

Memo

The logo for Ascent, featuring the word "ASCENT" in a bold, sans-serif font, tilted slightly upwards to the right, and set against a dark grey rectangular background.

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To: Brian Bordona, Jamison Crosby, Jesse Gutierrez, and Ryan Melendez (County of Napa); and Deborah Elliott (City of Napa)

From: Erik de Kok, Greta Brownlow, and Jessica Babcock (Ascent, Inc.)

Subject: Napa County RCAAP: CEQA Approach Memorandum

1 INTRODUCTION AND BACKGROUND

Napa County is located approximately 50 miles north of San Francisco, California, and encompasses an area of approximately 788 square miles. The County's land area is primarily devoted to vineyards, wineries, farms, ranches, and forestland, with approximately 75 percent of the County's population of 140,326 living in the cities of American Canyon, Calistoga, Napa, and St. Helena, and the Town of Yountville. Each of the local governments operating these jurisdictions, along with the County government, adopted Resolutions regarding the "Countywide Commitment to Address Climate Change" in June 2019. The Resolutions proposed to: (1) address climate change in their respective General Plans, consistent with State guidelines; (2) form a committee to identify countywide goals and strategies for addressing climate change, including an updated greenhouse gas (GHG) inventory, countywide GHG goals and timelines, and common GHG reduction standards for each jurisdiction to adopt independently; and (3) identify potential threats and funding to improve community resiliency. The Climate Action Committee (CAC) comprises two elected officials from each of the six-member jurisdictions and is administered by Napa County. A joint powers agreement (JPA)¹ was approved by all six jurisdictions in April and May of 2021, which ultimately led to unanimous support for the preparation of the forthcoming Regional Climate Action and Adaptation Plan (RCAAP). The RCAAP will establish a policy framework of measures and supporting actions that would achieve GHG reductions in alignment with State legislation when adopted and implemented by the six jurisdictions participating in the JPA.

Adoption of the RCAAP is considered a project under the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 *et seq.*), and preparation of an appropriate environmental document is required to analyze the potential impacts of RCAAP implementation on the environment. CEQA documentation is also required for the RCAAP to be considered a qualified GHG reduction plan, as defined in Section 15183.5(b) of the CEQA Guidelines (California Code of Regulations, title 14, division 6, section 15000 *et seq.*). Preparation of a GHG reduction plan that demonstrates compliance with the requirements of CEQA Guidelines Section 15183.5(b) is a stated objective

¹ A joint powers agreement (JPA) is a formal, legal agreement between two or more public agencies that share a common power and want to jointly implement programs, build facilities, or deliver services. Officials from those public agencies formally approve a cooperative arrangement (California State Legislature, Senate Local Government Committee. 2007. *Governments Working Together: A Citizen's Guide to Joint Powers Agreements*. Available: <https://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/GWTFinalversion2.pdf>).

of the RCAAP and would provide a mechanism for member agencies to streamline the analysis and mitigation of GHG emissions for future discretionary projects that are subject to CEQA within participating Napa County jurisdictions.

This memorandum outlines the need for CEQA documentation pursuant to the CEQA Guidelines; documents CEQA Guidelines Section 15183.5 requirements and streamlining benefit; and identifies, among a range of potential CEQA documentation pathways, a proposed CEQA approach for the RCAAP.

1.1 POLICY FRAMEWORK

In December 2022, the California Air Resources Board approved the 2022 Climate Change Scoping Plan. This plan outlines the State's comprehensive strategy to achieve its climate goals under Assembly Bill (AB) 1279, focusing on reducing anthropogenic GHG emissions to 48 percent below 1990 levels by 2030 and 85 percent below 1990 levels by 2045. It includes a variety of measures across different sectors to accelerate GHG emission reductions, enhance carbon sequestration, and implement new carbon capture, utilization, and storage measures consistent with Senate Bill (SB) 905 (also signed into law in 2022) to achieve net-zero emissions (sometimes also referred to by the California Air Resources Board as "carbon neutrality") by 2045.

The RCAAP will serve as a regional roadmap for reducing GHG emissions and adapting to climate change. It will be consistent with methodologies and goals of the 2022 Climate Change Scoping Plan, the Bay Area Air District Climate Protection Planning Program, relevant state legislation (i.e., AB 32, SB 32, AB 1279, and SB 375), Governor's Executive Orders S-03-05, B-30-15, and B-55-18, as well as other policies and requirements mandated by the State of California. Additionally, the RCAAP will build upon the six member jurisdictions' existing climate change and sustainability-related efforts.

1.2 GHG REDUCTION AND ADAPTATION MEASURES SUMMARY

The RCAAP provides a holistic approach to climate mitigation and climate adaptation. It includes a suite of GHG reduction measures and climate adaptation measures that would collectively establish a regional program to address climate change. The GHG reduction measures provide a comprehensive program of complementary actions that result in measurable emissions reductions. Where there is evidence to demonstrate a correlation between successful implementation of a measure or action and a certain amount of GHG emissions reductions, the reductions will be quantified in the RCAAP. Some supporting measures and actions may not result in quantifiable reductions; nonetheless, it will be imperative that all jurisdictions implement the measures and actions so that the GHG emissions reductions are achieved.

The RCAAP project team has developed 46 proposed GHG reduction measures to reduce emissions from most sectors evaluated in the 2019 inventory and forecasts, including on-road transportation, building energy use, off-road equipment, agriculture, solid waste, and water and wastewater. The GHG reduction measures also include carbon sequestration-related measures resulting in carbon removals outside the anthropogenic emissions inventory and forecast. Implementation of these measures may have effects that include, for example, impacts to sensitive habitats or disturbance of tribal cultural or archaeological resources due to unanticipated discovery during ground disturbance to build infrastructure required to implement the plan (e.g., upgraded and expanded landfills to increase composting capacity and methane capture) and the potential for energy retrofits of buildings to affect historical structures.

The measures are organized by emissions sector and strategy and are identified by alphanumeric values corresponding to each emissions sector (e.g., BE-1 for the first measure under the building energy emissions sector). Of the 46 measures, 18 are quantified for their GHG reduction potential due to available data and methods limitations. Based on the modeling conducted and the assumptions made, the quantified measures proposed for the

RCAAP would achieve the 2030 and 2045 targets set consistent with the 2022 Scoping Plan if carbon sequestration measures and associated “reductions” are included.

The RCAAP project team has also developed 40 proposed climate adaptation measures to address the vulnerability of people, infrastructure, and the environment to climate change's current and projected impacts. Climate adaptation measures differ from GHG reduction measures in that they address the current and future effects of climate change, rather than mitigate the root cause of anthropogenic global warming and climate change. These measures may have effects that include, for example, impacts from construction of detention basins, fire breaks, resilience hubs, upgrade or relocation of infrastructure subject to flooding, installation of erosion control measures, and the construction of floodgates and barriers.

1.3 CEQA REQUIREMENTS AND STREAMLINING BENEFITS

Why is Environmental Review Required?

Adoption of the RCAAP by local jurisdictions in the JPA would be a discretionary action by public agencies that could cause a direct, or reasonably foreseeable indirect, physical change in the environment. CEQA requires that, unless determined to be exempt, agency decisions to approve such actions be informed by analyzing the project's potential environmental impacts, including those related to implementation of measures and actions to reduce GHG emissions and adapt to climate change. While the adoption of a plan to reduce GHG emissions and adapt to climate change would be largely beneficial to member agencies and the environment of the region as a whole, there may be adverse environmental consequences that result from the implementation of individual measures and actions, as described in the general description of potential impacts above. The trade-offs between RCAAP benefits and impacts would be disclosed in the environmental document and, as required by CEQA, mitigation would be developed to address any potentially significant effects of implementing the program.

Once the physical environmental effects of the RCAAP have been evaluated in an environmental document for the program, member agencies implementing programs and specific projects detailed in the measures and actions of the RCAAP would be able to rely on the programmatic assessment of the impacts of those measures, and could focus subsequent review for a specific action, if required, on impacts not covered within the scope of the program environmental impact report (EIR). For instance, most upgrades to or relocations of infrastructure potentially exposed to flooding for climate resilience under draft Measure Flood-5 would be within the scope of the EIR, but some may result in effects not anticipated in the EIR due to scale or unique location – in such an instance, subsequent environmental review would be required.

CEQA Guidelines Section 15183.5 Requirements and GHG Analysis Streamlining Benefits

Under CEQA, projects requiring discretionary approval and environmental review must disclose whether they would generate GHG emissions that would significantly impact the environment or conflict with a plan or regulation adopted to reduce emissions. Section 15183.5 of the CEQA Guidelines establishes a mechanism for agencies to prepare a CEQA-qualified GHG reduction plan and outlines the benefits of preparation of such a plan - for which a programmatic EIR or other environmental document has been prepared and certified or adopted by a lead agency – in streamlining the analysis of GHG emissions for individual projects that are consistent with the plan. More specifically, CEQA Guidelines Section 15183.5(b)(1)(F) requires that a GHG reduction plan be adopted in a public

process “following certification of an EIR or adoption of an environmental document”² for future projects to tier from and/or rely on the analysis of GHG emissions.

Pursuant to CEQA Guidelines Section 15183.5(b)(2), a certified or adopted environmental document prepared for a GHG reduction plan, such as the RCAAP, may be relied upon to streamline the analysis of GHG emissions associated with future projects that are consistent with the plan. This is because GHG reduction plans that meet all the requirements of Section 15183.5 are presumed to have fully and adequately evaluated and mitigated the GHG emissions of the jurisdiction at the program level. Future projects proposed within any of the participating jurisdictions could include any proposed action that would require discretionary approval and could have a physical impact, including generating GHG emissions, on the environment. In other words, any project that requires CEQA documentation, and that is consistent with the RCAAP, could benefit from the ability to streamline the analysis of GHG impacts.

Future discretionary projects in the member agency’s jurisdiction that are consistent with the growth forecast assumptions in the RCAAP and demonstrate compliance with the GHG reduction measures in the RCAAP (thereby demonstrating consistency with both the GHG reductions modeled in the forecast and GHG reduction measures designed to reduce future emissions to achieve State targets) would not be required to conduct project-level GHG emissions modeling or implement mitigation beyond that required by the RCAAP. While the ability to streamline the analysis of GHG impacts for future actions would be particularly beneficial for projects like residential or mixed-use development that could generate substantial GHG emissions related to vehicle miles traveled, the streamlining of GHG emissions analysis would be beneficial for any project type that would result in demonstrable GHG emissions.

Reliance on consistency with the RCAAP means that subsequent projects need only demonstrate consistency, rather than complete an exhaustive, project specific analysis of GHG impacts. Thus, while CEQA compliance for specific projects that are consistent with the RCAAP must still occur, future environmental documents may rely on a project’s consistency with the RCAAP to reduce GHG emissions and result in a less-than-significant impact related to GHG emissions. Such an environmental document would be required to identify those requirements specified in the RCAAP that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project.³

Streamlining of project-level GHG analyses is only available to adopted GHG reduction plans that can demonstrate consistency with all elements of Section 15183.5(b)(1) and (2), including an environmental review of the plan.

Lead Agency Identification

The JPA did not establish a separate authority or other government organization with decision-making authority to adopt the RCAAP and adopt/certify a CEQA document for the plan. As a result, ultimate decision-making authority remains at the individual agency/legislative body level (i.e., County Board of Supervisors and individual city/town councils).

CEQA Guidelines Section 15050 discusses the identification of the appropriate agency to lead an environmental review of a project. Section 15050(a) indicates that when a project is to be carried out or approved by more than one public agency, as in the case of the RCAAP, “one public agency shall be responsible for preparing an EIR or Negative Declaration for the project. This agency shall be called the Lead Agency.” CEQA Guidelines Section 15051 contains

² CEQA Guidelines Section 15361 defines “environmental documents” to include “initial studies, negative declarations, draft and final EIRs, documents prepared as substitutes for EIRs and negative declarations under a program certified pursuant to Public Resources Code Section 21080.5, and documents prepared under NEPA and used by a state or local agency in the place of an initial study, negative declaration, or an EIR.”

³ Consistent with CEQA Guidelines Section 15168, future discretionary activities may require subsequent CEQA analysis if their impacts are not adequately considered and mitigated, as necessary, in this in the program-level environmental document. If substantial evidence exists that the effects of a particular project may be cumulatively considerable notwithstanding the project’s compliance with the specified requirements in the plan for the reduction of GHG emissions (i.e., the RCAAP), a CEQA analysis of GHG emissions would be prepared for the project.

criteria for identifying the Lead Agency when two or more agencies are involved in the process. Relevant here, Section 15051(c) indicates that the agency which acts first on the project will be the Lead Agency. Additionally, if multiple public agencies meet the criteria in Section 15051, the agencies may agree to designate one agency as the Lead Agency or that the agencies will “cooperate” in performing the Lead Agency duties.

Ascent recommends that Napa County assume the Lead Agency role with other jurisdictions in the JPA acting as Responsible Agencies, as opposed to assigning multiple agencies to the Lead agency role, as we believe this will help facilitate a more cohesive and streamlined process for preparation and certification of the environmental document. Napa County seems best suited to take on this role because it is both the Administering Agency and largest jurisdiction in the JPA. With this approach, the other participating agencies would each take on the role of Responsible Agency, which per CEQA Guidelines Section 15381, is defined as “a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing an EIR or a Negative Declaration.” To ensure that the RCAAP can be efficiently adopted and effectively implemented, we recommend that the Responsible Agencies be actively engaged in the scoping, preparation, and review of the environmental document, through active consultation with the Lead Agency and targeted outreach within their own jurisdictions.

When approving the project, the decision-making bodies of the Responsible Agencies would consider the Lead Agency’s environmental document prior to acting upon or approving the project. Pursuant to CEQA Guidelines 15096, each Responsible Agency would certify that its decision-making body reviewed and considered the information contained in the environmental document; affirm that the environmental document is adequate; adopt mitigation and/or alternatives to address any significant impacts; and make its own findings and issue its own approvals for the project, including the adoption of a Mitigation Monitoring and Reporting Program. In the spirit of producing and certifying a single environmental document for the RCAAP, a joint process for scoping and review of the environmental document would be established to ensure ongoing continuity and collaboration.

2 ALTERNATIVE APPROACHES FOR ENVIRONMENTAL REVIEW

As indicated above, there are a variety of environmental documents that could satisfy the CEQA Guidelines Section 15183.5(b)(1)(F) requirement for environmental review. This section provides a brief summary of potential CEQA compliance pathways to consider in selecting a preferred approach to environmental review. Following staff review and CAC consensus on a preferred approach, Ascent will prepare a detailed scope of work proposal for consideration.

Importantly, a “project” under CEQA is defined as the “whole of an action” (CEQA Guidelines Section 15378). In the case of the RCAAP, the whole of the action would consist of implementing all proposed GHG reduction measures in the plan to achieve 2030 and 2045 GHG reduction targets and all proposed climate adaptation measures to address climate change impacts in the region. Thus, the project would constitute implementation of the RCAAP throughout the six member jurisdictions; no jurisdiction’s portion of the RCAAP would have full independent utility from the remainder of the RCAAP. In order to be CEQA compliant, each of the member agencies’ analyses would be required to address the full scope of the RCAAP project. As such, no options are presented below for each of the local jurisdictions in the JPA to undertake a stand-alone CEQA analysis solely for their jurisdiction.

See Section 4 of this memo for a summary of CEQA compliance options and Ascent’s recommended compliance pathway.

2.1 NO CEQA REVIEW

As explained above, all discretionary approvals must be informed by an environmental evaluation, unless eligible for a statutory exemption or fully evaluated in an adopted EIR. Under certain conditions, feasibility and planning studies

that do not have a legally binding effect on later activities can be exempt from CEQA review, for example (CEQA Guidelines Section 15262). The RCAAP does not appear to qualify for this or any other CEQA exemption, and the program has not been evaluated in any of the member agencies' adopted EIRs (such as an EIR prepared for a General Plan update that would include the RCAAP policies).

Furthermore, if an exemption were identified and applied to the RCAAP, the RCAAP would not meet the requirements under Section 15183.5(b)(1)(F) related to the certification of an EIR or adoption of an environmental document. This would be contrary to one of the JPA's primary objectives in adopting the RCAAP, discussed above, and future projects within the member jurisdictions would not be eligible to streamline project-level GHG emissions analyses. The RCAAP would also be more cumbersome for member jurisdictions to implement because each project that implements RCAAP policies would need to undergo environmental review without an adopted evaluation and disclosure of the potential effects of RCAAP implementation.

If an applicable exemption were identified, this option would have minimal upfront cost (\$30,000 or less) for analysis and would have minimal effect on the timeline for RCAAP completion. However, this option is not recommended due to the unlikelihood of RCAAP success and significantly increased downstream costs for member jurisdictions attempting to implement the RCAAP through individual projects.

2.2 INITIAL STUDY

An Initial Study (IS) checklist could be prepared to determine if implementing the RCAAP would significantly affect the environment. The IS checklist would be based on Appendix G of the CEQA Guidelines. Although they can provide robust environmental analyses, ISs are neither intended nor required to include the level of detail provided in an EIR and cannot be certified or adopted by a public agency. For this reason, an IS may provide a cost-efficient approach to analysis that would provide a window into the scope and level of CEQA review that would be required, but would not fully satisfy the requirements of Section 15183.5(b)(1)(F).

Based on our experience with GHG reduction plans throughout the state, the policies, measures, and actions, that will be required in the RCAAP to achieve quantifiable reductions in GHG emissions commensurate with State policy will result in some potentially significant effects on the environment that will require mitigation. These effects may include, for example, environmental effects associated with the future construction of utility-scale renewable energy infrastructure, if required to implement the plan. Significant impacts may also result from specific projects associated with implementation of the RCAAP that the local jurisdictions may seek to clear through the CEQA documentation prepared for the RCAAP.

Where there is potential for environmental impacts that can be mitigated to a less-than-significant level, a Mitigated Negative Declaration (MND) can be prepared, with the IS used to provide substantial evidence to support the conclusion. If there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, an EIR would be required (CEQA Guidelines 15063[b][1]). Substantial evidence of a potentially significant effect triggering the preparation of an EIR is understood where "a lead agency is presented with a fair argument that a project may have a significant effect on the environment" (CEQA Guidelines 15064[f][1]). In practice, this "fair argument" standard results in a CEQA document that is vulnerable to litigation.

In either case, the IS would constitute a first step in identifying the potential impacts of RCAAP implementation and the recommended CEQA compliance pathway. The IS also could help to "screen out" certain topics from detailed consideration in an EIR, if required. Costs associated with potential IS pathways are disclosed below.

Initial Study and Mitigated Negative Declaration

Following the completion of an IS, a public agency must prepare a proposed MND for a project subject to CEQA when the IS identifies potentially significant effects, but revisions in the plan or mitigation would avoid or mitigate the effects to a point where clearly no significant effects would occur (CEQA Guidelines Section 15070).

As a practical matter, this option would be approached as an IS that presents mitigation for all impacts determined to be potentially significant in support of an MND.⁴ The IS/MND would include a description of the RCAAP, identification of baseline environmental setting conditions, and identification of environmental effects. The analysis would include a checklist for each resource that mirrors the sample environmental checklist provided in Appendix G of the CEQA Guidelines, with brief discussions to substantiate the conclusions reached for each threshold. Scoping is not required for an IS/MND, and identification of alternatives would not be required.

Following the preparation of the proposed IS/MND, the document would be submitted to the State Clearinghouse for a 30-day public review, and Ascent would assist with the preparation of a Notice of Intent to Adopt a Mitigated Negative Declaration, which would be provided to the public, Responsible and Trustee Agencies, and the County Clerk. Although there is no obligation to provide written responses to the comments received during this review period, Ascent would strongly recommend doing so to create a complete public record. After considering input received during the public review, Ascent would finalize the document. The IS/MND would be adopted by the decision-making body of the Lead and Responsible Agencies prior to approving the RCAAP if they find, on the basis of the whole record before them (including the IS and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the agency's independent judgment and analysis (CEQA Guidelines Section 15074).

This option would cost approximately \$90,000 to implement and would take 6 to 9 months to complete. The advantage of this option is that there are fewer regulatory obligations related to public participation and analyses, which shortens the time necessary for document preparation and associated costs. The primary disadvantage is this approach's legal defensibility. If litigated, the IS/MND would be subject to the fair argument standard, which dictates that if substantial evidence exists to support a fair argument that a proposed project may have a significant environmental impact, then an EIR must be prepared, even if other evidence suggests the project will not have a significant impact (CEQA Guidelines Section 15064(f)(1)). The "fair argument" standard sets a low threshold for requiring preparation of an EIR, and courts have recognized a statutory preference in CEQA for environmental review through EIRs. Thus, if a litigant prevails in a legal challenge to the RCAAP, local jurisdictions in the JPA may be required to prepare an EIR for the plan and potentially pay the challengers attorney's fees. Similarly, if the environmental review determines that there are impacts that cannot be mitigated to a less-than-significant level (due to impact severity, lack of jurisdiction to impose mitigation, or uncertainty related to the nature of the impact), a (focused) program-level EIR (or PEIR) would be required after the completion of the IS or the RCAAP would have to be revised to remove the measures and actions that cause the impact(s), which could affect attainment of GHG reduction targets. Due to the applicability of the fair argument standard and the risk associated with potential legal challenges, Ascent does not recommend this approach.

Initial Study and Focused Program-level EIR

This option assumes that all of the steps to prepare an IS are completed, as described above, and that the IS would be part of the administrative record supporting the approach to the analysis included in a program-level EIR (PEIR). More specifically, the IS would be used to inform the scope of the PEIR, such that the PEIR would evaluate in detail only the impacts on resources that are determined to be potentially significant and require mitigation in the IS. The

⁴ Conversely, if the IS concluded that no feasible mitigation could reduce one or more impact of the project to a less than significant level, an EIR would be required.

PEIR would describe the components of the RCAAP and the baseline environmental setting conditions and would identify the environmental effects of those topics that need to be fully analyzed (based on the findings of the IS) pursuant to Appendix G of the CEQA Guidelines. Potentially significant impacts would be identified, and preliminary mitigation would be recommended.

The focused PEIR would include a Notice of Preparation and scoping period with scoping meeting(s) (which could be held in conjunction with CAC meeting or in another forum); preparation of the administrative draft, screencheck draft, and public draft documents that include a full evaluation of cumulative impacts and alternatives; a 45-to-60-day public comment period; and preparation of responses to comments and a Final EIR. The initial preparation of draft documents would be facilitated by the IS, which would focus on the scope of the topics in the EIR, but all legal noticing and review period requirements would remain applicable.

This option would cost approximately \$250,000 to \$350,000 to implement, depending on the scope of the EIR, and would take 12 to 18 months to complete. This option would be time-intensive because it would result in the preparation of two reports. By preparing an EIR and fully evaluating all potentially significant environmental effects, this option would raise the burden of proof for any party that challenges the conclusions of the document. Rather than simply presenting a “fair argument” that there could be a significant impact, substantial evidence would need to be presented that the conclusions are flawed. Additionally, this option would satisfy the requirements of CEQA Guidelines section 15183.5(b) to allow future projects under the RCAAP to rely on the analysis in the PEIR and reduce future costs associated with environmental review of those projects.

2.3 PROGRAM-LEVEL ENVIRONMENTAL IMPACT REPORT

The CAC may also elect to forgo preparation of the IS and begin preparation of the PEIR. For the purpose of scoping, it would be assumed that all Appendix G resource areas require assessment. However, resource areas for which there is clearly no potential for impact can be scoped out of detailed evaluation with a brief explanation in the PEIR (typically in the Introduction). As described above, the PEIR would include a Notice of Preparation and scoping period with scoping meeting; preparation of the administrative draft, screencheck draft, and public draft documents that include a full evaluation of program-level and cumulative impacts and alternatives; a 45-to-60-day public comment period; and preparation of responses to comments and a Final EIR. This scope could be completed in approximately 12 months and is anticipated to cost roughly \$300,000 to \$400,000 (approximately 2,000 labor hours), depending on the level of outreach support requested by local jurisdictions in the JPA. As with the IS/PEIR approach discussed above, this option would comply with section 15183.5(b) and reduce future environmental review costs of implementing projects under the RCAAP.

Program-Level Environmental Impact Report with Jurisdiction-Specific Analyses

With this option, the PEIR analysis described above would include geography-specific discussions for each member agency that clearly consider local conditions, unique regulations, and any jurisdiction-specific policies or programs that would be included in implementing the RCAAP measures and actions. This could be presented as subsections of the impact analyses or in an appendix that is summarized in the analysis. Significance conclusions would still be based on the whole of the action.

This approach would provide each member agency with a more tailored environmental analysis, resulting in a longer and more complicated document. However, there could be benefits if there are unique existing conditions in the local jurisdictions and/or substantial differences in the implementation details for GHG reduction and climate adaptation measures that would apply within different jurisdictions. For instance, measures focused on agricultural operations or open space may primarily apply to the unincorporated county and sea-level rise adaptation measures may be

jurisdiction-specific based on geography. In this case, providing a discrete analysis could facilitate future CEQA reviews for projects undertaken to implement the RCAAP and create jurisdiction-specific mitigation monitoring and reporting, if appropriate and desired.

Preparation of a PEIR with jurisdiction-specific analyses would be more complicated and costly than a standard PEIR. This option is anticipated to take 12 to 18 months and cost roughly \$400,000. This additional upfront investment is intended to facilitate streamlining of future projects required for RCAAP implementation. Because there do not appear to be distinct differences in the programs that would be implemented in the various jurisdictions and there is anticipated to be considerable overlap in the potential for environmental effects throughout the region, there may not be a profound benefit of this approach.

3 PROCEDURAL RECOMMENDATIONS FOR ADOPTION AND IMPLEMENTATION

As the recommended lead agency, Napa County would adopt the RCAAP first (including certification of the PEIR). Following adoption by the County, the other member jurisdictions can use the PEIR to adopt the RCAAP in a form appropriate to that community. Local adoption could take the form of a General Plan amendment, ordinance adoption, resolution, or some combination thereof. Once adopted, the cities, County, and regional agencies will implement the measures each has committed to in their respective CAP adoption processes.

Checklist

As part of RCAAP implementation, all discretionary projects subject to CEQA would be evaluated for consistency with the RCAAP. A Consistency Review Checklist will be developed to provide a mechanism for projects to demonstrate compliance with “those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project” per CEQA Guidelines Section 15183.5(b)(2). As an implementation tool, the Checklist would summarize the requirements of the RCAAP but would not impose any new or different requirements than those of the RCAAP.

If a project would be consistent with the growth forecasts used to develop the RCAAP and demonstrates consistency with the RCAAP by satisfying all Checklist criteria, then the project would be considered consistent with the RCAAP and would be eligible for CEQA streamlining of its project-level GHG analysis. Project-level GHG emissions modeling would not be required. Projects that would result in an increase in density or intensity beyond what is reflected in the GHG emission projections contained in the RCAAP would be subject to the member agencies’ adopted GHG thresholds and would be required to conduct a project-level assessment. Such an analysis would quantify existing and projected GHG emissions for the project and incorporate applicable items from the Checklist to the maximum feasible extent, along with any identified project-specific mitigation measures.

We assume that the County and other member agencies will develop a Checklist. However, because the Checklist is an implementation tool that does not affect the content of the RCAAP, it does not require a separate environmental analysis. Member agencies may consider, based in part on the prevalence of jurisdiction-specific measures and actions in the plan, whether a single master Checklist is appropriate or if jurisdiction-specific Checklists would provide greater function.

4 SUMMARY AND RECOMMENDATIONS

The JPA member jurisdictions have invested roughly 5 years in the pursuit of a regional program to address climate change. As explained above, the success of the RCAAP and providing future CEQA streamlining opportunities will depend on the continued efforts and participation of all JPA member jurisdictions. Although the RCAAP will include ongoing monitoring and adaptive management, failure to adopt and implement the GHG and adaptation measures included in the RCAAP by any jurisdiction could jeopardize the success of the RCAAP for the whole region. Therefore, it is assumed that all JPA members will continue to engage in preparing an RCAAP that includes the comprehensive suite of GHG and adaptation measures summarized above in Section 1.2.

Environmental review is required both to support each agency's adoption of the RCAAP and to meet the requirements under CEQA Guidelines Section 15183.5 for a fully vetted GHG reduction program from which development projects can streamline their GHG analyses. The key benefits and challenges with each of the five options for CEQA review outlined above are summarized below in Table 1. For the purposes of this evaluation, it is assumed that the JPA member jurisdictions will collaborate on the preparation of the selected CEQA approach, and that each member agency will adopt the RCAAP and certify the environmental document as prepared. Deviation from this assumption could substantially impair the success of the RCAAP, resulting in a program that may not achieve reduction targets and, therefore, does not confer CEQA streamlining benefits under Section 15183.5 of the CEQA Guidelines.

Table 1 Summary of Benefits and Challenges associated with the Alternative Approaches to Environmental Review

Analysis Option	Key Benefits	Key Challenges
No CEQA Review	<ul style="list-style-type: none"> Minimal time and cost investment 	<ul style="list-style-type: none"> The RCAAP will not meet the minimum criteria specified in CEQA Guidelines Section 15183.5, and no GHG analysis streamlining will be provided to future projects
Categorical Exemption	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> No exemption applies
IS/MND	<ul style="list-style-type: none"> Relatively quick; lower standards for review and public participation Relatively lower cost 	<ul style="list-style-type: none"> Legal defensibility and uncertainty
IS/PEIR	<ul style="list-style-type: none"> Focuses PEIR preparation on areas with potential for significant impacts, in particular GHG/Air Quality, biological resources, and cultural resources. Highly defensible 	<ul style="list-style-type: none"> Two-step review process may take longer than PEIR preparation alone More costly and labor-intensive than an IS/MND
PEIR	<ul style="list-style-type: none"> Provides a complete and thorough analysis of potential impacts Highly defensible 	<ul style="list-style-type: none"> More costly and labor-intensive than an IS/MND
PEIR + Jurisdiction-specific analysis	<ul style="list-style-type: none"> Most supportive of jurisdiction-specific implementation Highly defensible 	<ul style="list-style-type: none"> Most costly and labor-intensive Can result in long, duplicative documents

Due to the deferential standard of review and high degree of legal defensibility, as well as the anticipated potential for significant (and perhaps unavoidable at the program-level) impacts, Ascent encourages the preparation of a PEIR for the RCAAP. The IS/PEIR would result in a highly defensible, focused PEIR with conclusions based on substantial evidence. However, the two-step review process could result in a longer timeline for completion (because the IS would be completed before EIR preparation begins) and resource areas with potentially significant effects would be evaluated in both places. Further, based on the universe of potential effects from the RCAAP and the regional nature of the program, it may be challenging to fully scope resources out of further evaluation in the IS, which limits its utility.

As a result, Ascent recommends that the County act as Lead Agency and forego the IS step and prepare a PEIR. This is likely a quicker approach than the IS/PEIR track. Resources may still be scoped out of detailed analysis as part of the PEIR review process, but the full evaluation is not necessary before the release of the Notice of Preparation. As described above, there is no evidence that a supplemental, jurisdiction-specific analysis would be particularly informative for decision-makers or helpful for plan implementation in this case. For these reasons, the PEIR with Jurisdiction-Specific Analysis is not anticipated to confer benefits that outweigh the effort to produce the analysis.

Based on our understanding of the project and the JPA member agencies' CEQA needs, Ascent recommends preparation of a PEIR without supplemental jurisdiction-specific analyses. The PEIR is estimated to take approximately 1 year to prepare, at an estimated cost of \$400,000.