

# DOCKET

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DATE Feb 08 2012

RECD. Feb 09 2012

RESOLUTION NO: 12-0208-02

## STATE OF CALIFORNIA

### STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

#### RESOLUTION

**WHEREAS**, the California Energy Commission has developed its State Energy Program pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) and Public Resources Code sections 25460 et seq.; and

**WHEREAS**, Public Resources Code section 25462 (a) authorizes the California Energy Commission to adopt guidelines to govern the administration of its State Energy Program pursuant to ARRA and Public Resources Code sections 25460 et seq.; and

**WHEREAS**, on September 30, 2009, the California Energy Commission adopted guidelines, entitled *State Energy Program Guidelines*, to carry out the purposes of ARRA and Public Resources Code sections 25460 et seq. and to govern the administration of the State Energy Program pursuant to these statutes; and

**WHEREAS**, the California Energy Commission staff, with guidance and input from lead Commissioner Karen Douglas, have proposed revisions to the guidelines to 1) extend the deadline for completing ARRA-funded projects under the State Energy Program from March 31, 2012, to April 30, 2012, and 2) to remove references in the guidelines to the California Energy Commission's ARRA Ad Hoc Committee, which no longer exists, and replace them with references to the Executive Director, which will now be authorized to carry out certain activities as specified in the guidelines; and

**WHEREAS**, on January 23, 2012, the California Energy Commission publicly noticed staff's proposed revisions to the guidelines and offered stakeholders and interested member of the public an opportunity to comment on staff's proposed revisions; 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 proposed guideline revisions and opined that the adoption of these revisions is exempt from CEQA, because it is not a "project" subject to CEQA pursuant to Title 14, California Code of Regulations, section 15378 (b)(2) and (4), in that it deals with the continuation of administrative and maintenance activities related to general policy and procedure making and the creation of governmental funding mechanisms that do not involve a commitment to any specific project which may result in a potentially significant physical impact on the environment, and also because it may fall 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 reviewed staff's proposed guideline revisions, as described in the January 23, 2012 public notice, and finds that its adoption of these guideline revisions is exempt from CEQA for the reasons opined by the legal office, and accepts and approves these revisions for the purpose of administering the State Energy Program; and

**THEREFORE BE IT RESOLVED**, the California Energy Commission hereby adopts the revisions to the *State Energy Program Guidelines* as the "Sixth Edition" and authorizes the Executive Director, or his designee, to administer the State Energy Program as specified in these revised guidelines.

#### CERTIFICATION

The undersigned Secretary to the Commission does hereby certify that the foregoing is a full, true and correct copy of a Resolution duly and regularly adopted at a meeting of the California Energy Commission held on February 8, 2012

AYE: Weisenmiller, Douglas, Peterman

NAY: None

ABSENT: None

ABSTAIN: None

  
HARRIET KALLEMEYN  
Secretariat