

Letter 52

Paul Sedway
Public

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Comment 52-1

Addressing GHG emissions on the case-by-case basis institutionalized by CEQA is not appropriate.

Response 52-1

The California Legislature determined greenhouse gas emissions and the effects of greenhouse gas emissions are appropriate subjects for CEQA analysis. (Senate Bill 97, Chapter 148, Statutes of 2007.) Senate Bill 97 is part of a series of legislation addressing climate change and reducing greenhouse gas emissions.

The primary legislative initiatives are AB 32 (Statutes of 2006), SB 375 (Statutes of 2007), and SB 97 (Statutes of 2007). AB 32 directs the California Air Resources Board to develop a Scoping Plan which outlines a comprehensive set of actions designed to reduce overall GHG emissions to 1990 levels by 2020. SB 375 recognizes the fact nearly 40 percent of California's GHG emissions come from the State's transportation section and enacted several measures to reduce vehicular emissions through land-use planning. SB 97 was enacted to ensure that analysis of greenhouse gas emissions are part of the CEQA process. As explained in the Initial Statement of Reasons, "where those emissions may result in a significant adverse environmental impact, CEQA requires that a lead agency analyze those emissions, and, if those emissions are determined to be significant, to implement mitigation to reduce those emissions." (Initial Statement of Reasons at pg. 8.) Thus, the proposed amendments respond to the legislative direction in SB 97. No revision is required in response to this comment.

Comment 52-2

Every project contributes greenhouse gas emissions.

Response 52-2

The Natural Resources Agency disagrees that every project contributes greenhouse gas emissions. However, the proposed amendments are designed to assist lead agencies in determining whether the emissions that do result from their proposed projects are significant, and if so, how to mitigate those emissions. No revisions are required in response to this comment.

Comment 52-3

Commenter suggests, overall, government should allocate resources to undertake research and establish reasonable and sound benchmarks. Then, impose restrictions and other actions as needed.

Response 52-3

The Natural Resources Agency notes the commenter's suggestion and respectfully disagrees. As explained above in Response 52-1, the California Legislature recognized that greenhouse gas emissions and the effects of greenhouse gas emissions are appropriate subjects for CEQA review. (Senate Bill 97, Chapter 148, Statutes of 2007.) CEQA imposes on public agencies the duty to determine whether their projects' may cause significant environmental effects, and if so, to consider feasible means of mitigating or avoiding those effects. (Public Resources Code, § 21002.) The Natural Resources Agency, therefore, rejects this comment.