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> Division 6 - Resources Agency
> Chapter 3 - Guidelines for Implementation of the California Environmental Quality Act
> Article 5 - Preliminary Review of Projects and Conduct of Initial Study
> **Cal. Code Regs. Tit. 14, § 15064.4 - Determining the Significance of Impacts from Greenhouse Gas Emissions**

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State Regulations Compare

(a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

- (1) Quantify greenhouse gas emissions resulting from a project; and/or
- (2) Rely on a qualitative analysis or performance based standards.

(b) In determining the significance of a project's greenhouse gas emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions. The agency's analysis should consider a timeframe that is appropriate for the project. The agency's

analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes. A lead agency should consider the following factors, among others, when determining the significance of impacts from greenhouse gas emissions on the environment:

- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
- (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see, e.g., section 15183.5(b)). Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

(c) A lead agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.

Notes

Cal. Code Regs. Tit. 14, § 15064.4

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Sections 21001, 21002, 21003, 21065, 21068, 21080, 21082, 21082.1, 21082.2, 21083.05 and 21100, Public Resources Code; *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497; *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160; *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204; *Communities for a Better Environment v. City of Richmond*

(2010) 184 Cal.App.4th 70; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Mejia v. City of Los Angeles (2005) 130 Cal.App.4th 322; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th 1099; Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98; Berkeley Keep Jets Over the Bay Com. v. Board of Port Comm. (2001) 91 Cal.App.4th 1344; and City of Irvine v. Irvine Citizens Against Overdevelopment (1994) 25 Cal.App.4th 868.

1. New section filed 2-16-2010; operative 3-18-2010 (Register 2010, No. 8).

2. Amendment of section and Note filed 12-28-2018; operative 12/28/2018 pursuant to Government Code section 11343.4(b)(3) (Register 2018, No. 52).



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