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CALIFORNIA STATE LANDS COMMISSION

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PROPOSED

RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION ENCOURAGING THE FEDERAL GOVERNMENT TO ADOPT POLICIES THAT ADDRESS CLIMATE CHANGE AND ALLOW CALIFORNIA TO IMPOSE STRICT GREENHOUSE GAS EMISSION STANDARDS

WHEREAS, California's 1,100 mile coastline, with its beautiful beaches, wild cliffs, abundant fish stocks and fragile environment is a national treasure and a valuable state resource, which is at the heart of a tourist industry that generates nearly five billion dollars in state and local taxes each year; and is central to the state's forty-six billion dollar ocean economy; and

WHEREAS, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands from the shoreline out three nautical miles into the Pacific Ocean, as well as the lands underlying California's bays, lakes, and rivers; and

WHEREAS, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, a common law precept that requires these lands be protected for public use and needs involving commerce by means of navigation, fisheries, water related recreation and environmental protection; and

WHEREAS, the impacts of climate change will profoundly affect the public trust values of the lands under the Commission's jurisdiction and the utility of these lands to the public and the environment; and

WHEREAS, climate change is expected to cause oceans to rise by 18 to 59 centimeters by the end of this century according to a 2007 report by the United Nations Intergovernmental Panel on Climate Change (some other estimates are higher); and

WHEREAS, over the course of the 21st century, temperatures are projected to increase by 3 to10 degrees Fahrenheit, causing ocean temperature to increase, which could cause more intense storms to hit California; and

WHEREAS, these climate change effects would dramatically alter the environment of the California ocean and coast, reducing beaches and wetlands and damaging

important infrastructure, including the ports that contribute to California's role in the global economy; and

WHEREAS, of the world's annual human generated emissions of greenhouse gases, which are the cause of climate change, California emits 1.4%, and the United States emits almost 25%; and

WHEREAS, California has taken the lead nationally on the issue of climate change and passed AB 32 in 2006, which requires the California Air Resources Board to adopt regulations by 2011 to reduce greenhouse gas emissions in California to 1990 levels by 2020;

WHEREAS, while California has adopted the most innovative and proactive program in the United States for fighting climate change, the federal government has refused to take similar actions to control greenhouse gas emissions and has refused to ratify the Kyoto Treaty, a worldwide agreement to begin to reduce these harmful emissions; and

WHEREAS, on December 21, 2005, California displayed its leadership on the issue of climate change when the California Air Resources Board sent a request to the U.S. Environmental Protection Agency (U.S. EPA) for a waiver under the Clean Air Act that would allow California to adopt stricter vehicle greenhouse gas regulations on new vehicles than the regulations imposed by the federal government; and

WHEREAS, the Clean Air Act specifically allows California to request a waiver from the national emission standard for new motor vehicle engines and impose stricter emission standards than the federal government; and

WHEREAS, Congress granted California the ability to impose stricter emission standards under the Clean Air Act because it recognized the State's unique problems and pioneering efforts with regard to air emissions; and

WHEREAS, for the past 30 years the U.S. EPA has granted California more than 40 such waivers, while previously denying none; and

WHEREAS**,** on February 29, 2008, the U.S. EPA, for the first time in the history of the Clean Air Act, denied California's December 21, 2005 request to impose stricter emission standard for new motor vehicle engines than those imposed by the federal government; and

WHEREAS, the U.S. EPA denied California's request for waiver even though it recognized that "global climate change is a serious challenge" and that "the conditions related to global climate change in California are substantial;" and

THEREFORE BE IT RESOLVED BY THE CALIFORNIA STATE LANDS COMMISSION, that it encourages the U. S. EPA to reconsider and reverse its February 29, 2008 decision that denied California its request for a waiver under the Clean Air Act and precluded the State from imposing strict vehicle greenhouse gas regulations on new vehicles; and,

RESOLVED, that the California State Lands Commission strongly supports federal policy making that follows the leadership of California in reducing greenhouse gas emissions to combat the causes of climate change; and be it further

RESOLVED, that the Commission's Executive Officer transmit copies of this resolution to the Administrator of the U.S. EPA, to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.