

CERTIFIED FOR PUBLICATION

**COPY**

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**THIRD APPELLATE DISTRICT**

(Sacramento)

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COMMUNITIES FOR A BETTER ENVIRONMENT  
et al.,

Plaintiffs and Appellants,

v.

CALIFORNIA RESOURCES AGENCY,

Defendant and Respondent.

C038844

(Super. Ct. No. 00CS00300)

ORDER MODIFYING OPINION  
[NO CHANGE IN JUDGMENT]

CALIFORNIA BUILDING INDUSTRY  
ASSOCIATION,

Intervener and Appellant.

THE COURT:

It is ordered that the opinion filed herein on October 28,  
2002, be modified as follows:

On line 4 of the first sentence on page 6, the words  
"mitigations and alternatives identified in the EIR are

infeasible and" are inserted between the words "that" and "the" so that the sentence reads as follows:

"CEQA requires that, before approving a project, the lead public agency find either that the project's significant environmental effects identified in the EIR have been avoided or mitigated, or that mitigations and alternatives identified in the EIR are infeasible and the unmitigated effects are outweighed by the project's benefits; if the public agency makes the latter finding, it must explain its reasoning in a statement of overriding considerations."

This modification does not change the judgment.

FOR THE COURT:

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DAVIS, Acting P.J.

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MORRISON, J.

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CALLAHAN, J.