

State of California
AIR RESOURCES BOARD

**Notice of Public Availability of a Supplement to the AB 32 Scoping Plan
Functional Equivalent Document**

and

**Notice of Public Hearing to Consider Approval of the AB 32 Scoping Plan
Functional Equivalent Document (including the Supplement) and
the AB 32 Scoping Plan**

Public Availability Date: June 13, 2011
Deadline for Public Comment: July 28, 2011
Public Hearing Date: August 24, 2011

This notice announces the availability of a Supplement to the Functional Equivalent Document (FED) prepared for the AB 32 Scoping Plan in accordance with the California Environmental Quality Act (CEQA) and Air Resources Board's (ARB or Board) certified regulatory program (title 17, California Code of Regulations, sections 60006-60008).

The Board will conduct a public hearing at the time and place noted below to consider whether to approve: (1) the FED for the AB 32 Scoping Plan (including the Supplement to the FED and written responses to public comments on the FED that raise significant environmental issues), and (2) the AB 32 Scoping Plan:

DATE: August 24, 2011

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

Directions: <http://www.calepa.ca.gov/EPABldg/location.htm>

Background: In 2008 ARB, acting as the lead agency, prepared a FED for the AB 32 Scoping Plan (Scoping Plan). The Scoping Plan outlines the State's strategy to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020, as required by the Global Warming Solutions Act of 2006 (AB 32; Stats. 2006, Chapter 48). The Scoping Plan includes a range of GHG emission reduction measures, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary

actions, a market-based cap-and-trade system, and a fee regulation to fund the program. A draft Scoping Plan was released for public review and comment on June 26, 2008, followed by workshops in July and August 2008. On October 15, 2008, the proposed 2008 Scoping Plan was released for a 45 day public review and comment period along with a FED that analyzed the potentially significant environmental impacts that could result from implementing the measures considered in the plan. Following the public review and comment period, the Scoping Plan and the FED were considered by the Board at a December 11, 2008 public hearing, and were subsequently finally approved by the Board's Executive Officer on May 11, 2009.

The FED included an analysis of a range of five alternatives to the Scoping Plan, including: a no project alternative, an alternative based on cap-and-trade, an alternative based on source-specific regulatory requirements, an alternative based on a carbon fee or tax, and an alternative based on a variation of proposed strategies.

A lawsuit was filed challenging ARB's approval of the Scoping Plan, and on May 20, 2011, a Final Order was issued by Judge Goldsmith of the San Francisco County Superior Court (*Association of Irrigated Residents, et al. v. California Air Resources Board, et al.*, Case No. CPF-09-509562). Although the court upheld the impact analysis contained in the FED, the court found that the FED's analysis of project alternatives was not sufficient for informed decision-making and public review under CEQA. Although ARB disagrees with the court's finding and has appealed the decision, in the interest of public participation and informed decision-making, ARB staff prepared a Supplement to the FED for the Scoping Plan. The Supplement provides an expanded and revised analysis of the five alternatives discussed in the FED that, if approved, will supersede and replace the project alternatives section of the FED found at pages J-74 to J-90. The Board will reconsider its prior decision on the Scoping Plan based on the expanded environmental analysis provided in the Supplement.

Submittal of Comments:

In accordance with CEQA, the Supplement to the AB 32 Scoping Plan FED is being circulated for public review without recirculating the FED. ARB invites comments on the Supplement; comments will be accepted during a 45-day public comment period that begins on June 13, 2011 and ends on July 28, 2011.

To be considered by the Board, written comments must be received **no later than July 28, 2011**, and must be addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

The Supplement is available at the Public Information Office, Air Resources Board, Visitors and Environmental Services Center, 1001 I Street, First Floor, Sacramento, California 95814 or on ARB's website at:

<http://www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm>

More information about the AB 32 Scoping Plan is also available at the website listed above, including copies of both the Scoping Plan and the FED.

During the 45-day comment period, ARB staff will also conduct a public workshop to discuss the Supplement and receive comments. The date and location of the workshop has not yet been determined, but this information will be posted at:

<http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>

After the close of the 45-day public comment period, ARB staff will prepare written responses to comments received on the environmental analysis contained in the Supplement, as provided in title 17, California Code of Regulations, section 60007(a). Only comments relating to the Supplement will be considered and responded to in writing. The written responses to comments will also be posted on ARB's website prior to the August 24, 2011 Board hearing.

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

Board Hearing:

At the August 24, 2011 public hearing, the Board will consider the FED (as amended by the Supplement to the FED) and the written responses to public comments on the FED prepared by ARB staff. The Board will also make a new decision on whether to approve the Scoping Plan as proposed in 2008, or to instead pursue one of the alternatives discussed in the Supplement (or a variation of the Scoping Plan or an alternative), based on the information contained in the FED, the Supplement, public comments, and written responses to comments received.

Special Accommodation Request:

Special accommodation or language needs can be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format (i.e., Braille, large print, etc.) or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at 916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Comodidad especial o necesidad de otro idioma puede ser proveído para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia
- Documentos disponibles en un formato alterno (por decir, sistema Braille, o en impresión grande) u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

CALIFORNIA AIR RESOURCES BOARD

/s/

James N. Goldstene
Executive Officer

Date: June 13, 2011

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.arb.ca.gov.