



**Santa Barbara County
Air Pollution Control District**

DATE: September 6, 2016

TO: Planning departments of public agencies in Santa Barbara County

FROM: Ben Ellenberger, Technology and Environmental Assessment Division Manager
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RE: Notice about California Environmental Quality Act (CEQA) Greenhouse Gas Thresholds

The Santa Barbara County Air Pollution Control District (District) has adopted *Environmental Review Guidelines*, which we use to implement CEQA.¹ The District guidelines include significance thresholds for greenhouse gas (GHG) impacts. For projects with GHG emissions between 10,000 and 25,000 metric tons per year, the District guidelines state that the project will not have a significant GHG impact if the project will “Show consistency with the AB 32 Scoping Plan GHG emission reduction goals by reducing project emissions 15.3% below Business As Usual (BAU).”

On November 30, 2015, the California Supreme Court issued its opinion in *Center for Biological Diversity v. California Department of Fish and Wildlife, Real Party In Interest Newhall Land and Farming*.² While the Supreme Court upheld the BAU approach as a valid CEQA threshold, the Court found that the application of this threshold in that case was not adequately supported by substantial evidence in the record.

In light of *Newhall*, the District advises any agency considering use of the District’s BAU CEQA threshold to consult with their attorney to determine if application of this threshold is appropriate in that agency’s particular case.

¹ *Environmental Review Guidelines for the Santa Barbara County Air Pollution Control District*, April 2015. See <https://www.ourair.org/land-use/>

² *Center for Biological Diversity et al, v. California Department of Fish and Wildlife, Real Party In Interest Newhall Land and Farming Company*, (Nov. 2015) 62 Cal.4th 204.