

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION
RESOLUTION

California Energy Commission

DOCKETED

09-OII-01

TN # 67345

SEP 27 2012

WHEREAS, the California Energy Commission has developed its Energy Efficiency and Conservation Block Grant Program pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) and Public Resources Code section 25450, et seq.; and

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

WHEREAS, on September 16, 2009, the California Energy Commission adopted guidelines, entitled *Block Grant Guidelines*, to carry out the purposes of ARRA and Public Resources Code sections 25450, et seq., and to govern the administration of the Energy Efficiency and Conservation 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 guidelines to 1) extend the deadline for completing ARRA-funded projects under the Energy Efficiency and Conservation Block Grant Program from September 13, 2012, to September 13, 2013, 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 July 25, 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)(4), in that it relates to the creation of governmental funding mechanisms or other government fiscal activities 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 July 25, 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 Energy Efficiency and Conservation Block Grant Program; and

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

CERTIFICATION


The undersigned Secretariat 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 August 9, 2012:

AYE: Weisenmiller, Peterman, McAllister

NAY: None

ABSENT: Douglas

ABSTAIN: None


HARRIET KALLEMEYN,
Secretariat