SEQRA and Climate Change

By Michael B. Gerrard

New York's State Environmental Quality Review Act (SEQRA) is the centerpiece of environmental decision-making in the state. It requires state and local agencies to prepare environmental impact statements (EISs) for actions that could significantly affect the environment. SEQRA has become the principal framework for the identification and mitigation of environmental impacts.

The text of SEQRA provides that EISs should discuss the "effects of the proposed action on the use and conservation of energy resources, where applicable and significant."[1] EISs under SEQRA are also required to consider, among many other things, a project's effects on air pollution.[2] Since the main source of greenhouse gases (GHGs) is the use of energy, and also since the most important GHG, carbon dioxide, has been declared by the U.S. Supreme Court to be an air pollutant,[3] the New York State Department of Environmental Conservation (DEC), which is responsible for promulgating the statewide regulations under SEQRA, would seem to have ample authority to require consideration of climate change in EISs.

There have been informal indications that DEC intends to require its staff to address climate issues in EISs when DEC is the lead agency. This may be followed by formal regulatory action to reference climate change in the environmental assessment form.

Progress has been relatively slow. No formal pronouncements have been issued. However, DEC has begun including climate issues in the scope for a number of EISs. One such scope is discussed in greater detail below. Because of the lack of formal activity, the Municipal Art Society of New York, a leading citizens' organization focused on New York City land use and planning issues, has undertaken a project to propose protocols for assessing climate issues under SEQRA and its New York City equivalent, City Environmental Quality Review (CEQR).

The New York State Department of Transportation (DOT) has been requiring GHG analysis for more than three years. In November 2003 DOT issued three "draft interim guidance" documents setting forth, in some detail, how to calculate carbon dioxide emissions from proposed projects as well as from Transportation Improvement Programs and Long Range Plans. These documents were written for inclusion in DOT's guidance document, the *Environmental Procedures Manual*. Though they have not been finalized, DOT is already applying them in project reviews. The process involves examination of direct vehicle use of fuel; GHG emissions from that fuel; and emissions in roadway and rail line construction and maintenance. The stated authority for this analysis is the 2002 State Energy Plan, which adopted a goal of reducing GHG emissions 5% below 1990 levels by 2010, and 10% below 1990 levels by 2020.[4]

No judicial decision under SEQRA appears to have addressed the issue of climate change. However, one early decision upheld DEC's decision to impose energy conservation conditions in approving an action (a shopping center).[5]

Belleayre Scope

DEC's most detailed public discussion of what it would like to see in EISs is the scope it released in February 2008 for the proposed unit management plan amendments to the state-run Belleayre Mountain Ski Center and for the Belleayre Resort at Catskill Park, a private development proposed alongside the Belleayre Mountain Ski Center. DEC's scope, issued in February 2008, required a very detailed discussion of climate issues. Because this scope may become a template for other EISs, it is worth setting forth at length. There are three parts to the scope. Part A concerns the Unit Management Plan, which is the State's management plan for its ski center. Part B concerns the scope for the supplemental draft EIS being prepared for the private development. Part C looks at the cumulative impacts from changes proposed for the ski center and the private development. DEC imposed similar requirements on itself as to what it required of the private developer.

The Belleayre scoping document (Part A) required:

> A . . . [B]oth a quantitative (where practicable) and qualitative discussion of the GHG emissions resulting from construction activities, including the manufacture or transport of the construction materials, specifically including the following:
>
> 1. A qualitative analysis of how the building products will be environmentally-preferable . . .
>
> 2. A quantitative analysis of GHG emissions resulting from construction activities and the transport of building supplies from the supplier to the work site.

B. A quantitative estimate of both direct and indirect GHG sources during the post-construction operation of the project should be included:

1. Direct GHG emissions will include emissions from combustion processes or industrial processes conducted on-site, including but not limited to the heating and cooling systems and boilers, snow making guns and from fleet vehicles owned (or leased) and operated by the project proponent and associated with the project.

2. Indirect GHG emissions will include emissions generated by energy generating plants (off-site) supplying energy to the proposed project during its operation, and from vehicle trips generated by the project where vehicles are not owned or operated by the project proponents (i.e. freight deliveries, employee commuting, customer visits). A potential source of indirect emissions is the generation, transportation, and treatment or disposal of wastes. Waste generation should also be expressed as GHG emissions and included in the quantification of total annual emissions.

The Belleayre scope acknowledged that "[s]ite build-out will result in loss of forested area and therefore some loss of CO_2 sequestration capacity." The scope required a quantitative and qualitative analysis of this loss, and referenced a U.S. Department of Agriculture guide on how to perform that study.

The scope required a "[q]uantitative analysis, or where impracticable, a qualitative analysis, of the relative increase or decrease of GHG emissions resulting from each of the alternatives" required to be studied. It also required "a description and evaluation of the range of reasonable and relevant potential mitigation measures which would reduce GHG emissions with respect to technology, scale, design, or use and their implications on GHG emissions." The scope included an illustrative list of potential mitigation measures for consideration only.

Among the potential mitigation measures to be studied are building energy efficiency design measures, utilizing EPA's Energy Star program and/or other energy efficient design standards as a basis for comparison. For transportation emissions, transportation demand management measures are to be identified and assessed.

The scope also required an analysis of the effect of climate change on the project itself. In particular, the scope required a discussion of:

- The potential increase in winter surface air temperatures in relation to:
  - increase in melt rate for snow cover
  - decrease in the length of the snow making season
  - earlier periods of peak runoff and stream flow due to earlier snowmelt
  - changes in total amounts, timing or patterns of precipitation falling as snow
  - overall decrease in the number of snow-covered days available for winter recreation
- The potential increase in summer surface air temperatures in relation to:
  - change in composition of native plant and animal species
  - increase in the prevalence of invasive species and pests
- The potential decrease in summer and fall soil moisture in relation to:
  - increased water requirements for maintaining turf grass and other landscaped areas
  - increased stress on native vegetation
  - increased surface water runoff from areas with stressed vegetation
- To the extent surface waters and their related watershed are affected, the potential increase of water temperatures of surface water, including ponds and stream systems, in relation to:
  - physiological stress and resultant population impacts to heat sensitive aquatic biota, especially coldwater fisheries
  - decrease in dissolved oxygen levels and in the assimilative capacity of the aquatic system.

All analyses are required to assume a lifespan of at least 50 years.

The DEIS is to include a discussion of existing ski centers located in the southeastern United States (presumably because the climate of New York is projected to increasingly resemble that of more southerly portions of the country as the century progresses) as a comparison to demonstrate viability of the proposed facility in light of future potential climate change.

Draft GEIS on RGGI

Another important document is the draft generic environmental impact statement (DGEIS) issued in October 2007 for DEC's proposed regulations implementing the

Regional Greenhouse Gas Initiative (RGGI), a ten-state effort to reduce carbon dioxide emissions from electric power plants.[6]

Among the topics discussed in the DGEIS are the regional impacts of global climate change; the carbon dioxide emissions reductions anticipated under RGGI; RGGI's relationship to other plans, programs, policies and initiatives; the alternative actions considered (including a command and control/emission rate program, variations of carbon dioxide budget trading, and a no-action alternative); the environmental impacts of RGGI; and mitigation of potential adverse impacts.

Energy Efficiency Portfolio Standard

Another important effort under SEQRA is the Final Generic Environmental Impact Statement (Final GEIS) issued by the Department of Public Service in March 2008 for the Energy Efficiency Portfolio Standard.[7] This is part of the state's effort to reduce electric energy consumption in New York by 15% from expected levels by the year 2015.

Interestingly, DEC commented on the Draft GEIS by saying that the document should give greater emphasis to the GHG reduction benefits of the proposal. In response, the Final GEIS contained further discussion of the benefits. The Final GEIS did include some discussion of climate issues, and it projected that the proposal would result in lifetime reductions of 16 million metric tons of carbon dioxide.

Federal Law

SEQRA, enacted in 1975, is based on the National Environmental Policy Act (NEPA), enacted in 1969 and signed into law by President Nixon on January 1, 1970. NEPA requires the preparation of an EIS for "major Federal actions significantly affecting the quality of the human environment."[8] EISs must address not only direct effects, but also indirect effects that are "reasonably foreseeable."[9] Among the topics to be discussed are "[e]nergy requirements and conservation potential of various alternatives and mitigation measures."[10] The idea of disclosing indirect as well as direct energy impacts in NEPA documents was first discussed many years ago.[11]

In 1997 the Council on Environmental Quality (CEQ), the White House office charged with implementing NEPA, issued a draft guidance document finding that the available scientific evidence indicates that climate change "is reasonably foreseeable" and therefore should be assessed in NEPA documents.[12] Though the scientific evidence has become considerably more definitive in the past decade, this draft guidance has never been made final. In February 2008 the International Center for Technology Assessment, the Natural Resources Defense Council, and the Sierra Club filed a petition with CEQ asking it to amend its regulations to clarify that climate change analyses should be included in environmental review documents under NEPA.[13]

Several federal courts have addressed the question of whether a particular action required an EIS-level discussion of climate impacts. The first such decision was *City of Los Angeles v. National Highway Traffic Safety Administration*.[14] It concerned the setting of the Corporate Average Fuel Economy (CAFE) standard. The complaint alleged that a lower standard would worsen global warming. The court found that plaintiffs had standing to bring the lawsuit (itself a significant holding), but that the one-mile-per-gallon change in the CAFE standard at issue was not so significant as to require an EIS. This court—like all subsequent federal courts to address the question—did not doubt that global warming was a proper subject for analysis under NEPA; it merely found a particular action's impacts to fall below the threshold of significance.

The next decision, *Border Power Plant Working Group v. Department of Energy*,[15] concerned the construction of transmission lines to carry electricity from new power plants in Mexico to users in southern California. The court found that carbon dioxide emissions from the new plants should have been analyzed under NEPA. The same year, the Eighth Circuit in *Mid States Coalition for Progress v. Surface Transportation Board*[16] considered the construction of a rail line to bring coal from mines in Wyoming to power plants in Minnesota and South Dakota. The court found that the EIS should have considered the air emissions (including carbon dioxide) from the power plants. The agency went back and supplemented its EIS, including a cursory discussion of climate change impacts; when that new document was challenged, the court found it to be sufficient.[17]

In another case, plaintiffs have won several procedural motions. *Friends of the Earth, Inc. v. Mosbacher* concerns the actions of the Overseas Private Investment Corporation (OPIC) and the Export-Import Bank (Ex-Im Bank) in financing several energy projects abroad. Plaintiffs said these projects would generate GHGs that would affect the climate in the United States, and OPIC and Ex-Im Bank should have analyzed the projects under NEPA. The U.S. District Court for the Northern District of California ruled that the case should go forward. It found that, because domestic effects were alleged and the relevant decisions were made in the U.S., the case did not fail for alleging only extraterritorial impacts. It found disputed issues of fact as to whether the federal actions in financing the projects were so significant that EISs should have been prepared.[18] The district court subsequently certified several key issues in the case for interlocutory appeal to the Ninth Circuit.

Most recently, the Ninth Circuit annulled the average fuel economy standards for light trucks, in part because no EIS had been prepared. The court declared, "The impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct."[19]

Massachusetts

Some states are farther along than New York in analyzing climate change as part of their environmental impact review processes. The state that was first out of the blocks was Massachusetts. Its policy[20] applies to many (but not all) projects undergoing analysis under that state's equivalent of NEPA, the Massachusetts Environmental Policy Act (MEPA).[21] The policy requires quantification of project-related GHG emissions, and states that "MEPA will also require that proponents consider a project alternative in the [EIS] that incorporates measures to avoid, minimize, or mitigate such emissions. For projects subject to the policy, MEPA will immediately begin incorporating into new scoping certificates the requirement that the proponent identify and describe sources of, and propose measures to avoid, minimize, or mitigate for, project-related GHG emissions."

The state formed a technical advisory committee to formulate a protocol for quantifying GHG emissions. The resulting document includes a useful list of suggested ways to mitigate climate impacts through siting, site design, building design and operation, and transportation.[22]

California

California has received a great deal of attention for its Global Warming Solutions Act of 2006, also known as A.B. 32. But that law delegates formulation of detailed regulations to the California Air Resources Board, and they are not due to be adopted until January 1, 2011, and to be effective by January 1, 2012.

Meanwhile, several lawsuits have been filed alleging that environmental impact reports issued under California's impact assessment law, the California Environmental Quality Act (CEQA),[23] should consider climate change. The only two of these cases decided to date challenged development projects that were approved without consideration of the potential impact of climate change and resulting regulations. In a tentative ruling in the first of these, the court found that petitioners had not demonstrated that significant new information had become available, with regard to climate change and its effect on the particular project, between certification of a supplemental environmental review document and the approval of the permits for the project. The court took pains to explain the narrowness of its ruling:

> Petitioners have made a persuasive showing that there is a growing consensus on the issue that has caused state environmental agencies to give it closer attention. As the projected effects of climate change become clearer and can be related to specific sites, there is little doubt that those effects will have to be factored into the analysis of many projects under CEQA.[24]

California Attorney General Jerry Brown has submitted formal comments to at least 13 local governments seeking analysis of climate change in CEQA documents. In April 2007 he brought a lawsuit against the County of San Bernardino, in southeastern California, the largest county (by square miles) in the contiguous 48 states with one of the fastest growing populations. The lawsuit was so controversial that critics (who feared that GHG analysis would make it harder to build new housing and other needed projects) held up passage of the state budget hoping to obtain a prohibition on CEQA climate litigation; they did obtain a limited and temporary ban on certain kinds of this litigation, and also a mandate for guidelines on climate analysis under CEQA. Specifically, the California Legislature adopted S.B. 97, which requires the state Office of Planning and Research to develop guidelines for mitigation of GHG emissions and their effects, and bars all legal actions for failure to adequately analyze the effects of GHG emissions in an environmental document, but only for projects funded under certain transportation and flood control bond acts.[25] In August 2007 that lawsuit was settled under terms that require the county to develop an inventory of GHG emissions related to land-use decisions and county operations, set emissions reduction goals, and adopt mitigation measures. At the end of a 30-month period, the county will amend its general plan, which governs growth in the county. Among the measures that the county may include in its general plan are parking spaces for high-occupancy vehicles and car-share programs; electric vehicle charging facilities; high-density developments that reduce vehicle trips and use public transit; parking limits; transportation impact fees on developments that fund public transit; standards requiring energy-efficient buildings, appliances and lighting; methane recovery at landfills; and renewable energy options.

In September 2007, Brown settled another CEQA dispute by reaching an agreement with ConocoPhillips to reduce the GHG emissions and energy consumption at an oil refinery in Contra Costa County.

To help local agencies cope with the uncertainty associated with the environmental review of climate change, a California-based professional society issued a white paper on how to analyze GHGs in CEQA documents.[26] The paper lays out several possible approaches, several of which involve an inventory of GHG emissions expected from a project, and an assessment of the project's compliance with emission reduction strategies contained in a report of the California Climate Action Team to the governor. (A more comprehensive list of strategies is being developed to help implement A.B. 32.) The white paper also discusses the consideration of offsite mitigation, such as reforestation, planting/replanting, and carbon trading. Subsequently, the California Air Pollution Control Officers Association (CAPCOA) released a detailed discussion of analysis methodologies, "CEQA and Climate Change."[27]

Discussion of climate change issues has already become routine in CEQA documents. In fact, the California Governor's Office of Planning and Research State Clearinghouse maintains a list of environmental assessment documents containing a discussion of climate change; the March 3, 2008 edition of that list has 194 entries.

King County, Washington

The Executive of King County, Washington (which includes Seattle) issued an order requiring county agencies to consider climate change in their review of projects.[28] The order provides "that climate impacts, including but not limited to those pertaining to greenhouse gases, be appropriately identified and evaluated" for every public or private project where a county department is acting as lead agency under SEPA. In this respect it goes farther than the Massachusetts rule, which applies only to projects that meet certain criteria. The county circulated a draft worksheet that project proponents can use in estimating their GHG emissions, and issued several executive orders with details on actions that county agencies must take.[29]

What to Analyze

As is apparent from the above, there is no settled method for analyzing climate change in the impact assessment of a project. Several different protocols have been circulated. Those from Massachusetts and California were discussed above. The others are:

- Canadian Environmental Assessment Agency, Incorporating Climate Change Considerations in Environmental Assessment: General Guidance for Practitioners (November 2003)
- Levett-Therivel Sustainability Consultants, Strategic Environmental Assessment and Climate Change: Guidance for Practitioners (May 2004) (designed for use in England and Wales)
- The World Resources Institute and the World Business Council for Sustainable Development have developed a GHG Protocol Initiative that includes a project activity protocol that is useful in making many of the calculations described above.[30]

These protocols differ considerably in their form and details, but they, and the other emerging technical literature on the subject, generally call for consideration of five different kinds of impacts:

1. ***Direct operational impacts*****:** Smokestack emissions from the facility; fugitive emissions, such as methane escaping from oil and gas wells; emissions of methane and nitrous oxide from agricultural operations; methane from landfills and wastewater treatment plants; and impacts on carbon "sinks" such as forests, agricultural soils, and wetlands. A publication of the U.S. Energy Information Administration, *Documentation for Emissions of GHGs in the United States 2003*, provides factors that are useful in such analysis. The California Climate Action Registry has published a GHG reporting protocol that can be used as well.

2. ***Purchased electricity***: The GHGs emitted in generating the electricity that is produced off-site and purchased by the facility. Energy modeling software is available that quantifies projected energy usage of various kinds of buildings. The total purchased electricity usage is then multiplied by an emissions factor that calculates the carbon dioxide emitted per unit of power. This will vary by region, depending on the fuel used in generating the power consumed by the facilities being analyzed. An area with mostly coal plants will have much higher emission factors than an area with mostly hydro and nuclear plants, for example. The independent system operators in some regions have published marginal emissions reports with the factors that can be used.

3. ***Induced trips*****:** Employee, customer and vendor travel; the transport of raw materials, manufactured goods, and other freight to and from the facility. The daily vehicle miles of travel are projected, and that is multiplied by emission factors.

4. ***Construction impacts*****:** The GHG emissions from extracting and fabricating the construction materials (such as cement, whose manufacture is energy intensive), and from the equipment at and servicing the construction site. This element is not as widely accepted as the others, and the methodologies are not as advanced.

5. ***Impact of climate change on project*****:** How climate change affects the project, rather than (like the preceding four categories) the other way around. Among the topics here could be the effects of rising sea levels and water tables, increased flooding, greater temperature variations, water shortages, reduced snow pack, and activities needed to adapt to climate changes. Also possibly considered here would be the effect of anticipated future regulations of GHG emissions.

Role in the Impact Assessment Process

It is unlikely that a climate impact would alone trigger the need for an EIS. Most activities with major GHG emissions would already trigger the EIS requirement because of non-climate impacts (unless the projects were exempt from review for other reasons, such as being "as of right"). When an EIS is prepared, however, the five categories listed above could all be examined, and alternatives could be assessed with lower impacts. The approving agencies might then decide to select an alternative that minimizes GHG impacts, or to impose mitigation requirements to reduce such impacts if they were significant. This, of course, begs the question of what is "significant" for these purposes; no single project will by itself have a discernible impact on the global climate, but that should not excuse analysis and mitigation. Rather, thresholds might be developed, based either on absolute GHG emissions from a project or on its

excess emissions over a low-emissions baseline. An additional important policy question will be whether offset purchases or trading should be considered as acceptable mitigation.

The impact assessment process offers numerous opportunities for public participation. During the scoping process, in which interested persons may offer suggestions on the contents of the EIS, and during the hearing and public comment period on the draft EIS, comments may be submitted urging consideration of GHG impacts. After final agency action on a project, litigation may be brought.

The federal and state agencies that conduct environmental impact review already appear to have statutory authority to consider climate impacts, and thus, unless the executive branch is resisting, there is no necessity for action by Congress or, in those states with NEPA equivalent laws, by the state legislatures. To the extent that the agencies do not use the authority they have, rulemaking petitions may be an available approach. Agencies also may also consider creating incentives for GHG reduction by setting emissions thresholds or technology standards; applicants that meet the thresholds and standards might be exempt from further requirements for review of their GHG impacts.

Many of the current state and regional efforts to fight climate change are undertaken because of the federal government's refusal to adopt a regulatory program, and may become unnecessary and possibly even be preempted if such a program comes into being. Because of the considerable GHG impacts of buildings and other projects that have no federal involvement, however, state-level impact review would continue to be important even after a mandatory federal program takes effect.

Endnotes

1. N.Y. Envtl. Conserv. Law § 8-0109(2)(h) (2008); *similarly*, N.Y. Comp. Codes R. & Regs tit. 6, § 617.9(b)(5)(iii)(e) (2008).
2. N.Y. Envtl. Conserv. Law § 8-0105(6) (2008); N.Y. Comp. Codes R. & Regs tit. 6, §§ 617.2(1), 617.2(ab), 617.7(c)(1)(i) (2008).
3. *Massachusetts v. Envtl. Prot. Agency*, 127 S. Ct. 1438, 549 U.S. ___ (April 2, 2007).
4. N.Y. Dep't. of Transp., Subtask 7a: Draft Energy Analysis Guidelines for Project-Level Analysis,(November 25, 2003) (draft); Subtask 7b: Draft Greenhouse Gases (CO_2) Emissions Estimate Guidelines for Project-Level Analysis, (November 25, 2003) (draft); and Subtask 12a: Draft Energy Analysis Guidelines for TIPs and Plans (November 25, 2003) (draft).
5. *See Town of Henrietta v. Dep't. of Envtl. Conserv.*, 76 A.D.2d 215, 430 N.Y.S.2d 440 (N.Y. App Div. 4th Dept. 1980).
6. Draft Generic Environmental Impact Statement (October 11, 2007) (to be codified at N.Y.Comp. Codes R. & Regs tit. 6, § 242) *available at* http://www.dec.ny.gov/regulations/39215.html.
7. Final Generic Environmental Impact Statement (March 24, 2008), *available at* http://www3.dps.state.ny.us/pscweb/WebFileRoom.nsf/Web/02A06C847B4823058525740C005577E6/$File/266_07m0548.pdf?OpenElement.
8. 42 U.S.C. § 4332(2)(C) (2008).
9. 40 C.F.R. § 1508.8(b) (2008).
10. *Id.* § 1502.16(e).
11. *See* Michael Gerrard, *Disclosure of Hidden Energy Demands: A New Challenge for NEPA*, 4 Envtl. Aff. 661 (1975).
12. Dinah Bear, General Counsel, CEQ, Memorandum to All Federal Agency NEPA Liaisons, Draft Guidance Regarding Consideration of Global Climatic Change in Environmental Documents Prepared Pursuant to the National Environmental Policy Act (October 8, 1997).
13. *Petition Requesting that the Council on Environmental Quality Amend Its Regulations to Clarify that Climate Change Analyses be Included in Environmental Review Documents* (February 28, 2008), *available at* http://www.icta.org/doc/CEQ%20Petition%20Final%20Version%202-28-08.pdf.
14. 912 F.2d 478 (D.C. Cir. 1990), *overruled by Florida Audubon Soc. v. Bentsen*, 94 F.3d 658 (D.C. Cir. 1996).
15. *Border Power Plant Working Group v. Dep't of Energy*, 260 F. Supp. 2d 997 (S.D. Cal. 2003).
16. *Mid States Coal. for Progress v. Surface Transp. Bd.*, 345 F.3d 520 (8th Cir. 2003).
17. *Mayo Found. v. Surface Transp. Bd.*, 472 F.3d 545 (8th Cir. 2006).
18. *Friends of the Earth, Inc. v. Mosbacher*, No. C 02-04106 JSW, 2007 WL 962955 (N.D. Cal., March 20, 2007).
19. *Center for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, Nos. 06-71891, 06-72317, slip op. at 14909 (9th Cir., Nov. 15, 2007).
20. Massachusetts Executive Office of Energy and Envtl. Affairs, Greenhouse Gas Emissions Policy (April 23, 2007).
21. Mass. Gen. Laws. ch. 30, §§ 61-62H (2008).
22. Massachusetts Executive Office of Energy and Environmental Affairs, MEPA Greenhouse Gas Emissions Policy and Protocol (October 19, 2007).
23. Cal. Pub. Res. Code §§ 21000 *et seq.* (West 2008).
24. *Natural Res. Def. Council v. Reclamation Bd.*, No. 06 CS 01228 (Super. Ct., Sacramento Co., Apr. 27, 2007). *Similarly, Am. Canyon Cmty United for Responsible Growth v. City of American Canyon*, No. 26-27462 (Super. Ct., Napa Co., May 22, 2007) (rejecting demand for supplemental environmental review of proposed Wal-Mart supercenter to consider climate change impacts).
25. *See* Peter V. Allen, *Greenhouse Gas Emissions under CEQA—Costs and Opportunities*, 35 Ecology L. Currents 37 (2008).
26. Assoc. of Envtl. Prof'ls, Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents (June 29, 2007).
27. CAPCOA, CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (January 2008), *available at* http://www.capcoa.org/ceqa/?docID=ceqa.
28. King County Executive, Exec. Order No. PUT 7-10-1 [Evaluation of Climate Change Impacts Through the State Environmental Policy Act] (June 27, 2007), *available at* http://www.kingcounty.gov/exec/globalwarming/execorders.aspx.
29. *Id.*
30. *See* The Greenhouse Gas Protocol Initiative, http://www.ghgprotocol.org/.

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