

January 21, 2016

Notice of Change in Greenhouse Gas Emissions Analysis Recommendations

To Whom It May Concern:

The Sacramento Metropolitan Air Quality Management District (SMAQMD) Board of Directors adopted recommended greenhouse gas emissions (GHG) thresholds of significance for use in analyses conducted to comply with the California Environmental Quality Act (CEQA) in October 2014. Additionally, for projects exceeding the operational threshold of 1,100 metric tons, the SMAQMD recommended a 21.7% reduction of emissions from a proposed project compared to business as usual (BAU) emissions as adequate mitigation because it demonstrated that the project would be consistent with the Global Warming Solutions Act (AB32) and the California Air Resources Board's Climate Change Scoping Plan, and would not impede the state's progress in meeting the Plan goals.

On November 30, 2015, the California Supreme Court (Court) published its opinion on greenhouse gas analysis in the case of Center for Biological Diversity v. California Department of Fish and Wildlife and Newhall Land and Farming. Although the Court confirmed that comparing the project's emissions to BAU emissions to determine consistency with the Climate Change Scoping Plan was an acceptable significance criteria, the Court found that the analysis did not contain substantial evidence linking the project's individual emission reductions to the State's emission reduction targets in the Climate Change Scoping Plan.

This Court opinion did not impact the SMAQMD's recommended GHG thresholds of significance, but the opinion did cast doubt on the SMAQMD's recommendation to compare a proposed project's emissions to BAU emissions, and demonstrate consistency with the Climate Change Scoping Plan by reducing BAU emissions by 21.7%.

Both the plaintiff and the real party in interest in the action have filed for reconsideration. The Court has indicated it will rule on the requests in February 2016. Unless and until a revised ruling is issued, the SMAQMD does not recommend relying on the BAU 21.7% mitigation approach.

The most promising analysis alternative acceptable to the Court included comparing a proposed project to a jurisdiction's climate action plan or GHG reduction plan to adequately reduce GHG emissions and comply with CEQA. SMAQMD recommends jurisdictions expeditiously move forward with the analysis and development of climate action plans to streamline GHG analysis and mitigation.

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In the meantime, project proponents with emissions exceeding the SMAQMD's GHG thresholds of significance are expected to work with the Lead Agency to implement all feasible mitigation for the project. The Lead Agency must determine if a project is adequately mitigated and if findings of significant and unavoidable would be necessary.

SMAQMD staff is in the process of updating pertinent sections of the *Guide to Air Quality Assessment in Sacramento County* document to incorporate the alternative approaches offered by the Court in its ruling. Updates will be posted on the SMAQMD's website: www.airquality.org and notice provided through the SMAQMD's Land Use and Transportation e-mail subscription. Questions can be directed to Karen Huss of my staff at 916-874-4881 or khuss@airquality.org.

Sincerely,

A handwritten signature in blue ink that reads "Larry F. Greene". The signature is fluid and cursive, with the first name "Larry" and last name "Greene" clearly legible.

Larry F. Greene

Executive Director/Air Pollution Control Officer