



CALIFORNIA  
NATIVE PLANT SOCIETY



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April 4, 2025

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Re: Humboldt County Regional Climate Action Plan Environmental Impact Report Comments

I. Introduction & Executive Summary

On behalf of the Environmental Protection Information Center, Coalition for Responsible Transportation Priorities, 350 Humboldt, Humboldt Waterkeeper, Northcoast Environmental Center, Surfrider Foundation, Friends of the Eel River, and the North Coast Chapter of the California Native Plant Society we respectfully submit the following comments on the Humboldt County Regional Climate Action Plan (RCAP) Draft Environmental Impact Report (EIR). Adoption of a RCAP was a measure in the Humboldt County General Plan adopted in 2017, and we are glad to see the County making progress on that promise.

Our organizations advocated for the creation of an RCAP because we believe Humboldt County ought to do its part to mitigate climate change. We advocated for a Qualified RCAP because we wanted the greenhouse gas (GHG) reductions in the RCAP to be based on substantial evidence, and we wanted to expedite permitting for projects that were known to substantially reduce greenhouse gas emissions. However, as written, the EIR implies that other CEQA impacts, including aesthetics and vehicle miles travelled, could also tier off the analysis in the RCAP for future projects. If this is to be the case, the EIR must be clear and consistent regarding when that future tiering may occur. Otherwise, the EIR could be used to analyze far

more kinds of impacts, and streamline or tier far more kinds of projects, than was ever understood by the public or County. We ask that the County provide a clear and concise list of projects and impacts that can tier to the RCAP EIR. We also ask that the County create a bright line threshold for impacts over which tiering and streamlining may not occur.

Heightening our concern regarding misapplication of the RCAP and EIR to future projects is the County's failure to provide the CEQA GHG Checklist while the DEIR is circulating for public comment. Because the CEQA GHG Checklist will be used to streamline the GHG analysis of future projects it is an essential component of the RCAP and therefore needs to be analyzed in the DEIR. We ask that you provide the CEQA GHG Checklist and provide sufficient opportunity for public comment on the Checklist prior to certification of the EIR.

Finally, the RCAP and EIR retain several errors which we highlighted in our scoping comments and in other comments to staff. In order to ensure the legal viability of the RCAP and EIR, we ask that these errors, listed below in Sections V & VI be addressed.

For these reasons we ask that you do not certify the EIR for the RCAP until its deficiencies have been remedied.

- II. The County should provide a specific list of projects that may tier from the RCAP and also provide clear thresholds of impacts over which future projects cannot tier from the RCAP.

The CEQA Regulations state that "any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:(1) Were not examined as significant effects on the environment in the prior EIR; or (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means." (Cal. Code Regs. Tit. 14, § 15152(d)). This EIR currently purports to examine as significant effects on the environment a wide array of impacts including air quality, vehicle miles travelled, and aesthetics. As discussed in Section V, we believe that much of that analysis is lacking substantial evidence. We are therefore concerned that future projects will attempt to tier off of the limited analysis in the EIR regardless of staff's current intentions.

As currently drafted, the EIR is vague as to what kinds of projects will tier from its analysis in the future. County staff have indicated that only projects related to the RCAP or implementing the RCAP would be eligible for tiering, but it is not at all clear from the EIR as written how that determination would be made. Does a project need to be explicitly included in the RCAP to be considered for CEQA tiering, or can it just be a project whose effects can be argued to support one or more of the RCAP's targets? And even if a project has to be explicitly included in the RCAP to be eligible for tiering, that still does not provide clarity, because the RCAP itself is so vague on many key points. Reviewing Table 32 of the RCAP, we find a large number of implementation actions which are vaguely defined and will require multiple sub-actions by multiple lead agencies. Are all the actions in Table 32, and all of the potential unmentioned sub-actions, subject to CEQA tiering? As currently drafted, the answer is unclear.

Given the uncertainty over what kinds of projects may be proposed in the future and exactly how they would tier from the RCAP, the EIR should further refine and clarify the types of projects for which it is actually assessing impacts. To solve this problem, we encourage the County to create a list of specific kinds of projects that can tier off of the RCAP, rather than a list of projects that cannot. In addition, the County should create specific thresholds of impacts over which future projects cannot tier to the RCAP. While current County staff may not foresee the RCAP EIR being used for any future project that would not already be exempt for additional CEQA review, the RCAP and the EIR will exist independent of current staff interpretation going forward and should be written clearly enough that there is no doubt as to their future application. There needs to be a clearly stated brightline threshold for both future tiering and streamlining.

The recent case of *Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal. App. 5th 890 is illustrative of why this is important.<sup>1</sup> In it, a recycling center that would process and recycle trees, logs, wood, construction debris, asphalt, and other inert material from construction projects was tiered off of the County of San Diego's General Plan. Despite considerable public controversy around the project, the Court held that the impacts had already been analyzed in the General Plan EIR and that no further environmental review was necessary. The County of Humboldt should consider whether it would like to see a similar result from the RCAP and how it can protect itself from that happening.

III. The RCAP isn't complete because there is no publicly available GHG Streamlining Checklist. The County can't finalize an EIR on a project that is incomplete.

The CEQA Guidelines define a "project" as the whole of an action with the potential for either a direct physical change in the environment, or a reasonably foreseeable indirect physical change. (CEQA Guidelines 15378) When assessing the legal sufficiency of an EIR, the reviewing court focuses on adequacy, **completeness** and a good faith effort at full disclosure. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 954, 91 Cal.Rptr.2d 66 (Amador)(emphasis added). An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.' (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405, 253 Cal.Rptr. 426, 764 P.2d 278 (Laurel Heights)). Without the Humboldt Regional CEQA GHG Emissions Checklist, the project is not complete and the public cannot understand and meaningfully consider the issues raised by this project. The checklist will be used to streamline greenhouse gas emission analysis of future projects and therefore plays a critical role in how the RCAP will be implemented. The DEIR acknowledges that setting quantitative GHG thresholds is part of the project, and Figure 2-6 of the DEIR shows that adopting the Checklist is an analogous action to setting quantitative GHG thresholds.

Future streamlining will have an effect on the environment, by more quickly approving or disapproving certain projects. Without the checklist, the public is left in the dark regarding

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<sup>1</sup> <https://cases.justia.com/california/court-of-appeal/2024-d081124.pdf?ts=1708110069>

exactly what kinds of projects will have their future GHG emissions analysis streamlined. Staff have indicated that the checklist will be provided prior to the Planning Commission meeting in June. However, CEQA's informational purpose "is not satisfied by simply stating information will be provided in the future." (*SCOPE v. County of Los Angeles* (2003) 131 Cal. Rptr. 2d 186 - Cal: Court of Appeal, 2nd Appellate Dist., 6th Div. 2003).

Therefore, the project is not complete and the EIR cannot be finalized until the Checklist is provided for public review, and opportunity is provided for public comment on the EIR in light of the Checklist.

IV. Projects must have a consistent and stable description throughout the CEQA process.

In addition to the CEQA Streamlining for GHG emissions discussed above, staff have also indicated that future plans and projects may tier from the RCAP EIR. Staff have indicated that this will be limited to projects intended to implement the RCAP.

This goes beyond the intended scope of the project. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185). The project description in the DEIR's notice availability states "the County proposes to adopt quantitative CEQA GHG emissions thresholds for use in evaluating whether a future plan or project's GHG emissions would result in a potentially significant environmental impact under CEQA for plans or projects with pre-2030 buildout or initial operational years." (RCAP DEIR Notice of Availability) However, the DEIR actually proposes to streamline analysis of several other impacts in future CEQA project analysis by allowing future documents to tier off the RCAP. Therefore, the project description is not accurate. The EIR should be rejected until this deficiency is addressed. In our view the deficiency can be addressed by stating clearly in the EIR what Director of Planning John Ford specified in a meeting with us and Natalie Arroyo and Mike Wilson on March 27, 2025, namely: as in any programmatic EIR the analyses of impacts other than for greenhouse gas emissions, that is, those listed in Table ES1, are intended as resources or examples of possible impacts and possible mitigation measures but will never be applied to a project without consideration of the impacts and mitigations specific to each project that is streamlined or tiers off the RCAP.

V. Several changes to the RCAP and the DEIR must be made to ensure the legal validity of the EIR and any potential future CEQA tiering

If the intention of the County is to have the RCAP and DEIR remain documents that future projects will tier parts of their analysis from, then we recommend the following changes to ensure the legal validity of that tiering.

A. Vehicle Miles Travelled (VMT)

The RCAP's VMT reduction measures must be strengthened to ensure consistency with adopted plans and policies, or a significant transportation impact must be acknowledged and appropriate mitigation measures adopted. The DEIR asserts that the RCAP is "intended to be

consistent with or exceed” the standards in various other adopted plans and policies including the Humboldt County Regional Transportation Plan - VROOM 2022-2042 (RTP) and the California Climate Change Scoping Plan Update 2022 (see DEIR p.2-5 et seq.). Yet both the RTP and the Scoping Plan call for a 25% per capita VMT reduction by 2030, while the RCAP calls for a roughly 3.2% per capita VMT reduction by 2030. Following the RCAP will result in a failure to meet the RTP and Scoping Plan targets, making the RCAP clearly inconsistent with these plans.

The DEIR concludes that the RCAP would not conflict with any adopted transportation plans and policies (see DEIR p.3.8-24), despite the VMT reduction conflict described above, as well as other significant conflicts, including the RTP’s target of a 30% active transportation and transit mode share by 2030, in contrast with the RCAP’s target of only 21%. In fact, the plan consistency analysis does not even assess VMT or mode share goals and targets. Unless the RCAP VMT targets and policies are strengthened, a significant impact finding and accompanying mitigation is required.

The DEIR repeatedly says that its “VMT analysis methodology utilizes the LCI Technical Advisory on Evaluating Transportation Impacts in CEQA,” calling for a significance threshold of “15 percent below existing regional VMT per capita” for residential and certain commercial projects (e.g., p.3.8-22). Yet despite residential and mixed-use infill development projects being a key strategy for RCAP implementation, the DEIR’s VMT analysis fails to identify the fact that compliance with the RCAP requires only roughly 3.2% per capita VMT reductions. Therefore, a future residential or mixed-use development project could attempt to tier from this DEIR’s transportation analysis even if it exceeds the standard LCI -15% CEQA significance threshold, potentially avoiding a significance finding and the accompanying mitigation requirement. This end run around normal VMT assessment does not fulfill the purpose or requirements of CEQA.

The DEIR itself admits that the cumulative VMT impacts of the project might exceed the -15% significance threshold (p.3.8-42), but claims that this impact would somehow be mitigated by VMT reducing measures in the RCAP itself. This conclusion relies on an indefensible circular logic and ignores the fact that the RCAP’s measures, by its own admission, will result in far less VMT reduction than the -15% required by CEQA for certain projects. Clearly the cumulative impacts will be significant, and additional VMT reduction mitigation measures are required.

## B. Air Quality Impacts & GHG Emissions

Air quality impacts of biofuels projects should be assessed in much greater detail, and mitigation measures specific to biofuels projects and bioenergy should be adopted. Despite the RCAP’s promotion of various forms of biofuels, the well-documented air quality impacts of biofuel production and combustion are inappropriately dismissed in the DEIR. (U.S. Environmental Protection Agency, Washington, DC, 2025. Biofuels and the Environment: Third Triennial Report to Congress (Final Report, 2025)<sup>2</sup> The draft currently states that the creation of biofuel facilities will reduce pollution by reducing smoke from wildfires. This claim is subject to serious

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<sup>2</sup> <https://assessments.epa.gov/biofuels/document/&deid=363940>

scientific debate. In particular, it fails to account for the fact that the odds of any given fuel treatment encountering wildfire in the time before regrowth makes the odds of forest treatment effectiveness exceedingly low. (DellaSala, D. A., Baker, B. C., Hanson, C. t., Ruediger, L., & Baker, W. (n.d.). Have western USA fire suppression and megafire active management approaches become a contemporary Sisyphus?)

In addition, The point of the RCAP is to reduce greenhouse gas emissions. In themselves biofuels do not do so, that is they still have high GHG emissions and some analysis indicates that they have higher emissions than fossil fuels. Proposed bioenergy harvest, which is wood gathered from mechanical thinning, and other fire prevention measures in West coast forests will create an increase of CO2 emissions compared to current methods. (Hudiburg, T.W., B.E. Law, C. Wirth, and S. Luysaert. 2011. Regional carbon dioxide implications of forest bioenergy production. *Nature Climate Change* 1:419- 423.)<sup>3</sup> The RCAP currently does not adequately analyze the GHG impacts of biofuels. All biofuels require an individual Life Cycle Assessment. It is totally inappropriate to include them in the RCAP at all and certainly not to do so without requiring an LCA for each plant.

The DEIR's air quality analysis also fails to account for the adverse impacts on air quality that would result from a building decarbonization strategy based on electric resistance space and water heating. With offshore wind construction delayed by Trump's ban on federal permits, Humboldt's electricity will primarily be provided by natural gas and biomass for the next decade or longer. Both emit criteria air pollutants and those emissions will increase with increased demand from resistance heat and water heating. The reduction in fossil gas combustion in buildings and RCEA's purchase of clean power in other parts of the state would not nearly offset this increase. This is particularly true for biomass which makes up a significant proportion of RCEA's renewable portfolio and is responsible for a disproportionate amount of California's power plant pollution. While biomass energy is only 2.7% of CPUC's projected in state electrical generation in 2026, it is projected to emit 29% of the NOx, 8% of the pm2.5, and 41% of the SO2 emissions from the entire power sector. Since Humboldt's sole biomass plant is powered by mill waste and not thinned forest fuel due to the distance and expense of transporting such fuel from high fire areas, increases in pollution from more biomass generation will not be offset by decreased smoke from forest fires. (CPUC, 2023 Proposed Preferred System Plan and 2024-25 Transmission Planning Portfolios Supplemental Criteria Pollutant Analysis).<sup>4</sup>

### C. Sunset Date of 2030

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<sup>3</sup> <https://doi.org/10.1038/nclimate1264>

<sup>4</sup> [https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/integrated-resource-plan-and-long-term-procurement-plan-irp-ltpp/2023-irp-cycle-events-and-materials/supp\\_criteria\\_poll\\_analysis\\_no\\_lc\\_20240405.pdf](https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/integrated-resource-plan-and-long-term-procurement-plan-irp-ltpp/2023-irp-cycle-events-and-materials/supp_criteria_poll_analysis_no_lc_20240405.pdf)

The DEIR must clarify that any CEQA tiering or GHG streamlining is only valid through 2030, because the RCAP is not consistent with state targets after that date (see for example Figure 2-5 of the DEIR). In apparent recognition of this fact, the DEIR specifies that proposed Regional CEQA GHG Emissions Thresholds only apply to “pre-2030 buildout or initial operational years” (p.2-50), but this clarification has not been provided for GHG streamlining or CEQA tiering.

Furthermore, the CEQA Greenhouse Gas Emissions Thresholds and Guidance Final Report, which presents the documentation and justification for the CEQA GHG Emissions Thresholds, includes the following inconsistent statement which suggests that the Thresholds *would* apply after 2030: “the quantitative thresholds included in this guidance document will **not** need to be updated [after 2030], because residential, non-residential, and mixed-use projects with post-2030 buildout years would still need to achieve GHG emissions equivalent to net zero MT of CO<sub>2</sub>e per year to demonstrate consistency with the RCAP” (p.42, emphasis supplied).

All RCAP-related documentation must clearly and consistently state that none of the Thresholds, tiering, or GHG streamlining can be considered valid for projects with a post-2030 build-out date.

#### D. Infill Housing Development

The DEIR must clarify that its analyses cover the impacts of the infill housing and mixed-use development which is so central to many of the RCAP’s strategies. While the DEIR discusses infill development and seems to analyze it in many places, it also seems to imply in other places that the RCAP does not cover new housing development, for example by concluding at RCAP p.3.6-20 that the RCAP “would not result in new habitable development.”

#### E. Aesthetics

The DEIR must clarify that Mitigation Measures AES-1 and AES-2 only apply to industrial development, not infill housing or mixed-use. The text of Impact AES-1, to which these measures apply, only discusses certain industrial projects, and the DEIR states at p.3.1-18 that “infill development facilitated by the RCAP would not result in significant impacts to scenic vistas,” but the wording of the measures themselves is more open-ended. This clarity is critical, because if requirements like building step-backs, height transitions, and visual screening are imposed on non-industrial infill development projects, they will make many projects infeasible and substantially undermine the RCAP’s goal of encouraging infill development.

#### F. Mitigation Measures Lacking Clarity

The DEIR must clarify what kinds of projects certain other Mitigation Measures apply to. Specifically, Mitigation Measures BIO-1, BIO-4, AG-3, and the corresponding identified impacts, should logically only apply to certain kinds of projects, but the text of the measures does not specify which types of projects they will be applied to.

#### G. Significant Noise Impacts From New Transit Services

The finding of a significant noise impact from new or improved transit service (part of Impact NOI-1) is unsupportable and must be removed. This finding relies on Federal Transit Administration screening distance guidelines, but a review of these guidelines shows that they are meant to be applied to transit-only facilities, not to streets and highways shared between buses and private vehicles. Humboldt County has no transit-only facilities, and any cognizable transit-only facilities in the future would result from dedication of existing general travel lanes to buses, not construction of new facilities. Fixed-route buses travel almost exclusively on roads also heavily traveled by private vehicles and do not significantly increase traffic noise. In fact, by reducing the number of private vehicles on such facilities, they have the opposite effect. Furthermore, imposition of Mitigation Measure NOI-2 would pose a significant unnecessary obstacle to the development of new transit service, contrary to the RCAP's goals.

H. Additional GHG and VMT reduction measures are feasible and necessary.

The DEIR's Alternatives Assessment clearly demonstrates that additional measures to reduce VMT and GHG emissions from transportation and land use are feasible and would reduce many of the RCAP's other environmental impacts. CEQA requires the adoption of feasible mitigation measures for identified significant impacts. As described above, the RCAP will result in significant VMT impacts, and could result in significant GHG impacts without further changes or mitigations. As described in the DEIR, several other impacts are also potentially significant. Therefore, additional VMT and GHG reduction measures must be adopted.

The feasibility of including additional VMT and GHG reduction measures for new development in the RCAP is further supported by the CEQA Greenhouse Gas Emissions Thresholds and Guidance Final Report. The Report shows that the Thresholds were initially derived by identifying "extra" emissions (beyond those produced by existing development) allowed under the 2030 target, and dividing these "extra" allowed emissions by projected residential and employment growth. However, the Report admits that this calculation produced indefensibly high thresholds, and therefore the thresholds were reduced by 50% to produce numbers more in line with common practice in other communities. The fact that the initial calculation, based on projected emission trends under RCAP implementation, resulted in inordinately high thresholds for future projects demonstrates that there is room for additional emissions reductions measures for future development under the RCAP.

I. The distinction between rural and urban areas in the DEIR must be updated to ensure consistency with the updated RCAP.

The updated RCAP dated November 21, 2024, includes a more accurate and precise definition of urban and rural areas than the original draft RCAP. However, the DEIR contains several references to the earlier, vague and inaccurate definitions, which stated or implied that all of the unincorporated county and many smaller communities are "rural." These references can be found in locations including p.2-50, p.3.1-1, and Note 4 to Table 2-7. These definitions must be updated to reflect the updated RCAP.



J. The GHG emissions reductions claimed in the DEIR are too high because many of the measures don't meet the criteria for inclusion in a qualified CAP

We stated this in Section X of our scoping comments, but we reiterate it here. Measures in a qualified CAP must be feasible and enforceable or, if voluntary, supported by substantial evidence. (OPR Guidelines Climate Change Designing Healthy, Equitable, Resilient, and Economically Vibrant Places).<sup>5</sup> Other CAPs across the State have been set aside by courts as unqualified for tiering or streamlining because of unenforceable mitigation measures and projected GHG emissions reductions not based on substantial evidence. (*California River Watch v. County of Sonoma* (2014) 55 F. Supp. 3d 1204 - Dist. Court, ND California) (*Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467 - Cal: Court of Appeal, 4th Appellate Dist., 1st Div.) This RCAP suffers from both of these flaws. The DEIR states qualitatively that operational GHG emissions from the RCAP will be negligible in comparison to GHG reductions, but did not do the critical analysis which would expose the paucity of enforceable measures and substantial evidence that the projected GHG reductions will actually occur.

No evidence is provided that Measure BE-1, increasing enrollment in RCEA as the load serving entity instead of PGE, would decrease GHG emissions. The RCAP states that "RCEA is currently on track to provide all customers with electricity that is sourced from 100 percent net-zero-carbon emission renewable sources by 2030, 15 years ahead of the state target" citing RCEA's 2019 RePower Plan. A document from 2019 about RCEA's aspirations cannot be accepted as substantial evidence that RCEA is "on track" in 2024, especially when more recent evidence shows that RCEA is not "on track" and is currently only meeting the minimum Renewable Portfolio Standard. The only commitment to increase the percentage of carbon free power is qualified with "financial conditions permitting" (RCEA, 2024). Given the lack of substantial evidence that RCEA is decarbonizing power ahead of state targets, the DEIR should use the conservative projection that RCEA's portfolio will conform to the RPS.

RCEA's power content has also not generally been lower carbon than PGE. A comparison of RCEA and PGE power content labels from RCEA's inception in 2017 through 2023 reveals that (without counting biogenic carbon) RCEA's default plan was lower carbon in only 2 of the 7 years, owing to PGE's high percentage of carbon free nuclear energy (CEC Power Content Label, 2024). Since no substantial evidence has been provided that increasing enrollment in RCEA as opposed to PGE will increase the percentage of local energy consumption that is carbon free, the DEIR should not accept any GHG reductions for this strategy.

In addition, no evidence, or for that matter substantial evidence, is provided to substantiate the effectiveness of proposed actions in Measure BE 3 to promote switching from residential gas use to electricity. Consumer decisions regarding home electrification are described as voluntary, and 82% of fuel switching for heating and 100% for hot water are assumed to be from gas to extremely inefficient electric resistance rather than to heat pumps based on current market analysis (See Appendix C, Table 7). A program that was effective or enforceable would

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<sup>5</sup> [https://lci.ca.gov/docs/OPR\\_C8\\_final.pdf](https://lci.ca.gov/docs/OPR_C8_final.pdf)[https://lci.ca.gov/docs/OPR\\_C8\\_final.pdf](https://lci.ca.gov/docs/OPR_C8_final.pdf)

increase the use of heat pumps, not resistance, because increasing the demand for electricity, especially during peak hours, jeopardizes goals for clean energy. Given the large increase in utility bills that would result from switching from gas to resistance electric, it is highly unlikely that homeowners would voluntarily make such a change.

The DEIR also accepts the RCAP's conflation of the number of charging stations "needed to support" a given number of EVs with the number of charging stations needed to induce the purchase of the same number of EVs and the RCAP's assumption that the county can credit GHG reductions for every single mile driven by an adopted EV regardless of where it charges. No substantial evidence is provided to justify this departure from standard practice. CAPCOA's Handbook for Analyzing Greenhouse Gas Emission Reductions only counts GHG reductions from the miles of fossil fuel free driving powered by the installed chargers and caps the GHG reduction from chargers required by reach codes at 11.9% of GHG emissions from vehicles accessing the charger location. (CAPCOA, Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity Designed for Local Governments, Communities, and Project Developers. 2024)<sup>6</sup> CARB likewise only credits GHG reductions for the miles actually charged by the new infrastructure. (CARB EV GHG Benefits Estimation Tool for Cap and Trade).<sup>7</sup>

**INEFFICIENT AND WASTEFUL USE OF ENERGY** The DEIR states that "operation of the RCAP would not result in potentially significant environmental effects from wasteful, inefficient, or unnecessary consumption of energy". The RCAP's plan for decarbonizing existing residential buildings via transition to electric resistance heating promotes the wasteful, inefficient, and unnecessary consumption of energy.

VI. The same CEQA GHG Emissions Thresholds must apply to urban and rural areas.

The project proposes setting separate GHG Emissions Thresholds for projects in urban and rural areas. The DEIR and CEQA Greenhouse Gas Emissions Thresholds and Guidance Final Report explain that this is done "to align with the RCAP," and further explains that the RCAP sets different urban and rural targets to "align with each region's specific characteristics and capacity constraints" (DEIR p.2-50). However, to be valid the Thresholds must determine the significance of project GHG emissions regardless of the project's location, because climate change is a global phenomenon, and GHGs have the same impact regardless of where they are emitted. (Feasibility of potential mitigation measures is assessed *after* a determination of significance under CEQA.)

Additionally, the Report admits in notes to Tables 5, 6 and 7, that the methodology for calculating the urban and rural thresholds was not based on the RCAP's actual definition of urban and rural areas: "Based on the RCAP definition, urban areas in Humboldt include Fortuna, Arcata, and Eureka as well as parts of unincorporated Humboldt County. However, due

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<sup>6</sup> [https://www.caleemod.com/documents/handbook/ch\\_3\\_transportation/measure\\_t-14.pdf](https://www.caleemod.com/documents/handbook/ch_3_transportation/measure_t-14.pdf)

<sup>7</sup> [https://ww2.arb.ca.gov/sites/default/files/cap-and-trade/allowanceallocation/ghg\\_benefits\\_estimation\\_tools\\_instructions.pdf](https://ww2.arb.ca.gov/sites/default/files/cap-and-trade/allowanceallocation/ghg_benefits_estimation_tools_instructions.pdf)

to data limitations related to obtaining exact demographic data for the area, Fortuna, Arcata, and Eureka were used as a proxy for urban areas in Humboldt for the forecast disaggregation.” The fact that significant parts of unincorporated Humboldt County - representing a large portion of the county’s population - were counted as rural instead of urban in the process of deriving the thresholds, disregarding the nature of current development and contrary to the way the RCAP’s rural and urban measures will be applied, completely undermines the justification for developing separate thresholds.

VII. We reiterate the comments made in our Scoping letter dated September 20, 2024, and particularly call the County’s attention to Sections II, VII, X, and XII.

Our scoping comments are incorporated by reference<sup>8</sup> and have been attached to these comments for your convenience.

Sincerely,

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<sup>8</sup> Also available at <https://transportationpriorities.org/wp-content/uploads/2024/09/Climate-Action-Plan-August-2024-Comments.pdf>