

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

COALITION FOR REASONABLE REGULATION OF
NATURALLY OCCURRING SUBSTANCES et al.,

Plaintiffs and Appellants,

v.

CALIFORNIA AIR RESOURCES BOARD et al.,

Defendants and Respondents.

C041897

(Super. Ct. No.
01CS00973)

MODIFICATION OF
OPINION UPON DENIAL OF
PETITION FOR REHEARING

THE COURT:

The opinion of this court filed October 1, 2004, in the above entitled case is modified as follows:

1. On page 22, 4th line down, please delete the portion of the paragraph starting with "CEQA does not apply to this process." and insert the following in its place:

"The regulatory program documents "containing environmental information . . . may be submitted in lieu of the environmental impact report" required by CEQA. (Pub. Res. Code, § 21080.5, subd. (a).) Although some CEQA requirements still apply, none

are at issue in this case. (See Pub. Res. Code, § 21080.5, subd. (c); *Sierra Club v. State Bd. of Forestry* (1994) 7 Cal.4th 1215.)”

2. On page 23, change the first line to read as follows:

“concludes these effects are “extremely small” but could constitute an adverse environmental impact” However, “any emission increases are expected to be short-term ones that will diminish over time” The plaintiffs do not challenge these findings.”

This modification does not effect a change in the judgment. The petition for rehearing is denied.

BY THE COURT:

BLEASE, Acting P. J.

NICHOLSON, J.

RAYE, J.