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VIA E-MAIL

Cynthia Bryant  
Director  
Office of Planning and Research  
1400 10th Street  
Sacramento, CA 95812-3044

**Re: Comments on the Preliminary Draft CEQA Guideline Amendments for  
Greenhouse Gas Emissions**

Dear Ms. Bryant:

I appreciate the opportunity to comment on the preliminary draft of the proposed CEQA Guidelines for greenhouse gas emissions. I appreciate the substantial work that you and Terry Robert of OPR and others on your staff have devoted to the development of these guidelines. The following comments provide some suggestions on rewording some of the proposed guidelines, in particular to be sure the Guideline provisions on greenhouse gas analysis used the same type of language as is used in other CEQA Guidelines.

1. Proposed Guideline 15126.4(c)(1), setting forth the general rule on mitigation of greenhouse gas emissions, should be revised to more closely parallel the wording of Guideline 15126.4(a)(1), which discusses mitigation measures in general. As currently worded, the proposed guideline states that “lead agencies should consider all feasible means of mitigating greenhouse gas emissions”. The addition of the word “all” and the absence of any reference to significant impacts differentiate this language from the general language of Guideline 15126.4(a)(1) and could create some implication that the mitigation rule for greenhouse gas emissions is different from the rule for mitigation of other impacts. Thus, the wording should be changed to conform more closely to the standard guideline wording, by having the first phrase of Guideline 15126.4(c)(1) read as follows “lead agencies should consider feasible means of mitigating significant impacts due to greenhouse gas emissions...”

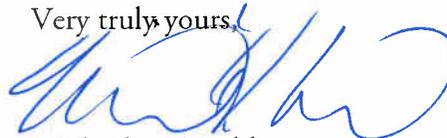
2. Guideline 15126.4(c)(5) requires offsite mitigation measures to be part of a reasonable plan of mitigation “that the relevant agency commits itself to implementing.” Given that CEQA has existing provisions by which lead agencies may monitor the implementation of mitigation measures, I suggest that this language be revised to refer to such monitoring. The language could state that mitigation measures “must be part of a reasonable plan of mitigation capable of being monitored by the lead agency pursuant to Guideline 15097.”

3. In proposed Guideline 15130(f), the general direction regarding analysis of greenhouse gas emissions in EIRs makes sense, but the reference to specific past, current and probably future projects does not make sense, given that a "list of projects" approach to evaluating whether a project's greenhouse gas emissions result in a cumulatively considerable contribution to climate change is not likely to be a helpful approach. I suggest deleting the phrase "when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

4. In the Appendix G checklist, I have two comments regarding the new questions on greenhouse gas emissions. First, in most environmental documents, I have seen greenhouse gas emissions evaluated as a cumulative air quality impact, and given that this is an emissions-based impact, I believe that makes sense. I recommend adding these two questions as additional questions under the air quality section of the Appendix G checklist. Second, in question A, I recommend deleting the phrase "based on the applicable threshold of significance". Most agencies do not have an adopted threshold of significance for greenhouse gas emissions, and the question suggests that it can be answered only on the basis of some applicable threshold. Many lead agencies will be making determinations of significance on a case by case basis, as lead agencies do with most other categories of impact in the Appendix G checklist. If a threshold exists, the lead agency may of course apply that threshold, but the determination of significance does not require that a threshold of significance be adopted.

I appreciate your attention to these comments and thank you for all your work on these proposals.

Very truly yours,



Michael H. Zischke

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