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May 21, 2008

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RE: Draft LUS-CAT Submission for the AB 32 Scoping Plan

The Planning and Conservation League appreciates this opportunity to comment on the Land Use Subgroup of the Climate Action Team (LUSCAT) May 5, 2008 draft submission to the California Air Resources Board (CARB) for consideration in the AB 32 Scoping Plan.

The LUSCAT report (Draft Report) represents the concerted efforts of over fifteen state agencies and a tremendous dedication by the LUSCAT staff. We commend the LUSCAT staff for their efforts to include stakeholders in the development of the Draft Report and for their ability to work with numerous individuals from many perspectives in preparation of this document. We look forward to continued collaboration with the LUSCAT agencies, the California Legislature, and other stakeholders in the development of the AB 32 Scoping Plan and other efforts to reduce the greenhouse gas emissions from land use and transportation in California.

While we support the progress that has occurred through the LUSCAT process we have strong concerns about several elements of the Draft Report.

The Draft Report Recommends Few Specific Policies to Ensure Success

Although the LUSCAT Draft Report provides a number of helpful suggestions for CARB to consider in developing the AB 32 Scoping Plan, it generally fails to provide clear recommendations on the policy mechanisms necessary to ensure that significant quantifiable emission reductions occur through better land use and transportation activities in California.

By proposing primarily technical assistance, incentive-based measures, funding opportunities, and additional stakeholder processes, the Draft Report appears to have underestimated the urgency of the climate crisis and the amount of effort needed to re-direct California's growth patterns. To fulfill the mandate of AB 32, the state's approach to land use and transportation reform must be built upon a foundation of accountability achieved through robust enforcement mechanisms. Only with this foundation in place will additional efforts such as technical guidance and grant funding have their desired potency. We encourage LUSCAT and ARB to revise the Draft Report to characterize enforcement as the core of its proposed Strategy and to outline specific measures that it believes CARB should adopt to ensure success.



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The Draft Report Undervalues the Potential Role of CEQA in Reducing GHGs

The Draft Report identifies the California Environmental Quality Act (CEQA) as a potential mechanism for mitigating greenhouse gas emissions from new development. However, it primarily focuses on the creation of a voluntary model CEQA threshold “in which exceeding the threshold triggers development of a full Environmental Impact Report” and on revisions to CEQA to promote infill development.

The Draft Report should be revised to recommend that CARB and other agencies fulfill their legal mandate under CEQA as Lead and Responsible Agencies to ensure that greenhouse gas emissions are analyzed and avoided or mitigated where feasible. While thresholds can serve as useful tools to facilitate this process, CEQA does not exempt agency action in the absence of such guidance. Simply recommending that agencies carry out and enforce this existing law could have a tremendous impact in thousands of development decisions that occur each year.

The Draft Report Provides Few Recommendations to Address Environmental Justice

We applaud LUSCAT for the inclusion of a chapter on Environmental Justice. We encourage LUSCAT and CARB to propose specific methods to avoid disproportionately impacting low-income communities in the implementation of its proposed land use and transportation policy reforms. This is particularly important in light of the Draft Report’s proposals to modify processes that protect public participation, including CEQA. The Draft Report also identifies Cap and Trade and market systems as potential revenue sources for brownfield mitigation and other activities that may benefit low-income communities but fails to identify other revenue sources that CARB is considering such as carbon fees or address the potential negative impacts to low-income communities from implementation of such market systems. The Draft Report should be revised to provide greater guidance on how to comply with the provisions of AB 32 and other state and federal laws regarding protection of disproportionately-impacted communities.

The Planning and Conservation League encourages CARB and the LUSCAT agencies to take bold action to meet California’s principal challenge – to protect its natural resources, increase social equity, and maintain its economy in the face of climate change and other stressors. We hope these comments and our continued collaboration will help ensure California’s success in that endeavor.

Sincerely,



Matt Vander Sluis
Global Warming Program Manager

CC:

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