

State of California
Environment Protection Agency
AIR RESOURCES BOARD

FILED

Notice of Decision

AUG 26 2011

Project Title: **AB 32 SCOPING PLAN (SCH# 2008102060)**
Resources Agency of California

Project Location: Statewide

Public Meeting Date: August 24, 2011; Agenda Item 11-6-1

Project Description: The AB32 Scoping Plan outlines the Air Resources Board's main recommended strategies to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020 as required by the Global Warming Solutions Act of 2006 (AB 32; Núñez, Chapter 488, Statutes of 2006). The Scoping Plan recommends a range of GHG reduction actions which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, a cap-and-trade market-based mechanism, and an AB 32 program implementation regulation to fund the program.

Approved By: Air Resources Board
Resolution 11-27
Dated: August 24, 2011

This notice is to advise that ARB, as the lead agency, has approved the above described project on August 24, 2011 and has determined that the project may have a significant effect on the environment (see attached Resolution 11-27).

The AB 32 Scoping Plan was considered by the Air Resources Board at a December 11, 2008 public hearing, and subsequently adopted by the Board's Executive Officer in May 11, 2009. As a result of subsequent litigation, a California State trial court found that the environmental analysis of the alternatives to the Scoping Plan included in the *AB 32 Scoping Plan Functional Equivalent Environmental Document* was not sufficient under CEQA (*Association of Irrigated Residents, et al. v. California Air Resources Board, et al.*, San Francisco Superior Court, Case Number CPF-09-509562, May 20, 2011). Although ARB has appealed the decision, in the interest of public participation and informed decision-making, ARB staff prepared a revised and expanded environmental analysis of the project alternatives to bring back to the Board for reconsideration of their prior decision to approve the Plan.

In accordance with CEQA and ARB's certified regulatory program, ARB prepared and released the expanded alternatives analysis in a draft *Supplement to the AB 32 Scoping Plan Functional Equivalent Environmental Document* (Supplement) for a 45 day public review and comment period on June 13, 2011. Written responses to comments received during the 45 day comment period were prepared by ARB staff and released on August 19, 2011 in the *Response to Comments on the Supplement to the AB 32 Scoping Plan Functional Equivalent Document*. ARB also released a *Final Supplement to the AB 32 Scoping Plan Functional Equivalent Environmental Document* (Final

Supplement) on August 19, 2011, which included minor modifications to the draft Supplement made in response to written comments.

The Final Supplement, as approved by the Board on August 24, 2011, supersedes and replaces the project alternatives section of the *AB 32 Scoping Plan Functional Equivalent Environmental Document* (pages J-74 to J-90). The Board recertified the complete *AB 32 Scoping Plan Functional Equivalent Environmental Document* revised by the Final Supplement. The Board also approved the written responses to comments on the Supplement, as set forth in *ARB Responses to Comments on the Supplement to the AB 32 Scoping Plan Functional Equivalent Document*, and approved the written responses prepared in 2009 to comments on the *AB 32 Scoping Plan Functional Equivalent Environmental Document*, as set forth in the *ARB Response to Public Comments on the Functional Equivalent (FED) for the Proposed Climate Change Scoping Plan*.

The program-level analysis contained in the *AB 32 Scoping Plan Functional Equivalent Environmental Document* indicated that there is the potential for adverse environmental impacts associated with implementation of the various GHG emission reduction measures recommended in the *AB 32 Scoping Plan*. No mitigation measures were adopted as a condition of the *Scoping Plan* approval because specific mitigations cannot be identified until the details of each measure are developed during the rulemaking process and additional project-level analysis of impacts is conducted for each measure pursued by ARB.

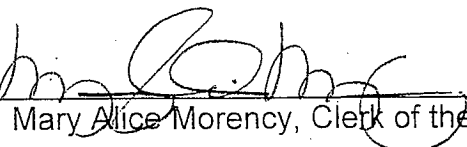
Findings and a statement of overriding consideration were adopted as part of Board Resolution 11-27.

A copy of the Final Supplement, the *AB 32 Scoping Plan Functional Equivalent Environmental Document* and the written Responses to Comments are available at ARB's website at <http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>.

These documents and the record of the project approval may also be examined at:

California Air Resources Board
Attn: Board Administration and Regulatory Coordination Unit
1001 I Street
Sacramento, CA 95814

Certified:


Mary Alice Morency, Clerk of the Board

Date:

8/26/2011

Attachments:

- Resolution 11-27
- Responses to Comments on the Supplement to the *AB 32 Scoping Plan Functional Equivalent Document*