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Governor



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STATE ENVIRONMENTAL COMMISSION

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July 01, 2011

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COUNSEL
Rose Marie Reynolds

STAFF
John B. Walker
Executive Secretary

RE: Decision Notice: P2011-03: Petition to Limit Fossil Fuel Carbon
Dioxide Emissions, Submitted By Kids vs Global Warming

Dear Mr. Alec Loorz & Ms. Victoria Loorz:

On May 5th the State Environmental Commission (SEC) received the above referenced "regulatory petition" from Kids vs Global Warming. The petition was properly filed under the authority of NAC 445B.866 on SEC form 1.

This "public petition" was considered by the SEC on June 16, 2011. As you know, the petition proposed the SEC initiate rulemaking to limit fossil fuel carbon dioxide emissions in Nevada through application of an emissions reduction strategy that would achieve atmospheric concentrations of carbon dioxide no greater than 350 parts per million (ppm) by the year 2100.

After considering written testimony along with the oral presentation made by Mr. Dan Galpern on behalf of your organization, and after hearing public comments on the proposal, including comments from counsel for the Nevada Division of Environmental Protection, the members of the Commission denied the petition by unanimous vote. Attached is the Commission's decision.

Please note that a verbatim audio record of the proceedings, along with written testimony submitted for and against the petition is posted on the SEC website under "agenda item #5 at: http://sec.nv.gov/main/hearing_611.htm

If you have any questions regarding this letter or the attached decision, please contact me at (775) 687-9308.

Sincerely,

John B. Walker
Executive Secretary

JW:jw

Certified Mail # 7008 1140 0004 4030 0994

ec: Colleen Cripps, Ph.D., NDEP Administrator
Michael Elges, NDEP/Deputy Admin.
Larry Kennedy, NDEP/BAPC
Rob Bamford, NDEP/BAQP
Bill Fry, NDEP/SDAG
Rose Marie Reynolds, SEC/DAG
Jim Gans, Chair/SEC

1 BEFORE THE STATE OF NEVADA, STATE ENVIRONMENTAL COMMISSION

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3 In Re:

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-- Public Petition --
Kids vs. Global Warming
Submitted Pursuant to NRS 233B.100

DECISION

On June 16, 2011, the State Environmental Commission (“Commission”) considered a petition submitted by Kids vs. Global Warming pursuant to NRS 233B.100 and NAC 445B.886. At the hearing, Dan Galpern from the Western Environmental Law Center spoke on behalf of Kids vs. Global Warming. Representatives from the Nevada Petroleum Marketers Association, Nevada Farm Bureau, Nevada Mining Association, NV Energy, Nevada Manufacturers Association, and the Nevada Division of Environmental Protection spoke. Public comment was also received. Jurisdiction was raised but not decided by the Commission.

The petition requested the Commission to promulgate regulations to strictly limit and regulate fossil fuel carbon dioxide emissions and to establish an effective emissions reduction strategy that will achieve an atmospheric concentration no greater than 350 ppm of carbon dioxide by 2100. The proposed regulations specify that starting in January 2013, statewide fossil fuel carbon dioxide emissions must be reduced by at least 6 percent per year and that the Commission adopt a greenhouse gas reduction plan that achieves that goal. In addition, the Commission must make annual progress reports, including an accounting and inventory of greenhouse gas emissions sources. Annual reports to the governor and appropriate committees of the Nevada Legislature must be made regarding the total emissions of greenhouse gases for the preceding year and total in each major source sector.

Following the presentations and public comment, the Commission determined to deny the petition for three reasons. First, the petition does not estimate the costs for the proposed regulations or state with specificity an estimated economic effect on the state or Nevada

1 industries. Second, the Nevada Division of Environmental Protection shared its concern
2 about moving ahead when the federal government is considering the same issue because
3 difficulties can be caused for the regulated industries. Third, the petition lacks the science to
4 support its conclusion. The petition does not discuss the scientific impact on Nevada industry
5 and resources.

6 Based on the foregoing, the petition filed by Kids vs. Global Warming is DENIED.

7 Dated this ____ day of _____, 2011.

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Alan Coyner, Vice Chairman
State Environmental Commission