Letter 45

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August 27, 2009

**Comment 45-1**

Commenter supports the addition to Section 15093(d) because it is consistent with AB32 and SB375 and because the amendment accounts for projects that provide an overall benefit to meeting the climate goals of the state.

**Response 45-1**

The Natural Resources Agency notes the commenter's support of Section 15093(d), and the view that the addition is consistent with the overall policy goals supporting AB32 and SB375.

The Natural Resources Agency has further refined Section 15093 in response to comments. Specifically, it has added "region-wide or statewide environmental benefits" to the other benefits listed in section 15093(a), and deleted the proposed subdivision (d). The previously proposed subdivision (d) could have been interpreted to mean that lead agencies should consider region-wide and statewide environmental benefits in isolation. Listing region-wide and statewide environmental benefits among the other benefits enumerated in subdivision (a) placed those benefits within the proper context of the section governing statements of overriding considerations. This change clarifies that lead agencies must balance region-wide and statewide environmental benefits, just like the other listed benefits, against a project's significant adverse impacts in making a statement of overriding considerations. This change still advances the policy objective of encouraging lead agencies to consider benefits of a project that may extend beyond the local jurisdiction.

**Comment 45-2**

The last sentence in Section 15064(h)(3) voids any benefits of this section by allowing opponents to repeatedly challenge an approved plan, and by applying the "fair argument" standard to such challenges.

**Response 45-2**

The last sentence in Section 15064(h)(3) states: "If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with

the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project." That sentence is found in the existing CEQA Guidelines, and the Natural Resources Agency proposes no changes to that sentence. Therefore, the comment addresses a matter that is not subject of this rulemaking activity.

Moreover, the existing fair argument rule does not allow challengers to repeatedly challenge an approved plan. That rule applies to a lead agency's consideration of whether a new project may have any significant impacts requiring preparation of an environmental impact report. None of the amendments to Section 15064(h)(3) would alter CEQA's statute of limitations rules.

Finally, as explained in the Initial Statement of Reasons, Section 15064(h)(3) establishes a presumption that projects that are consistent with a listed plan will not cause a cumulatively considerable incremental contribution to a significant cumulative impact. The addition of "plans for the reduction of greenhouse gas emissions," for example, to the list of plans in that section extends the benefit of that presumption to such plans. The presumption is a substantial benefit because it relieves an agency of the obligation to demonstrate in full how the particular project's incremental contribution is not cumulatively considerable; rather, the lead agency need only demonstrate how the project is consistent with the plan and implements the requirements in that plan. That the presumption is rebuttable does not take away the benefit of the initial presumption. On the contrary, the presumption depends on the incorporation of the fair argument standard for its validity. (*Communities for a Better Environment v. Resources Agency* (2002) 103 Cal.App.4th 98, 115-116 ("*CBE*").)

**Comment 45-3**

Delete last sentence of Section 15064(h)(3) to avoid inconsistencies between SB 97 and SB 375 which states that if a project complies with a Sustainable Communities Strategy, the CEQA document "shall not be required to reference, describe, or discuss…cumulative impacts…."

**Response 45-3**

As explained above, the last sentence of Section 15064(h)(3) complies with existing law. (*CBE*, *supra*, 103 Cal.App.4th at 115-116.) The Governor's signing message for SB97 stated that piecemeal litigation is not the best way to address greenhouse gas emissions; however, the message does not address the specific details of a cumulative impacts analysis. SB375 created specific statutory provisions that apply to projects with certain characteristics. (See, e.g., Public Resources Code, §§ 21155-21155.3, 21159.28.) Those specific statutory provisions, and not section 15064(h)(3), would control for a project that satisfies the conditions in those provisions. Thus, there is no conflict between the existing language in Section 15064(h)(3) and either SB97 or SB375. The Natural Resources Agency, therefore, rejects the commenter's suggestion to delete the last sentence in Section 15064(h)(3).

**Comment 45-4**

The commenter supports Section 15064.4's acknowledgment that a lead agency has discretion to choose the appropriate method of analysis.

**Response 45-4**

The Natural Resources Agency notes the commenter's support of Section 15064.4. As explained in the Initial Statement of Reasons, Section 15064.4 reflects existing CEQA law regarding the determination of significance of a project's potential impacts. That section was further revised to clarify that regardless of which method the lead agency chooses to determine the significance of a project's greenhouse gas emissions, the analysis must be based "to the extent possible on scientific and factual data."

**Comment 45-5**

The last sentence in section 15064.4(b)(3) would seem to undermine the benefit of recognizing the role of local, regional and statewide greenhouse gas mitigation programs. The commenter recommends deletion of the last sentence in Section 15064.4(b)(3).

**Response 45-5**

Section 15064.4(b)(3) is similar to Section 15064(h)(3) in that both sections allow a lead agency to consider a project's consistency with plans and regulations in determining whether an impact may be significant. Unlike Section 15064(h)(3), the new section 15064.4(b)(3) does not create any presumption regarding the significance of a project's impacts; rather, it provides plan consistency and regulation compliance as factors that may be used to determine a project's significance. The last sentence in Section 15064.4(b)(3) is necessary to implement the holding in the *CBE* case requiring incorporation of the fair argument standard into a lead agency's consideration of the effect of a project's consistency with regulations. (*CBE*, *supra*, 103 Cal.App.4th at 115-116.) While CEQA leaves to a lead agency's discretion the most appropriate methodology to analyze a project's potential impacts, CEQA also requires that an EIR be prepared whenever there is substantial evidence supporting a fair argument of potential impacts. Section 15064.4 incorporates both rules into the determination of the significance of greenhouse gas emissions. The Natural Resources Agency, therefore, rejects the commenter's suggestion to delete the last sentence in Section 15064(h)(3).

**Comment 45-6**

Few agencies formally adopt thresholds of significance and instead rely on Appendix G, thresholds in their general plans, or those adopted by another agency. Commenter recommends revising Section 15064.7(c) by striking "When adopting thresholds of significance" from the subdivision.

**Response 45-6**

Section 21000(d) of the Public Resources Code encourages lead agencies to develop thresholds of significance. Section 15064.7 of the CEQA Guidelines specifically governs a lead agency's adoption of thresholds of significance. The phrase "When adopting thresholds of significance" is, therefore, appropriately included in Section 15064.7(c). Moreover, the last clause in that section expressly applies to the adoption of thresholds of significance.

Notably, Section 15064.4(b)(2) addresses the commenter's concern that a lead agency may not have adopted its own threshold of significance. That section allows a lead agency to consider a threshold of significance developed by another agency. Therefore, the Natural Resources Agency rejects the suggestion to delete the phrase "When adopting thresholds of significance" from section 15064.7(c).

**Comment 45-7**

Clarify Section 15093(d) to take into account AB 32 and the declaration of significant economic harm by the Governor as provided in Health and Safety Code Section 38599. In that section, the legislature determined that certain measures to reduce GHG emissions may be inappropriate at times when there is a threat of economic harm. CEQA should not require action to address greenhouse gas emissions in light of this determination.

**Response 45-7**

Section 38599 of the Health and Safety Code provides that the Governor may delay implementation of regulations implementing AB32 in the event of a threat of significant economic harm. That section of the Health and Safety Code does not apply to CEQA analyses nor does it alter any existing CEQA rules governing a statement of overriding considerations. Additionally, in making findings regarding the feasibility of mitigation measures or alternatives, Section 21081 of the Public Resources Code already allows a lead agency to consider economic factors. No further refinement of the CEQA Guidelines is necessary.

**Comment 45-8**

Revise Section 15093(d) to state: "When an agency makes a statement of overriding considerations, the agency may balance any unavoidable adverse environmental effects against the threat of economic harm, as set forth in Health and Safety Code section 38599, if the project were not to be approved or were to be approved only with the inclusion of certain mitigation measures or alternatives."

**Response 45-8**

As explained in Response 45-7, while CEQA allows consideration of economic factors in determining whether a mitigation measure or alternative is feasible, section 38599 of the Health and Safety Code

does not apply in the CEQA process. To the extent the proposed revision in Comment 45-8 would treat "economic harm" differently from "economic feasibility," the Natural Resources Agency is unaware of any statutory authority to support such a revision. The Natural Resources Agency, therefore, rejects the proposed revision to Section 15093(d).

**Comment 45-9**

A Sustainable Communities Strategy and an Alternative Planning Strategy are interchangeable for CEQA purposes, and neither should be considered in Section 15125(d) per Public Resources Code Section 21159.28(a) and Government Code 65080(b)(2)(H)(v). Section 15125(d) should be revised to state that certain plans should be considered, "(except as provided in Public Resources Code §21159.28(a) and Government Code §65080(b)(2)(H)(v))."

**Response 45-9**

A Sustainable Communities Strategy and an Alternative Planning Strategy are not interchangeable for CEQA purposes. The commenter correctly notes that an Alternative Planning Strategy is not a land use plan with which land use consistency should be analyzed under CEQA. (Government Code, § 65080(b)(2)(H)(v).) For that reason, the Natural Resources Agency deliberately did not propose to add "Alternative Planning Strategy" to the list of plans to be considered in an environmental setting pursuant to section 15125. There is no similar statement precluding analysis of consistency with an adopted Sustainable Communities Strategy, however. Thus, the reference to a "regional transportation plan" in the existing section 15125(d) remains appropriate. As explained in the Initial Statement of Reasons, the reference to "plans for the reduction of greenhouse gas emissions" is intended to cover a broad range of plans that may be adopted by state and local agencies. The specific statutory provisions governing an Alternative Planning Strategy or Sustainable Communities Strategy and the content of those plans themselves would, however, control the appropriate consideration of those plans. The Natural Resources Agency, therefore, rejects the suggested addition to Section 15125(d) because it is unnecessary and would not be consistent with existing law.

**Comment 45-10**

Commenter supports proposed Section 15126.4(c) which directs lead agencies to consider feasible mitigation measures and provides a useful list of potential mitigation strategies.

**Response 45-10**

The Natural Resources Agency notes commenter's support of Section 15126.4(c). While the Natural Resources Agency proposed revisions to this section to clarify the standards for mitigation, the proposed revisions would not alter the requirement that lead agencies consider feasible mitigation, nor would it

affect the list of potential mitigation strategies. No further revision of the text is required in response to this comment.

**Comment 45-11**

Clarify Section 15130(b)(1)(B) to reference Public Resources Code Section 21159.28(a) providing exceptions to analyzing cumulative impacts for projects in compliance with either a Sustainable Communities Strategy or Alternative Planning Scenario.

**Response 45-11**

Section 21159.28 of the Public Resources Code contains a specific limitation on the analysis of cars and light duty trucks on global warming and the regional transportation network and growth inducing impacts for certain types of residential projects that are consistent with a Sustainable Communities Strategy or an Alternative Planning Strategy. The proposed amendments recognize that specific limitation in proposed new Section 15183.5(c). As indicated in that section, cumulative impacts resulting from other sources of greenhouse gas emissions should still be analyzed. Section 15130(b)(1)(B), addressing cumulative impacts analysis in general, must be read in conjunction with the proposed new Section 15183.5(c). Therefore, reference to projections of emissions would still be appropriate for a cumulative impacts analysis of sources of emissions other than cars and light duty trucks. The revision suggested in comment 45-11 is, therefore, rejected as unnecessary.

**Comment 45-12**

Commenter recommends deleting the last sentence of Section 15183.5(b)(2). This sentence may undermine the value to a lead agency of relying on previously adopted plans or mitigation programs.

**Response 45-12**

As explained in the Initial Statement of Reasons, the purpose of section 15183.5(b) is to provide guidance to lead agencies on when a plan for the reduction of greenhouse gas emissions may be appropriately relied on in the context of Sections 15064(h)(3) and 15130(d). Further, as explained in Responses 45-2 and 45-3, the presumption created in section 15064(h)(3) is consistent with CEQA and permissible only if read to incorporate the fair argument standard. (*CBE*, *supra*, 103 Cal.App.4th at 115-116.) Because it addresses plans that may be used in connection with Section 15064(h)(3), Section 15183.5(b)(2) also appropriately includes the explicit reference to the fair argument standard. No change in Section 15183.5 is necessary in response to this comment.

**Comment 45-13**

Once the applicable statute of limitations expires, a GHG Reduction plan is presumably valid and should not be subjected to untimely challenges. The last sentence in Section 15183.5(b)(2) should be deleted.

**Response 45-13**

Because Section 15183.5(b) addresses plans that may be used to create a presumption that projects that are consistent with that plan will not cause a cumulatively considerable incremental contribution to a cumulative impact, it must incorporate the fair argument standard. (*CBE*, *supra*, 103 Cal.App.4th at 115-116.) That standard applies to the question of whether the newly proposed project, and not the previously adopted plan for the reduction of greenhouse gas emissions, will cause a cumulatively considerable incremental contribution. Thus, Section 15183.5(b)(2) does not give plan opponents an opportunity to evade an applicable statute of limitations. The proposed deletion of the last sentence in Section 15183.5(b)(2) is, therefore, rejected.

**Comment 45-14**

Section 15364.5 should be revised to be consistent with Health and Safety Code Section 38505(g). As proposed, the definition is left open ended, and would suggest a lead agency can require additional analysis or measures beyond what is required by the state's regulatory program under AB 32.

**Response 45-14**

As explained in the Initial Statement of Reasons, the definition of greenhouse gases in AB32 states that GHG "includes all of the following…." (Health and Safety Code, § 38505(g).) The Legislature thus implied that other gases may also be considered GHGs. Further, the ARB Scoping Plan also acknowledged that other gases contribute to climate change. (Scoping Plan, at p. 11.) Consistent with the definition in the Health and Safety Code, the proposed definition in the Proposed Amendments is not exclusive to the six primary GHGs. The purpose of a more expansive definition is to ensure that lead agencies do not exclude from consideration GHGs that are not listed where substantial evidence indicates that such non-listed gases may result in significant adverse effects. This approach is consistent with the Supreme Court's directive that CEQA be interpreted to provide the fullest possible protection to the environment. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 390.)

**Comment 45-15**

Section 15364.5 could lead to duplicative or conflicting regulatory decisions under AB 32 and CEQA.

**Response 45-15**

SB97 recognizes that analysis of greenhouse gas emissions is appropriate under CEQA. The Legislature did not define greenhouse gas emissions for CEQA purposes, and its definition in AB32 is not exclusive. Gases that are not listed in the definition of greenhouse gas emissions in AB32 are recognized to be greenhouse gases. Because CEQA must be interpreted to provide the fullest possible protection to the environment, the definition of greenhouse gas emissions in the CEQA Guidelines must not include an exclusive list. The suggested revision to that definition would not be consistent with CEQA, and is, therefore, rejected.

**Comment 45-16**

Revise Section 15364.5 to narrow definition of a greenhouse gas and insert reference to Health and Safety Code 38505(g).

**Response 45-16**

As explained above in Response 45-15, a definition that includes some, but not all, of the recognized gases associated with the greenhouse effect would not be consistent with the requirement that CEQA be interpreted to provide the fullest possible protection of the environment. Because other potential greenhouse gases may exist, the Guidelines cannot relieve lead agencies of the duty to consider a fair argument, supported by substantial evidence, of potentially significant effects resulting from non-listed gases. Therefore, the proposed revision, which would delete the phrase "but not limited to", is rejected.

**Comment 45-17**

Revise Appendix G: GHG Emissions checklist questions (a) and (b) to be consistent with other checklist questions. Adding the phrase "directly or indirectly" may suggest special treatment as the phrase is not used elsewhere in the Appendix.

**Response 45-17**

The comment correctly notes that CEQA generally requires analysis of both direct and indirect impacts of a project. The existing Appendix G Checklist includes several questions that ask about both direct and indirect impacts. (See, e.g., Appendix G, IV(a) (Biological Resources: "Would the project … [h]ave a substantial adverse effect, either directly or through habitat modifications…"); XII(a) (Population and Housing: "Would the project … [i]nduce substantial population growth in an area, either directly … or indirectly…").) As explained in the Initial Statement of Reasons, the "questions are intended to provoke a full analysis of such emissions where appropriate." (Initial Statement of Reasons, at p. 64.) A significance source of a project's greenhouse gas emissions may result indirectly, from energy use for example. Inclusion of the phrase "directly or indirectly" is reasonably necessary to ensure that all of a

project's potential sources of greenhouse gas emissions are accounted for in the analysis. Therefore, the comment's suggestion to delete that phrase is rejected.

**Comment 45-18**

Revise Appendix G checklist question to specify a lead agency should not assess a project's consistency with an Alternative Planning Strategy if a Sustainable Communities Strategy does not apply.

**Response 45-18**

The Appendix G question referenced in the comment has been revised to ask whether a project would: "Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?" (Emphasis added.) The revision replaced the word "any" with the word "an" to clarify that only a plan determined to be applicable by the lead agency, and not any plan developed by any person or entity, should be considered in determining whether a project would result in a significant impact relating to greenhouse gas emissions. The comment correctly notes that Government Code Section 65080(b)(2)(H)(v) states: an "alternative planning strategy shall not constitute a land use plan, policy, or regulation, and the inconsistency of a project with an alternative planning strategy shall not be a consideration in determining whether a project may have an environmental effect" for CEQA purposes. By operation of that Government Code Section 65080(b)(2)(H)(v), an alternative planning strategy would not constitute "an applicable plan" for purposes of the Appendix G question. Notably, as explained in the Initial Statement of Reasons, the Appendix G checklist is meant to provide a sample checklist of questions designed to provoke thoughtful consideration of general environmental concerns. (Initial Statement of Reasons, at p. 63.) Because it is provided as a sample only, and recognizing the wide variety of agencies and projects subject to CEQA, the Office of Planning and Research and the Natural Resources Agency found that it would not be possible to identify with specificity in Appendix G each plan that or may not apply to a particular jurisdiction or project.

Lead agencies, however, have discretion to revise the checklist in a way that is most appropriate for their own jurisdiction. If an individual agency in a region where an APS was prepared finds it necessary or desirable to restate Government Code Section 65080(b)(2)(H)(v) in its own checklist, it may do so. Further, while inconsistency with an APS is not, by itself, an indication of a potentially significant impact, other project characteristics would need to be considered as indicated in Section 15064.4 and other provisions of the CEQA Guidelines. Because Government Code Section 65080(b)(2)(H)(v) already provides that an APS is not a land use plan for CEQA purposes, and the Appendix G question asks only about "an applicable plan," the question need not specify an exception for an APS. The proposed addition is, therefore, rejected.

**Comment 45-19**

Commenter responds to issues raised at the public hearings held for the proposed CEQA Guideline amendments. Any analysis of GHG emissions should not be required beyond what is already required in existing CEQA law for other types of impacts. Imposing higher standards for greenhouse gas analysis would be contrary to the existing provisions of the Guidelines that state that an analysis of cumulative impacts of a project should be less detailed than analysis of project-specific impacts.

**Response 45-19**

As explained in the Initial Statement of Reasons, while "[a]nalysis of GHG emissions in a CEQA document presents unique challenges to lead agencies" such "analysis must be consistent with existing CEQA principles…." (Initial Statement of Reasons, at p. 10.) The amendments to the CEQA Guidelines addressing greenhouse gas emissions, therefore, represent the application of existing law to the analysis and mitigation of greenhouse gas emissions. No further response is required to address this comment.

**Comment 45-20**

Commenter responds to issues raised at the public hearings held for the proposed CEQA Guideline amendments. Requiring a lead agency to conduct a quantitative analysis for every project ignores the broad spectrum of project types and sizes subject to CEQA review and the types of environmental documents that may be prepared.

**Response 45-20**

The Natural Resources Agency received many comments during the public review period on the proposed amendments both supporting the discretion left to lead agencies to determine the appropriate method of analysis and suggesting that a quantitative analysis should be performed where possible. (See Thematic Responses.) As explained in the Initial Statement of Reasons, CEQA leaves the precise methodology of analysis to the discretion of lead agencies. (Initial Statement of Reasons, at p. 18.) Section 15064.4 has been subsequently revised to clarify that whether a lead agency performs a quantitative analysis, qualitative analysis, or both, the analysis must be based "to the extent possible on scientific and factual data." That clarification aside, the discretion of which methodology to use remains with the lead agency. No further changes are required to respond to this comment.

**Comment 45-21**

Lead agencies should have discretion to use a qualitative or quantitative approach for analyzing GHG emissions even if an EIR is prepared.

**Response 45-21**

Section 15064.4 maintains the discretion of lead agencies to perform a quantitative analysis, qualitative analysis, or both. See Response 45-20 for additional discussion. No further changes are required to respond to this comment.

**Comment 45-22**

Commenter responds to issues raised at the public hearings held for the proposed CEQA Guideline amendments. Revising the Guidelines to include the 2009 California Climate Adaptation Strategy is unnecessary and unreasonable given time constraints.

**Response 45-22**

The proposed amendments do not specifically address the 2009 California Climate Adaptation Strategy. That document was prepared pursuant the Governor's Executive Order S-13-08. The process for its development was separate from the process for these CEQA Guidelines updates mandated by SB97 but it may be appropriately considered in CEQA analyses as provided in section 15126.2(a). See Responses 45-23 and 45-24 for additional responses on this issue.

**Comment 45-23**

Commenter responds to issues raised at the public hearings held for the proposed CEQA Guideline amendments. Including adaptation is unnecessary because the analysis of climate change impacts is already addressed elsewhere in Appendix G: Section VII - Hazards and Hazardous Materials (h) and Section VIII – Hydrology and Water Quality (i) and (j)

**Response 45-23**

The Initial Statement of Reasons explains the Natural Resources Agency's position that existing CEQA law already supports an analysis of climate change impacts under certain circumstances. (Initial Statement of Reasons, at pp. 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.

Having reviewed all of the comments addressing the effects of climate change, the Natural Resources Agency revised the proposed amendments to include a new sentence in Section 15126.2 clarifying the type of analysis that would be required. Specifically, the new sentence calls for analysis of placing developing 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.

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 Planners' Book of Lists 2009. State Clearinghouse. Sacramento, California, at p. 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 45-24**

Commenter responds to issues raised at the public hearings held for the proposed CEQA Guideline amendments. Including adaptation is unworkable due to time constraints as the Resources Agency is acting under legislative mandate. In contrast, the 2009 California Adaptation Strategy, relative to the amendments, is a recently released draft document undergoing public review and may change.

**Response 45-24**

Because the Natural Resources Agency proposes to address the effects of climate change through a proposed modification to existing Section 15126.2, no further revisions to the CEQA Guidelines are necessary or appropriate at this time in response to the California Climate Adaptation Strategy.

**Comment 45-25**

Establishing a mitigation hierarchy is inconsistent with the existing CEQA Guidelines by imposing stricter requirements to mitigate GHG emissions. Doing so would significantly limit a lead agency's ability to formulate and customize mitigation specific to their jurisdiction and circumstances of particular projects.

**Response 45-25**

The Natural Resources Agency received many comments both supporting and objecting to inclusion in the Guidelines a preference for on-site mitigation. Having reviewed and considered all such comments, the Natural Resources Agency concluded that CEQA leaves to lead agencies the discretion to determine the most appropriate mitigation for a project's significant impacts. The Natural Resources Agency determined, however, that additional clarification of the standards that apply to any mitigation, whether it occurs on-site or off-site, is appropriate. Therefore, it revised proposed section 15126.4(c) to clarify that all mitigation must be supported with substantial evidence and be capable of monitoring or reporting. Because the proposed revisions leaves lead agency discretion intact, no further response to this comment is required.

**Comment 45-26**

Commenter responds to issues raised at the public hearings held for the proposed CEQA Guideline amendments. The provision to allow for the consideration of region-wide or statewide benefits is warranted. CEQA's general rule still requires all potentially significant impacts to be addressed and mitigated when feasible. Section 15093(d) assists lead agencies to balance local and regional benefits to help fulfill GHG emission reduction goals.

**Response 45-26**

The Natural Resources Agency received many comments supporting and objecting to the proposed subdivision allowing an agency to consider statewide and region-wide environmental benefits in a statement of overriding considerations. The Natural Resources Agency agrees that such benefits are appropriately considered in a statement of overriding consideration, but also agrees that the creation of a new subdivision only addressing such benefits could create confusion about its proper application. Therefore, the Natural Resources Agency has proposed to revise Section 15093(a) to include "region-wide and statewide environmental benefits" among the other benefits that may be balanced against a project's adverse environmental impacts, but to delete the previously proposed subdivision (d). The proposed revision maintains the policy objective, noted in the comment, to encourage lead agencies to consider broader benefits of a project in the context of its potential adverse impacts. No further modification is required to respond to this comment.