

**State of California
AIR RESOURCES BOARD**

EXECUTIVE ORDER NO. G-11-024

Relating to Adoption of Regional Greenhouse Gas Emission Reduction Targets
For Automobiles and Light Trucks Pursuant Senate Bill 375

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 Natural 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 Natural Resources Agency has certified that portion of the California Air Resources Board's (ARB or Board) regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulation, 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, in June, 2010, ARB staff prepared and circulated for public review *Draft Regional Greenhouse Gas Emission Reduction Targets for Automobiles and Light Trucks Pursuant to Senate Bill 375* (Draft Targets) and conducted seven public workshops around the state in July 2010 to discuss and receive public comment on the Draft Targets;

WHEREAS, on August 9, 2010, ARB staff prepared and circulated for public review *Proposed Regional Greenhouse Gas Emission Reduction Targets for Automobiles and Light Trucks Pursuant to Senate Bill 375* (Proposed Targets);

WHEREAS, on August 9, 2010, ARB staff prepared and circulated for a 45-day public comment period, in accordance with CEQA and Board regulations, a functional equivalent environmental document with a programmatic level review of the potentially significant environmental impacts of the Proposed Targets;

WHEREAS, ARB held a public hearing on September 23, 2010, to consider and receive comments on the Proposed Targets and on the functional equivalent environmental document;

WHEREAS, following the public hearing on September 23, 2010, the Board adopted Resolution 10-31, set forth in Attachment 1 to this Executive Order, in which the Board conditioned the 2035 Regional Target for the Southern California Association of Governments (SCAG) region on further discussions being conducted between ARB and SCAG staff and an update being provided to the Board at its regularly scheduled February 2011 meeting, regarding the outcome of those discussions;

WHEREAS, those discussions between ARB and SCAG have taken place, addressing the 2035 Regional Target for the SCAG region and SCAG's recommendations associated with that target;

WHEREAS, on February 3, 2011, the SCAG President reported to the SCAG Regional Council on the progress of those ARB-SCAG discussions and stated that SCAG does not seek to change the 2035 Regional Target set by the Board;

WHEREAS, the condition set by the Board on September 23, 2010 has been satisfied and a report will be provided by ARB staff to the Board at its February 24, 2011 meeting, as directed (see Attachment 2 for the February 24, 2011 Board meeting agenda);

WHEREAS, in Resolution 10-31 the Board designated the Executive Officer as the decision maker for the purpose of responding to significant environmental issues raised on the Proposed Targets, as provided in Title 17, California Code of Regulations, section 60007;

WHEREAS, in Resolution 10-31 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 to the Board for further consideration of the Regional Targets, or (2) take final action to certify the final functional equivalent environmental document, including written responses to comments raising significant environmental issues, and adopt the Regional Targets, any conforming modifications that may be appropriate, and any modifications that are necessary to ensure that all feasible mitigation measures or feasible alternatives that would substantially reduce any significant adverse environmental impacts have been incorporated into the final action;

WHEREAS, written comments raising environmental issues were received during the public comment period on the functional equivalent document;

WHEREAS, pursuant to the Board's direction in Resolution 10-31, the staff has summarized and prepared written responses to comments raising significant environmental issues associated with the Proposed Targets; these summaries and responses to comments are set forth in Attachment 3 to this Executive Order;

NOW, THEREFORE, the Executive Officer hereby approves the written responses to comments raising significant environmental issues associated with the Proposed Targets, as set forth in Attachment 3 to this Executive Order.

IT IS FURTHER ORDERED that the Executive Officer hereby certifies that the functional equivalent environmental document prepared for the Proposed Targets was prepared in accordance with the requirements of ARB's certified regulatory program under CEQA.

BE IT FURTHER RESOLVED that the recitals contained in Resolution 10-31 are incorporated by reference herein.

BE IT FURTHER RESOLVED that in consideration of the functional equivalent document and public comment thereon, the Executive Officer finds, pursuant to Public Resources Code section 21081:

1. The Proposed Targets have the potential to create significant adverse impacts to air quality, traffic, population, utilities and services, noise, and aesthetics as broadly identified in the functional equivalent document.
2. ARB cannot identify with any specificity the potential project level impacts that may result from the policy choices taken by individual MPOs to achieve the targets, and therefore, cannot identify feasible mitigation measures with any specificity.
3. The functional equivalent document identified general mitigation strategies that could be employed at the local level to mitigate the potential adverse project level impacts identified.
4. ARB does not have the authority to implement any of the identified potential general mitigation measures, as these measures are the responsibility and within the control of regional and local agencies that may act later to implement the Regional Targets through adoption of regional and local plans. Therefore, no feasible mitigation measures have been identified.
5. The functional equivalent document considered alternatives pursuant to CEQA Guidelines section 15126.6, but no project alternative would reduce to insignificant levels the potentially significant impacts identified.
6. These findings are supported by substantial evidence in the record.

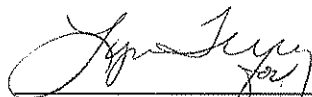
BE IT FURTHER RESOLVED that the Executive Officer finds that despite the inability to incorporate changes into the proposed project that will mitigate identified potentially significant adverse impacts to a level of insignificance, the following benefits and considerations outweigh the identified potentially significant unavoidable adverse environmental impacts:

1. Environmental benefits from the reduction of greenhouse gas emissions from passenger vehicles and light trucks by over three million metric tons of CO₂ per year (MMT_{CO2}/year) in 2020, and 15 MMT_{CO2}/year in 2035;
2. Region-wide and statewide related health benefits of reducing other associated air pollutants from tailpipe emissions;
3. Statewide environmental benefits including reduced air and water pollution, conservation of open space and farmland;
4. Other public benefits, as described in the 2008 Climate Change Scoping Plan, the 2009 RTAC report, and the August 9, 2010 functional equivalent document, including increased mobility, diversity of housing options, and healthier and more equitable communities;
5. Economic benefits including cost savings from reduced energy demand.

IT IS FURTHER ORDERED that the Proposed Targets, as modified by the Board pursuant to direction in Resolution 10-31, are hereby approved.

IT IS FURTHER ORDERED that the approved regional targets, as set forth in Attachment 4 to this Executive Order, be made available to the public by posted information on the ARB website

Executed this 15th day of February 2011, at Sacramento, California.



James N. Goldstone
Executive Officer
California Air Resources Board

Attachments

Executive Order G-11-024

Identification of Attachments to Executive Order No. G-11-024

- Attachment 1:** ARB Board Resolution 10-31 (September 23, 2010)
- Attachment 2:** Agenda for February 24, 2011 Board Meeting
- Attachment 3:** Summaries and Responses to Comments
On the Functional Equivalent Environmental Document
- Attachment 4:** Approved Regional Greenhouse Gas Emission
Reduction Targets