckworth, Randy Smith, Ronald Jellison*

6:00 p.m. – Welcome, Introductions, Check-Ins, and Changes to Agenda

6:05 p.m. - Del Paso Park  
Charley Duckworth, Randy Smith, Ronald Jellison

Park is being possibly leased and eventually purchased by SIBA, an organization formed in November 2014 of local baseball players, in partnership with a private developer, in the name of “renovating Renfree Park”.

SIBA is run by a former basketball player and is now a realtor/developer person regionally and perhaps further.

There is a Phase 2 mentioned that involves an open space area that could be used for overflow parking or other uses. This is the major concern.

The additional parking is for a baseball field that will hold tenfold the number of game attendees than the current field.

This deal is all about the park because they aren’t going to make any money on the baseball.

Before the MOU was signed, there may not have been an environmental document but in 1985 the whole park was run through the CEQA process, but that didn’t take into account the new parking lot.

Phase 1 could encroach on the habitat along Arcade Creek.

This MOU is not a done deal at this point. They have given until the end of the month to sign the MOU. Ron says we should wait to see if they sign the MOU.

Plan is to let City know that the residents and ECOS want to know when they make any decisions.

6:35 p.m. Project Updates

Natomas Vision Plan – hearing this Wednesday. We will get a letter in and send out a report to everyone suggesting they take action.

Connector, Housing Elements, Mather Field Project, SACOG's MTP/SCS, City General Plan Update, Eastview Specific Plan and Annexation - Galt, Other Projects  
Ron Maertz, Rob Burness, Alex Kelter, Molly Basinger and Others

6:45 p.m. – Update on CEQA Revisions  
Andy Sawyer

The California Supreme Court issued a significant CEQA opinion on November 30. (Center for Biological Diversity v. Department of Fish and Wildlife (Nov. 30, 2015, S217763) \_\_Cal4th\_\_.) The opinion reversed a Court of Appeal opinion rejecting challenges to an environmental impact report (EIR) for which the Department of Fish and Wildlife (DFW) was lead agency. The opinion may be important for cases involving the effects of sprawl on climate change.

### Greenhouse Gas Emissions

The court held that compliance with A.B. 32's greenhouse reduction goals is a valid means of evaluating the significance of greenhouse gas emissions from a project. The EIR was not required to use the existing level of emissions at the site—proposed to be converted from agricultural to urban use—as the threshold, considering that some growth will occur in the state. Nevertheless, the EIR was inadequate based on its erroneous conclusion that there was no significant adverse impact if the greenhouse gas emissions from the project, as compared with those that would occur if the project was developed on a “business-as-usual” approach, would reduce emissions consistent with the percentage called for statewide under AB 32. A project vs. hypothetical project approach may not necessarily be consistent with the statewide reduction in emissions called for under A.B. 32. If EIR's could evaluate the greenhouse gas emissions of development project based on comparison with a hypothetical project at the same site, CEQA would not serve to provide any useful information about the greenhouse gas emission effects of where development is located, seriously undermining the potential to use CEQA to highlight the need for smart growth.

### Fully Protected Species

The court held that trapping and relocating a fully protected species (in this case, unarmored threespine stickleback, see [https://www.dfg.ca.gov/wildlife/nongame/t\\_e\\_spp/fully\\_pro.html](https://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html) for a list of other fully protected species) as a CEQA mitigation measure for a project's harm to the species is impermissible because trapping and relocating a fully protected species is itself a prohibited take. This holding against trapping and relocation as a CEQA mitigation measure does not prevent trapping and relocation as part of a recovery effort for a fully protected, threatened or endangered species.

### Late Comments

The case involved an EIS (environmental impact statement)/EIR. The National Environmental Policy Act (NEPA) requires a public comment period on a final EIS. CEQA does not require a public comment period on a final EIR. The Court of Appeal held that comments submitted during the federal comment period on the final EIS were untimely for purposes of CEQA and that the petitioners had therefore failed to exhaust their administrative remedies with respect to issues raised for the first time during the federal comment period. The California Supreme Court reversed. Under the

circumstances of the case, where DFW treated the federal comment period on a final EIS/EIR as an opportunity to receive additional comments on CEQA issues as well, responded to those comments and included the responses in its final decision document, DFW effectively treated the federal comment period as an optional comment period under CEQA.

The specific holdings of the case may not be especially important to ECOS. The fully protected species and late comment issues, in particular, are narrow. Perhaps the most important feature of the case is the difference between the California Supreme Court's willingness to give effect to CEQA requirements, as compared to the anything goes attitude of the Court of Appeal opinion it reversed. Tina Thomas represented the DFW, and several prominent CEQA attorneys who represent development interests filed briefs in support of DFW. Among those filing briefs in support of the Center for Biological Diversity were Matt Vespa, on behalf of the Sierra Club and Susan Brandt-Hawley, on behalf of the Planning and Conservation League.

6:50 p.m. – Project Monitoring – Review Robert Meagher's changes to Project Monitoring spreadsheet. Discuss criteria for project importance.

Please review:

<https://www.cubbyusercontent.com/pl/ECOS+Project+List/1b05859a14244240b38a93db8d940d94>

7:25 p.m. – Other Business and Announcements –

7:30p.m. – Adjourn