February 2, 2009

Ms. Cynthia Bryant, Director
Governor’s Office of Planning and Research
PO Box 3044
Sacramento, CA 95812-3044

RE: CEQA Guidelines for Greenhouse Gas Emissions

Dear Ms. Bryant:

On behalf of the California Council for Environmental and Economic Balance (CCEEB) we appreciate the opportunity to make a few brief comments on the Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions. The California Council for Environmental and Economic Balance (CCEEB) is a non-partisan, non-profit organization of business, labor and community leaders that seeks to achieve the State’s environmental goals in a manner consistent with a sound economy.

AB 32 will change the way California does business now and for the foreseeable future. The current CEQA efforts attempt to deal with only a fraction of what may become a significant obstacle to timely AB 32 compliance by all manner of California’s public and private sectors. Attached is a copy of our January 16, 2009 correspondence to the CA Air Resources Board that expounds upon this concern in greater detail.

CCEEB must also register its opposition to a proposed amendment addressing cumulative impacts [proposed paragraph (f), Section 15130 Preliminary Draft Guidelines]. This paragraph states that assessment of the cumulative impacts of a project’s greenhouse gas emissions should take into consideration "the effects of past projects, the effects of other current projects, and the effects of probable future projects." Since the impact of GHG is, in fact, global, this broad statement sets an impossible standard for cumulative impact analysis, CEQA already mandates that cumulative project impacts be considered. The difficulty with the proposed amendment language is that describing all past, current, and probable future projects may be interpreted as requiring a list of all other projects that produce GHG in order to analyze cumulative impacts associated with GHG emissions with no clear indication of how far a field one might have to go to satisfy all projects producing GHG. It would be impossible to develop such a list of all projects associated with climate change impacts. The proposed amendment
is virtually certain to form the basis for unwarranted legal challenges of a CEQA document over the adequacy of any discussion of the cumulative effects of greenhouse gas emissions. We recommend instead that this proposed amendment be deleted from future CEQA Guideline drafts and a new concept be established that fairly defines a reasonable and manageable standard for assessing the cumulative effects of GHG.

We appreciate the opportunity to comment on this important issue currently being considered by the Office of Planning and Research. If you have any questions or would like to discuss in greater detail, please contact Allan Lind at 916-503-2250, Bob Lucas at 916-444-7337 or Gerald Secundy at 415-512-7890.

Sincerely,

Allan Lind
Air Project Manager

Gerald Secundy
President

Att. (CCEEB’s Letter to CARB re CEQA and AB 32 Implementation dated 1-16-09)

cc: Victoria Bradshaw, Cabinet Secretary, Office of the Governor
    Darren Bouton, Deputy Cabinet Secretary, Office of the Governor
    John Moffatt, Deputy Legislative Secretary, Office of the Governor
    Linda Adams, Secretary, CA Environmental Protection Agency
    Mary Nichols, Chairman, Air Resources Board
    Cindy Tuck, Undersecretary, CA Environmental Protection Agency
    James Goldstene, Executive Officer, Air Resources Board
    Tom Cackette, Chief Deputy Executive Officer, Air Resources Board
    Chuck Shulock, Chief, Office of Climate Change, Air Resources Board
    Michael Peevey, President and Members of the CA Public Utilities Commission
    Paul Clanon, Executive Director, CA Public Utilities Commission
    Michael Chrisman, Secretary, Resources Agency
    Michael Gibbs, Assistant Secretary for Climate Change, Cal/EPA
    Robert W. Lucas, Lucas Advocates