

**RESOLUTION NO: 09-0916-3**

**STATE OF CALIFORNIA**

**STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION**

**WHEREAS**, on June 3, 2009, the California Energy Commission adopted an order instituting an informational (OII) proceeding to gather information to develop guidelines to govern the administration and award of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) for an Energy Efficiency and Conservation Block Grant (Block Grant) Program; and

**WHEREAS**, the OII established the Ad Hoc Committee on ARRA (Committee) and directed the Committee to develop guidelines for the Block Grant Program based on the information received during the OII proceeding and the Energy Commission's existing statutory authority as well as any subsequent statutory authority established after the adoption of the OII; and

**WHEREAS**, the Committee has developed proposed guidelines for the Block Grant Program, entitled *Committee Draft Block Grant Guidelines*, based on the information and public comments received as part of the OII proceeding, and recommends that the California Energy Commission adopt the guidelines to govern its Block Grant Program; and

**WHEREAS**, Public Resources Code section 25450.5 (a) authorizes the California Energy Commission to adopt guidelines to govern the administration of its Block Grant Program pursuant to ARRA and Public Resources Code sections 25450 – 25450.5; and

**WHEREAS**, the California Energy Commission's legal office has considered the application of the California Environmental Quality Act (CEQA) to the adoption of the *Committee Draft Block Grant Guidelines* and opined that the adoption of the guidelines is exempt from CEQA, because it is not a "project" subject to CEQA pursuant to Title 14, California Code of Regulations, section 15378 (b)(4), in that it relates to the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and also because it falls within the so-called "common sense" exemption pursuant to Title 14, California Code of Regulations, section 15061(b)(3), which indicates that CEQA only applies to projects that have a "significant effect on the environment" which is defined in Public Resources Code section 21068 and in Title 14, California Code of Regulations, section 15382, as being a substantial, or potentially substantial, adverse change in the environment; and

**WHEREAS**, the California Energy Commission has considered the *Committee Draft Block Grant Guidelines* and finds that the adoption of these guidelines is exempt from CEQA for the reasons opined by the legal office, and accepts and approves said guidelines for the purpose of administering its Block Grant Program; and

**THEREFORE BE IT RESOLVED**, the California Energy Commission hereby adopts the *Committee Draft Block Grant Guidelines*, and authorizes the Executive Director, or her designee, to administer the Block Grant Program as specified in these guidelines.

RESOLVED,

Dated: September 16, 2009

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT  
COMMISSION

A handwritten signature in black ink, appearing to read 'K. Douglas', is written over a horizontal line.

KAREN DOUGLAS,  
Chairman