



# CAL Planner

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*The California Energy Commission reports that the main source of greenhouse gases in the state is transportation, contributing 41 percent of the total. How should the impact of these emissions on global climate change be analyzed under CEQA? Absent official guidance from the state, a recent white paper by the Association of Environmental Professionals suggests a few approaches.*

## Analyzing Impacts Related to Global Climate Change Under CEQA

by Niko Letunic and Michael Hendrix

By now, the scientific consensus is that emissions of greenhouse gases (GHG) from human activities are causing the earth's average temperature to rise and that this warming will have severe environmental and public health consequences unless GHG emissions are significantly reduced. With the issuance of Governor Schwarzenegger's Executive Order S-3-05 and passage of AB 32, the Global Warming Solutions Act of 2006, California's state government has adopted this consensus. It is now official state policy that global climate change poses a threat to California's resources and the public.

In the face of such official state action, "lead agencies" under CEQA are under growing pressure to analyze the GHG emissions of their projects and any resulting impacts related to global climate change (GCC). In April, for example, the California Office of the Attorney General joined three environmental organizations in suing the County of San Bernardino under CEQA, alleging that the county had not adequately evaluated the GCC impacts of its newly approved general plan.

As that and similar cases are currently pending in trial courts, they are

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**Global Warming**

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not likely to yield published legal precedents for at least two years. At the same time, no state agency has yet published guidance for analyzing a project's GCC impacts under CEQA. Recognizing an immediate need for guidance, the Association of Environmental Professionals (AEP), a statewide nonprofit organization with over 1600 members, produced a "white paper" on the subject earlier this year, titled "Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents" (June 29, 2007; primary authors were Michael Hendrix and Cori Wilson).

The white paper provides practical information for CEQA practitioners, including a summary of the science and key issues behind global climate change; the current regulatory environment surrounding GHG emissions; and descriptions of methods used to estimate GHG emissions from a project. It also argues that there is a compelling statutory basis for analyzing GCC impacts under CEQA, citing the basic purpose of CEQA and legislative findings under AB 32, the Global Warming Solutions Act of 2006. At its heart, the paper offers lead agencies that choose to analyze GCC impacts in their CEQA documents a set of eight alternative approaches for doing so. Below is a summary of these eight approaches:

**1. No Analysis**

Under this approach, a lead agency would choose not to assess a project's GHG emissions or GCC impacts, either because of the lack of government guidance or because the agency concluded that there is insufficient scientific evidence to allow a meaningful project-specific assessment.

**2. Screening Analysis**

This approach would exempt from detailed analyses projects that, based on a threshold or other "screen" established by the lead agency, would not make significant contributions to GCC. One possible screen is a project's significance impact for emissions of criteria air pollutants, since emissions of these pollutants and of GHG tend to follow similar patterns.

**3. Qualitative Analysis Without Significance Determination**

After making a good-faith effort, a lead agency might conclude that there is insufficient scientific evidence for determining the significance of the GCC impacts of a specific project and that such a determination would, therefore, be overly speculative. Using this approach, the lead agency would discuss GHG emissions and GCC impacts but would not make a significance determination.

*... until sufficient information is developed by state agencies on climate-change risks, CEQA documents should make a good-faith effort to assess a project's potential GCC impacts, with recognized limitations.*

**4. Qualitative Analysis with Significance Determination**

Under this approach, the lead agency would discuss GCC impacts qualitatively and would proceed to make a significance determination based on the qualitative analysis.

**5. Quantitative Analysis Without Significance Determination**

For certain projects — in particular, general plan updates — it might be possible to estimate an inventory of past, current, and future GHG emissions. A lead agency would quantify GHG emissions from its project but would decline to make a significance determination, using the supporting arguments mentioned under approaches 1 and 3.

**6. Quantitative Analysis with Net-Zero Threshold**

Using this approach, a lead agency would quantify a project's GHG emissions and compare them against a significance threshold of no net increase in such emissions. Under this approach, most projects would be found to have a significant impact since few of them would be able to completely offset their contribution to GHG emissions.

**7. Analysis Relative to California GHG Emissions-Reduction Strategies**

A lead agency could base its significance determination on whether a project implements all feasible and applicable emissions-reduction strategies contained in the California Climate Action Team's (CAT) 2006 "Report to the Governor" (see appendix A of AEP's paper). A similar approach could be used for projects in counties or cities that have an adopted GHG emissions-reduction plan.

**8. Use of Partial Exemption and Tiering and Projects "Within the Scope"**

This approach incorporates three streamlining techniques available under CEQA: the "partial exemption" provision (CEQA Guidelines §15183), the "tiering" provision (CEQA Guidelines §15152), and the provision for projects found to be "within the scope" of an earlier program EIR (CEQA Guidelines §15168).

The paper advises that since no individual project would generate sufficient GHG emissions to significantly influence GCC, the issue should be addressed in the context of a cumulative, rather than project-specific, impact. To further assist lead agencies that choose to analyze GCC impacts under CEQA, AEP's white paper also provides a list of potential

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members to partially reimburse for the cost of maintaining the AICP certification.

- The **Transportation Division** is working on a number of initiatives, including the Airports Committee. The Division is also developing a mentoring program and revitalizing its Policy Advisory Council that will provide expertise on a range of transportation-related topics.
- The **Urban Design and Preservation Division** hosts a nationwide Design Forum Series to engage planners and allied professionals in design-oriented planning.

To conclude, before you complete your membership renewal, take another look at that bottom left corner of the application form directly right of this article and consider joining one or more Divisions. It is a simple task to hand-write the Divisions you want to join on the renewal form – and well worth the time and modest cost to do so.

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adverse impacts related to GCC that might affect California and that, therefore, could be addressed in CEQA documents. A partial list of effects includes:

- More severe heat, which would lead to more wildfires, worsen air pollution, and cause heat-related public-health problems.
- Rising sea levels, which would increase stress on levees and exacerbate coastal erosion and flooding.
- Greater incidence of climate-sensitive diseases such as malaria and encephalitis.
- More frequent droughts, which would decrease food and water supplies and worsen water quality.

AEP's paper also discusses the mitigation of GCC impacts, including through on-site design features, off-site mitigation, and carbon-offset programs. It cautions, though, that in most cases, the extent of GCC impacts at specific locations is uncertain and that mandating mitigation without a clear connection between a project and its GCC-related impacts might fall afoul of CEQA. The paper acknowledges that specific project-impact analyses are not feasible for certain locations. However, it concludes by advising that until sufficient information is developed by state agencies on climate-change risks, CEQA documents should make a good-faith effort to assess a project's potential GCC impacts, with recognized limitations.

For readers interested in more detailed information on this topic, AEP's white paper is available at [www.califaep.org/climate%20change/default.html](http://www.califaep.org/climate%20change/default.html).

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## *City of San Gabriel Receives "Award of Excellence"*

The Southern California Association of Government's (SCAG) recently conferred an "Award of Excellence" to the City of San Gabriel for the Valley Vision: Valley Boulevard Neighborhoods Sustainability Plan and an "Award for Achievement" to the City of Ontario for the New Model Colony. PBS&J developed urban plans for both projects.

For more information, please see <http://www.pbsj.com/Press/Releases/Dis>.

### ***How to Login for the First Time***

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