

**MINUTE ITEM**

This Calendar Item No. 64 was approved as  
Minute Item No. 64 by the California State Lands  
Commission by a vote of 3 to 0 at its  
06/28/07 meeting.

**Minute Item  
64**

06/28/07

**CALIFORNIA STATE LANDS COMMISSION**

**Regular Item 64:** The Commission listened to a staff report from the Executive Officer regarding a resolution proposed by the Controller concerning opposing federal preemption of state laws that would reduce greenhouse gas emissions. The Commission approved the resolution as presented by a vote of 3-0.

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**CALENDAR ITEM  
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06/28/07

P. Thayer

**CONSIDER A RESOLUTION PROPOSED BY THE CONTROLLER  
OPPOSING FEDERAL PREEMPTION OF STATE LAWS  
THAT WOULD REDUCE GREENHOUSE GAS EMISSIONS**

Party:  
California State Lands Commission

**CALIFORNIA STATE  
LANDS COMMISSION****EXECUTIVE OFFICE**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202JOHN GARAMENDI, *Lieutenant Governor*  
JOHN CHIANG, *Controller*  
MICHAEL C. GENEST, *Director of Finance*PAUL D. THAYER, *Executive Officer*  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
Voice Phone 1-800-735-2922**PROPOSED****RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION  
OPPOSING FEDERAL PREEMPTION OF STATE LAWS TO REDUCE  
GREENHOUSE GAS EMISSIONS**

**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 \$46 billion ocean economy; and

**WHEREAS**, climate change is expected to cause oceans to rise by 18-59 centimeters by the end of this century, according to a 2007 report by a United Nations panel (some other estimates are higher) and the ocean temperature to increase, and 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**, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands below the mean high tide line out to three miles from the coast as well as the lands underlying California's bays and rivers; and

**WHEREAS**, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, a common law that requires these lands be used for commerce, fishing, navigation, 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**, 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

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**WHEREAS**, California has become a world leader in fighting climate change as exemplified through enactment of AB 1493 (Pavley) in 2002 and AB 32 (Nunez and Pavley) in 2006; and

**WHEREAS**, pursuant to AB 1493, the California Air Resources Board has adopted regulations to reduce greenhouse gases emitted by vehicles by 22% from 2002 levels by 2013 and 30% by 2016; and

**WHEREAS**, AB 32 requires the Board to adopt regulations by 2011 to reduce greenhouse gas emissions in California to 1990 levels by 2020; and

**WHEREAS**, while California has adopted the most 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 emissions; and

**WHEREAS**, Congressional Representative Rick Boucher has drafted federal legislation that would prevent the U.S. Environmental Protection Agency from granting waivers to states to regulate vehicular greenhouse gas emissions and prohibit the USEPA from regulating greenhouse gas emissions through the Clean Air Act; and

**WHEREAS**, enactment of Representative Boucher's proposal would prevent California from controlling vehicular greenhouse gas emissions through implementation of AB 1493 and AB 32; and

**WHEREAS**, the Governors of eight states and the Attorneys General of fourteen states have signed joint letters opposing Representative Boucher's efforts to stop states from reducing greenhouse gas emissions; therefore be it

**RESOLVED THAT THE CALIFORNIA STATE LANDS COMMISSION** opposes federal preemption of state laws like AB 1493 and AB 32, such as those proposed by Representative Boucher, that would reduce greenhouse gas emissions; and be it further

**RESOLVED**, that the State Lands Commission calls on the federal government to follow the lead of California in enacting comprehensive legislation to reduce greenhouse gas emissions so as to reverse climate change and prevent the impacts expected to adversely affect the California coast and the Pacific Ocean; and be further

**RESOLVED**, that the Commission's Executive Officer transmit copies of this resolution 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, to the Chairs and Ranking Minority Members of the House Committee on Natural Resources, the House Committee on Energy and Commerce, the Senate Committee on Energy and Natural Resources, and the Senate Committee on Environment and Public Works, to each

Senator and Representative from California in the Congress of the United States, and to Representative Rick Boucher.

Adopted by the California State Lands Commission on \_\_\_\_\_.