



ASSOCIATION OF ENVIRONMENTAL PROFESSIONALS

July 8, 2016

California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

ELECTRONIC SUBMITTAL

<http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>

Subject: Comments on CARB's June 17, 2016, *2030 Target Scoping Plan Update Concept Paper*

On behalf of the Association of Environmental Professionals (AEP), Climate Change Committee, we appreciate the opportunity to provide comments on the June 17, 2016, *2030 Target Scoping Plan Update Concept Paper*.

AEP is a non-profit organization of California's environmental professionals. AEP's Climate Change Committee (Committee) members are actively involved in supporting California cities and counties in the evaluation of greenhouse gas (GHG) emissions impacts for new development subject to the California Environmental Quality Act (CEQA), preparing communitywide GHG emissions inventories and forecasts and developing Climate Action Plans (CAPs).

The update to the Scoping Plan to address the 2030 target in Executive Order B-30-15 is of great interest to the Committee and our CEQA and climate action planning work with California cities and counties. The Committee supports CARB in its challenging work to establish a working framework for achieving the next milestone in GHG reductions for California. The Committee published two white papers in 2015 and 2016 (attached) that examine in detail the challenges for both CEQA practice and local climate action planning related to post-2020 GHG reduction targets and many of us are already engage in developing local CAPs that include post-2020 GHG reduction goals.

Our recommendations are as follows:

1. MAKE ALL METHODOLOGIES, ASSUMPTIONS AND DATA PUBLICALLY AVAILABLE. The Concept Paper properly emphasizes that sound science underpins, updates and strengthens climate policy. A principle of sound science is full disclosure. All the methodologies, assumptions and data used to forecast GHG emissions and GHG reductions should be transparent and publically available. Textual narrative in the Scoping Plan Update and Appendices should be provided. Excel-based or database documentation of all calculations should also be provided to the public
2. DESCRIBE HOW STATEWIDE GHG REDUCTION MEASURES WILL AFFECT EXISTING DEVELOPMENT VS. NEW DEVELOPMENT SEPARATELY. To date, the 2008 Scoping Plan continues to be the primary resource lead agencies use to establish defensible GHG emissions thresholds under CEQA. Recent CEQA case law in the *Center for Center For Biological Diversity, et al. v. California Department of Fish and Wildlife (The Newhall Land and Farming Company, Real Party in Interest) (2015) 62 Cal.4th 204* established the principle that CEQA GHG thresholds used for the evaluation of new



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development can be based on statewide GHG emissions reduction targets provided there is substantial evidence explaining the relationship between the statewide reduction target and the threshold used for evaluation of new development. One of the keys in establishing that relationship is the availability and transparency of the data and assumptions underpinning the state's inventory, forecast, and plan for GHG reductions statewide and in particular how state GHG reduction strategies apply to new development vs. existing development. Furthermore, when conducting local climate action plans, it is critical to understand accurately how statewide measures will affect local development and to do so, one must understand how each statewide measure affects existing vs. new development as well. The Committee requests that the *2030 Target Scoping Plan Update* explicitly identify the effect of each measure on existing and new development separately in order to provide necessary information to support climate action plan development and new GHG thresholds used for CEQA.

3. PROVIDE A ROBUST METHODOLOGY FOR ANY INVENTORY PRACTICE FOR INCLUDING UPSTREAM FUEL-RELATED GHG EMISSIONS. As described in the Concept Paper, CARB is exploring an accounting framework that includes GHG emissions associated with land use conversion for biofuels (e.g. land use emissions outside California in the upstream lifecycle for biofuels). If CARB intends to change prior GHG inventory practice that excludes upstream emissions outside of California to now include upstream land use emissions for biofuels outside of California, then CARB should include the upstream lifecycle emissions outside of California for all fuels used in California in order that the GHG emissions associated with fuels can be evaluated on an equal basis. The proposed methodology should be provided for public comment and review prior to adoption. The accounting in the Scoping Plan for inventories and forecasts should be applied equally to both the Scoping Plan Update and to all subsequent state inventories and forecasts. The Committee would welcome the opportunity to collaborate with CARB on developing a new accounting framework.
4. PROVIDE A ROBUST METHODOLOGY FOR ANY INVENTORY PRACTICE FOR INCLUDING GHG FLUXES FROM CALIFORNIA'S NATURAL AND WORKING LANDS. The Committee supports CARB's effort to develop a comprehensive inventory of GHG fluxes from California's natural and working lands. Enhancement and preservation of natural and working lands provides new opportunities for the state and local governments, non-governmental organizations, research entities, and private farmers, ranchers, and landowners to collaborate to increase California's carbon pools. The Committee would welcome the opportunity to collaborate with CARB on developing a new accounting framework. The Committee also encourages CARB to advance funding opportunities, including, but not limited to, use of Cap and Trade proceeds to assist public/private partnerships to enhance carbon pools in natural and working lands.
5. EMPHASIZE A DIVERSE APPROACH TO GHG REDUCTIONS STATEWIDE INCLUDING VOLUNTARY, INCENTIVE-BASED, AS WELL AS REGULATORY ACTIONS. The Concept Plan endorses a diversity of methods to achieving GHG emissions:

“Actions and tools recommended by the Draft Scoping Plan must include a flexible framework for implementation. Combinations of regulations, incentives, voluntary action, private-public partnerships, and support from non-governmental organizations can be leveraged together to promote desired actions and achieve 2030 climate goals.”

The Committee supports CARBs embrace of a diversity of policy approaches to reducing GHG emissions, including support for incentive-based and voluntary actions as well as new regulations. In the Committee's experience, some advocacy groups and litigants are attempting to limit local Climate Action Plans to only mandatory regulatory approaches and to discount the value of



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voluntary and incentive-based approaches as part of an overall GHG reduction strategy. We have seen voluntary and incentive-based approaches work in the communities we work with, including the development of community choice aggregation voluntary opt-in approaches, public, private and non-profit support for voluntary energy efficiency upgrades, and both government and private market actions for small-scale renewable energy, among others. Working as a partner with local cities and counties across California, the Committee has seen that a combined approach will result in greater community engagement and greater GHG reductions than an approach that only focuses on regulatory approaches. California is a diverse state with many different opinions on how to best approach the GHG reduction challenge; the more options we support as a whole, the more diverse communities will find their own unique ways to support overall GHG reductions.

6. CLEARLY DEFINE THE ROLE OF LOCAL AND REGIONAL ACTIONS BUT LEAVE THE CHOICE OF LOCAL AND REGIONAL GHG REDUCTION TARGETS TO THE LOCAL OR REGIONAL GOVERNMENTS. The Concept Paper describes that local actions are critical for implementation of California's ambitious climate agenda. The Concept Paper also states that The Draft Scoping Plan will also explore the potential benefit of any regional or local targets to assist local agencies in their efforts to address climate change. The role of local government in supporting and enabling success of the 2030 Scoping Plan should be explicitly defined. If CARB considers the issue of regional or local targets, it should focus on general principles for formation of GHG reduction targets that are supportive of overall state GHG reduction targets but should not establish a one-size fits all local or regional reduction target. Cities and counties are highly diverse in a state like California. What works best in each locality is a judgment best left to the local or regional jurisdiction. The choice of local or regional GHG reduction targets should be left to local or regional jurisdictions who are best positioned to understand and engage with their communities to determine GHG reduction targets that are supportive of the statewide efforts but which suit their local communities best and are achievable. Similar to CARB's statewide task, the adoption of achievable targets and feasible GHG reduction measures is a challenging endeavor on the local and regional level, and the balancing of diverse interests, outcomes, and opportunities is best done by the government entities closest to the community they serve.
7. KEEP THE FOCUS ON MEETING 2030 TARGETS. The year 2030 is not the endpoint for climate action planning. There will need to be even more difficult choices made to meet the 2050 GHG reduction targets. CARB has followed a phased approach to GHG reduction planning to date: first bring GHG emissions back down to 1990 levels by 2020, then reduce emissions substantially below 1990 levels by 2030, and then reduce them dramatically further by 2050. As CARB knows, the reductions from 2020 to 2030 will be more difficult than the reductions from 2006 to 2020. The Committee has also seen this at the local and regional level when doing climate action planning and CEQA evaluations. However, the Committee has also seen that an overemphasis on the 2050 goal can actually be counterproductive in motivating local climate action planning because of the difficulty in being able to feasibly and cost-effectively establish a clear path to 2050 emissions targets given that the state does not have a feasible and cost-effective plan to 2050 emissions targets yet. The Committee believes that CEQA evaluations and climate action planning should shift to the 2030 targets once CARB adopts the Scoping Plan Update establishing a statewide approach to the 2030 milestone. Once we achieve (or are close to achieving) the 2030 target, then the state, regional and local governments can focus on meeting post-2030 targets. A phased approach is practical, feasible, and cost-effective. Keeping our focus on 2030 is the most realistic way to make the changes necessary that will set us up for ultimately meeting 2050 targets in the future.



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We applaud the efforts by CARB in developing a statewide framework for continuing to reducing GHG emissions in the post-2020 timeframe.

Sincerely,

AEP Climate Change Committee

Michael Hendrix, Chair (LSA Associates)
Chris Gray (WRCOG)
Hillary Haskell (LSA Associates)
Dave Mitchell (First Carbon Solutions)
Tammy Seale (Michael Baker)
Nicole Vermilion (Placeworks)
Rich Walter (ICF International)

NOTE: The Opinions expressed herein are those of the individual members of the Committee and not the firms or organizations they represent.

Enclosures: AEP White Papers:

- (1) *Beyond 2020: The Challenge for Greenhouse Gas Reduction Planning by Local Governments in California*. March 2015.
- (2) *Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. April 2016.