



August 6, 2018

Cynthia Curtis, Environmental Planning Manager
County of San Diego
Department of Public Works
5510 Overland Avenue, Suite 410
San Diego, CA 92123

Re: Comments on Recirculated Portions of the McClellan-Palomar Airport Master Plan Update Draft Program Environmental Impact Report

Dear Ms. Curtis:

The City of Carlsbad submits the attached comments on the Recirculated Portions of the McClellan-Palomar Airport Master Plan Update Draft Program Environmental Impact Report.

The City looks forward to continuing discussions with San Diego County to ensure that the Master Plan Update and its various project components are undertaken in a manner that does not compromise the health and well-being of Carlsbad residents, while ensuring that requirements for safety and air navigation are met at the McClellan-Palomar Airport.

Sincerely,


Scott Chadwick
City Manager

cc: Carlsbad City Council

City Manager's Office

City Hall 1200 Carlsbad Village Drive | Carlsbad, CA 92008 | 760-434-2820 t

**CITY OF CARLSBAD COMMENTS
ON RECIRCULATED PORTIONS OF DRAFT PEIR**

Any capitalized terms not otherwise defined below have the meanings set forth in the Draft PEIR. References to CEQA Guidelines refer to California Code of Regulations Title 14, Division 6, Chapter 3, Sections 15000 -15387.

I. Recirculated Biological Resources Section

a) General Comments

i. We reaffirm our March 13, 2018 comments on this section. Among other items, we note that this recirculated analysis still does not assess whether a relocated MALSR would impact the existing Conservation Easement area at the west end of the eastern parcel (see our Draft PEIR comment II.B.6.b, page 21).

ii. Given that this recirculated section identifies new significant impacts that were not previously analyzed, we believe that the alternatives analysis in the Draft PEIR must be updated and recirculated as well.

b) Page 2-18, third paragraph. Figure 2.2-1 also shows a preserve area. This should be the area of most concern and the area which would appear to be affected by MALSR relocation. This description should be updated to include discussion of the preserve area.

c) Page 2-18, third paragraph. It should be noted that any changes to the pre-negotiated preserve area must be approved by the wildlife agencies, according to the March 7, 2011 agreement letter with the wildlife agencies (see Appendix H of the Draft PEIR [Appendix B] Biological Resources Technical Report, “North County MSCP Hardline for the McClellan-Palomar Airport Runway Expansion and Eastern Parcel Development Project”). The proposed mitigation measure should be modified to acknowledge that wildlife agency approval to modify PAMA/preserve boundaries is required for the mitigation measure to be effective.

d) Page 2-18, fourth paragraph. The area in question (shown in red on Figure 2.2-1) is designated preserve area, not PAMA. Also, the potentially affected area on the eastern parcel is designated preserve area.

e) Page 2-19, second paragraph, last sentence. This sentence fails to acknowledge that there are 10.2 acres of designated critical habitat for the San Diego thornmint (Draft PEIR Figure 2.2-2; PEIR Appendix B, p. 23) on the Eastern Parcel. To make this description complete, please add a discussion of the critical habitat designation for the San Diego thornmint.

f) Page 2-20, last paragraph. Please note that habitat impacts within the agreed-upon preserve area would require negotiation and approval of the wildlife agencies, not simply applying mitigation ratios (see March 7, 2011 letter from wildlife agencies to the County.)

g) Page 2-22, reference to Figure 2.2-3. Figure 2.2-3 does not show the Eastern Parcel habitat types/vegetation communities. The figure should be updated or a new one added (such as Figure 1 of the May 31, 2018 Biological Resources Technical Addendum) to correspond to this updated sub-section and tables.

h) Page 2-26, Section 2.2.1.6 (Habitat Connectivity and Wildlife Corridors). Please expand this section to discuss habitat connectivity and wildlife corridor impacts to the Eastern Parcel. Note that the Eastern Parcel is part of Core #5 under the City's Habitat Management Plan (see Habitat Management Plan, Section D.2.E and Figure 4).

i) Page 2-28, first paragraph under Special Status Plant Species. Please strike the word "unoccupied" in the fifth line. San Diego thornmint is present within the critical habitat area, as shown in Figure 1 of the May 31, 2018 Biological Resources Technical Addendum, and the critical habitat is therefore occupied.

j) Page 2-29, second to last paragraph. Given that MALSR relocation would take place concurrent with or after the long-term runway shift 13-20 years from now, and given that the MALSR's precise location within the critical habitat area is only estimated at this time, it would seem prudent to consider impact to the San Diego thornmint to be potentially significant unless mitigated. While the 2016 rare plant survey detected San Diego thornmint some 85 feet from the estimated impact area, it is conceivable that additional thornmint plants could establish themselves within the critical habitat area a decade or two from now. Therefore, a mitigation measure should be included to require that an updated rare plant survey be conducted prior to relocation of the MALSR to confirm that no impacts to the San Diego thornmint would occur. If an updated survey concludes an impact would result, then appropriate mitigation measures consistent with the NCMSCP or other applicable guidance should be implemented.

k) Page 2-38, second line and M-BI-5. The referenced letter does not specify the mitigation ratio for vernal pool impacts. Instead, the letter estimates .20 acre of vernal pool impact will be mitigated through creation/restoration on 6.78 acres of fallow/ag area, which is not shown on the referenced figure. Please substantiate that the 2011 letter agreement with the wildlife agencies allows the lower 1:1 mitigation ratio for the vernal pool impacts, rather than the higher 5:1 ratio required by County Guidelines.

l) Page 2-39, M-BI-7. Per the referenced letter, changes to the agreed-upon preserve area (MALSR relocation would affect the designated preserve area) would require approval by the wildlife agencies. The Draft PEIR should disclose this.

m) Page 2-39, M-BI-8. The 2011 wildlife agencies letter assumes all the non-native grassland would be preserved. Given that MALSR relocation would impact some of the preserved non-native grassland, concurrence by the wildlife agencies would be required, according to the letter's terms. This should be disclosed in the Draft PEIR. Also, mitigation measure M-BI-8 should specify that the draft NCMSCP requires 1:1 mitigation for non-native grassland impacts within a PAMA, not 0.5:1 as shown in Table 2.2-4 [see Appendix A to Draft NCMSCP,

<https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/AppendixANCBMO.pdf>]. The table should be corrected to reflect the higher mitigation requirement of the NCMSCP.

II. Greenhouse Gas Emissions Analysis, Revised Draft PEIR, Section 3.1.5

We have the following comments on the revised Draft PEIR GHG emissions section:

a) Although revisions to the greenhouse gas (GHG) section address a few of Carlsbad's comments on the original Draft PEIR section, we still have many concerns about this analysis. In summary, the revised section still uses an improper baseline, improper thresholds of significance, and improper calculation methodologies. If these errors were corrected, the GHG impacts would be significant and mitigation would be required.

b) The revised GHG impact analysis does not address Carlsbad's comments on the original Draft PEIR related to aviation emissions. The revised section continues to assert (see, e.g., p. 3-55) that since the County has no authority to regulate aircraft or their emissions, there is no applicable methodology or threshold with which to evaluate their significance. Even if the County cannot directly regulate aircraft emissions, the Draft PEIR must still disclose those emissions, include them in impact significance determinations, and address the feasibility of mitigating any significant impacts, for example, through changing those airport operations which the County does control. See *Association of Irrigated Residents v. Kern County Bd. of Supervisors* (2017) 17 Cal.App.5th 708 (County was not preempted from disclosing rail operations impacts caused by refinery expansion and identifying feasible mitigation measures, even though it was preempted from directly regulating mainline rail operations).

c) In the City's comment letter on the DEIR, we raised questions about the environmental effects of drilling hundreds of holes into the existing landfill to install piles for the runway extension. The GHG analysis does not appear to include any potential methane emissions associated with this work. Please add this analysis.

(d) Although the revised Draft PEIR section addresses some of Carlsbad's comments on the original Draft PEIR related to significance thresholds and analysis methodologies, the approach used still is inconsistent with CEQA requirements. The revised discussion of significance (pp. 3-63 and 3-64), although it purports to use Appendix G criteria as requested by Carlsbad's comments, improperly discusses different thresholds of significance with different impact analysis methodologies for aviation-related vs. non-aviation-related emissions for determining whether the project would "generate GHG emissions, either directly indirectly, that would have a significant effect on the environment" (the Appendix G criterion). The revised Draft PEIR should present a quantitative threshold of significance that applies to *all* project emissions sources combined—amortized construction emissions plus aviation-related emissions plus non-aviation-related emissions.

CEQA Guidelines section 15064.4 gives each lead agency the affirmative duty to develop its own GHG methodologies and thresholds for each regardless of project type. Carlsbad requests that the lead agency explain how the following sentence (p. 3-64) applies to the Draft PEIR analysis: "[in] the absence of state or local thresholds for GHG emissions from aviation sources, State CEQA Guidelines Appendix G criteria shall apply to determine if the proposed project would result in a significant impact."

e) The 900 MT CO₂e CAPCOA “screening level” described on Draft PEIR pages 3-64 and 3-65, although explained further in the revised Draft PEIR section, is still incorrectly described and applied. The 900 MT screening level should not be applied separately to amortized construction emissions, but instead should be applied to combined amortized construction and operational emissions. These combined emissions are presented in a new improperly-labeled “cumulative impact analysis” section; both construction and operational emissions are generated by the same proposed project, not different projects.

The combined emissions in that section, even though based on a future baseline only, clearly exceed the 900 MT “screening level” and therefore should be considered significant. The Draft PEIR defends the 900 MT figure as a “screening level” for further analysis, when actually it or a similar small figure should serve as a CEQA significance threshold if a net zero threshold is not adopted (see next comment). Almost all of the air district screening levels cited to support the 900 MT figure actually use this or similarly small bright-line thresholds as a CEQA threshold of significance triggering mitigation obligations, not as a screening level that merely triggers further analysis.¹ The Carlsbad and Escondido CAP screening levels cited in the revised section merely identify projects too small for implementation of CAP GHG reduction measures, and are inapplicable to CEQA analysis of the Master Plan Update.

f) To achieve SB 32’s ambitious 2030 GHG reduction target of 40% below 1990 levels, the 2017 Scoping Plan (pp. 101-102) recommends a net zero threshold for project EIRs unless it is infeasible to achieve. A net zero threshold should be used to judge the significance of the proposed project’s combined construction and operational GHG emissions unless the revised Draft PEIR demonstrates it is infeasible to achieve. CEQA case law has recognized that even small amounts of GHG emissions may be cumulatively considerable and thus significant. See *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal. 5th 497.

g) Instead, the revised Draft PEIR improperly applies an efficiency threshold (3.01 MT CO₂e/SP/yr) to judge the significance of operational and cumulative GHG impacts. The 2017 Scoping Plan intends efficiency thresholds to apply primarily to local plans, not to projects, for which a net zero threshold is recommended (see pp. 99-102). Although the 2017 Scoping Plan does state that lead agencies may develop evidence-based numeric thresholds for project EIRs consistent with the Scoping Plan, the Draft PEIR continues to use all of San Diego County’s emissions in the numerator and the entire San Diego County service population as a denominator when calculating the proposed project’s efficiency threshold (pp. 3-65 to 3-66).

To be “evidence-based” and applicable to Master Plan emissions, the Draft PEIR should have used the airport-specific emissions in the numerator and airport-specific service population in the denominator. It is not a reasonable assumption that the airport-specific service population should include all potential airport users of the catchment area, since only a small percentage of the catchment area population would use the airport in a given year, if ever. By way of contrast, the Draft PEIR traffic analysis is based on vehicle trips generated by expected airport users, rather than all potential users of a geographic region.

¹ BAAQMD (2017), Air Quality Guidelines, Table 2-1; San Luis Obispo County APCD (2012), Greenhouse Gas Thresholds and Supporting Evidence, Table 10; SMAQMD (2015), Guide to Air Quality Assessment in Sacramento County (2015); SMAQMD Thresholds of Significance Table.

Such a calculation would result in a much lower efficiency threshold, one that would accurately measure the 2036 airport-specific emission reductions needed to be consistent with the 2017 Scoping Plan, the State’s long-term climate goals, and current scientific knowledge.

A Countywide efficiency threshold of significance that comprehensively includes all emissions sources in the County is not applicable to a relatively small airport project with limited emissions sources.

h) Further, as stated in the City’s comments on the original Draft PEIR, the operational impact analysis is inconsistent with CEQA Guidelines section 15064.4, which states, in part, that the significance of GHG emissions should be determined by whether the project increases GHG emissions *as compared to the existing environmental setting* (emphasis added). The operational impact analysis uses only a future baseline (future conditions without project); see, e.g., Table 3.1.5-6. However, the environmental setting (existing conditions) normally constitutes the baseline by which the lead agency determines whether an impact is significant. CEQA Guidelines Section 15125(a). A future baseline, if supported by substantial evidence, may also be used in addition to the existing environmental setting, but cannot be the sole baseline unless use of the existing environmental setting would be uninformative or misleading. *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439. The Draft PEIR cites FAA Guidance recommending comparison of future no project and proposed project emissions (p. 3-62), but this guidance does not supersede CEQA’s requirements for also presenting an analysis using an existing conditions baseline.

As in the City’s comments on the original Draft PEIR, the revised Draft PEIR still does not demonstrate that using an existing conditions baseline would be uninformative or misleading. Therefore, the Draft PEIR text should be revised to include an operational GHG emissions impact analysis using existing conditions as a baseline. The revised Draft PEIR apparently attempted to provide this analysis by presenting total future GHG emissions in new Tables 3.1.5-8 and 3.1.5-9, but there is no comparison of these future total GHG emissions to existing GHG emissions to allow Draft PEIR readers to understand the magnitude of the increase over existing conditions caused by the Master Plan.

i) As mentioned in the City’s comments on the original Draft PEIR, even under a future baseline, the GHG increases from operational activities are quite large (as shown in Table 3.1.5-6. a net increase of 13,469 MTCO₂e/yr under Scenario PAL 1, and 24,115 MTCO₂e/yr under Scenario PAL 2). Using an existing conditions baseline² would add an additional 15,290 MTCO₂e/yr to these increases (Table 3.1.5-5 total minus Table 3.1.5-1 total). These large increases should be considered significant impacts whether a net zero or a 900 MT significance is used. Further, the analysis does not appear to include existing and future emissions by all of the various FBOs/tenants, and thus does not provide a complete picture of airport related GHG emissions (see, e.g. Table 3.1.5-2).

j) Regarding plan conflicts, the revised Draft PEIR still does not recognize that the Master Plan’s combined construction and operational GHG emissions are significant because they are inconsistent with the 2017 Scoping Plan. The proposed project’s large GHG

² Note that the revised Draft PEIR’s quantifications of existing and future no-project GHG emissions are too low because they omit mobile source emissions. See Tables 3.1.5-1 and 3.1/5-5, where motor vehicle emissions are shown as “N/A.”

emissions increases are inconsistent with the state’s ability to achieve the steep declines in GHG emissions called for in the 2017 Scoping Plan, and the proposed project should incorporate stationary and mobile source GHG reduction strategies described in the 2017 Scoping Plan. Contrary to the revised Draft PEIR’s assertion, the Scoping Plan, which serves as the fundamental statewide GHG reduction plan, is highly applicable to the Master Plan’s emissions even if it excludes explicit goals for reducing aviation GHG emissions.

The proposed project’s combined construction and operational GHG emissions should also be considered significant because they are inconsistent with the adopted County CAP. The revised Draft PEIR does disclose that the proposed project’s emissions are not included in the County CAP emission projections, which itself is a grounds for inconsistency. The new analysis purporting to show CAP consistency should be revised for at least two reasons. First, it uses the CAP “consistency checklist” as the exclusive means for determining proposed project consistency with the CAP. However, this checklist expressly applies to “development projects,” which means private development projects, rather than to discretionary approvals of new County facilities.³ CAP consistency could appropriately be showing consistency with applicable CAP measures that are applicable to County facilities and the Master Plan,⁴ but the revised Draft PEIR contains no such analysis. This analysis should be included to show the consistency of the proposed Project with the County CAP.

Second, the one (inapplicable) CAP measure consistency finding that the revised Draft PEIR does present needs further evidentiary support. The revised Draft PEIR assumes the proposed project will meet a 15 percent reduction in commute VMT emissions (Measure 1a), compared to the CAP’s 2014 baseline year, and makes assurances that the proposed project would comply with County policies targeting VMT reduction. However, the project description does not include commitments to any specific VMT reduction measures to accomplish this target, and the Draft PEIR transportation and air quality analyses do not show that the proposed project will achieve the 15% reduction target.

k) Based on the above comments, as stated in the City’s comments on the original Draft PEIR, the proposed project’s GHG emissions impact appears to be significant. The revised Draft PEIR should therefore be further revised to reach this conclusion and then present feasible measures or alternatives to avoid or substantially lessen this impact. Potentially feasible mitigation measures can be derived from the County CAP GHG reduction measures referenced above, from the City of Carlsbad’s adopted Climate Action Plan, and from the San Diego Forward Final EIR (e.g., Mitigation Measure GHG-4H). In addition, Section 4 of the Draft

³ This is demonstrated by many checklist features, including “Application Information” page that requires the applicant’s name and contact information to be provided (p. A-1), and references to County Department of Planning and Development Services review of “development applications” (p. A-2). Furthermore, the checklist questions explicitly address only residential and non-residential projects, not County facilities for which the CAP contains a distinct set of GHG reduction measures. None of the checklist questions refer to a single CAP measure that applies to County facilities and operations (pp. A-6 through A-10).

⁴ These measures include:

- E-2.4 Increase use of on-site renewable electricity generation for County operations
- T-2.3 Reduce county employee VMT
- T-3.2 Use alternative fuels in County projects
- T-3.4 Reduce the County’s fleet emissions
- E-1.4 Reduce energy use intensity at County facilities
- W-1.3 Reduce potable water consumption at County facilities

Climate Change Technical Report offers a number of GHG reduction mitigation measures that the County could implement as part of the Master Plan. These include electric-powered Ground Power Units and Ground Support Equipment, both of which the Technical Report considers to be potentially feasible.

1) The revised Draft PEIR should be further revised to use a proper baseline, proper thresholds of significance, and proper calculation methodologies and then provide appropriate mitigation for significant impacts.

III. Energy Use and Conservation Analysis, Revised Draft PEIR, Section 3.1.10

The revised Draft PEIR now includes an energy impact analysis, as requested by City comments on the original Draft PEIR. However, the operational energy impact analysis should be further revised, because, like the operational GHG analysis, it does not compare energy future use to an existing energy use baseline. Rather, it uses only a future baseline as the basis for determining quantitative energy impacts. An EIR must quantify a project's energy impacts compared to existing conditions, and then determine whether a proposed project may result in significant environmental effects due to wasteful, inefficient, or unnecessary consumption of energy. See, e.g., *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912; *California Clean Energy Com. v. City of Woodland* (2014) 225 Cal.App.4th 173.

IV. Revised Draft PEIR Figures Associated with Runway Protection Zones

The RPZ maps are very different from the maps in the original Draft PEIR. Please explain why the maps have changed. Also, it appears that the RPZs are shrinking in the new maps. Please explain if this is indeed the case, and if so, why.