

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION
RESOLUTION

| | |
|-----------------|-------------|
| DOCKET | |
| 09-OII-1 | |
| DATE | _____ |
| RECD. | MAR 06 2012 |

WHEREAS, the California Energy Commission has developed its Energy Efficiency and Conservation Block Grant (Block Grant) Program pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) and Public Resources Code sections 25450 – 25450.5; 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 adopted the *Energy Efficiency and Conservation Block Grant Program Guidelines* on September 16, 2009, to carry out the purposes of ARRA and Public Resources Code sections 25450 – 25450.5 and to govern the administration of the Block Grant 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 *Energy Efficiency and Conservation Block Grant Program Guidelines* to clarify that remaining Block Grant Program funds may be awarded through other grant programs, such as subsequent phases of the Block Grant Program, and that a recipient's award under the Block Grant Program will not affect its eligibility under any such grant programs; and

WHEREAS, on December 22, 2011, the California Energy Commission publicly noticed staff's proposed revisions to the *Energy Efficiency and Conservation Block Grant Program Guidelines*, as set forth in the Fifth Edition, and offered stakeholders and interested members of the public an opportunity to comment on the proposed guideline 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 revisions to the *Energy Efficiency and Conservation Block Grant Program Guidelines* 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 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 staff's proposed revisions to the *Energy Efficiency and Conservation Block Grant Program Guidelines*, as set forth in the Fifth Edition and reflected in the public notices of December 22, 2011, and finds that its adoption of these revised guidelines is exempt from CEQA for the reasons opined by the legal office, and accepts and approves these revisions for the purpose of administering the Block Grant Program; and

THEREFORE BE IT RESOLVED, the California Energy Commission hereby adopts staff's proposed guideline revisions, as set forth in the *Energy Efficiency and Conservation Block Grant Program Guidelines, Fifth Edition*, and authorizes the Executive Director, or his designee, to administer the Block Grant 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 January 12, 2012.

AYE: Weisenmiller, Douglas, Peterman

NAY: None

ABSENT: None

ABSTAIN: None


HARRIET KALLEMEYN
Secretariat