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Notice of Exemption

TO: Office of Planning and Research
1400 Tenth Street, Room 212
Sacramento, California 95814

FROM: California Energy Commission
1516 9th Street
Sacramento, California 95814

Project Title: Adoption of changes to *Proposition 39: California Clean Energy Jobs Act - 2016 Program Implementation Guidelines (Guidelines)*

Project Location: The *Guidelines* implement a program for funding energy efficiency and clean energy installations at public schools throughout California.

Description of Nature, Purpose, and Beneficiaries of Project: The purpose of this activity is to meet a statutory requirement that the Energy Commission establish guidelines for implementation of the California Clean Energy Jobs Act (Act). The Act was approved by voters in the fall of 2012 and allocates approximately \$550 million annually for energy efficiency and clean energy installations at public schools throughout California. The Guidelines provide direction to potential applicants, explain screening and evaluation criteria, describe standards that will be used to evaluate funding proposals, and outline the award process. The proposed changes that are the subject of this Notice of Exemption make grammatical changes, update funding appropriations, change a report date, revise several energy audit requirements, change the savings to investment ratio (SIR), change the zero net energy alternative for LEAs with school sites that are zero net energy, change one of the terms and conditions for Power Purchase Agreements, allow for an alternative electric rate for certain local educational agencies, note a statutory repeal, change report requirements, and make changes to provisions governing eligible energy measures.

Name of Public Agency Approving Project: California Energy Commission

Name of Person or Agency Carrying Out Project: Public schools throughout California will carry out installation of energy efficiency and clean energy measures that are funded pursuant to the process and criteria identified in the *Guidelines*, including those identified in the proposed changes.

Exempt Status: (Check One)

- Ministerial (Sec. 21080 (b)(1);15268);
 Declared Emergency (Sec. 21080(b)(3); 15269(a));
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
 Categorical Exemption: State type and section number:
 Statutory Exemption: State code number:_____

X Other: Adoption of the Guidelines is exempt from CEQA requirements pursuant to the "common sense" exemption (CEQA Guidelines, § 15061, subd. (b)(3)) because the effect of the Guidelines is to facilitate activities that will increase energy efficiency and clean energy generation, which does not have the potential for causing a significant effect on the environment. Moreover, Proposition 39-funded activities fall within three categorical exemptions: repair, maintenance, or minor alteration of existing public structures pursuant to Title 14, California Code of Regulations, section 15301; replacement or reconstruction of existing facilities on the same site and for the same purpose pursuant to Title 14, California Code of Regulations, section 15302; and minor additions to existing schools pursuant to Title 14, California Code of Regulations, section 15314.

Reasons why project is exempt: Adoption of the Guidelines is exempt under Section 15061, (subd. (b)(3))301 in that the projects implemented pursuant to the Guidelines are required to either improve energy efficiency or increase clean energy generation statewide, thereby resulting in reduced CO₂ emissions. Reducing CO₂ emissions does not have the potential for causing a significant effect on the environment. Moreover, activities such as replacing light-bulbs, installing lighting controls,

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maintenance or replacement of existing heating, ventilation, and air conditioning equipment or water heating equipment, improving building envelope insulation, installing equipment that saves energy or water and installation of clean energy generation at existing facilities, are activities that fall within three categorical exemptions: repair, maintenance or minor alteration of existing public structures pursuant to Title 14, California Code of Regulations, section 15301; replacement or reconstruction of existing facilities on the same site and for the same purpose pursuant to Title 14, California Code of Regulations, section 15302; and minor additions to existing schools pursuant to Title 14, California Code of Regulations, section 15314.

Lead Agency Contact Person:

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Signature: _____

Date: _____ Title: Attorney IV

Signed by the Lead Agency

Date received for filing by OPR: _____