



February 2, 2009

Ms. Cynthia Bryant  
Director  
Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

**RE: Comments on Preliminary Draft CEQA Guideline Amendments  
Relating to Greenhouse Gas Emissions**

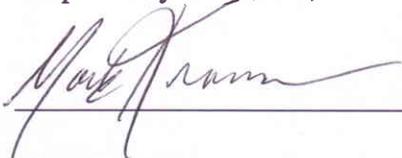
Dear Ms. Bryant:

Pacific Gas & Electric Company (PG&E), Southern California Edison (SCE) and San Diego Gas & Electric (SDG&E) jointly submit these comments on the Preliminary Draft CEQA Guideline Amendments Relating to Greenhouse Gas Emissions (Draft Guidelines) issued by the Office of Planning and Research (OPR) on January 8, 2009. Suggested changes to the amendments as proposed in the draft document are attached for your consideration.

We appreciate the efforts OPR, the Natural Resources Agency, the Air Resources Board, the California Energy Commission, and other state agency staff, have given to thoughtfully developing an approach to analysis of greenhouse gas emissions in CEQA documents. We generally support the approaches taken in the Draft Guidelines. We do think that in the case of electricity and natural gas related projects it is particularly necessary to include an evaluation of the overall context of individual infrastructure or generation projects when evaluating whether emissions from such projects are cumulatively considerable. It is equally important for lead agencies to take account of the regulatory context of a proposed project, and in particular, how the project or the energy system as a whole is regulated or affected by plans, programs, and regulations under AB 32. Most of the suggested changes attached are intended to better address these requirements in the Guidelines.

Thank you for your consideration of these comments. Please feel free to contact any of the undersigned should you have any questions.

Respectfully submitted,



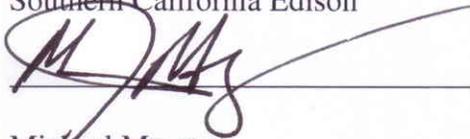
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Mark Krausse  
Director State Agency Relations  
Pacific Gas & Electric Company



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Manuel Alvarez  
Manager Regulatory Affairs  
Southern California Edison



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Michael Murray  
Regional Vice President, State Governmental Relations  
Sempra Energy

*[Redlining appears in original PDF version of OPR January Preliminary Draft; strikeouts and bolded and italicized language indicate suggested changes]*

**Page 3 – Section 15064(h) – Determining the Significance of the Environmental Effects Caused by a Project**

(h)(3) A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (*e.g., water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, city or county general plan or specific plan, regional housing allocation plan, habitat conservation plan, natural community conservation plan, climate action plan, such as a scoping plan issued by the Air Resources Board pursuant to the Global Warming Solutions Act of 2006 (AB32), regional transportation plan, regional blueprint plan, sustainable community strategy, statewide plan of mitigation for greenhouse gas emissions*) which provides specific requirements that will avoid or substantially lessen the cumulative problem) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. 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.

**Page 4 – Section 15064.4. Determining the Significance of Impacts from Greenhouse Gas Emissions**

- (a) *Impacts from emissions of greenhouse gases should be analyzed as cumulative impacts to determine if such impacts are cumulatively considerable.*
- (b) A lead agency should consider the following, where applicable, in assessing the significance of impacts from greenhouse gas emissions, if any, on the environment:

(1) The extent to which the project could help or hinder attainment of the state's goals of reducing greenhouse gas emissions to 1990 levels by the year 2020 as stated in the Global Warming Solutions Act of 2006. A project may be considered to help attainment of the state's goals by being *covered by or* consistent with an adopted statewide 2020 greenhouse gas emissions limit or the plans, programs, and regulations adopted to implement the Global Warming Solutions Act of 2006, *including a Scoping Plan adopted by the California Air Resources Board pursuant to such Act.*

(2) The extent to which the project, *after considering the cumulative effects of existing and reasonably foreseeable projects and activities*, may increase or decrease the cumulative consumption of fuels or other energy resources, especially fossil fuels that contribute to greenhouse gas emissions when consumed;

(3) The extent to which the project *and related projects and activities* may result in increased energy efficiency of and a reduction in overall greenhouse gas emissions from an existing facility, *group of facilities, or the energy system*;

(4) The extent to which the project impacts or emissions exceed any threshold of significance that applies to the project.

(c) A lead agency should make a good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions associated with a project, including emissions associated with energy consumption and vehicular traffic. *Whenever possible, a lead agency should utilize the same accounting methodology as that used for the greenhouse gas reporting requirements in the Global Warming Solutions Act.* Because the methodologies for performing this assessment are anticipated to evolve over time, a lead agency shall have discretion to determine, in the context of a particular project, whether to:

(1) Use a model or methodology to quantify greenhouse gas emissions associated with a project, and which of any available model or methodology to use. The lead agency may include a qualitative discussion or analysis regarding the limitations of the particular model or methodology selected for use.

(2) Rely on qualitative or performance based standards for estimating the significance of greenhouse gas emissions.

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### Section 15064.7. Thresholds of Significance

- (c) When adopting thresholds of significance, a lead agency may consider thresholds of significance adopted by other public agencies ~~and recommendations of others~~, provided such thresholds or recommendations are supported by substantial evidence.

**Page 13 – Section 15126.4. Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects.**

(c) Mitigation Measures Related to *Significant* Greenhouse Gas Emissions

(1) Lead agencies should consider all feasible means of mitigating *significant* greenhouse gas emissions including but not limited to emissions associated with the project's energy consumption, including fossil fuel consumption.

(2) Mitigation measures may include project features, project design, or other measures which are incorporated into the project *or the project proponent's overall operations* to substantially reduce energy consumption or greenhouse gas emissions.

(3) Mitigation measures may include, where relevant, compliance with the requirements in a previously approved plan, or mitigation program *including a scoping plan issued by the Air Resources Board pursuant to the Global Warming Solutions Act of 2006 (AB 32)*, for the reduction or sequestration of greenhouse gas emissions, which plan or program provides specific requirements that will avoid or substantially lessen the potential *significant* impacts of the project.

(4) Mitigation measures may include measures that sequester carbon or carbon-equivalent emissions.

(5) Mitigation measures ~~are proposed~~ for reduction of greenhouse gas emissions ~~through~~ *may include* off-site measures or purchase of carbon offsets *meeting applicable requirements of AB 32 as determined by the Air Resources Board or by requirements of the lead agency.*

**Pages 14 –15 - Section 15130. Discussion of Cumulative Impacts.**

(a)(3) An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project *proponent* is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

\* \* \* \* \*

(b)(1)(B) A *summary* of projections contained in an adopted ~~general plan or related planning document, or in prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact~~ *state*, local or regional plan for which an EIR has been certified and that describes or

evaluates conditions contributing to the cumulative effect. This may include: *scoping plan issued by the Air Resources Board pursuant to the Global Warming Solutions Act of 2006 (AB 32)*, a general plan, regional transportation plan, regional blueprint plan, climate action plan, or regional housing allocation plan. It may also include an adopted or certified prior environmental document for such a plan, or a regional computer modeling program reflecting the most accurate and reasonably available information. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

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(d) Previously approved documents general plans, specific plans, regional transportation plans, regional blueprint plans, climate action plans, such as a scoping plan issued by the Air Resources Board pursuant to the Global Warming Solutions Act of 2006 (AB32) sustainable community strategies, and local coastal plans may be used in cumulative impact analysis. A pertinent discussion of cumulative impacts contained in one or more previously certified EIRs may be incorporated by reference pursuant to the provisions for tiering and program EIRs. No further cumulative impacts analysis is required when a project is consistent with a general, specific, master or comparable programmatic plan where the lead agency determines that the regional or areawide cumulative impacts of the proposed project have already been adequately addressed, as defined in section 15152(f), in a certified EIR for that plan.

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(f) An EIR should evaluate greenhouse gas emissions associated with a proposed project when those emissions, when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, may result in a cumulatively considerable impact to the environment. . *An EIR should also evaluate the extent to which a proposed project may result in a net reduction in state-wide emissions when viewed in connection with the effects of past projects, the effects of other current projects and the effects of future projects.*

## Appendix G – Page 7

### VII. GREENHOUSE GAS EMISSIONS -- Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, *considering* any applicable threshold of significance?

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?