



# Climate Change and CEQA

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# Introduction to OPR

## ◆ Who are we?

- Part of the Governor's Office
- Statewide comprehensive planning agency
  - ◆ Make policy recommendations
  - ◆ Coordinate land use planning

## ◆ What do we do?

- CEQA – state review process, CEQA Guidelines
- Local planning – technical assistance
- State planning – coordination and assistance
- Participate in task forces, steering committees

# OPR Activities/Projects

## EXAMPLES:

- ◆ General Plan Guidelines
- ◆ Regional Blueprint Plans
- ◆ Climate Action Team and LUSCAT
- ◆ State Plans
- ◆ Strategic Growth Council
- ◆ Legislative analysis
- ◆ CEQA Guidelines

# OPR Philosophy

- ◆ Encourage good land use planning
- ◆ Ensure consistency with statewide goals
- ◆ Encourage state agency coordination
- ◆ Avoid unintended consequences

# Where It All Began



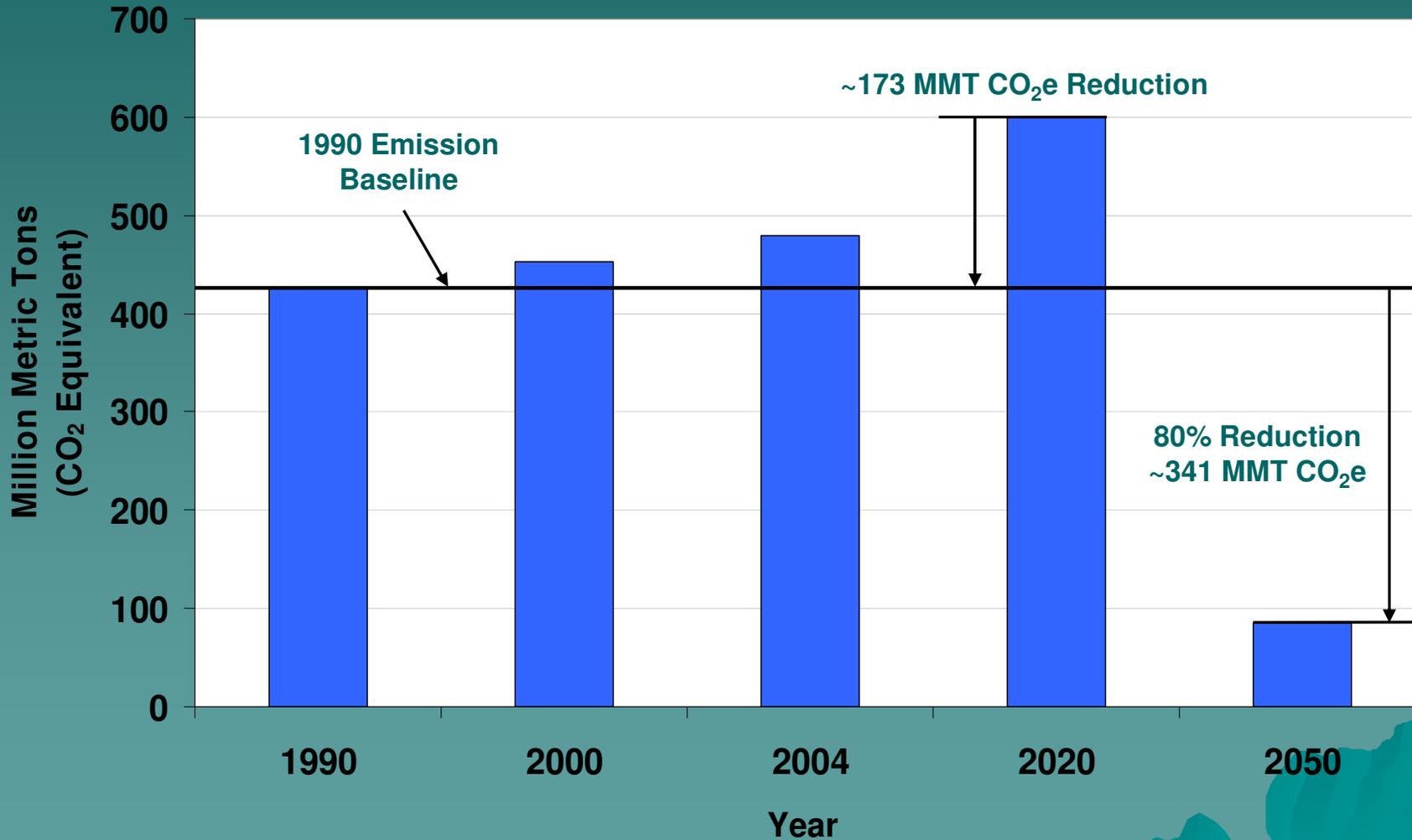
# Where It All Began



- ◆ June 2005:  
Governor declared that the debate was over
  - Climate change is real and time for action is now
  - Signed EO S-03-05
  - Created Climate Action Team

# Where It All Began

## ARB Emissions Inventory



# Where It All Began

- ◆ Passage of AB 32 (2006)
  - Climate change a threat to the environment
- ◆ Passage of SB 97 (2007)
  - Puts GHG into the CEQA realm
  - Governor's signing message

# CEQA and SB 97

- ◆ Basic CEQA concepts
- ◆ What SB 97 says
- ◆ Distinctions between AB32 & SB97

# CEQA and SB 97

## CEQA concepts

- Climate change is an environmental issue
- CEQA is only one of many tools to reduce emissions
- CEQA should recognize the benefits of sustainable land use

# CEQA and SB 97

## What SB 97 says

- Many interpretations
- One clear message

# CEQA and SB 97

## Distinctions between AB 32 and SB 97

- ◆ AB 32 does not amend CEQA
- ◆ AB 32 does not create a CEQA threshold
- ◆ AB 32 applies to all significant GHG sources; CEQA only applies to new projects
- ◆ SB 97 only mentions AB 32 in the context of future “new information or criteria” that may come from ARB

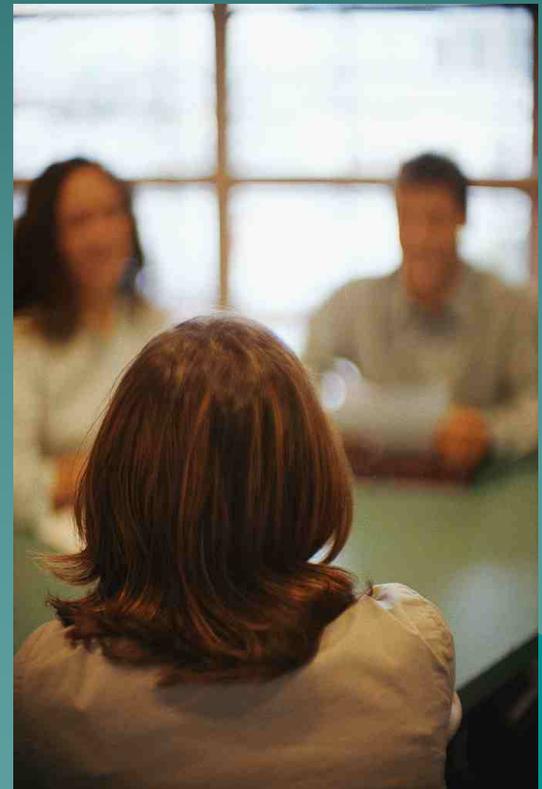
# SB 97 Implementation

## OPR Process (2008-09)

- ◆ Timeline
- ◆ Coordination with Agencies
- ◆ Public Involvement

# SB 97 Implementation

- ◆ Public Involvement
  - Focus Groups
  - Public Workshops
  - Preliminary Draft Guidelines
  - OPR Website and List serve



# SB 97 Implementation

## Resources Agency Rulemaking

- ◆ Start in 2009
- ◆ Formal rulemaking through OAL
- ◆ Public notice
- ◆ Public hearings
- ◆ Response to comments
- ◆ Certify and adopt by 1-1-2010
- ◆ OAL process can take up to 1 year

# OPR Approach to Regulation

- ◆ Based on good evidence, information, & science
  - ◆ Rational basis
  - ◆ Understand thresholds of significance, mitigation measures & baseline conditions
  - ◆ Integrate, not separate, GHG issue.
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# Questions to Consider



- ◆ What constitutes a “new” emission?
- ◆ What is the appropriate “baseline?”
- ◆ What makes a project’s emissions “significant?”
- ◆ Does every project contribute to a “cumulatively considerable” impact?
- ◆ Is the impact really too “speculative” to evaluate?
- ◆ How much mitigation is enough to reduce the impact to “less than significant?”

# Questions to Consider

What is the CEQA Baseline?

- ◆ CEQA says current conditions
- ◆ Is 1990 relevant?

# Questions to Consider

What is the threshold of significance?

- ◆ Lead agency has discretion
- ◆ TOS not required to make a significance determination
- ◆ TOS is not necessarily zero
- ◆ OPR not mandated to set a TOS

# Questions to Consider

How do you mitigate the impact?

- ◆ Lead agency has discretion to select most effective measures
- ◆ Mitigation must be feasible
- ◆ How to evaluate “effectiveness” of a measure
- ◆ Prescriptive measures from OPR not very helpful
- ◆ OPR encourages reliance on programmatic mitigation strategies

# Questions to Consider

How to weave the guidance into other CEQA Guidelines provisions?

- ◆ Appendices
  - Initial Study Checklist
  - Energy Conservation
- ◆ Alternatives analysis
- ◆ Make the most of tiering provisions

# What Happens After 2010?

- ◆ CEQA Guidelines certified and adopted on or before 1-1-10.
- ◆ ARB adopts regulations by 2011.
- ◆ ARB regulations take effect in 2012.
- ◆ CEQA Guidelines will be reviewed and updated as necessary.

# In the beginning.....

- ◆ OPR started getting calls as soon as AB 32 passed
- ◆ Increasing number of comment letters
- ◆ Several lawsuits filed
- ◆ The number of CEQA docs with GHG analysis is steadily growing

# Tracking CEQA Documents

- ◆ SCH began tracking and inventorying CEQA docs in early 2007
- ◆ E-copies of CEQA docs available online
  - Download from [www.ceqamap.com](http://www.ceqamap.com)
- ◆ Over 200 documents in OPR's inventory
  - List is posted at [www.opr.ca.gov](http://www.opr.ca.gov)
- ◆ OPR does not evaluate or rank



# General Observations

- ◆ An evolving art
- ◆ Wide variation in type and degree of analysis
- ◆ Some efforts to quantify, analyze, and mitigate
- ◆ Others claim it is too speculative
- ◆ The bigger the project, the more likely to have a GHG analysis

# General Observations

## Project types represented by the CEQA Docs

- Large housing developments
- Energy/infrastructure projects
- Transportation projects, including RTPs
- Oil Refinery expansions
- Habitat restoration
- City/County General Plan updates

# General Observations

- ◆ The analysis is typically included in:
  - The air quality analysis
  - The cumulative impacts analysis (EIRs)
  - A separate climate change section

# General Observations

- ◆ Mitigation measures often
  - are geared to reducing direct emissions
  - rely on a climate action plan
  - refer to General Plan policies
- ◆ No mitigation measures
  - if the agency finds the impact is less than significant
- ◆ Some agencies propose mitigation
  - without determining the impact is significant

# General Observations

## Findings of Significance

- ◆ Some agencies made determinations of significance
  - Impact is cumulatively significant, unavoidable
  - Impact is less than significant with mitigation
- ◆ Some agencies did not make a determinations of significance
  - Too speculative for evaluation
  - Cite absence of adopted thresholds

# “So, how do I do this?!”

- ◆ Yes, it's difficult -- but it is possible.
- ◆ No standard, “perfect” way.
- ◆ Many examples of different approaches.

# What Would OPR Suggest?

## To Lead Agencies, we say:

- ◆ No standardized method, many approaches possible
- ◆ Some technical assistance is available
- ◆ Don't wait for formal CEQA Guidelines
- ◆ Approach it as a cumulative impact
- ◆ 3 basic steps:
  - Estimate, model, calculate emissions
  - Assess impact
  - Mitigate where feasible
- ◆ Show your work
- ◆ Support conclusions with substantial evidence

# What Would OPR Suggest?

## To Lead Agencies, continued:

- ◆ Make the most of CEQA tiering provisions
- ◆ Adopt programmatic mitigation strategies
- ◆ Prepare programmatic EIRs
- ◆ Think about adopting a GHG reduction plan/policy
- ◆ Think about amending the General Plan (city/county)
- ◆ Think about participating in regional approaches

# Why Do It?



# OPR Contact Information

Website: [www.opr.ca.gov](http://www.opr.ca.gov)

◆ CEQA and Climate Change page

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