



April 27, 2009

ENVIRONMENTAL LAW MANATT

NEWSLETTER OF THE ENVIRONMENTAL PRACTICE GROUP OF MANATT, PHELPS & PHILLIPS, LLP

California Governor's Office of Planning and Research Proposes New CEQA Guidelines to Address Greenhouse Gases

[Travis Ritchie](#)

On April 13, 2009, the California Governor's Office of Planning and Research ("OPR") [submitted](#) to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines for greenhouse gas emissions, as required by Senate Bill 97 (Chapter 185, 2007). These [proposed CEQA Guidelines amendments](#) are intended to address the analysis and mitigation of greenhouse gas emissions in draft CEQA documents.

OPR proposed a new section to assist lead agencies in determining the significance of the impacts of greenhouse gas emissions. (See Section 15064.4.) This section urges lead agencies to quantify the greenhouse gas emissions of proposed projects where possible. OPR drafted general descriptions of emissions to capture all relevant emissions resulting from a project and to avoid any suggestion that lead agencies should consider emissions related only to traffic and energy use. Similarly, OPR encouraged lead agencies to consider the full range of project features that may increase or decrease greenhouse gas emissions.

OPR also proposed the addition of a new subdivision intended to clarify that the benefits of a project that may be considered in a statement of overriding considerations may include not just local benefits, but also regional or statewide benefits. (See section 15093(d).) Another new subdivision emphasizes that the effects of greenhouse gas emissions are cumulative and should be analyzed in the context of CEQA's requirements for cumulative impacts analysis. (See Section 15130(f).)

Following OPR's proposal, the Natural Resources Agency will begin a formal rulemaking process to certify and adopt the amendments

NEWSLETTER EDITORS

[Craig S. Bloomgarden](#)

Partner
cbloomgarden@manatt.com
310.312.4240

[Ted Wolff](#)

Partner
twolff@manatt.com
212.790.4575

OUR PRACTICE

The Energy, Environment & Natural Resources lawyers at Manatt have one of our firm's fastest-growing practices. That growth reflects our depth of experience and skill in dealing with the interaction of increasingly complex environmental and energy regulations that confront every company doing business in the United States. Our attorneys blend a sophisticated legal understanding with a practical business perspective to enhance the competitive flexibility of all our clients ...[more](#)

- . [Practice Group Overview](#)
- . [Practice Group Members](#)

INFO & RESOURCES

- . [Subscribe](#)
- . [Unsubscribe](#)
- . [Sarbanes-Oxley Act](#)
- . [Newsletter Disclaimer](#)
- . [Technical Support](#)
- . [Manatt.com](#)

as part of the state regulations implementing CEQA. The Natural Resources Agency should complete this process by January 2010.

[back to top](#)

FOR ADDITIONAL INFORMATION ON THIS ISSUE, CONTACT:



[Travis Ritchie](#) Mr. Ritchie is an Associate in the firm's Land Use, Environment & Energy Practice Group. His practice focuses on environmental issues including water law and administrative law.

ATTORNEY ADVERTISING pursuant to New York DR 2-101(f)
Albany | Los Angeles | New York | Orange County | Palo Alto | Sacramento | San Francisco | Washington, D.C.
© 2009 Manatt, Phelps & Phillips, LLP. All rights reserved.