



July 16, 2020

Todd Smith, Principal Planner
Planning and Environmental Review
Sacramento County
827 7th Street
Sacramento, CA 95814

Via Email

Dear Todd,

Thank you again for your July 7 email updating us on the CAP status and draft schedule. We are gratified that the project is now underway. We have reviewed in several meetings the information you provided and would like to offer the following initial feedback.

Funding. We are pleased to hear that you have secured funding for the project and congratulate you on your success with this threshold task. We are interested in the CAP's funding framework and would appreciate being able to receive copies of the funding agreement(s) with the five funding developers.

Schedule. We are eager to see the CAP underway, successfully completed, and implemented. However, this is a major planning effort with long-term implications for County planning practice and environmental quality, and we are concerned that the 12-month schedule, including public participation and policy review, may be unrealistic. We also suggest that the December 2020-January 2021 CAP review period, falling over the Christmas and New Year holidays, is inopportune to encourage maximum public input.

CEQA Review. We are concerned about the proposal to use a mitigated negative declaration to provide CEQA compliance. As you know, determination of CEQA strategy generally follows identification of potential mitigation, and completion of an Initial Study, on which to base a decision re whether to prepare a negative declaration, MND, or EIR.

CEQA MNDs are appropriate when a project, as mitigated, will clearly not result in any significant environmental impact and in such cases, project-specific mitigation is generally imposed directly under the terms of the MND itself. On the other hand, a CAP is a programmatic plan, which would cover County-wide GHG impacts; from currently unknown projects; to be authorized by future County decisions; involving land use policy, urban and other development, transportation, waste, and likely other GHG drivers and sources; more or less in perpetuity. This seems a significantly more complex planning and regulatory situation.

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As programmatic plans, CAPs have important environmental advantages over project-specific GHG mitigation. They can provide more comprehensive and detailed GHG-reduction analysis than is practical on a project-specific basis; can ensure analysis of cumulative impacts; and can allow consideration of policy and program-wide alternatives and mitigation not feasible during project-level review. Thoughtfully prepared CAPs can also provide co-benefits such as better air quality and health outcomes, habitat protection, more livable communities, and economic savings through energy and mobility efficiencies.

These many advantages are why the State encourages the use of CAPs for CEQA GHG analyses, and incentivizes their use by providing explicit guidance for how "... project-specific environmental documents may rely on an EIR containing a programmatic analysis of greenhouse gas emissions". However, few or none of these programmatic benefits would be available under the more narrow analysis of alternatives and measure presented in an MND, and we suggest that the County articulate its rationale for any CEQA strategy early in the planning process to avoid subsequent confusion.

We appreciate the time, effort, and energy staff is investing in this project, and will do our utmost to help support its successful completion. We look forward to the initial stakeholder's meeting, and meantime please don't hesitate to contact us if we can answer any questions or help in any other way.

Sincerely,



Laurie Litman, President
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Ralph Propper, President
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Barbara Leary, Chair
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