

Window is closing fast on climate change

Scientists say the next two to three years are critical

BY ATTORNEY GENERAL JERRY BROWN

Jerry Brown is California's attorney general. A longtime elected official, he served as California's governor from 1974 to 1982 and as mayor of the city of Oakland from 1998 to 2006, among many other accomplishments.

Global warming poses challenges as dramatic as that faced by any generation. Earth is heating up, and humans are responsible. If this phenomenon is not abated, our planet will suffer serious, irreparable harm.

We know that global average temperatures are increasing — 11 of the 12 warmest years (since record keeping began 150 years ago) have occurred in the past 12 years. Scientists report that the decline of Arctic sea ice in 2006 was the largest ever recorded — an area the size of California and Texas combined. Glaciers are disappearing in many places throughout the world. Sea levels are rising, eroding beaches and threatening to displace people who live in low-lying areas and on islands.

Experts tell us that a further increase in the global mean temperature of just one degree Celsius (1.8 degrees Fahrenheit) is likely to cause disastrous effects, including more frequent droughts and floods, more extreme severe weather, more wildfires, faster rises in sea levels and ever-increasing stress on wildlife and plants.

If temperatures rise above this range, which is quite likely if most nations continue taking a "business as usual" approach, there is also the risk of trigger-

ing unstoppable "feedback loops" that will exacerbate global warming. For example, as oceans heat up due to warmer temperatures, they will be less able to absorb carbon dioxide, leaving more carbon dioxide in the atmosphere, which in turn will lead to even warmer temperatures. These feedback loops may already have begun.

The world's leading scientists tell us that we have only a short window of time in which to stabilize temperatures and begin reducing greenhouse gas emissions — and that this window is closing fast. The mounting evidence caused the chair of the United Nations Intergovernmental Panel on Climate Change to recently declare: "If there's no action before 2012, that's too late. What we do in the next two to three years will determine our future."

While climate change is a global problem, remedial action is critical at the local level — state, county and city — to achieve the necessary reductions. With the passage of AB 32, the Global Warming Solutions Act of 2006, California committed to an ambitious effort to address global warming, requiring reductions in greenhouse gas emissions to 1990 levels by the year 2020. This translates into a reduction of approximately 25 percent from what emissions would be in California under a "business as usual" scenario.

The California Air Resources Board has started implementing AB 32, but its

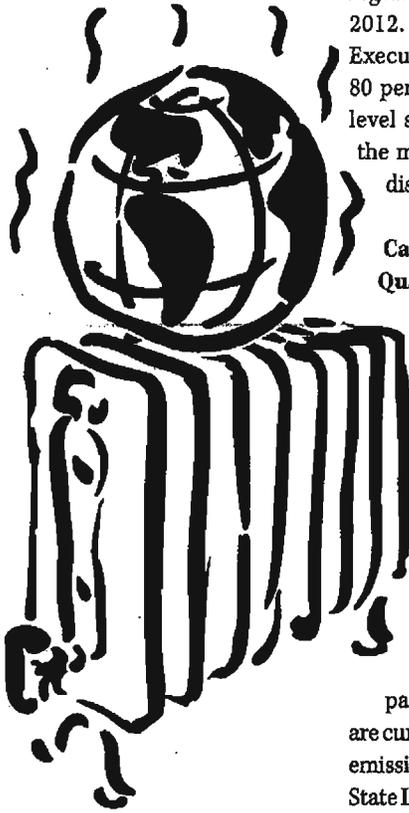
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regulations will not become effective until 2012. Governor Schwarzenegger's 2005 Executive Order calls for further cuts of 80 percent below 1990 levels by 2050, the level scientists agree is required to avert the most catastrophic, long-term, climate disruptions.

California Environmental Quality Act (CEQA)

One critical tool that can be used to address global warming now and help California make progress toward meeting AB 32's requirements is the California Environmental Quality Act (CEQA), which requires local and state agencies to disclose and analyze the significant environmental impacts of proposed projects, and to adopt feasible measures to mitigate these impacts. This includes project impacts that may be individually small, but are cumulatively significant. Greenhouse gas emissions clearly fall into this category. The State Legislature endorsed this view of CEQA



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when it enacted SB 97 last summer, requiring the Office of Planning and Research to adopt guidelines for the mitigation of greenhouse gas emissions.

Transportation represents 41 percent of the state's greenhouse gas emissions; energy and electricity used for buildings is another very large chunk. Thus, land use, planning, and transportation decisions by counties and cities, all of which fall under CEQA, are central to California's efforts to limit global warming pollution.

Half of all the state's counties (and more than 150 cities) are currently in the process of updating their general plans. These plan updates and many other projects being approved now can start us on a path toward cleaner, smarter development — promoting energy efficiency, density, public transit and water conservation — or they can lock us into years of inefficient, greenhouse gas-polluting development.

As the chief law enforcement officer of the state, I am charged with enforcing CEQA. Over the past year, my office has submitted approximately 20 CEQA comment letters dealing with global warming impacts. Most have involved major projects such as regional transportation plans, general plan amendments, large refinery expansions or cement plant upgrades. In most cases, my comments spurred the local lead agencies to take a second look at their documents and projects and to take additional measures to reduce greenhouse gas emissions.

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County issues resolved

I have filed only one lawsuit — against San Bernardino County. In that case, the county had adopted a general plan update, which projected a 25 percent population increase based on an environmental impact report that failed to analyze the plan's impacts on global warming. I settled that case shortly after the suit was filed when the county agreed to amend its general plan and adopt a Greenhouse Gas Emissions Reduction Plan.

Under this new plan, the county will inventory (1) its current sources and levels of greenhouse gas emissions; (2) its 1990 emissions; and (3) its projected 2020 emissions reasonably attributable to the county's internal government operations and discretionary land use decisions. The county also committed to developing a target for reductions of its projected emissions, as well as feasible mitigation measures to meet this target. The agreement does not prescribe what the county's reduction targets should be, or how it achieves them. These choices remain with the county, as they should.

In another matter, I worked with Contra Costa County to resolve a CEQA administrative appeal of a ConocoPhillips refinery expansion in Rodeo. ConocoPhillips agreed to mitigation measures that will roughly offset the estimated 500,000 metric tons of annual carbon dioxide emissions caused by the refinery expansion for the period until AB 32 regulations governing the refinery come into effect.

Of course, no county or company likes to be sued, and I view litigation as a last resort. Encouragingly, many lead agencies now recognize the need to evaluate global warming pollution in their CEQA review process. We have seen a marked shift in this regard in just the past year. According to OPR, in 2006, only two CEQA documents discussed greenhouse gas emissions; by October 2007, however, the number had already jumped to more than 100. See <http://opr.ca.gov/index.php?a=ceqa/index.html>.

Resources for counties

I recognize that the tools for evaluating greenhouse gas emissions are imperfect and still evolving. CEQA, however, does not demand perfection. Nor does time permit us the luxury of perfection. There are a number of modeling tools developed by the California Air Resources Board and others that can be used right now. Lists of some of these are available on the Attorney General's new global warming Web page (<http://ag.ca.gov/globalwarming/>).

There also are a number of entities that

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can provide excellent technical assistance to counties with respect to inventorying and suggested solutions, including ICLIE (www.iclie.org), and the Institute for Local Government Climate Action Network (www.ca-ilg.org). In addition, this coming spring, my office, in conjunction with the Local Government Commission, and other entities, will sponsor five regional workshops for local officials about CEQA and global warming, the first of which is scheduled for March 20, 2008 in Oakland (for more information, please see www.lgc.org).

My staff also has developed a list of mitigation measures that local agencies can utilize to offset or reduce global warming impacts from development authorized in a general plan or a specific project approval (see <http://ag.ca.gov>). These include: (1) green building requirements for new public and private buildings (such as complying with the "Build it Green Point" rated system or LEED certification); (2) mandating energy efficient upgrades when buildings are remodeled or change title; (3) transit-oriented development policies; (4) alternative fuel vehicle mandates for locally-owned fleets; (5) requiring "cool roofs" (those which reflect more solar radiation) and the planting of shade trees to reduce the "urban heat island" effect; (6) requiring new commercial buildings to have on-site solar photovoltaic generation

on roofs or parking lots; and (7) school transportation plans to reduce automobile trips and congestion surrounding schools.

This list is illustrative, and as I've learned over the past months, many local agencies already have taken impressive steps to meet the challenge of global warming. For example, some counties have adopted Local Climate Action Plans — Alameda, Marin, San Luis Obispo and Sonoma. As mentioned in this issue, others have joined the Sierra Club's "Cool Counties Climate Stabilization Initiative" program — Alameda, Contra Costa, Lake, Los Angeles, San Mateo, Santa Clara and Yolo.

Also reported in this magazine is CSAC's recent adoption of a climate change policy recognizing "the need for immediate actions to mitigate the sources of greenhouse gases" and encouraging counties "to take active measures to reduce greenhouse gas emissions." This is precisely the type of leadership we must have to make the dramatic reductions required by AB 32 and to avert dangerous changes to our climate.

In the months and years ahead, I look forward to working cooperatively with counties throughout the state to make California's land use and planning process a national and international model for reducing global warming pollution. ❖

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