

Letter 23

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Public

August 24, 2009

Comment 23-1

Commenter requests a link on the CERES CEQA Guidelines web site so that people can file comments on the proposed amendments.

Response 23-1

The Natural Resources Agency provided multiple ways for submitting comments pursuant to section 11346 of the Government Code. As described on the Agency's web site and in the Notice of Proposed Action, the Agency provided the option for comment letters to be submitted electronically or by U.S. Mail.

Comment 23-2

CEQA should require addressing potential impacts associated with global climate change.

Response 23-3

The proposed amendments are designed to assist lead agencies in determining the effects of their project's greenhouse gas emissions and appropriate mitigation for such emissions. The Initial Statement of Reasons further explains the Natural Resources Agency's position that existing CEQA law already supports an analysis of climate change impacts on a project under certain circumstances. (Initial Statement of Reasons at pg. 68-69.) In particular, Section 15126.2 already requires an analysis of placing a project in a potentially hazardous location. Further, as the comment notes, several questions in the Appendix G checklist already ask about wildfire and flooding risks. Many comments on the proposed amendments asked for additional guidance, however.

In response to comments, the Natural Resources Agency has further revised section 15126.2, Discussion and Consideration of Significant Environmental Impacts. A new sentence in subsection (a) is intended to clarify the type of analysis that would be required. Specifically, the new sentence calls for analysis of placing development in areas susceptible to hazards, such as floodplains, coastlines, and wildfire risk areas. Such analysis would be appropriate where the risk is identified in authoritative maps, risk assessments or land use plans. Notably, that analysis is subject to limitations regarding forecasting and speculation. (CEQA Guidelines Sections 15144 and 15145, respectively.) According to the Office of

Planning and Research, at least sixty lead agencies already require this type of analysis. (California Governor's Office of Planning and Research. (January, 2009). The California Planner's Book of Lists 2009. State Clearinghouse. Sacramento, California, at pg. 109.) This addition is reasonably necessary to guide lead agencies as to the scope of analysis of a changing climate that is appropriate under CEQA.

Comment 23-3

CEQA should require addressing impacts associated with terrorist attacks on the project site.

Response 23-3

As explained in the Notice of Proposed Action, the purpose of this rulemaking is to adopt and amend portions of the CEQA Guidelines for the analysis and mitigation of greenhouse gas emissions and the effects of greenhouse gas emissions. Accordingly, the revisions the commenter seeks are beyond the legislative authority governing these amendments. (Public Resources Code § 21083.05.) Thus, any such revision is beyond the scope of this rulemaking. The Natural Resources Agency, therefore, rejects this comment.