



Housing, Land Use, & Transportation Policy Committee  
118<sup>th</sup> CSAC Annual Meeting  
Wednesday, November 28, 2012 • 10:00 a.m. – 12:00 p.m.  
104 A • Long Beach Convention Center  
Los Angeles County, California

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### AGENDA (REVISED)

Supervisor Efren Carrillo, Sonoma County, Chair  
Supervisor Matt Rexroad, Yolo County, Vice Chair

- 10:00 a.m. I. **Welcome, Introductions, and Opening Remarks**  
*Supervisor Efren Carrillo, Sonoma County, Chair*  
*Supervisor Matt Rexroad, Yolo County, Vice Chair*
- 10:10 a.m. II. **State Housing Policy, Planning, and Programs**  
*Linn Warren, Director, California Department of Housing & Community Development*  
*Lisa Bates, Deputy Director of Housing Policy, California Department of Housing & Community Development*
- 10:40 a.m. III. **High Speed Rail Update**  
*Melissa White, Chief, External Affairs, High-Speed Rail Authority*
- 10:50 a.m. IV. **State and Federal Native American Affairs Update**  
*Bruce Goldstein, County Counsel, Sonoma County*  
Attachment One: Press Release: Governor Approves Off-Reservation Gaming  
Attachment Two: CSAC Letter to Governor Brown on Off-Reservation Gaming
- 11:10 a.m. V. **MAP 21 Update**  
*Kiana Buss, CSAC Senior Legislative Analyst*
- 11:30 a.m. VI. **Platform Update & 2013-14 HLT Priorities**  
*DeAnn Baker, CSAC Senior Legislative Representative*  
*Kiana Buss, CSAC Senior Legislative Analyst*  
Attachment Three: 2013-14 HLT Priorities  
Attachment Four: Draft Planning, Land Use, and Housing Chapter  
Attachment Five: Draft Transportation and Public Works Chapter  
Attachment Six: Draft Native American Issues Chapter  
Attachment Seven: Draft Climate Change Chapter
- 11:40 a.m. VII. **CEQA Regulatory Reform**  
*Roundtable Discussion (Time Permitting)*
- 11:50 a.m. VIII. **Other Items & Adjournment**  
*Supervisor Efren Carrillo, Sonoma County, Chair*


## ATTACHMENTS

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- Attachment One ..... Governor Approves Off-Reservation Gaming
- Attachment Two ..... CSAC letter to Governor Brown on Off-Reservation Gaming
- Attachment Three ..... 2013-14 HLT Priorities
- Attachment Four ..... Draft Planning, Land Use, & Housing Chapter
- Attachment Five ..... Draft Transportation & Public Works Chapter
- Attachment Six ..... Draft Native American Issues Chapter
- Attachment Seven ..... Draft Climate Change Chapter

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Attachment One  
Governor Approves Off-Reservation Gaming



Office of Governor  
**Edmund G. Brown Jr.**



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### GOVERNOR BROWN CONCURS WITH U.S. DEPARTMENT OF THE INTERIOR DECISION, SIGNS COMPACT WITH NORTH FORK RANCHERIA

8-31-2012

SACRAMENTO – Governor Edmund G. Brown Jr. today concurred with the Department of the Interior's decisions to allow 305 acres in Madera County to be placed in trust for the North Fork Rancheria Band of Mono Indians for the purpose of establishing a class III gaming facility and signed a tribal-state gaming compact between the State of California and the Tribe.

The compact includes provisions to protect employees and patrons as well as measures to protect the environment during the construction and operation of gaming facilities. It also funds programs in local communities to mitigate the effect of gaming activities and address gambling addiction.

The compact allows the operation of 2,000 slot machines. The Tribe estimates that the project will create approximately 750 construction jobs and 1,500 jobs at the new facility. The compact requires regular audits of gaming operations and other enforcement and public safety measures.

A copy of the compact can be found [here](#). The Governor's letter to Secretary Kenneth L. Salazar concurring with the U.S. Department of Interior's decision is copied below:

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August 30, 2012

Kenneth L. Salazar, Secretary of the Interior  
United States Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Re: Two-Part Determination–North Fork Rancheria Band of Mono Indians

Dear Secretary Salazar:

I concur with your determination to allow 305 acres in Madera County to be placed in trust for the North Fork Rancheria Band of Mono Indians for the purpose of establishing a class III gaming facility. While I am reluctant to allow the expansion of gaming on land currently ineligible for it, I concur in your determination in this case because of several exceptional circumstances:

- The federal administrative process giving rise to your determination was extremely thorough. The process lasted more than seven years, included numerous hearings, considered hundreds of comments, and generated thousands of pages of administrative records.
- A large tribal population will directly benefit from the gaming facility. The North Fork Mono's compact guarantees that revenues from the gaming facility will be shared directly with the Wiyot Tribe, which has agreed to forgo gaming on its own lands – including environmentally sensitive areas. The two tribes are comprised of approximately 2,500 native Californians.
- Other tribes will indirectly benefit from the gaming facility. The North Fork Mono's compact provides assistance to other tribes by requiring substantial contributions to the Revenue Sharing Trust Fund and the Tribal Nation Grant Fund.
- The ability of other tribes to benefit from gaming will not be unduly harmed. The North Fork Mono's compact specifically provides mitigation for the only tribe likely to be affected by the gaming facility, the Picayune Rancheria of the Chukchansi.
- The gaming facility is supported by both Madera County and the City of Madera, and the regional gaming market can support the project along with existing gaming facilities.
- The location of the gaming facility will not be within a major metropolitan area.
- The North Fork Mono has a significant historical connection with the land.


I expect there will be few requests from other tribes that will present the same kind of exceptional circumstances to support a similar expansion of tribal gaming land.

Sincerely,


Edmund G. Brown Jr.

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#### Latest News




**Governor Brown to Attend University of California Regents Meeting** 11-12-2012




**Governor Brown to Attend California State University Board of Trustees Meeting** 11-12-2012




**Governor Brown Issues Proclamation Declaring Veterans Day** 11-11-2012




**Governor Brown to Appear on CNN's "State of the Union" with Candy Crowley** 11-10-2012




**Governor Brown Announces Appointments** 11-09-2012




**Governor Brown Announces Appointments** 11-08-2012




**Governor Brown Hails Clear Victory for Children, Schools and Colleges** 11-07-2012




**Governor Brown to Hold Press Availability in Sacramento Tomorrow** 11-06-2012




**Governor Brown to Vote in Oakland Tomorrow** 11-05-2012



**Governor Brown to Attend 2012 Breeders' Cup Classic** 11-03-2012



Office of Governor  
**Edmund G. Brown Jr.**



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### GOVERNOR BROWN CONCURS WITH U.S. DEPARTMENT OF THE INTERIOR DECISION, SIGNS COMPACT WITH ENTERPRISE RANCHERIA

8-31-2012

SACRAMENTO – Governor Edmund G. Brown Jr. today concurred with the Department of the Interior's decisions to allow 40 acres in Yuba County to be placed in trust for the Estom Yumeka Maidu Tribe of the Enterprise Rancheria for the purpose of establishing a class III gaming facility and signed a tribal-state gaming compact between the State of California and the Tribe.

The compact includes provisions to protect employees and patrons as well as measures to protect the environment during the construction and operation of gaming facilities. It also funds programs in local communities to mitigate the effect of gaming activities and address gambling addiction.

The compact allows the operation of 2,000 slot machines. The Tribe estimates that the project will create approximately 1,300 construction jobs and 1,900 jobs at the new facility. The compact requires regular audits of gaming operations and other enforcement and public safety measures.

A copy of the compact can be found [here](#). The Governor's letter to Secretary Kenneth L. Salazar concurring with the U.S. Department of Interior's decision is copied below:

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August 30, 2012

Kenneth L. Salazar, Secretary of the Interior  
United States Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Re: Two-Part Determination–Estom Yumeka Maidu Tribe of the Enterprise Rancheria

Dear Secretary Salazar:

I concur with your determination to allow 40 acres in Yuba County to be placed in trust for the Estom Yumeka Maidu Tribe of the Enterprise Rancheria for the purpose of establishing a class III gaming facility. While I am reluctant to agree to the expansion of gaming on land currently ineligible for it, I concur in your determination in this case because of several unique considerations:

- The federal administrative process giving rise to your determination was extremely thorough. The process lasted more than ten years, included numerous hearings, considered hundreds of comments, and generated thousands of pages of administrative records.
- A large tribal population will directly benefit from the gaming facility. The Enterprise Tribe is made up of more than 800 native Californians who face serious economic hardship.
- Other tribes will indirectly benefit from the gaming facility. The Enterprise Tribe's compact provides assistance to other tribes by requiring substantial contributions to the Revenue Sharing Trust Fund and the Tribal Nation Grant Fund.
- The ability of other tribes to benefit from tribal gaming will not be unduly harmed.
- The gaming facility has increasing public support, and it will create jobs and generate revenue for Yuba County, which currently has a 16% unemployment rate.
- The facility will be located within a sports-and-entertainment zone created by Yuba County, and the regional gaming market can support the project along with existing gaming facilities.
- The location of the gaming facility will not be within a major metropolitan area.
- The Enterprise Tribe has a significant historical connection with the land.


I expect there will be few requests from other tribes that will present the same kind of exceptional circumstances to support a similar expansion of tribal gaming land.

Sincerely,


Edmund G. Brown Jr.

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#### Latest News




**Governor Brown Appoints New Parks Director** 11-13-2012




**Governor and First Lady Honor Sgt. Clinton K. Ruiz** 11-13-2012




**Governor Brown to Attend University of California Regents Meeting** 11-12-2012




**Governor Brown to Attend California State University Board of Trustees Meeting** 11-12-2012




**Governor Brown Issues Proclamation Declaring Veterans Day** 11-11-2012




**Governor Brown to Appear on CNN's "State of the Union" with Candy Crowley** 11-10-2012




**Governor Brown Announces Appointments** 11-09-2012



**Governor Brown Announces Appointments** 11-08-2012



**Governor Brown Hails Clear Victory for Children, Schools and Colleges** 11-07-2012



**Governor Brown to Hold Press Availability in Sacramento Tomorrow** 11-06-2012

<http://www.gov.ca.gov/news.php?id=17699>

11/13/2012

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Attachment Two  
CSAC letter to Governor Brown on Off-Reservation Gaming



August 20, 2012

1100 K Street  
Suite 101  
Sacramento  
California  
95814

Telephone  
916.327-7500

Facsimile  
916.441.5507

The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
State Capitol  
Sacramento, CA 95814

**Re: Off-Reservation Gaming Proposals**

Dear Governor Brown:

The California State Association of Counties (CSAC) writes to share our position with you regarding off-reservation gaming in light of recent proposals to support off-reservation casinos.

As you know, the Indian Gaming Regulatory Act (IGRA) prohibits gaming on lands that the Secretary of the Interior (Secretary) acquires in trust for a Tribe after October 17, 1988. However, IGRA provides two exceptions to this rule. Known as the “two-part determination test”, gaming may occur on off-reservation trust lands if the Secretary makes a determination that a gaming establishment would be (1) in the best interest of the applicant tribe and its members and (2) would not be detrimental to the surrounding community. This determination can only come after the Secretary consults with the State and appropriate local officials including nearby Tribes. The Governor must concur within one year of a Secretarial two-part determination.

CSAC’s policy is one of opposition to off-reservation gaming, or the practice commonly referred to as reservation shopping, where a tribe seeks to place land into trust outside of its aboriginal territory for purposes of gaming, if the affected county has objections to the proposed casino. As you are well aware, counties and the local communities they serve have typically experienced the greatest impacts from tribal gaming projects in California. The rapid expansion of gaming operations since 1999 has created a myriad of impacts ranging from significant economic, social, environmental, health, safety, and infrastructure impacts. Continued expansion of gaming off aboriginal lands without the support of the impacted communities, and other requirements in state compacts for judicially enforceable local mitigation agreements, will continue to exacerbate unmitigated impacts across California’s communities.

As set forth in IGRA, in order for you to take action on an off-reservation gaming proposal, you must determine the effects a proposed gaming facility would have on a local community. We believe California’s counties need to be in close communication with you and your office to provide you with local community information about a proposed casino. In addition, affirmative action must be expressed by the community in order to allow off-

reservation casinos. Unfortunately, federal law and the trust land acquisition process provide very little opportunity for local communities to be heard or opportunity to address the often significant impact associated with Tribal gaming.

In addition to local community support for an off-reservation gaming proposal and a binding intergovernmental agreement to mitigate casino impacts, CSAC believes that the Tribe's historic ties to the area should be considered when contemplating action on such off-reservation gaming proposals.

Please contact me, or DeAnn Baker, CSAC Senior Legislative Representative, at (916) 650-8104 (or [dbaker@counties.org](mailto:dbaker@counties.org)) should you have any questions about our position on this issue.

Sincerely,

A handwritten signature in black ink that reads "Mike McGowan". The signature is written in a cursive, flowing style.

Mike McGowan  
President, California State Association of Counties  
Chair, CSAC Indian Gaming Working Group  
Supervisor, Yolo County, California

cc: Jacob Appelsmith, Senior Advisor, Office of Governor Edmund G. Brown, Jr.



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Attachment Three  
2013-14 HLT Priorities



1100 K Street  
Suite 101  
Sacramento  
California  
95814

Telephone  
916.327-7500

Facsimile  
916.441.5507

## Housing, Land Use and Transportation Priorities for the 2013-14 Legislative Session

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### State Transportation Funding

Counties, cities, and regions have voluntarily contributed over \$1 million to the California State Association of Counties (CSAC) and the League of California Cities (League) to hire a consultant to determine funding needs on the city street and county road system. The findings are alarming, identifying an \$82 billion funding shortfall over the next decade. Twenty-five percent of the local system will fail over the next decade without new revenue. Transportation stakeholders have a two-year window to seek additional transportation revenue as California's Cap and Trade program is expected to increase gas prices from 20 to 50 cents per gallon. This increase will preclude us from relying on the traditional source of funding (per gallon excise tax on gas) for system preservation of the existing transportation network. CSAC is also working on a statewide effort with the California Transportation Commission (CTC) to outreach to the Legislature, public, and other key players to identify potential revenue options to address the nearly \$300 billion identified shortfall over the next ten years for all modes of transportation statewide. Lastly, we support restoring the sunset on \$128 million a year in HUTA that was diverted to the General Fund.

### Cap & Trade

Over the next two years, the California Air Resources Board (CARB) and Department of Finance (DOF) will be developing an allocation plan for the cap and trade auction revenues estimated to generate \$6 billion annually. CSAC Housing, Land Use, and Transportation staff is participating in a coalition of transportation stakeholders to dictate how the portion of auction revenues related to fuel producers is allocated—estimated to be 40% of the total revenues. CSAC Agriculture and Natural Resources staff is also involved in the allocation of the utility and other auction revenues. Ultimately, the Legislature must also appropriate these funds.

### MAP 21

Congress passed a two-year authorization for continued allocation of federal surface transportation funds in June 2012. State implementation is underway to determine how to allocate federal transportation funds within California. Staff is working with numerous stakeholder groups to ensure CSAC priorities for bridge funding and county road safety funds continue to flow to counties. State legislation is expected in 2013 that will be relied upon for future allocation of federal funds beyond this two-year bill.

### SB 375 Implementation

In 2008, Senate President Pro Tempore Darrell Steinberg sponsored one of the most significant land use bills in recent history (SB 375, Chapter No. 728, Statutes of 2008). Implementation is in full swing with several urban regions in the process of adopting new regional plans that include a Sustainable Communities Strategy (SCS) which dictate transportation investments and growth into the future. CSAC remains very engaged in these efforts as counties struggle to shape these plans at the regional level and seek the tools to ensure successful implementation (i.e. CEQA streamlining for infill, adequate

transportation revenues, relief from the California Department of Housing and Community Development's default densities, etc.).

### **Regulatory/CEQA Reform**

Senator Steinberg has called for a California Environmental Quality Act (CEQA) reform working group. A group of experienced CEQA attorneys have been selected and efforts are underway. Staff has been working with CSAC President Mike McGowan to ensure we are kept apprised of these efforts and have the opportunity to provide input. CSAC is somewhat conflicted as counties often must balance environmental and developer interests.

### **State and Federal Indian Gaming**

CSAC is the lead local government interest involved in Indian gaming and Tribal Compacts negotiated between the Governor and California's Native American tribes. With 55 casinos in 26 of our counties, mitigation of off-reservation impacts and other service costs, including public safety, remain a priority for CSAC. Further, with tribal governments now seeking to diversify their interests by in putting additional lands into trust, CSAC has worked with a multi-state coalition to develop federal legislation for reform in how this occurs. Senator Dianne Feinstein is our champion on this issue and is considering our legislative proposal to avoid further loss of local revenue, land use conflicts, and service costs associated with tribal development on trust lands. We are also diligently monitoring Congress to avoid action that would allow tribes to achieve a legislative fix to the 2009 Supreme Court decision in *Carcieri v. Salazar*, which held that the Secretary of Interior lacks authority to take land into trust for Indian tribes that were not under federal jurisdiction at the time of the passage of the Indian Reorganization Act (IRA) of 1934, without a comprehensive update to the fee-to-trust process that provides counties more input into trust land decisions.

### **Housing Element Reform**

This area of law has resulted in one of the most contentious state-local relationships in existence under the HLT policy areas. Staff is once again engaged in reform discussions with HCD. One of the primary goals is to reduce state costs associated with housing element review. HCD has significant authority to review local planning and zoning for regional housing needs required by state law. We expect numerous bills to deal with county issues related to required density levels, HCD discretion, statute of limitations for litigation, etc.

### **High Speed Rail**

Prompted by the San Joaquin Valley counties, CSAC has been charged with working with the High-Speed Rail Authority (HSR Authority) in an effort to mitigate impacts as a result of the construction of the initial segment through the San Joaquin Valley already underway. We have a working group under HLT, chaired by Supervisor Efren Carrillo, that continues to oversee this effort. We have also established a staff working group to work directly with HSR Authority staff to identify and address mitigation issues (i.e. impact on agriculture and related facilities, etc.).

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Attachment Four  
Draft Planning, Land Use, & Housing Chapter

## CHAPTER SEVEN

### Planning, Land Use and Housing

#### **Section 1: GENERAL PRINCIPLES**

General purpose local government performs the dominant role in the planning, development, conservation, and environmental processes. Within this context it is essential that the appropriate levels of responsibility at the various levels of government be understood and more clearly defined. These roles at the state, regional, county, and city level contain elements of mutual concern; however, the level of jurisdiction, the scale of the problem/issue, available funding and the beneficiaries of the effort require distinct and separate treatment.

The following policies attempt to capture these distinctions and are intended to assist government at all levels to identify its role, pick up its share of the responsibility, and refrain from interfering with the details of how other agencies carry out their responsibility.

The housing needs throughout the state, lack of revenue, and controversial planning law in the area of housing have resulted in the need for new focus on housing planning law. Housing principles are identified and included under a separate heading in this section.

Counties are charged with comprehensive planning for future growth, the management of natural resources and the provision of a variety of public services both within the unincorporated and incorporated areas.

Although Agriculture and Natural Resources are in this Platform as a separate chapter, there is a correlation between Planning and Land Use, and Agriculture and Natural Resources (Chapter III). These two chapters are to be viewed together on matters where the subject material warrants.

Additionally, climate change and the release of greenhouse gases (GHGs) into the atmosphere have the potential to dramatically impact our environment, land use, public health, and our economy. Due to the overarching nature of climate change issues this chapter should also be viewed in conjunction with Chapter XV, which outlines CSAC's climate change policy.

Counties have and ~~should~~ **must** retain a primary responsibility for basic land use decisions.

Comment [KB1]: Sutter County

Counties are ~~concerned with~~ **cognizant of** the need for resource conservation and development, maintaining our economic and social well being, protecting the environment and guiding orderly population growth and property development.

Comment [KB2]: Sutter County

Counties are responsible for preparing plans and implementing programs to address land use, transportation, housing, open space, conservation, air quality, water distribution and quality, solid waste, and liquid waste, among other issues.

Counties play a major role in facilitating inter-jurisdictional cooperation between all levels of government in order to achieve the balanced attainment of these objectives.

Counties must have sufficient funding from state sources to meet state mandated planning programs.

Counties define local planning needs based on local conditions and constraints.

## **Section 2: THE COUNTY ROLE IN LAND USE**

Comment [KB3]: Santa Barbara County  
- Add from Climate Change Chapter  
"CSAC also recognizes the importance of the Air Pollution Control Districts (APCDs) and Air Quality Management Districts (AQMDs) to provide technical assistance and guidance to achieve the reduction of GHG emissions."

### **A. General Plans and Development**

Counties should protect vital resources and sensitive environments from overuse and exploitation. General and specific plans are policy documents that are adopted, administered, and implemented at the local level. State guidelines can serve as standards to insure uniformity of method and procedure, but should not mandate substantive or policy content.

State requirements for general plan adoption should be limited to major planning issues and general plan mandates should include the preparation of planning elements only as they pertain to each individual county. Zoning and other implementation techniques should be a logical consequence to well thought out and locally certified plans. Counties support a general plan judicial review process which first requires exhaustion of remedies before the Board of Supervisors, with judicial review confined to a reasonable statute of limitations and limited to matters directly related to the initial hearing record. Counties also support retaining the

current judicial standard whereby the courts defer to the judgment of the local agency when that judgment is supported by substantial evidence in the record.

Land use and development problems and their solutions differ from one area to another and require careful analysis, evaluation, and appraisal at the local government level. Local government is the best level of government to equitably, economically and effectively solve such problems. Further, it is important that other public agencies, (e.g. federal, state, regional, cities, schools, special districts, etc.) participate in the local general planning process to avoid conflicts with future local decisions that are consistent with the general plan.

Policy development and implementation should include meaningful public participation, full disclosure and wide dissemination in advance of adoption.

## **B. Public Facilities and Service**

Within the framework of the general plan, counties should protect the integrity and efficiency of newly developing unincorporated areas and urban cores by prohibiting fringe area development, which would require services and compete with existing infrastructure. Counties should accept responsibility for community services in newly developing unincorporated areas where no other appropriate entity exists.

In the absence of feasible incorporation, County Service Areas or Community Service Districts are appropriate entities to provide needed services for urbanizing areas. They work against proliferation of single purpose districts, allow counties to charge the actual user for the service, permit direct control by the Board of Supervisors, and set the basis of reformation of multi-purpose districts. County authority to require land and/or in-lieu fees to provide public facilities in the amount needed to serve new development must be protected.

## **C. Environmental Analysis**

The environmental review process under the California Environmental Quality Act (CEQA) provides essential information to be constructively used in local decision-making processes. Unfortunately, the CEQA process is too often used as a legal tool to delay or stop reasonable development projects.

Further, environmental review can be unnecessary in some instances and adds additional staff resources, project costs, and time to undertake public works projects. For instance, safety projects critical for public safety on the transportation

**Comment [KB4]:** From the Climate Change Chapter, "CSAC supports inclusion of recommendations and technical advice for local governments and regional agencies in the CEQA Guidelines to address acceptable methodologies for climate change analysis, significance thresholds and mitigation measures for long-range plans and project level review", should also be included in the Chapter Seven, Section 2, C as discussed above - Santa Barbara County

**Comment [KB5]:** The section should discuss the ability to and importance of using a Climate Action Plan and associated EIR for tiering under CEQ A. It should include some information about the need for state level guidance on what a Qualified GHG Reduction Strategy is as defined in the CEQA Guidelines. We understand the State Office and Planning and Research is developing further guidance, similar to guidance provided by the Bay Area Air quality Management District's, and would like to take the opportunity here to state the importance of such guidance - Santa Barbara County

network undertaken in the existing right-of-way should not require the full spectrum of environmental review.

Comment [KB6]: Inyo County - Request for enhanced dialogue on CEQA

The CEQA process and requirements should be simplified wherever possible including the preparation of master environmental documents and use of tiered EIRs and negative declarations. The length of environmental reports should be minimized without impairing the quality. Further, other public agencies (federal, state, regional, affected local jurisdictions, special districts, etc.) should participate in the environmental review process for plans and projects in order to provide a thorough review and analysis up front and avoid conflicts in future discretionary actions.

In those instances when the State provides CEQA exemptions or streamlining in order to promote other statewide policy goals, such as the development of affordable infill housing, the exemptions or streamlining should be applied without respect for jurisdictional boundaries. Counties have urbanized unincorporated areas that are suitable for compact development.

Comment [KB7]: Inyo County - Request for enhanced dialogue on CEQA. Santa Barbara County - the section should indicate that unincorporated urban areas be afforded the same CEQA streamlining for infill projects, that is now available for cities. Infill development is consistent with SB 375 and should be facilitated regardless of whether the site is within an incorporated or unincorporated area, as long as the area is urban.

Counties ~~should~~ will continue to assume ~~the~~ lead agency roles where projects are proposed in unincorporated territory requiring discretionary action by the county and other jurisdictions.

Comment [KB8]: Sutter County

CEQA documents should include economic and social data when applicable; however, this data should not be made mandatory.

#### D. Coastal Development

Comment [KB9]: Emphasis the importance of the State, counties, and cities collaborating to streamline the coastal development permit and local coastal planning process without compromising the original intent of the law - Santa Barbara County

Preservation, protection, and enhancement of the California coastline is the planning responsibility of each county and city with shoreline within its boundaries. Planning regulation and control of land use are the implementation tools of county government whenever a resource is used or threatened.

Counties within the coastal zone are also subject to the California Coastal Act which is implemented via cooperative agreements between the California Coastal Commission and counties and cities. Most development in the coastal zone requires a coastal development permit issued by local agencies with a certified Local Coastal Plan or by the Commission in the absence of a cooperative agreement. LCPs link statewide coastal policies to local planning efforts in an attempt to protect the quality and environment of California's coastline.



Counties are committed to preserve and provide access to the coast and support where appropriate beach activities, boating activities, and other recreational uses in developing and implementing precise coastal plans and appropriate zoning. Comprehensive plans should also include preservation of open space, development of commercial and recreational small craft harbor facilities, camping facilities, and commercial and industrial uses.

Local jurisdictions must have the statutory and legal authority to implement coastline programs. Statewide efforts related to the California coastline must respect local land use authority. The State should collaboratively and cooperatively work with counties and cities to ensure decisions do not erode local control and decision-making. The State, counties and cities should mutually encourage, seek and support efforts to streamline, improve and modernize coastal development permit and local coastal planning processes, without compromising or undermining the original intent and tenets of these laws.

Comment [KB10]: San Luis Obispo County

## E. Open Space Lands

Counties support open space policy that sets forth the local government's intent to preserve open space lands and ensures that local government will be responsible for conserving natural resources and developing and implementing open space plans and programs.

Comment [KB11]: Los Angeles County

In order for counties to fully implement open space plans, it will be necessary to have:

2. Additional revenues for local open space acquisition programs.
3. Reimbursement to local agencies for property tax losses.
4. Greater use of land exchange powers for transfer of development rights.
5. Protection of current agricultural production lands through the purchasing of development rights.

In some cases, open space easements should be created and used by local jurisdictions to implement open space programs. Timber preserve zones and timber harvesting rules should enhance protection of this long-term renewable resource.

## F. Healthy Communities

Counties support policies and programs that aid in the development of healthy communities which are designed to provide opportunities for people of all ages and abilities to engage in routine daily physical activity. This encompasses promoting active living via bicycle- and pedestrian-oriented design, mixed-use development, providing recreation facilities, and siting schools in walkable communities.

### **G. Environmental Justice**

Counties support policies and programs that ensure environmental justice--or the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies--by providing information and raising awareness on a number of environmental issues, such as air quality, water quality, noise and heavy industrial uses. Counties also support environmental justice by providing sufficient services and infrastructure; protecting and conserving open space, natural and resource areas, and making them accessible; preventing and minimizing pollution impacts; and facilitating stakeholder participation in planning efforts.

Comment [KB12]: Los Angeles County

### **Section 3: STATE ROLE IN LAND USE**

Local government recognizes that state government has a legitimate interest in proper land use planning and utilization of those lands which are of critical statewide concern. The state interest shall be statutorily and precisely defined and strictly limited to those lands designated to be critical statewide concern in concert with attainable and specified state goals and policies.

Comment [KB13]: Should discuss that enforcement procedures for violations of zoning and building ordinances should not be hampered by State established maximum fines that in some cases, do not serve as a deterrent and are merely incorporated into the cost of doing business - Santa Barbara County

The state's participation in land use decisions in those designated areas shall be strictly limited to insuring the defined state interest is protected at the local level. Any regulatory activity necessary to protect the state's interest, as defined in statute, shall be carried out by local government.

In determining those lands of crucial statewide concern, a mechanism should be created which ensures significant local involvement through a meaningful state/local relationship. The state should prepare a statewide plan that reconciles the conflicts between the various state plans and objectives in order to provide local governments with greater certainty in areas of statewide concern. This is not intended to expand the State's authority over land use decisions; rather it should clarify the state's intent in relation to capital projects of statewide significance.

Climate change is a programmatic issue of statewide concern that requires a clear understanding of the roles and responsibilities of each level of government as well

as the state’s interest in land use decisions to ensure statewide climate change goals are met. Population growth in the state is inevitable, thus climate change strategies will affect land use decisions in order to accommodate and mitigate the expected growth in the state. Local government, as the chief land use decision-maker and integral part of the housing planning process, must have a clearly defined role and be supported with the resources to achieve the State’s climate change goals.

Adequate financial resources shall be provided, before state-mandate is activated, to insure local government has the ability to carry out state-mandated planning requirements.

Comment [KB14]: Sutter County

#### **Section 4: REGIONAL GOVERNMENTS**

Counties support voluntary participation within regional agencies as appropriate to resolve regional problems throughout the State. Regional approaches to planning and resolution to issues that cross jurisdictional boundaries are increasingly important. While California’s growth rate has slowed since the boom in the 1980’s, the State will still see growth at 1% annually, or approximately 370,000 new residents per year, particularly in light of California’s expected population growth of 600,000 new residents annually.

Comment [KB15]: Should discuss county level support for leadership, guidance, and technical assistance from regional governments such as Air Pollution Control Districts in relation to greenhouse gas emissions - Santa Barbara County

Comment [KB16]: Sutter County - requested new growth figures

Comment [KB17]: An alternative statistic is "projected population growth of 3,000,000 new residents by 2020 and 10,000,000 by 2040 - Sonoma County

Regional agencies in California play an important role in the allocation of regional housing need numbers, programming of Federal and State transportation dollars, in addressing air quality non-attainment problems, and climate change to name a few. Regional collaboration remains important to address issues associated with growth in California, such as revenue equity issues, service responsibilities, a seamless and efficient transportation network, reducing GHGs and tackling climate change, job creation, housing, agricultural and resource protection, and open space designation. The passage of SB 375 in 2008 and the preparation of regional Sustainable Communities Strategies in most of the State’s regions elevate the importance of regional collaboration. Regional agencies must make genuine and substantive efforts to include local governments in their regional planning efforts.

Comment [KB18]: Sonoma County

However, While planning at the regional scale is increasingly important, land use decisions shall remain the exclusive province of cities and counties based on state planning and zoning law and the police powers granted to them under the State Constitution. Further, cities and counties are responsible for a vast infrastructure system, which requires that cities and counties continue to receive direct allocations of revenues to maintain, operate and expand a variety of public facilities and buildings under their jurisdiction. As an example, cities and counties own and operate 82 percent of the state’s publically maintained road miles, thus

Comment [KB19]: Sonoma County

must retain direct allocations of transportation dollars to address the needs of this critical network and protect the public’s existing investment.

Regional approaches to tax sharing and other financial agreements are appropriate and often necessary to address service needs of future populations; however, cities and counties must maintain financial independence and continue to receive discretionary and program dollars directly. Counties support voluntary revenue-sharing agreements for existing revenues at the regional level, and any mandated revenue sharing must be limited to new revenues.

Regional agencies must consider financial incentives for cities and counties that have resource areas or farmland instead of (or in addition to) high growth areas. For example, such incentives should address transportation investments for the preservation and safety of city and county road systems, farm to market transportation, and interconnectivity transportation needs.

Regional agencies should also consider financial assistance to address countywide service responsibilities in counties that contribute towards the GHG emissions reductions targets by implementing policies for growth to occur within their cities and existing urbanized areas.

### **Section 5: SPECIAL DISTRICTS**

In recent years, Local Agency Formation Commissions (LAFCOs) have been generally successful at regulating incorporations, annexations, and the formation of new special districts. However, the state has a legacy of a large number of independent special districts that leads to fragmentation of local government. There are many fully justified districts that properly serve the purpose for which they were created. However, there are districts whose existence is no longer "defensible." Nothing is served by rhetorically attacking "fragmentation." LAFCOs should retain the authority to evaluate special districts to test their value to the community for whom they were initially formed to serve and identify those districts that no longer serve the purposes for which they were created.

### **Section 6: HOUSING**

Housing is an important element of economic development and essential for the health and well being of our communities. The responsibility to meet the state’s housing needs must be borne by all levels of government and the private sector. CSAC supports a role by the state Department of Housing and Community Development that focuses on assisting local governments in financing efforts and

**Comment [KB20]:** Housing, item 1, should explain the following: current requirements for meeting RHNA and of having the State HCD review the County’s housing element for compliance with state laws could be improved. Numerous bills previously proposed in the legislature are evidence that multiple agencies continue to struggle with processes and mandates. These bills have addressed County RHNA credit for a transfer of housing funds to a city, allowing densities less than those specified by existing law to be deemed adequate to accommodate housing for lower income households, and broader based efforts to refine, clarify or simplify the HCD review of housing elements - Santa Barbara County

advising them on planning policies--both of which strive to meet the state's housing needs. HCD's role should focus on facilitating the production of housing, rather than an onerous and unpredictable planning and housing element compliance process that detracts from local governments' ability efforts to seek funding and actually facilitate housing production. Counties support the following principles in relation to housing:

Comment [KB21]: Sonoma County

1. Reform housing element law. Existing housing element law must be streamlined and simplified-improved. A greater emphasis should be placed on obtaining financing and enabling production, rather than the overly-detailed data analysis undertaking and meeting extensive planning requirements now found required in under state law. A sweeping reform of the current requirements should be undertaken. Housing element reform should provide local governments with the flexibility and creativity to adopt local housing elements, comprehensive housing assistance strategies, and other local plans and programs that will be effective in their communities. ~~The fair share housing needs currently identified by the state and regional agencies often far exceed a city or county's ability to meet those needs. CSAC supports the allocation of housing needs consistent with infrastructure investment at the regional level, as well as consideration of planning factors and constraints.~~

Comment [KB22]: Sonoma County

Comment [KB23]: Sutter County - request for new language to reflect that some areas do not intent to urbanize and high housing requirements can be counterproductive. Sonoma County - eliminate this language as its outdated. RHNA numbers have gone down and allocations now consider planning factors and constraints.

~~State law should contain uniform, measurable performance standards based on reasonable goals for housing construction, preservation and rehabilitation, meeting the needs of homeless and those with special needs, and land supply. In addition to the development of meaningful performance standards, state and federal laws, regulations and practices should be streamlined to promote local government flexibility and creativity in the adoption of local housing elements, comprehensive housing assistance strategies and other local plans and programs.~~

Comment [KB24]: Recommend deletion of entire paragraph for 2 reasons: 1) HE law already requires measurable performance standards in the form of RHNA and quantified objectives, and 2) "measurable performance standards" implies local governments held accountable for actual housing development.

2. Identify and generate a variety of permanent financing resources and subsidy mechanisms for affordable housing, including a statewide permanent source for affordable housing. These sources need to be developed to address California's housing needs, particularly with the reduction of federal and state contributions in recent years. The elimination of redevelopment in 2012 resulted in a crippling loss of financing for affordable housing development and preservation, as it ended all future receipts of affordable housing set-aside funds, as well as recapturing many millions of dollars in housing funds that had been received in prior years and were being held for affordable housing projects some of which are already in progress and many of which were being planned for the next few years. The need for new affordable housing units at all income

Comment [KB25]: Sonoma County and San Bernardino County

levels exceeds the number of new units for which financing and subsidies will be available each year. Therefore, additional funding is necessary to insure (a) production of new subsidized units, and (b) adequate funds for housing subsidies to households. Policies should be established to encourage continued flow of capital to market rate ownership housing in order to assure an adequate supply of low-cost, low-down payment mortgage financing for qualified buyers. In addition, a need exists to educate the private building and financial communities on the opportunities that exist with the affordable housing submarket so as to encourage new investments.

Comment [KB26]: Los Angeles County

3. Restructure local government funding to support housing affordability. The current property and sales tax systems in California are not supportive of housing development and work against housing affordability because housing is not viewed as a "fiscal winner" by local governments as they make land use and policy decisions. Local government finance should be restructured at the state level to improve the attractiveness and feasibility of affordable housing development at the local level. At a minimum, there should be better mechanisms to allow and encourage local governments to share tax revenues.
4. Promote a full range of housing in all communities. Local governments, builders, the real estate industry, financial institutions and other concerned stakeholders should recognize their joint opportunities to encourage a full range of housing and should work together to achieve this goal. This will require a cooperative effort from the beginning of the planning and approval process as well as creatively applying incentives and development standards, minimizing regulations and generating adequate financing. Using this approach, housing will become more affordable and available to all income groups.
5. Establish federal and state tax incentives for the provision of affordable housing. The tax codes and financial industry regulations need to be revised to provide stimulus to produce affordable housing, particularly for median, low and very low-income households. The concept of household-based assistance, such as the current mortgage credit certificate, should be extended to all types of affordable housing.

Comment [KB27]: Does this section pertain to ownership housing only or is it meant to include tax incentives for rental units also? If rental units, need different term other than "household based assistance" - Sonoma County

These principles must be taken as a whole, recognizing the importance of their interdependence. These principles provide a comprehensive approach to address the production of housing, recognizing the role of counties, which is to encourage and facilitate the production of housing. They should not be misinterpreted to hold counties responsible for the actual production of housing, instead they should

Comment [KB28]: Also, is the reference to all "types" meant to refer to all structural/ownership types. In other words, if it pertains only to ownership, does this intend to extend it to single-family houses, mobile homes, condos, coops, etc.? Or if it pertains to both rental and ownership housing, does this intend it to extend to "all tenure types" of housing? - Sonoma County

recognize the need for various interests to cooperatively strive to provide affordable housing to meet the needs of California.

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Attachment Five  
Draft Transportation & Public Works Chapter



## CHAPTER ELEVEN

### Transportation and Public Works

#### **Section 1: GENERAL PRINCIPLES**

Transportation services and facilities are essential for the future well-being of the State of California. A balanced transportation system utilizes all available means of travel cooperatively and in a mutually complimentary manner to provide a total service for the needs of the community.

Transportation services should also responsibly meet the competing future needs of all segments of industry and society with maximum coordination and reasonable amounts of free choice for the consumer of the transportation service.

Balanced transportation does not simply mean the provision of highways or public transit devices. A balanced transportation system is a method of providing services for the mobility requirements of people and goods according to rational needs.

Transportation systems must be fully integrated with planned land use; support the lifestyles desired by the people of individual areas; and be compatible with the environment by considering air and noise pollution, aesthetics, ecological factors, cost benefit analyses, and energy consumption measures.

Counties also recognize that climate change and the release of greenhouse gases (GHGs) into the atmosphere have the potential to dramatically impact our environment, land use decisions, transportation networks, and the economy. Due to the overarching nature of climate change issues, all sections in this chapter should be viewed in conjunction with Chapter XV, which outlines CSAC's climate change policy.

Transportation systems should be designed to serve the travel demands and desires of all the people of the state, recognizing the principles of local control and the unique restraints of each area. Local control recognizes that organizational and physical differences exist and that governments should have flexibility to cooperatively develop systems by which services are provided and problems resolved.

## **Section 2: BALANCED TRANSPORTATION POLICY**

### **A. System Policy and Transportation Principles**

Government belongs as close to the people and their related problems as possible. The system of transportation services, similarly, must recognize various levels of need and function.

It is of statewide interest to provide for a balanced, seamless, multi-modal transportation system on a planned and coordinated basis consistent with social, economic, political, and environmental goals within the state.

Rural and urban transportation needs must be balanced so as to build and operate a single transportation system.

Transportation systems should be an asset to present and future environmental and economic development of the state within a framework of its ability to invest. All people of the state bear a share of the responsibility to ensure proper environmental elements of the transportation system.

Maintenance needs of transportation systems must be met in order to protect existing public investment (current revenues are not keeping pace with needs of the local road or state highway or transit systems).

The local road system, a large component of the State's transportation network, is critical in order to address congestion, meet farm to market needs, address freight and goods movement, and provide access to other public transportation systems.

Public safety, particularly access for public safety services, is dependent on a well-maintained local road network.

Analysis of the cost effectiveness of all modes of transportation, existing and proposed, is needed in order to provide the most coordinated and efficient transportation system.

Additionally, repairs to local access roads that are damaged in the course of emergency operations (for example, in fighting a fire or flood) should be eligible for reimbursement under the same programs as roads which are directly damaged by the event.

**Comment [KB1]:** We need to recognize that our goal of reducing VMT also reduces revenue for maintaining transportation infrastructure. In addition, MTC is adopting a policy that funnels a larger percentage of certain federal funds to Priority Development Areas (urban areas) to address Climate Change. We should concentrate growth in certain areas, but MTC's policy ignores the fact that rural roads and other roads outside the Priority Development Areas still need to be maintained. These roads provide support to Priority Development Areas by connecting them and providing for goods movement to and between PDAs - Contra Costa County

System process modifications are needed to expedite project delivery and minimize project cost.

## **B. Financing Policy and Revenue Principles**

Transportation financing needs exceed existing and foreseeable revenues despite growing recognition of these needs at all levels of government. Additional funding is required and should be supported and any new sources of funding should produce enough revenue to respond significantly to transportation needs.

As the owner and operator of a significant portion of the local system counties support continued direct funding to local governments for preservation and safety needs of that system. Further, counties support regional approaches for transportation investment purposes for capital expansion projects of regional significance and local expansion and rehabilitation projects through regional transportation planning agencies, both metropolitan planning organizations and countywide transportation agencies.

Single transportation funds--comprised of state and federal subventions--should be available at each of the local, regional and statewide levels for financing the development, operation, and/or maintenance of highways, public transit, airports or any other modal system as determined by each area in accordance with local, regional, and statewide needs and goals. The cooperative mechanisms established by counties and cities to meet multi-jurisdictional needs should be responsible for the financing, construction, operation and maintenance of regional transportation systems utilizing--as appropriate--existing transportation agencies and districts.

Federal and state funds for safety and preservation purposes should be sent directly to applicable operational levels without involvement of any intermediate level of government. Pass-through and block grant funding concepts are highly desirable.

The cost of transportation facilities and services should be fairly shared by the users and also by indirect beneficiaries.

Transportation funding should be established so that annual revenues are predictable with reasonable certainty over several years to permit rational planning for wise expenditure of funds for each mode of transportation.

Financing should be based upon periodic deficiency reports by mode to permit adjustment of necessary funding levels. Additional elements such as constituent

acceptance, federal legislative and/or administrative actions, programmatic flexibility, and cost benefit studies should be considered.

Efforts to obtain additional revenue should include an examination of administrative costs associated with project delivery and transportation programs.

Funding procedures should be specifically designed to reduce the cost of processing money and to expedite cash flow. Maximum use should be made of existing collection mechanisms when considering additional financing methods.

In the development of long-range financing plans and programs at all levels of government, there should be a realistic appreciation of limitations imposed by time, financing, availability, and the possibility of unforeseen changes in community interest.

Rural and urban transportation funding needs must be balanced so as to build and operate a single transportation system.

Existing funding levels must be maintained with historical shares of current funding sources ensured for counties (e.g. state and federal gas tax increases, etc.).

Although significant transportation revenues are raised at the local level through the imposition of sales taxes, additional state and federal revenue sources are needed such as additional gas and sales taxes, congestion pricing, public-private partnerships, and user or transaction fees to provide a diverse financing strategy. Further, additional revenue raising authority at the local and regional level is needed as well as other strategies as determined by individual jurisdictions and regions.

Transportation revenues must be utilized for transportation purposes only and purposes for which they are dedicated. They should not be diverted to external demands and needs not directly related to transportation activities.

Revenue needed for operational deficits of transit systems should be found in increased user fees, implementation of operating efficiencies and/or new sources, rather than existing sources depended upon by other modes of transportation.

Future revenues must be directed to meet mobility needs efficiently and cost effectively with emphasis on current modal use and transportation choices for the public.

### **C. Government Relations Policy**

The full partnership concept of intergovernmental relations is essential to achieve a balanced transportation system. Transportation decisions should be made comprehensively within the framework of clearly identified roles for each level of government without duplication of effort.

Counties and cities working through their regional or countywide transportation agencies, and in consultation with the State, should retain the ability to program and fund transportation projects that meet the needs of the region.

No county or city should be split by regional boundaries without the consent of that county or city.

Counties and cities in partnership with their regional and state government, should attempt to actively influence federal policies on transportation as part of the full partnership concept.

### **D. Management Policy**

Effective transportation requires the definite assignment of responsibility for providing essential services including fixed areas of responsibility based upon service output.

Greater attention should be devoted to delivery of overall transportation products and services in a cost-effective manner with attendant management flexibility at the implementation level of the management system.

Special transportation districts should be evaluated and justified in accordance with local conditions and public needs.

The State Department of Transportation should be responsible for planning, designing, constructing, operating, and maintaining a system of transportation corridors of statewide significance and interest. Detailed procedures should be determined in concert with regional and local government.

Restrictive, categorical grant programs at federal and state levels should be abandoned or minimized in favor of goal-oriented transportation programs which can be adjusted by effective management to best respond to the social and economic needs of individual communities.

Policies and procedures on the use of federal and state funds should be structured to minimize "red tape," recognize the professional capabilities of local agencies, provide post-audit procedures and permit the use of reasonable local standards.

### **Section 3: SPECIFIC MODAL TRANSPORTATION POLICIES**

#### **A. Aviation**

Air transportation planning should be an integral part of overall planning effort and airports should be protected by adequate zoning and land use. Planning should also include consideration for helicopter and other short and vertical take-off aircraft.

State and federal airport planning participation should be limited to coordination of viable statewide and nationwide air transportation systems.

Local government should retain complete control of all airport facilities, including planning, construction, and operation.

#### **B. Streets and Highways**

Highway transit--in a coordinated statewide transportation system--will continue to carry a great percentage of the goods and people transported within the state. A program of maintenance and improvement of this modal system must be continued in coordination with the development of other modal components.

Efforts to maximize utilization of transportation corridors for multi-purpose facilities should be supported.

Non-motorized transportation facilities, such as pedestrian and bicycle facilities are proper elements of a balanced transportation system. Support efforts to design and build complete streets, ensuring that all roadway users – motorists, bicyclists, public transit vehicles and users, and pedestrians of all ages and abilities – have safe access to meet the range of mobility needs. Given that funding for basic maintenance of the existing system is severely limited however, complete streets improvements should be financed through a combination of sources best suited to the needs of the community and should not be mandated through the use of existing funding sources.

#### **C. Public Transit**

Counties and cities should be responsible for local public transit systems utilizing existing transportation agencies and districts as appropriate.

Multi-jurisdictional public transit systems should be the responsibility of counties and cities acting through mechanisms, which they establish for regional decision-making, utilizing existing transportation agencies, and districts as appropriate.

The State should be responsible for transportation corridors of statewide significance, utilizing system concepts and procedures similar to those used for the state highway system. Contracts may be engaged with existing transit districts and public transportation agencies to carry out and discharge these state responsibilities.

Consideration of public transit and intercity rail should be an integral part of a local agency's overall planning effort and should maximize utilization of land for multi-purpose transportation corridors.

Public transit planning should include a continuing effort of identifying social, economic, and environmental requirements.

#### **D. Rail**

Railroads play a key role in a coordinated statewide transportation system. In many communities, they form a center for intermodal transportation.

Rail carries a significant portion of goods and people within and out of the state. The continued support of rail systems will help balance the state's commuter, recreational, and long distance transportation needs. Support for a high-speed rail system in California is necessary for ease of future travel and for environmental purposes.

Rail should be considered, as appropriate, in any local agency's overall planning effort when rail is present or could be developed as part of a community.

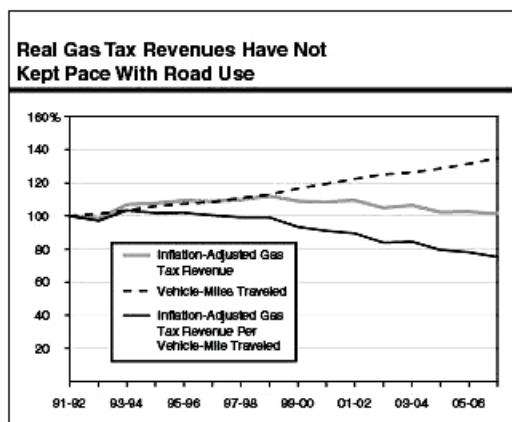
Research and development of innovative and safe uses of rail lines should be encouraged.

#### **Section 4: CONCLUSION**

Since 1970, transportation demands and needs have out-paced investment in the system. An examination of transportation revenues and expenditures compared to

population, travel and other spending in the state budget, adjusted for inflation, shows a long period of under-investment in transportation continuing through the 1990s and into the next decade.

Between 1990 (when the gas excise tax was increased) and 2004, California's population increased 20.6%, while travel in the state increased 36.3% and the number of registered vehicles in California increased 43.2%. According to the Legislative Analyst's Office, travel is outpacing gas tax revenue (see chart, below).



Source: Legislative Analyst's Office, Budget Analysis 2006

Further, inflation has seriously eroded the buying power of gas tax dollars. While revenues from the gas tax increase in the 1990s roughly kept pace with miles traveled, with no increases since 1994, travel has now outpaced revenues, creating not only chronic congestion but also extreme wear and tear on the state highway and local road system. Further, the sufficiency of gas tax revenues to fund transportation has declined over time as cars have become more fuel efficient and as project costs have increased. Inflation-adjusted gas tax revenues declined 8% just in the last seven years.

The gas tax once funded most transportation programs in the state, including operations and construction. Now the per-gallon fuel tax collected at both the state and federal levels and the state weight fees does not even provide enough revenue to meet annual maintenance, operations, and rehabilitation needs for the state highway system (the State Highway Operation and Protection Program or SHOPP). Counties and cities dependent upon a portion of the State's gas tax revenues are in the same situation in that revenues are short of meeting their preservation needs of the local system. Basic Maintenance programs for



California's aging system now consume 100% of gas tax revenues in most local jurisdictions.

In 2010, the State enacted a historic transportation tax swap in which the excise tax on gasoline was increased by 17.3-cents and the sales tax on gasoline (Proposition 42) was eliminated. Counties, cities, and the State Transportation Improvement Program (STIP) will receive similar amounts from the increase in excise tax as would have been provided by the sales tax. However, the local and state systems are still woefully underfunded. The 2010 California Statewide Local Streets and Roads Needs Assessment Report Update found that the statewide average local street and road Pavement Condition Index (PCI), which ranks roadway pavement conditions on a scale of zero (failed) to 100 (excellent), is 66, an "at risk" rating. Approximately 67% of the local streets and roads system are "at risk" or in "poor" condition. The condition is projected to deteriorate to a PCI of 54 by 2020. In addition, the percentage of "failed" streets will grow from 6.1% to almost 25% of the network by 2020. Furthermore, the funding shortfall considering all existing revenues is \$78.9 billion over the next 10 years.

The bottom line is that the current revenue system is not providing the funding necessary to maintain existing transportation systems, much less to finance operation, safety, and expansion needs.

The citizens of California have invested significant resources in their transportation system. This \$3 trillion investment is the cornerstone of the state's commerce and economic competitiveness. Virtually all vehicle, pedestrian, and bicycle trips originate and terminate on local streets and roads. Emergency response vehicles extensively use local roads to deliver public service. Public safety and mobility rely on a well-maintained transportation infrastructure. Transportation funding is important to the economy and the economic recovery of the state. Increased investment in the transportation network is essential to stimulate the economy, to improve economic competitiveness and to safeguard against loss of the public's existing \$3 trillion investment in our transportation system.

(The source of information for the statistics provided is from the Transportation California website and includes reports from the: California Transportation Commission (CTC), Legislative Analyst Office (LAO), United States Department of Transportation (USDOT), and Federal Highway Administration (FHWA)).

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Attachment Six  
Draft Native American Issues Chapter

## Chapter Sixteen

### Native American Issues Tribal and Intergovernmental Relations

#### Section 1: GENERAL PRINCIPLES

CSAC supports government-to-government relations that recognize the role and unique interests of tribes, states, counties, and other local governments to protect all members of their communities and to provide governmental services and infrastructure beneficial to all—Indian and non-Indian alike.

CSAC recognizes and respects the tribal right of self-governance to provide for tribal members and to preserve traditional tribal culture and heritage. In similar fashion, CSAC recognizes and promotes self governance by counties to provide for the health, safety and general welfare of all members of their communities. To that end, CSAC supports active participation by counties on issues and activities that have an impact on counties.

Nothing in federal law should interfere with the provision of public health, safety, welfare or environmental services by local government. CSAC ~~to~~ will support~~s~~ legislation and regulations that preserves—and does not impair—the ability of counties to provide these services to the community.

Comment [KB1]: Sonoma County

#### Section 2: TRIBAL-STATE GAMING COMPACTS

CSAC recognizes that Indian Gaming in California is governed by a unique structure that combines federal, state, and tribal law.

While the impacts of Indian gaming fall primarily on local communities and governments, Indian policy is largely directed and controlled at the federal level by Congress.

The Indian Gaming Regulatory Act of 1988 (IGRA) is the federal statute that governs Indian gaming. IGRA requires compacts between states and tribes to govern the conduct and scope of casino-style gambling by tribes. Those compacts may allocate jurisdiction between tribes and the state.

The Governor of the State of California entered into the first Compacts with California tribes desiring or already conducting casino-style gambling in September 1999. Since that time tribal gaming has rapidly expanded and created a myriad of significant economic, social, environmental, health, safety, and other impacts.

Some Compacts have been successfully renegotiated to contain most of the provisions recommended by CSAC including the requirement that each tribe negotiate with the appropriate county government on the impacts of casino projects, and impose binding “baseball style” arbitration on the tribe and county if they cannot agree on the terms of a mutually beneficial binding agreement

However, CSAC believes that the 1999 Compacts fail to adequately address these impacts and/or to provide meaningful and enforceable mechanisms to prevent or mitigate impacts.

The overriding purpose of the principles presented below is to harmonize existing policies that promote tribal self-reliance with policies that promote fairness and equity and that protect the health, safety, environment, and general welfare of all residents of the State of California and the United States.

In the spirit of developing and continuing government-to-government relationships between federal, tribal, state, and local governments, CSAC specifically requests that the State request negotiations with tribal governments pursuant to section 10.8.3, subsection (b) of the Tribal-State Compact, and that it pursue all other available options for improving existing and future Compact language.

Towards that end, CSAC urges the State to consider the following principles when it negotiates or renegotiates Tribal-State Compacts:

1. A Tribal Government constructing or expanding a casino or other related businesses that impact off-reservation land will seek review and approval of the local jurisdiction to construct off-reservation improvements consistent with state law and local ordinances including the California Environmental Quality Act (CEQA) with the tribal government acting as the lead agency and with judicial review in the California courts.

~~1.2.~~ The Compact shall provide a process to ensure that Tribal environmental impact reports are consistent with CEQA standards and provide adequate information to fully assess the impacts of a project before a facility may operate and prior to mitigation disputes being subject to arbitration.

Comment [KB2]: Sonoma County

~~2.3.~~ A Tribal Government operating a casino or other related businesses will mitigate all off-reservation impacts caused by that business. In order to ensure consistent regulation, public participation, and maximum environmental protection, Tribes will promulgate and publish environmental protection laws that are at least as stringent as those of the surrounding local community and comply with CEQA with the tribal government acting as the lead agency and with judicial review in the California courts.

~~3.4.~~ A Tribal Government operating a casino or other related businesses will be subject to the authority of a local jurisdiction over health and safety issues including, but not limited to, water service, sewer service, fire inspection and protection, rescue/ambulance service, food inspection, and law enforcement, and reach written agreement on such points.

~~4.5.~~ A Tribal Government operating a casino or other related businesses will pay to the local jurisdiction the Tribe's fair share of appropriate costs for local government services. These services include, but are not limited to, water, sewer, fire inspection and protection, rescue/ambulance, food inspection, health and social services, law enforcement, roads, transit, flood control, and other public infrastructure. Means of reimbursement for these services include, but are not limited to, in lieu payments equivalent to property tax, sales tax,

transient occupancy tax, benefit assessments, appropriate fees for services, development fees, and other similar types of costs typically paid by non-Indian businesses.

Comment [KB3]: Sonoma County

5-6. To address socioeconomic and other impacts that are not easily quantifiable, in addition to direct mitigation offsets, the Compact shall provide for an appropriate percentage of Net Win to go to the affected county to address in-direct impacts. The Indian Gaming Special Distribution Fund, ~~created by section 5 of the Tribal State Compact~~ will not be the exclusive source of mitigation, but will be an additional mechanism to ensure that counties are guaranteed funds to mitigate off-reservation impacts caused by tribal gaming. Special Distribution Funds should be provided directly to the Indian Gaming Community Benefit Committee in each county that receives this funding.

Comment [KB4]: Sonoma County

Comment [KB5]: Santa Barbara County

6-7. To fully implement the principles announced in this document and other existing principles in the Tribal-State compact, Tribes will meet and reach a judicially enforceable agreement with local jurisdictions on these issues before a new compact or an extended compact becomes effective.

7-8. The Governor should establish and follow appropriate criteria to guide the discretion of the Governor and the Legislature when considering whether to consent to tribal gaming on lands acquired in trust after October 17, 1988 and governed by IGRA (25 U.S.C § 2719). The Governor should also establish and follow appropriate criteria/guidelines to guide his/her participation in future compact negotiations.

### **Section 3: FEDERAL TRIBAL LANDS POLICY/DEVELOPMENT ON TRIBAL LAND**

The 1999 Compacts allow tribes to develop two casinos, expand existing casinos within certain limits, and do not restrict casino development to areas within a tribe's current trust land or legally recognized aboriginal territory.

Additionally, in some counties, land developers are seeking partnerships with tribes in order to avoid local land use controls and to build projects, which would not otherwise be allowed under the local land use regulations.

Some tribes are seeking to acquire land outside their current trust land or their legally recognized aboriginal territory and to have that land placed into federal trust and beyond the reach of a county's land use jurisdiction.

Furthermore, Congress continues to show an interest in the land-into-trust process and revisiting portions of IGRA.

The overriding principle supported by CSAC is that when tribes are permitted to engage in gaming activities under federal legislation, then judicially enforceable agreements between counties and tribal governments must be required in the legislation. These agreements would fully mitigate local impacts from a tribal government's business activities and fully identify the governmental services to be provided by the county to that tribe.

CSAC believes that existing law fails to address the off-reservation impacts of tribal land development, particularly in those instances when local land use and health and safety regulations are not being fully observed by tribes in their commercial endeavors.

The following provisions emphasize that counties and tribal governments need to each carry out their governmental responsibilities in a manner that respects the governmental responsibilities of the other.

1. Nothing in federal law should interfere with provision of public health, safety, welfare or environmental services by local governments, particularly counties.

Consistent with this policy, CSAC is supportive of all federal legislation that gives counties an effective voice in the decision-making process for taking lands into trust for a tribe and furthers the overriding principle discussed above.

2. CSAC supports federal legislation and policy to provide that lands are not to be placed into trust and removed from the land use jurisdiction of local governments without adequate notice and opportunity for consultation and the consent of the State and the affected county.

Comment [KB6]: Sonoma County

Federal legislation is deserving of CSAC's support if that legislation requires counties' consent to the taking of land into trust for a tribe.

3. CSAC supports federal legislation and regulations which insure that counties receive timely notice of all trust applications and an adequate time to respond to the Tribe and BIA. In addition, material changes in the use of trust land, particularly from non-gaming to gaming purposes, shall require separate approval and environmental review by the department of the Interior.

Comment [KB7]: Sonoma County

~~3-4~~ CSAC reiterates its support of the need for enforceable agreements between tribes and local governments concerning the mitigation of off-reservation impacts of development on tribal land. CSAC opposes any federal or state limitation on the ability of tribes, counties and other local governments to reach mutually acceptable and enforceable agreements.

- ~~4-5~~ CSAC opposes the practice commonly referred to as "reservation shopping" where a tribe seeks to place land into trust outside its aboriginal territory over the objection of the affected county.

CSAC will support federal legislation that addresses "reservation shopping" or consolidations in a manner that is consistent with existing CSAC policies, particularly the requirements of consent from Governors and local governments and the creation of judicially enforceable local agreements.

- ~~5-6~~ CSAC does not oppose the use by a tribe of non-tribal land for development provided the tribe fully complies with state and local government laws and regulations applicable to all other development, including full compliance with environmental laws, health and safety laws, and mitigation of all impacts of that development on the affected county.

CSAC ~~will~~ support federal legislation that furthers the ability of counties to require and enforce compliance with all environmental, health and safety laws. Counties and tribes need to negotiate in good faith over what mitigation is necessary to reduce all off-Reservation impacts from an Indian gaming establishment to a less than significant level and to protect the health and safety of all of a county's residents and visitors.

Comment [KB8]: Sonoma County

CSAC supports the position that all class II and class III gaming devices should be subject to IGRA.

CSAC is concerned about the current definition of Class II, or bingo-style, video gaming machines as non-casino gaming machines. These machines are nearly indistinguishable from Class III, slot-style gaming machines, and thereby generate the same type of impacts on communities and local governments associated with Class III gaming.

CSAC believes that the operation of Class II gaming machines is ~~in-essence~~ a form of gaming, and tribes that install and profit from such machines should be required to work with local governments to mitigate all impacts caused by such businesses.

Comment [KB9]: Sonoma County

#### **Section 4: SACRED SITES**

California's every increasing population and urbanization threatens places of religious and social significance to California's Native American tribes.

In the spirit of government-to-government relationships, local governments and tribal governments should work cooperatively to ensure sacred sites are protected.

Specifically, local governments should consult with tribal governments when amending general plans to preserve and/or mitigate impacts to Native American historical, cultural, or sacred sites.

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Attachment Seven  
Draft Climate Change Chapter



## Chapter Fourteen

# CSAC Sustainability & Climate Change Policy Guidelines

Comment [KB1]: Sacramento County

### Section 1: GENERAL PRINCIPLES

- CSAC recognizes that sustainable development and climate change share strong complementary tendencies.
- CSAC recognizes that mitigation and adaptation to climate change – such as promoting sustainable energy, improved access and increased walkability, transit oriented development, and improved agricultural methods – have the potential to bolster sustainable development.
- CSAC recognizes that climate change will have a harmful effect on our environment, public health and economy. Although there remains uncertainty on the pace, distribution and magnitude of the effects of climate change, CSAC also recognizes the need for immediate actions to mitigate the sources of greenhouse gases.
- CSAC recognizes the need for sustained leadership and commitment at the federal, state, regional and local levels to develop strategies to combat the effects of climate change.
- CSAC recognizes the complexity involved with reducing greenhouse gases and the need for a variety of approaches and strategies to reduce GHG emissions.
- CSAC supports a flexible approach to addressing climate change, recognizing that a one size fits all approach is not appropriate for California's large number of diverse communities.
- CSAC supports special consideration for environmental justice issues, disadvantaged communities, and rural areas that do not have the ability to address these initiatives without adequate support and assistance.
- CSAC supports cost-effective strategies to reduce GHG emissions and encourages the use of grants, loans and incentives to assist local governments in the implementation of GHG reduction programs.
- CSAC recognizes that adaptation and mitigation are necessary and complementary strategies for responding to climate change impacts. CSAC

Comment [KB2]: There should be a more specific focus on climate change adaptation in this section. Adaptation is becoming at least as important as GHG reduction in planning efforts. CSAC should support efforts to address climate change impacts at the programmatic level rather than at the individual project level. The new CEQA guidelines provide a roadmap for this, but it means supporting local and subregional Climate Action Plans to actually implement those principles - Sonoma County

Comment [KB3]: Sacramento County

Comment [KB4]: Sacramento County

encourages the state to develop guidance materials for assessing climate impacts that includes adaptation options.

- CSAC finds it critical that the state develop protocols and GHG emissions inventory mechanisms, providing the necessary tools to track and monitor GHG emissions at the local level. The state, in cooperation with local government, must determine the portfolio of solutions that will best minimize its potential risks and maximize its potential benefits. CSAC also supports the establishment of a state climate change technical assistance program for local governments.
- CSAC believes that in order to achieve projected emission reduction targets cooperation and coordination between federal, state and local entities to address the role public lands play in the context of climate change must occur.
- CSAC recognizes that many counties are in the process of developing, or have already initiated climate change-related programs. CSAC supports the inclusion of these programs into the larger GHG reduction framework and supports acknowledgement and credit given for these local efforts.
- CSAC acknowledges its role to provide educational forums, informational resources and communication opportunities for counties in relation to climate change.
- CSAC recognizes that collaboration between cities, counties, special districts and the private sector is necessary to ensure the success of a GHG reduction strategy at the local level.
- CSAC encourages counties to take active measures to reduce greenhouse gas emissions and create energy efficiency strategies that are appropriate for their respective communities.

## **Section 2: FISCAL**

The effects of climate change and the implementation of GHG reduction strategies will have fiscal implications for county government.

- CSAC recognizes the potential for fiscal impacts on all levels of government as a result of climate change, i.e. sea level rise, flooding, water shortages and other varied and numerous consequences. CSAC encourages the state and counties to plan for the fiscal impacts of climate change adaptation, mitigation and strategy implementation.
- CSAC supports the use of grants, loans, incentives and revenue raising authority to assist local governments with the implementation of climate change response activities and GHG reduction strategies.

**Comment [KB5]:** The last bullet in this section seems redundant with the 5<sup>th</sup> and 6<sup>th</sup> bullet in the next section, so there's an opportunity to consolidate. Also, "GHG reduction strategies that focus on city-oriented growth and require conservation ..." is the reality now as part of SB 375 implementation. The language should be updated to reflect that - Sonoma County

- CSAC continues to support its state mandate principles in the context of climate change. CSAC advocates that new GHG emissions reduction programs must be technically feasible for counties to implement and help to offset the long-term costs of GHG emission reduction strategies.
- CSAC advocates that any new GHG reduction strategies that focus on city-oriented growth and require conservation of critical resource and agricultural lands within the unincorporated area should include a mechanism to compensate county governments for the loss of property taxes and other fees and taxes.

### **Section 3: LAND USE AND TRANSPORTATION**

CSAC recognizes that population growth in the state is inevitable, thus any climate change strategies that affect land use must focus on how and where to accommodate and mitigate the expected growth in California. Land use planning and development plays a direct role in transportation patterns, affecting travel demands and in return vehicle miles traveled (VMT) and fuel consumption. It is recognized that in addition to reducing VMTs, investing in a seamless and efficient transportation system to address congestion also contributes to the reduction of GHG emissions. Smart land use planning and growth remain critical components to achieve the reduction targets pursuant to AB 32 (Chapter 488, Statutes of 2006), particularly to address the emissions from the transportation sector (i.e. vehicle, air and train). In order to better understand the link between land use planning, transportation and climate change further modeling and consideration of alternative growth scenarios is required to determine the relationship and benefits at both the local and regional levels.

- CSAC supports measures to achieve reductions in GHG emissions by promoting housing/jobs proximity and transit-oriented development, and encouraging high density residential development along transit corridors. CSAC supports these strategies through its existing smart growth policy for strategic growth. That policy also supports encouraging new growth that results in compact development within cities, existing urban communities and rural towns that have the largest potential for increasing densities, providing a variety of housing types and affordability, efficiently utilizing existing, considering social equity as part of community development and new infrastructure investment and scarce resources, and strives towards achieving a jobs-housing balance.
- CSAC existing policy also supports the protection of critical lands when it comes to development, recognizing the need to protect agricultural lands, encourage the continued operations and expansion of agricultural businesses, and protect natural resources, wildlife habitat and open space.
- CSAC policy also acknowledges that growth outside existing urban areas and growth that is non-contiguous to urban areas may be necessary to avoid the

**Comment [KB6]:** This entire section should be updated in light of SB 375 implementation that is now well underway. A number of the bullets in this section reflect things that are actually happening now as a result of SB 375. For instance, the last bullet in this section is exactly what SB 375 is about. So the section could probably be condensed. Ensuring support for “rural sustainability” is very important here – Sonoma County.

**Comment [KB7]:** Sacramento County

impacts on critical resource and agricultural lands that are adjacent to existing urban areas.

- CSAC policy supports providing incentives for regional blueprint and countywide plans to ensure that rural, suburban and urban communities have the ability to plan for more strategic growth and have equitable access to revenues available for infrastructure investment purposes. It is CSAC's intent to secure regional and countywide blueprint funding for all areas.
- CSAC supports new fiscal incentives for the development of countywide plans to deal with growth, adaptation and mitigation through collaboration between a county and its cities to address housing needs, protection of resources and agricultural lands, and compatible general plans and revenue and tax sharing agreements for countywide services.
- CSAC recognizes that counties and cities must strive to promote efficient development in designated urban areas in a manner that evaluates all costs associated with development on both the city and the county. Support for growth patterns that encourage urbanization to occur within cities must also result in revenue agreements that consider all revenues generated from such growth in order to reflect the service demands placed on county government. As an alternative, agreements could be entered into requiring cities to assume portions of county service delivery obligations resulting from urban growth.
- ~~Strategic growth plans at the regional level, whether land use or transportation, must be reconciled with the Regional Housing Needs Allocation (RHNA) and the obligation for cities and counties to zone for housing. The allocation of resources to cities and counties must be consistent with the RHNA obligation as well.~~
- A means for simultaneously achieving strategic growth and reduction of greenhouse gases is expected to occur at the regional level through the current blueprint and transportation planning processes. CSAC supports this method rather than a statewide "one size fits all" approach to addressing growth and climate change issues. Further, CSAC supports countywide approaches to strategic growth, resource and agricultural protection, targeting scarce infrastructure investments and tax sharing for countywide services.
- CSAC supports inclusion of recommendations and technical advice for local governments and regional agencies in the CEQA Guidelines to address acceptable methodologies for climate change analysis, significance thresholds and mitigation measures for long-range plans and project level review.
- CSAC finds it critical that state and federal assistance is provided for data and standardized methodologies for quantifying GHG emissions for determining and quantifying GHG emission sources and levels, vehicle miles traveled and other important data to assist both local governments and regional agencies in addressing climate change in environmental documents for long-range plans.

Comment [KB8]: Sonoma County - already accomplished

- ~~CSAC supports efforts to minimize the risk to counties and lead agencies until the CEQA Guidelines are established as required by law in 2010.~~

Comment [KB9]: Napa County

- While local governments individually have a role in the reduction of GHG emissions, CSAC also supports regional, interregional, interjurisdictional and cross border efforts to achieve the ARB targets, including reliance on regional data and long-range plans that relate to air quality, transportation and regional growth strategies.

#### **Section 4: ENERGY**

Reducing energy consumption is an important way to reduce GHG emissions and conserve. Additionally, the capture and reuse of certain GHGs can lead to additional sources of energy. For example, methane gas emissions, a mixture of methane, carbon dioxide and various toxic organic and mercuric pollutants, from landfills and dairies have been identified as potent GHGs. Effective collection and treatment of these gases is not only important to the reduction of GHG emissions, but can also result in an additional source of green power.

Comment [KB10]: Add new language that: 1) strongly supports the incorporation of an Energy Element within the General Plan, 2) supports counties pursuing CCA and other opportunities for local communities to provide customer choice and gain opportunity to expand local renewable energy generation, 3) support PACE programs by encouraging other counties to adopt and implement these programs - Sonoma County

- CSAC supports incentive based green building programs that encourage the use of green building practices, incorporating energy efficiency and conservation technologies into state and local facilities. A green building is a term used to describe structures that are designed, built, renovated, operated or reused in an ecological and resource-efficient manner. Green buildings are designed to meet certain objectives using energy, water and other resources more efficiently and reducing the overall impact to the environment.
- CSAC supports the state's development of green building protocols sustainable building standards, including guidelines for jails, hospitals and other such public buildings.
- CSAC supports the use of grants, loans and incentives to encourage and enable counties to incorporate green building practices into their local facilities.
- CSAC supports the use of procurement practices that promote the use of energy efficient products and equipment.
- CSAC supports state efforts to develop a dairy digester protocol to document GHG emissions reductions from dairy farms. CSAC supports funding mechanisms that support the use of dairy digesters to capture methane gas and convert it to energy.
- CSAC supports state efforts to capture methane gases from landfills; and supports its development of a reasonable regulatory measure with a feasible timeline, that will require landfill gas recovery systems on landfills that can support a self-sustaining collection system. CSAC supports the development of a guidance

Comment [KB11]: This section should recognize that the state has now adopted its own green building code that most cities and counties are using. Some have incentive-based programs that go beyond, but the CA green building code has set the "floor" for this issue. I'd like to see more emphasis in this section on renewable energy generation (perhaps acknowledgement of the state's renewable portfolio standard), including both distributed generation and utility-scale projects that occur in the southern counties. State and local government should be doing what they can to facilitate these new generation projects in a way that's appropriate to the community context. This may be a hot-button topic but I would also like to see support for community choice aggregation efforts as a way for communities to take their own initiative to increase renewable energy - Sonoma County

document for landfill operators and regulators that will recommend technologies and best management practices for improving landfill design, construction, operation and closure for the purpose of reducing GHG emissions. CSAC also supports funding mechanisms, including grants, loans and incentives to landfill operators to help implement these programs.

- CSAC continues to support its existing energy policy, which states that counties should seek to promote energy conservation and energy efficiency and broader use of renewable energy resources. Counties are encouraged to undertake vigorous energy action programs that are tailored to the specific needs of each county. When developing such action programs counties should: (1) assess available conservation and renewable and alternative energy options and take action to implement conservation, energy efficiency and renewable energy development when feasible; (2) consider the incorporation of energy policies as an optional element in the county general plan; and, (3) consider energy concerns when making land use decisions and encourage development patterns which result in energy efficiency.
- CSAC continues to support efforts to ensure that California has an adequate supply of safe and reliable energy through a combination of conservation, renewables, new generation and new transmission efforts.

## **Section 5: WATER**

According to the Department of Water Resources, projected increases in air temperature may lead to changes in the timing, amount and form of precipitation – (rain or snow), changes in runoff timing and volume, effects of sea level rise and changes in the amount of irrigation water needed. CSAC has an existing policy that recognizes the need for state and local programs that promote water conservation and water storage development.

- CSAC supports the incorporation of projections of climate change into state water planning and flood control efforts.
- CSAC recognizes that climate change has the potential to seriously impact California's water supply. CSAC continues to assert that adequate management of water supply cannot be accomplished without effective administration of both surface and ground water resources within counties, including the effective management of forestlands and watershed basins.
- CSAC supports water conservation efforts, including reuse of domestic and industrial wastewater, reuse of agriculture water, groundwater recharge, and economic incentives to invest in equipment that promotes efficiency.
- CSAC continues to support the study and development of alternate methods of meeting water needs such as desalinization, wastewater reclamation, watershed

management, the development of additional storage, and water conservation measures.

## **Section 6: FORESTRY**

With a significant percentage of California covered in forest land, counties recognize the importance of forestry in the context of climate change. Effectively managed forests have less of a probability of releasing large amounts of harmful GHG emissions into the atmosphere in the form of catastrophic wildfires. Furthermore, as a result of natural absorption, forests reduce the effects of GHG emissions and climate change by removing carbon from the air through the process of carbon sequestration. CSAC also recognizes the benefits of biomass energy as an alternative to the burning of traditional fossil fuels, as well as the benefits of carbon sequestration through the use of wood products.

- CSAC continues to support its existing policy on sustainable forestry, encouraging sustainable forestry practices through the existing regulatory process, and encouraging continued reforestation and active forest management on both public and private timberlands.
- CSAC supports responsible optimum forest management practices that ensure continued carbon sequestration in the forest, provide wood fiber for biomass-based products and carbon-neutral biomass fuels, and protect the ecological values of the forest in a balanced way.
- CSAC supports the state's development of general forestry protocols that encourage private landowners to participate in voluntary emission reduction programs and encourage National Forest lands to contribute to the state's climate change efforts.
- It is imperative that adequate funding be provided to support the management of forest land owned and managed by the federal government in California in order to ensure the reduction of catastrophic wildfires.
- CSAC supports additional research and analysis of carbon sequestration opportunities within forestry.

## **Section 7: AGRICULTURE**

The potential impacts of climate change on agriculture may not only alter the types and locations of commodities produced, but also the factors influencing their production, including resource availability. Rising temperatures, changes to our water supply and soil composition all could have significant impacts on California's crop and livestock management. Additionally, agriculture is a contributor to GHG emissions in form of fuel consumption, cultivation and fertilization of soils and management of livestock manure. At the same time, agriculture has the potential to provide offsets in the form of carbon

**Comment [KB12]:** How about adding a policy that supports actual reduction of GHG emissions from agricultural activities? The intro paragraph acknowledges it's an issue, so let's take it on. I'd like CSAC to support state and local efforts to help the agricultural community adapt to climate change impacts through technical assistance and regulatory flexibility - Sonoma County

sequestration in soil and permanent crops, and the production of biomass crops for energy purposes.

- CSAC supports State efforts to develop guidelines through a public process to improve and identify cost effective strategies for nitrous oxide emissions reductions.
- CSAC continues to support incentives that will encourage agricultural water conservation and retention of lands in agricultural production.
- CSAC continues to support full funding for UC Cooperative Extension given its vital role in delivering research-based information and educational programs that enhance economic vitality and the quality of life in California counties.
- CSAC supports additional research and analysis of carbon sequestration opportunities within agriculture.

**Comment [KB13]:** Support policies that encourage local organic agriculture, and the use of public lands for gardens and farms where appropriate - Sonoma County

## **Section 8: AIR QUALITY**

CSAC encourages the research and development and use of alternative, cleaner fuels. Further, air quality issues reach beyond personal vehicle use and affect diesel equipment used in development and construction for both the public and private sector.

- CSAC supports state efforts to create standards and protocols for all new passenger cars and light-duty trucks that are purchased by the state and local governments that conform to the California Strategy to Reduce Petroleum Dependency. CSAC supports state efforts to revise its purchasing methodology to be consistent with the new vehicle standards.
- CSAC supports efforts that will enable counties to purchase new vehicles for local fleets that conform to state purchasing standards, are fuel efficient, low emission, or use alternative fuels. CSAC supports flexibility at the local level, allowing counties to purchase fuel efficient vehicles on or off the state plan.
- CSAC supports identifying a funding source for the local retrofit and replacement of county on and off road diesel powered vehicles and equipment.
- CSAC opposes federal standards that supercede California's ability to adopt stricter vehicle standards.
- Counties continue to assert that federal and state agencies, in cooperation with local agencies, have the ability to develop rules and regulations that implement clean air laws that are both cost-effective and operationally feasible. In addition, state and federal agencies should be encouraged to accept equivalent air quality programs, thereby allowing for flexibility in implementation without compromising air quality goals.

**Comment [KB14]:** The County agrees with this point and suggests that further emphasis be placed here. In addition, education and outreach to the agricultural community on carbon sequestration within agriculture is needed - Santa Barbara County



- CSAC also recognizes the importance of the Air Pollution Control Districts (APCDs) and Air Quality Management Districts (AQMDs) to provide technical assistance and guidance to achieve the reduction of GHG emissions.
- CSAC supports the development of tools and incentives to encourage patterns of product distribution and goods movement that minimize transit impacts and GHG emissions.
- CSAC supports further analysis of the GHG emission contribution from goods movement through shipping channels and ports.

### **Section 9: SOLID WASTE AND RECYCLING**

The consumption of materials is related to climate change because it requires energy to mine, extract, harvest, process and transport raw materials, and more energy to manufacture, transport and, after use, dispose of products. Recycling and waste prevention can reduce GHG emissions by reducing the amount of energy needed to process materials, ~~and~~ reducing the amount of natural resources needed to make products, and decreasing landfill-bound materials, which through decomposition, create methane gas (Ventura County).

**Comment [KB15]:** Support curbside, restaurant, and public facility composting programs – Sonoma County

- CSAC continues to support policies and legislation that aim to promote improved markets for recyclable materials, and encourages:
  - The use of recycled content in products sold in California;
  - The creation of economic incentives for the use of recycled materials;
  - Development of local recycling markets to avoid increased emissions from transporting recyclables long distances to current markets;
  - The expansion of the Electronic Waste Recycling Act of 2003 and the Beverage Container Recycling Program;
  - The use of materials that are biodegradable;
  - Greater manufacturer responsibility and product stewardship.

### **Section 10: HEALTH**

CSAC recognizes the potential impacts of land uses, transportation, and climate change on human health. As administrators of planning, public works, parks, and a variety of public health services and providers of health care services, California’s counties have significant health, administrative and cost concerns related to our existing and future built environment and a changing climate. Lack of properly designed active transportation facilities have made it difficult and in some cases created barriers for pedestrians and bicyclists. Lack of walk ability in many communities contributes to numerous chronic health related issues, particularly obesity which is an epidemic in this country. Heat-related illnesses, air pollution, wild fire, water pollution and supply issues, mental health impact and infectious disease all relate to the health and well-being of county residents,

and to the range and cost of services provided by county governments. CSAC recognizes that there are direct human health benefits associated with improving our built environment and mitigating greenhouse gas emissions, such as lowering rates of obesity, injuries, and asthma. Counties believe that prevention, planning, research, education/training, and preparation are the keys to coping with the public health issues brought about by our built environment and climate change, ~~and that any p~~ Public ~~policies~~ policy related to land uses, public works, climate change and public health should be considered so as to work together to improve the public's health within ~~must take into account~~ the existing roles and resources of county government.

Comment [KB16]: Sacramento County

- CSAC supports efforts to provide communities that are designed, built and maintained so as to promote health, safety and livability through leadership, education, and funding augmentations.

Comment [KB17]: Sacramento County

- CSAC supports efforts to improve the public health and human services infrastructure to better prevent and cope with the health effects of climate change through leadership, planning and funding augmentations.
- CSAC supports state funding for mandated local efforts to coordinate monitoring of heat-related illnesses and responses to heat emergencies.
- CSAC supports efforts to improve emergency prediction, warning, and response systems and enhanced disease surveillance strategies.

# Glossary of Terms

## **Climate change**

A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

*United Nations Framework Convention on Climate Change*

## **Carbon Sequestration**

Carbon sequestration refers to the provision of long-term storage of carbon in the terrestrial biosphere, underground, or the oceans so that the buildup of carbon dioxide (the principal greenhouse gas) concentration in the atmosphere will reduce or slow. In some cases, this is accomplished by maintaining or enhancing natural processes; in other cases, novel techniques are developed to dispose of carbon.

*US Department of Energy*

## **Environmental Justice**

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

*US Environmental Protection Agency*

## **Greenhouse gas**

A gas that absorbs radiation at specific wavelengths within the spectrum of radiation (infrared radiation) emitted by the Earth's surface and by clouds. The gas in turn emits infrared radiation from a level where the temperature is colder than the surface. The net effect is a local trapping of part of the absorbed energy and a tendency to warm the planetary surface. Water vapour (H<sub>2</sub>O), carbon dioxide (CO<sub>2</sub>), nitrous oxide (N<sub>2</sub>O), methane (CH<sub>4</sub>) and ozone (O<sub>3</sub>) are the primary greenhouse gases in the Earth's atmosphere.

*United Nations Intergovernmental Panel on Climate Change*