



Climate Action Leadership Summit
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Attorney General's webpage

California Environmental Quality Act - Global Warming - California Dept. of Justice - Office of the Attorney General

The screenshot shows the "California Environmental Quality Act" page. The header includes the "Office of the Attorney General" logo and navigation links. A left sidebar contains a menu with items like "Global Warming Home", "Speeches & Op-Eds", "Testimony", "California Environmental Quality Act", "California's Motor Vehicle Global Warming Regulations", "Clean Air Act", "Debunking Myths of the Auto Industry", "Endangered Species Act", "Energy Efficiency", "Global Warming Facts", "Global Warming Contrarians and the Falsehoods They Promote", "Global Warming's Unequal Impacts", "Green Building Ordinances", "Impacts in California", "Improved Fuel Economy", "National Environmental Policy Act", "Public Nuisance Litigation", "Press Releases", "Resources", and "Contact Us". The main content area is titled "California Environmental Quality Act" and contains several paragraphs of text. A right sidebar titled "That's Cool!" features a story about solar panels at a school. A search bar is located at the top right of the content area.

http://ag.ca.gov/globalwarming/ceqa.php (1 of 2) [4/29/2009 3:29:46 PM]

<http://ag.ca.gov/globalwarming/ceqa.php>

Comment Letters - Global Warming - California Dept. of Justice - Office of the Attorney General

The screenshot shows the "Comment Letters" page. The header includes the "Office of the Attorney General" logo and navigation links. A left sidebar contains a menu with items like "Global Warming Home", "Speeches & Op-Eds", "Testimony", "California Environmental Quality Act", "California's Motor Vehicle Global Warming Regulations", "Clean Air Act", "Debunking Myths of the Auto Industry", "Endangered Species Act", "Energy Efficiency", "Global Warming Facts", "Global Warming Contrarians and the Falsehoods They Promote", "Global Warming's Unequal Impacts", "Green Building Ordinances", "Impacts in California", "Improved Fuel Economy", "National Environmental Policy Act", "Public Nuisance Litigation", "Press Releases", "Resources", and "Contact Us". The main content area is titled "Comment Letters" and "Filed under the California Environmental Quality Act". It contains a list of comment letters with dates and links to PDF files. A search bar is located at the top right of the content area.

http://ag.ca.gov/globalwarming/ceqa/comments.php (1 of 2) [4/29/2009 3:33:36 PM]

EECBG funding examples

- Contra Costa County: \$3,574,300
- Sonoma County: \$1,981,200
- Novato: \$491,800
- San Rafael: \$575,400
- Petaluma: \$514,500
- Santa Rosa: \$1,509,500
- Napa: \$699,800
- Fairfield: \$984,500
- Vacaville: \$849,000
- Antioch: \$885,000
- Richmond: \$955,100
- Hayward: \$1,361,900
- Santa Clara: \$1,180,900
- Mountain View: \$719,000
- Daly City: \$873,900
- Redwood City: \$736,300

www.CoolCalifornia.org

- “[N]ew one-stop-shop ... packed with quick, easy-to-use and reliable tools that all Californians need to save money and reduce their impact on the climate.”
- Founding partners include state government agencies, universities, and Next10, a nonprofit organization
- Special tools for local governments, including financing information

AG's Frequently Asked Qs

Climate Change, the California Environmental Quality Act, and General Plan Updates: Straightforward Answers to Some Frequently Asked Questions California Attorney General's Office

At any given time in this State, well over one hundred California cities and counties are updating their general plans. These are complex, comprehensive, long-term planning documents that can be years in the making. Their preparation requires local governments to balance diverse and sometimes competing interests and, at the same time, comply with the Planning and Zoning Law and the California Environmental Quality Act (CEQA).

Local governments have decades of experience in applying state planning law and excellent resources to assist them – such as the “General Plan Guidelines” issued by The Governor’s Office of Planning and Research (OPR).¹ They are also practiced in assessing whether general plans may have significant localized environmental effects, such as degradation of air quality, reductions in the water supply, or growth inducing impacts. The impact of climate change, however, has only fairly recently shown up on the CEQA radar.

The fact that climate change presents a new challenge under CEQA has not stopped local governments from taking action. A substantial number of cities and counties already are addressing climate change in their general plan updates and accompanying CEQA documents. These agencies understand the substantial environmental and administrative benefits of a programmatic approach to climate change. Addressing the problem at the programmatic level allows local governments to consider the “big picture” and – provided it’s done right – allows for the streamlined review of individual projects.²

Guidance addressing CEQA, climate change, and general planning is emerging, for example, in the pending CEQA Guideline amendments,³ comments and settlements by the Attorney General, and in the public discourse, for example, the 2008 series on CEQA and Global Warming organized by the Local Government Commission and sponsored by the Attorney General. In addition, the Attorney General’s staff has met informally with officials and planners from numerous jurisdictions to discuss CEQA requirements and to learn from those who are leading the fight against global warming at the local level.

Still, local governments and their planners have questions. In this document, we attempt to answer some of the most frequently asked of those questions. We hope this document will be useful, and we encourage cities and counties to contact us with any additional questions, concerns, or comments.

- For climate change, what are the relevant “existing environmental conditions”?

The CEQA Guidelines define a significant effect on the environment as “a substantial adverse change in the physical conditions which exist in the area affected project.”¹³

agency find that a general plan update’s climate change-related effects are too speculative, and therefore avoid determining whether the effects are significant?

Nothing speculative about climate change. It’s well understood that greenhouse gas (GHG) emissions increase atmospheric concentrations of greenhouse gases. Increased concentrations in the atmosphere exacerbate global warming. A project that adds to the atmospheric load of GHGs adds to the

significance determination plays a critical role in the CEQA process. A project may have a significant effect on the environment, the lead agency must prepare an Environmental Impact Report (EIR).⁴ Moreover, a finding of significance triggers the obligation to consider alternatives and to prepare a mitigation plan.⁵ For any project under CEQA, including a general plan update, a lead agency therefore has a fundamental obligation to determine the environmental effects of the project, including the project’s contribution to global warming, are significant.

When determining the significance of a general plan’s climate change-related effects, can a lead agency estimate GHG emissions?

OPR’s Technical Advisory states:

Lead agencies should make a good-faith effort, based on available information, to calculate, model, or estimate the amount of CO2 and other greenhouse gas emissions from a project, including the emissions associated with motor vehicle traffic, energy consumption, water usage and construction activities.⁷

For a general plan update, relevant emissions include those from operations, as well as from the local community as a whole. Sources include, for example, transportation, industrial facilities and residential and commercial development, agriculture, and land

use. The number of resources available to assist local agencies in estimating and projecting GHG emissions. For example, the California Air Resources Board (ARB) recently issued protocols for estimating emissions from motor vehicle operations, and the agency’s protocol for estimating building emissions is forthcoming.⁸ OPR’s Technical Advisory contains useful tools to estimate GHG emissions. Other sources of helpful information include the white paper issued by the California Air Pollution Control Association (CAPCOA), “CEQA and Climate Change”⁹ and the Attorney General’s website,¹⁰ both of which provide information on currently available methods for calculating emissions. In addition, many cities and counties are members of the International Council for Local Environmental Initiatives (ICLEI), tapping into the expertise of this State’s many colleges and

air pollutants, existing physical conditions are often taken into account in determining air quality (how much pollutant is in the ambient air over a period of time), which is fairly directly tied to current conditions in the “area affected.” The “area affected,” in turn, often refers to features that hold or trap the pollutant until it escapes or disperses. For example, for particulate matter, a lead agency may consider local conditions by discussing annual average PM10 levels, averaged over a 24-hour period, detected at various points over preceding years.

When dealing with a global pollutant. The “area affected” is both the place that is affected by climate change, including not just the project, but the region and the State (and the existing “physical conditions” that we care about are the concentrations of GHGs and the existing climate that reflects

ambient air pollutants which dissipate or break down over a period of time (hours, days or weeks). GHGs accumulate in the atmosphere for decades and in some cases millennia. The scientific consensus is that in order to avoid disruptive and potentially catastrophic climate change, then it’s not enough simply to stabilize emissions. The science tells us that we must immediately and aggressively reduce these emissions.

When a general plan update is adopted, can the agency determine that the GHG-related effects will be less than significant?

The mechanism merely to ensure compliance with other laws, does not allow agencies to defer mitigation to a later date. Agencies should consider the significant environmental effects of climate change today, if feasible.

What can agencies make today do matter. Putting off the problem will only delay a solution. Moreover, delay may put a solution out of reach. As the experts tell us that the later we put off taking real action on climate change, the less likely we will be able to stabilize emissions at a level that will avoid dangerous climate change.

[*AG's suggested CAP elements*]

Adaption plan

Mitigation plan

- Emissions inventory
- Emission targets
- Enforceable GHG control measures
- Monitoring and reporting
- Mechanisms to allow for plan revisions

Benefits of CAP in GP

- Substantial streamlining under CEQA
- Opportunity to look at “big picture”
- Additional, flexible mitigation opportunities, *e.g.*, mitigation funds
- Ability to include reductions related to existing development
- Enforcement

Examples of CAP components

- Innovative financing for energy efficiency and renewable energy (AB 811)
- Retrofitting requirements and ordinances
- Green building requirements and ordinances
- Land use designations to support non-motorized transportation
- Requirements for land uses at densities that support transit
- Strategies for “complete neighborhoods”

[Resources]

Governor's Office of Planning and Research, "California Planning Guide: An Introduction to Planning in California (2005)

http://opr.ca.gov/planning/publications/California_Planning_Guide_2005.pdf

Governor's Office of Planning and Research, "Planning Resources" (webpage)

<http://opr.ca.gov/index.php?a=planning/planningpubs.html#genplan>

[contains links to many useful publications, including OPR's General Plan Guidelines (2003)]

Pacific Institute (for the Cal. Climate Change Center), The Impacts of Sea-Level Rise on the California Coast (2009)

http://www.pacinst.org/reports/sea_level_rise/

Headwaters Economics, Homes in the Wildland Interface (interactive map) <http://www.headwaterseconomics.org/wildfire/ca.php>

[Resources]

California Department of Forestry and Fire Protection, California Fire Hazard Severity Zone Map Update Project

http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps.php

Governor's Office of Planning and Research, CEQA Guidelines and Greenhouse Gases (webpage with links)

<http://opr.ca.gov/index.php?a=ceqa/index.html>

California Attorney General's Office, California Environmental Quality Act (webpage with links to comment letters, settlements, and other CEQA/climate change resources)

<http://ag.ca.gov/globalwarming/ceqa.php>

California Attorney General's Office, Local Government Green Building Ordinances in California

<http://ag.ca.gov/globalwarming/greenbuilding.php>

[Resources]

California Attorney General's Office, CEQA, Global Warming and General Plans (webpage, including link to FAQs)

<http://ag.ca.gov/globalwarming/ceqa/generalplans.php>

California Attorney General's Office, mitigation fact sheet

http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf

CoolCalifornia.org (interactive web resource sponsored by state government agencies, universities, and Next10, a nonprofit organization) <http://www.coolcalifornia.org>

CoolCalifornia's Local Government Toolkit

<http://www.coolcalifornia.org/local-government>

CoolCalifornia's Financial Resources webpage:

<http://www.coolcalifornia.org/article/financial-resources>

[Resources]

Governor's Office of Planning and Research, Cities and Counties
Addressing Climate Change

http://opr.ca.gov/ceqa/pdfs/City_and_County_Plans_Addressing_Climate_Change.pdf

Local Government Commission, Cities and Counties Addressing Climate
Change http://lgc.org/freepub/climatechange/case_studies.html

Sonoma County Community Climate Action Plan (website)

<http://www.climateprotectioncampaign.org/>

Yolo County, General Plan Update (website)

<http://www.yolocounty.org/Index.aspx?page=1514>