

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-09-001

Relating to a Approval of the *Climate Change Scoping Plan*
to Reduce Greenhouse Gas Emissions in California

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, CEQA allows public agencies to prepare a plan or other written documentation in lieu of an environmental impact report (i.e., a functional equivalent environmental document), once the Secretary of the Resources Agency has certified an agency's regulatory program pursuant to section 21080.5 of the Public Resources Code;

WHEREAS, pursuant to section 21080.5 of the Public Resources Code, the Secretary of the Resources Agency has certified that portion of ARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans;

WHEREAS, Board regulations under ARB's certified regulatory program provide that prior to taking final action on any proposal for which significant environmental issues have been raised, the decision maker shall approve a written response to each such issue;

WHEREAS, on October 15, 2008, ARB staff prepared and circulated for public review, in accordance with CEQA and Board regulations, a functional equivalent environmental document which is set forth in Appendix J to the *Proposed Climate Change Scoping Plan*;

WHEREAS, ARB conducted public hearings on October 23, 2008, November 20-21, 2008, and December 11, 2008 to consider the *Proposed Climate Change Scoping Plan* and the functional equivalent environmental document;

WHEREAS, following the public hearing on December 11, 2008, the Board adopted Resolution 08-47 (Attachment 1 to this Executive Order) in which the Board initiated steps toward the final adoption of the *Proposed Climate Change Scoping Plan*;

WHEREAS, in Resolution 08-47 the Board designated the Executive Officer as the decision maker for the purpose of responding to environmental issues raised on the *Proposed Climate Change Scoping Plan*, as provided in title 17, California Code of Regulations, section 60007, and stated that the Board is not prejudging any of the responses that will be made by the Executive Officer to these environmental issues.

WHEREAS in Resolution 08-47 the Board directed the Executive Officer to prepare and approve written responses to all significant environmental issues that have been raised, and then to either: (1) return the *Proposed Climate Change Scoping Plan* to the Board for further consideration if he determines that this is warranted, or (2) take final action to approve the *Proposed Climate Change Scoping Plan* with the modifications identified at the December 11, 2008 public hearing, any conforming modifications that may be appropriate, and any modifications that are necessary to insure that all feasible measures or feasible alternatives that would substantially reduce any significant adverse environmental impacts have been incorporated into the final action.

WHEREAS, written and oral comments raising environmental issues were received during the comment period for the *Proposed Climate Change Scoping Plan*;

WHEREAS, pursuant to the Board's direction in Resolution 08-47, the Executive Officer has summarized and prepared written responses to comments raising significant environmental issues associated with the *Proposed Climate Change Scoping Plan*; these summaries and responses to comments are set forth in Attachment 2 to this Executive Order,

WHEREAS, the Executive Officer finds that:

1. The recitals and findings contained in Resolution 08-47 are incorporated by reference herein, including the findings pursuant to CEQA that are set forth on pages 5 and 6 of Resolution 08-47;
2. As provided in section 15126.6 of the CEQA Guidelines, the mix of measures identified in the *Proposed Climate Change Scoping Plan* is the preferred alternative, for the reasons discussed in Appendix J to the *Proposed Climate Change Scoping Plan* and the responses to comments set forth in Attachment 2 to this Executive Order;
3. No additional modifications to the *Proposed Climate Change Scoping Plan* are necessary to insure that all feasible measures or feasible alternatives that would substantially reduce any significant adverse environmental impacts have been incorporated into the final action;

NOW, THEREFORE, IT IS ORDERED that the Executive Officer hereby approves the written responses to comments raising environmental issues associated with the *Proposed Climate Change Scoping Plan*, as set forth in Attachment 2 to this Executive Order.

IT IS FURTHER ORDERED that the Executive Officer hereby approves the functional equivalent environmental document prepared for the *Proposed Climate Change Scoping Plan*, as set forth in Appendix J to Plan.

IT IS FURTHER ORDERED that the *Climate Change Scoping Plan*, as modified by the Executive Officer pursuant to the Board's direction in Resolution 08-47, is hereby approved as set forth in Attachment 3 to this Executive Order.

Executed this 7th day of MAY, 2009, at Sacramento, California.


James N. Goldstone
Executive Officer

Attachments

FILED
MAY 11 2009

Resources Agency of California

Executive Order G-09-001

Identification of Attachments to Executive Order G-09-001

Attachment 1: Resolution 08-47, approved by the Board on December 11, 2008

Attachment 2: ARB Responses to Public Comments on the Functional Equivalent Document (FED) for the Proposed Climate Change Scoping Plan

Attachment 3: Climate Change Scoping Plan, as modified by the Executive Officer pursuant to the Board's direction in Resolution 08-47