June 18, 2020

Jim Rue, Director, Department of Land Conservation and Development
Robin McArthur, Chair, Land Conservation and Development Commission

Re: Environmental Caucus of the Democratic Party of Oregon comments on the Report from the Department of Land Conservation and Development (DCLD) on Greenhouse Gas (GHG) Emissions Reduction Actions

Dear Director Rue and Chair McArthur,

Thank you for the opportunity to comment on the May 15, 2020 climate action plan (Plan) under Paragraph 3 of Governor Brown's Executive Order 20-04 (EO). We applaud DLCD for embracing the need to adopt comprehensive land use and development policies that effectuate reductions in GHG emissions and adaptations to the climate-induced impacts to land uses and development. DLCD has the legal authority to establish the Statewide Planning Goals (Goals) and land use rules (Rules) that are needed to require local governments to adopt and enforce climate-smart land use codes and related plans.

Under its authorities, DCLD can be among the strongest links between laws and policies that ensure Oregon will achieve large reductions in GHG emissions as well as safe, healthy, and resilient development during the climate emergency. It also can be among the strongest sources of transitioning to land uses that both sequester carbon at high rates, and ensure that land uses are adapted to changes in the climate.

Because the lag time between adopting new Goals and Rules and the accelerating nature of the climate crisis is unavoidable, we recommend that DLCD act quickly. The scientific and economic evidence for rapid action is overwhelming. The impacts to our economy and social fabric grow more dire every passing month. We share a moral duty to act swiftly and substantively to close the gap between actual GHG emissions and new GHG reduction goals, while simultaneously adapting to the changes in climate. With bold leadership by DCLD, Oregon can transition its land use and development to climate-smart solutions. To that end, we have identified key factors that should guide the agencies. Below are our recommendations and comments on the Draft Plan.[1]

<u>Expand Public Engagement</u>

For too long, agencies have had strong majority corporate interests represented during government planning and decisions *(e.g.*, Rule amendments, development approvals). Despite the escalating crisis, and discussions and compromises behind closed doors, corporations have not prioritized climate solutions on a sufficient timeline as dictated by science, and thus development and land use decisions contribute to increased GHG emissions and development that is not unprepared for the changes in the climate. Under the Executive Order, the agencies must elevate the public voices -- voices with climate, economic and environmental justice expertise (climate organizations, vulnerable populations, and impacted communities).

[1] With respect to the STS Implementation Plan, the comments here focus primarily on actions where DLCD is the lead agency. Please see our comment letters to the other agencies for additional recommendations where Departments of Transportation, Environmental Quality or Energy is the lead agency in that effort.

We strongly urge DLCD to consider expanding its Plan to include a public participation section for both stakeholder and public engagements. We feel that such an addition would expressly address vulnerable populations, environmental justice, and impacted communities, including rural and coastal communities. Such efforts could be developed in consultation with the Environmental Justice Task Force (EJTF), and include the following:

- *Train the staff for this Program in equity/environmental justice*
- *Ensure Stakeholder Engagements include vulnerable populations, including people of color, tribes, and other vulnerable populations such as minors and the disabled and provide ample time for the agency staff to listen to these voices. Introductions should be 10 minutes or less.*
- *Expand the scope of the diversity, equity, and inclusion toolkit on climate adaptation to the Goal and Rules amendments and include training and other transition help for the labor force.*
- *Develop fact sheets and media presentations in English, Spanish and other languages on: the health and social benefits of new and amended Goals and Rules, the risks of not reducing GHG emissions rapidly and substantially, and common falsehoods (e.g., the falsehood that environmental regulations kill jobs rather than shift jobs)[2].*
- *Encourage the voice of minors.*
- *Engage those with little or no internet access by holding in-person meetings (as COVID-19 reopening stages allow), and using pre-internet means: flyers, Radio/TV/news articles, and mailing fact sheets to citizens, local public offices, community centers, and libraries.*
- *Provide copies of printed documents with limited color images because printing in color is not always available or affordable.*
- *Post videos of agency presentations on how DLCD's climate-smart land use Goals and Rules that produce climate-smart and equitable local and regional decisions to reduce GHG emissions and protect their homes and neighborhoods from climate-induced impacts (*e.g.*, easy access to charging stations for electric vehicles, protection from flooding with stormwater systems designed for more frequent intense rainfall events). People with limited internet often can watch videos but cannot participate effectively in a zoom meeting.*
- *Provide graphs of the emissions gap and explain it to the public and how and under what timeframes climate-smart land use and development will close the emissions gap.*

Expedite Actions by Implementing a Suite of Fast-Track Measures

Section 3B of the Executive Order 20-04 placed climate actions on a fast track. It expressly instructs all agencies to "prioritize" and "expedite all processes, including budgets, to address GHG reductions and climate resiliency."

There are a series of fast-track measures DLCD can use to expedite the changes that are needed to land use Goals and Rules, and to implement changes to local codes, plans and funding. We recommend that these include:

[2] On occasion, regulations may shift jobs but not overall employment more than other market factors. Thus the issue is training and other programs that ensure a just transition to a climate smart economy. Hafstead, R.C. Williams III Jobs and Environmental Regulation, in Environmental and Energy Policy and the Economy, volume 1, Kotchen, Stock, and Wolfram. 2020

- ***Fast-track the Transportation Planning Rule (TPR) Amendment****. At its May meeting, the Land Conservation and Development Commission voted to fast track this rule and consider adopting the 2018 draft rule that has been waiting on the shelves. In its climate action Plan, DLCD appears to suggest that it needs several months to expand the scope of the 2018 draft TPR rulemaking process to also include rule amendments to other Goals and Rules on parking, housing density in transit corridors, and mixed use and density development in single family residential zones. However, that approach will unnecessarily delay implementing GHG reduction strategies and policies in transportation planning by local governments and by the Metropolitan Planning Districts. We recommend that, as a first bold step, DLCD and the LCDC adopt a version of the 2018 TPR amendment this summer, even if it is an interim or temporary rule.*
- ***Adopt policy statements that direct all local governments, special districts, and state agencies to infuse climate smart policies into current planning, policy, projects and codes.*** *As much as possible, and as soon as possible, these Statements could reference proven climate-smart strategies[3] and codes. They also should emphasize equity and protecting vulnerable populations and impacted communities (e.g., transit and electrical vehicle charging infrastructure that are physically and economically accessible). Likewise, climate adaptation codes and actions such as stormwater upgrades that protect low-income neighborhoods. The climate crisis is threatening the very stability of our crops, roadways (including stormwater) and land uses with cascading and escalating catastrophic extreme weather events. These policies will ensure that local governments and state agencies understand that their everyday work must be viewed through a climate lens.*
- ***Issue temporary or interim rules, orders, requirements or conditions for funding or technical assistance*** *to local governments (such as mandatory local climate assessments, as early as this year).*
- ***Expedite and prioritize grants to local communities*** *with climate smart actions and codes for reducing GHG emissions, increased climate resiliency, and sequestration.*
- ***Adopt interim performance measures on transportation and targets this summer*** *to guide MPOs, local governments, and state agencies.*
- ***Consider using the Deliberative Dialogue approach with all local governments and special districts to elevate GHG emissions reduction and climate adaptation actions into being the priority and fast-track implementation.*** *Deliberative Dialogue is a structured discussion which aims to find the best course of action. Its "purpose is not so much to solve a problem or resolve an issue as to explore the most promising avenues for action."[4] Its structure provides a forum for "thinking together" rather than debating or arguing. It allows people to listen and think together about the pros and cons of the means to attain desired ends.[5] We believe that this or another similar method of strategic discussions will ensure rapid implementation of climate actions and amendments to Goals and Rules.*
- ***Assist MPOs and local governments in doing strategic assessments*** *in lieu of the more costly and time-consuming scenario planning, then speed up the technical assistance to local*

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[3] Examples include existing Oregon county and city Climate Action Plans, and the 2013 Statewide Transportation Strategy for GHG Reductions.

[4] London, Scott. 2018. *Thinking Together: The Power of Deliberative Dialogue, adapted from "The Power of Deliberative Dialogue," published in the book, Public Thought and Foreign Policy, edited by Robert J. Kingston.* http://www.scottlondon.com/reports/dialogue.html .

[5] *For more information on moderating, visit the National Issues Forum Institute webpage at https://www.nifi.org/en/deliberation; for more information on the structure and process, see M. L. McCoy, P. L. Scully Deliberative Dialogue to Expand Civic Engagement: What Kind of Talk Does Democracy Need?* National Civic Review*, vol. 91, no. 2, Summer 2002*

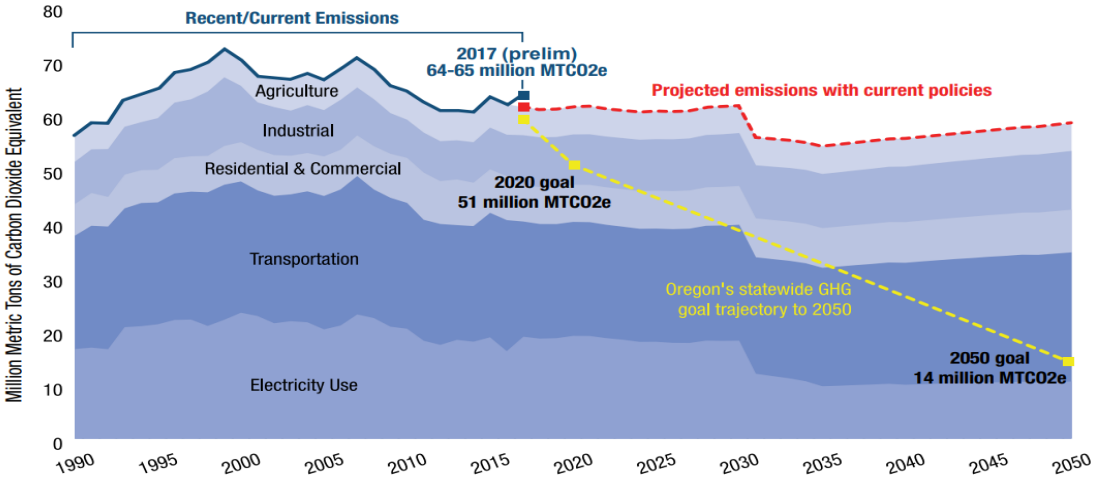
governments for amending projects, plans, and ordinances. The biggest factors for addressing climate change are already known such as parking, housing density in transit, walkable neighborhoods in single family zones with mixed uses.

- ***Adopt agreements with county and city governments and special districts*** *to quickly amend land use codes addressing climate smart transportation planning and local development [6]This should include enhancing codes for greater carbon sequestration and countering heat island effect [7]. These climate policies starting in 2020 would achieve rapid and substantial reductions between now and 2022 (*e.g., *commitments by local governments to provide employees with commuting options*).
- ***Issue guidance documents*** *on best practices to reduce GHG emissions in 2020 and 2021 and guidance on (e.g., designing development based on current and future climate conditions).*

Close the GHG Emissions Gap with Annual GHG Reduction Targets

The Draft Report rightly identifies that there is a gap between the current implementation of the GHG Reduction STS and the GHG Reduction STS Vision and that Oregon is not on the right path.[8] The past decade has shown that small steps and planning without actions are insufficient to protect our health, economy and transportation infrastructure (e.g., pilot programs and voluntary implementation by MPOs of best practices and climate action plans). Oregon's GHG emissions have increased and the gap between emissions gap and the goals (emission gap) keeps growing.[9]

Figure 8. Oregon past and projected greenhouse gas emissions compared to goals



Oregon Global Warming Commission, Biennial Report to the Legislature for the 2019 Legislative Session (2018).

Oregon is at a crossroads. If we do not make steep cuts in GHG emissions between now and 2025, the costs will skyrocket and the climate impacts of extreme weather will impact almost every sector of our economy.[10] In 2019, the UN stated clearly:

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[6] For example, *e-vehicle charging infrastructure, higher density, mixed use development and walking/biking in transit corridors, and robust stormwater systems.*

[7] For example, tree age and density in parks and residential neighborhoods.

[8] Oregon Global Warming Commission, *Biennial Report to the Legislature for the 2019 Legislative Session (December 2018).* Meeting Our Goals

[9] Ibid.

[10] United Nations Environment Program, Emissions Gap Report 2019. Nairobi. UNEP (2019). http://www.unenvironment.org/emissionsgap

Every day we delay, the steeper and more difficult the cuts become. By just 2025, the cut needed would be 15.5% each year, making the 1.5°C target almost impossible.[11]

To ensure that emissions are being reduced as soon as possible, DLCD should monitor and enforce the policies, temporary or interim rules and local government agreements of proven strategies and codes discussed above because they help these localities achieve annual emissions reductions targets sooner rather than later. That is, if DLCD does not adopt enforceable changes this year to expedite climate-smart local codes, then effective GHG targets will lag for five or more years. At the same time, GHG emissions will increase. So by 2025, Oregon, including DLCD, will need to adopt and implement ever more aggressive yearly measures.

Therefore, we recommend first, that DLCD adopt some form of the 2018 TPR amendment this summer. Second, that DLCD, before the July LCDC meeting, prepare a schedule and budget for comprehensively amending Oregon's Land Use Goals and Rules to incorporate climate smart policies for transitioning off fossil fuels, increasing carbon sequestration, and ensuring climate adaptation. This schedule should include the ten "new potential" climate actions identified in DLCD's Plan.

Also, the public needs to be informed yearly of the steps that DLCD and local governments have accomplished adopting enforceable climate smart codes that reduce GHG emissions, increase carbon sequestration, and prepare for climate-induced disasters. For 2020, the reduction target should be a rate of 7.6% of 2010 emissions, based on the UN's 2019 models to close the emissions gap. This rate is likely to increase in 2021 because actions in 2020 are insufficient and climate impacts continue to escalate.

Fund Coordination and Outreach for Environmental Justice and Impacted Communities

Section 3C of the Executive Order places a priority on vulnerable populations and impacted communities and requires consultation with the EJTF. These efforts need to be adequately funded in order to be effective. Let's not make the same mistake that was made with underfunding the educational and policy analyses that were legally mandated of the Global Warming Commission.

We recommend that DLCD include staffing needs for involving vulnerable populations and impacted communities and its consultation with the EJTF by adopting the various recommendations above and below. In order to achieve quality participation from rural, coastal and low-income communities, the agencies need methods that do not rely only on the internet, hence it will need the staff and the funding to ensure it has a meaningful and robust program. DLCD should highlight "community outreach" as part of the final version of the Draft Plan, and its budgets, which are discussed below.

Add immediate climate actions in the budget requests for staffing/funding in 2020 and 2021

We understand that it will be challenging to implement climate actions during tuimes of economic and budget constraints. Because this is a crisis, we urge the agency to consider its options to shift existing staff resources into climate actions. Adequate staffing for DLCD to amend Goals and Rules and to enter into agreements with local governments is crucial to the success of all of the climate actions and be a

[11] Visual feature: The Emissions Gap Report 2019

strong link in the chain of climate actions when it should be the strongest. DLCD should explore all options to find funding to put this and other proposed actions on a fast track.

We recommend that DCLD include robust climate actions in the budget requests (Policy Option Packages) to the Governor's office this summer, for the 2021-23 biennium. We believe it should make climate a top priority for use of federal funds, including coastal management funds, grant funds and stimulus funds.

Embed the Social Costs of Carbon into all Processes

In its final section, DLCD identifies "new potential" climate actions it could consider but has not evaluated in any depth. For example, when deciding on land use exception areas, DLCD would apply the social costs of carbon (SCC) as a factor. We applaud including this concept. Perhaps it could be put in place now through an interim rule, policy and related guidance.

Further, we suggest DLCD apply the SCC in land use decisions, including the TPR rule, housing, and proposed budgets. The costs of continued greenhouse gas emissions are huge. At the same time the savings from rapid reductions in carbon emissions can be significant.[12] The federal Interagency Working Group on the Social Cost of Carbon (IWG) has calculated a SCC to reflect many of the climate change impacts on health, natural resources, and infrastructure. These numbers represent massive damages to health, property and our economy that will continue to rise due to delay in emissions reductions.

Applying Social Costs of Carbon analyses up front in land use decisions as well as in Goals and Rules can drive prudent policy and economic development choices.[13] The actual Social Costs of Carbon utilized could be fashioned after the 2017 IWG. The 95th percentile cost figure should be used rather than the average predicted cost. This higher figure reflects the high impact of climate change that is already occurring and better reflects true costs as most models omit quantification of many impacts (such as ocean acidification on fisheries).[14]Likewise, we need to set the discount rate at 2 percent or lower given the short duration of time we have to institute reductions to avoid greater catastrophe. DLCD could work closely with the Oregon Department of Energy, the Global Warming Commission and economists to embed the SCC in local land use and development codes.

Carbon Sequestration in section 12 of the Executive Order

The ability of west side forests to sequester carbon rivals that of the tropics.[15] Wetlands restoration and changing agriculture practices would improve Oregon's carbon sequestration. Developing a plan along with the Oregon Global Warming Commission is an important component of addressing climate change and we support DLCD involvement with this action.

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[12] See e.g., Oregon Department of Energy, *Primer on the Social Costs of Carbon(May 2020)* SCC Primer

[13] See e.g., Oregon Department of Energy, *Primer on the Social Costs of Carbon (May 2020)* SCC Primer

[14] Paul, I et. al., Institute of Policy Integrity, The Social Cost of Greenhouse Gases and State Policy. Oct 2017. The https://policyintegrity.org/files/publications/SCC_State_Guidance.pdf

[15] Keith H, Mackey BG, Lindenmayer DB (2009) Re-evaluation of forest biomass carbon stocks and lessons from the world's most carbon-dense forests. Proc Natl Acad Sci USA 106:11635–11640.

The existing protections of these lands outside the urban growth boundary as you outlined in Action 4 of the report do very little for carbon sequestration[16]. Current agricultural practices are a large emitter of greenhouse gases via carbon loss from tillage, soil erosion and methane from animal production and sewage as quantified by the Department of Energy. Clearcutting contributes more GHG emissions in Oregon than transportation.[17] However, these emissions have not been counted in Oregon's GHG emissions data. Clearcutting GHG emissions are composed of a combination of the loss from sequestration of trees, burning of woody debris, landfilling of scrap or milled portions of trees, and trucking. The vast majority of products end up in landfills off-gassing within weeks to decades. Recent research has shown that at most 16 percent of carbon may be conserved in forest products for up to one hundred years. This is outlined in the 2018 report by the Oregon Global Warming Commission entitled, *Forest Carbon Accounting Project.*[18]

We request that you consider these suggestions:

- Include carbon sequestration into the evaluation of land use along with its value to Oregon's economy, health, and avoidance of other climate impacts.
- Require a shift from rapid rotation logging (15-30 years) to rotations of 80 years or more for increased sequestration, and promote selective logging that protects the integrity of the forest.[19] Both of these actions will also reduce the harms from clearcutting, such as degraded water quantity and quality which impacts water resources for cities and agriculture and kills salmon and other fish, stops sequestration of trees for up to 11 years, and increases soil carbon loss.[20]
- Require full valuation of the carbon sequestration of state forest lands in determining whether to log. It takes 100 to 350 years to restore carbon in forests degraded by logging.[21]

In closing, we appreciate this opportunity to encourage climate actions. We are at a crossroads. We can act now and choose pathways that lead us to net zero emissions and a stable economy and climate, or lock ourselves into an inescapable, deadly fossil fuel system. Oregon has a long history of leading on the environment. Working together, we can lead on climate action.

Sincerely,

Environmental Caucus of the Democratic Party of Oregon

Calla Felicity, Chair (Curry County)
Catherine Thomason, Vice Chair (Multnomah County)
Helen Kennedy, Treasurer (Lane County)
Justin Brice, State Central Committee Alternate Delegate (Benton County)

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[16] DLCD Goal 4 states, "To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest lands"

[17] Law, Beverly, et al. Land Use Strategies to mitigate climate change in Carbon Dense Temperate Forests. PNAS, Jan 22, 2018. www.pnas.org/lookup/suppl/doi:10.1073/pnas.1720064115/-/DCSupplemental.

[18] Oregon Global Warming Commission, "Forest Carbon Accounting Project", 2018

[19] Ibid.(Law-2018)

[20] Ibid. OGWC.

[21] Hudiburg, TW, BE Law, DP Turner, J Campbell, D Donato, M Duane. 2009. Carbon dynamics of Oregon and Northern California forests and potential land-based carbon storage. Ecol Applic 19:163-180. https://esajournals.onlinelibrary.wiley.com/doi/10.1890/07-2006

Chris Moon, Chair, Green New Deal Standing Committee (Lane County)
Zach Klonoski, Chair, Membership Standing Committee (Multnomah County)
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cc: Palmer Mason, Senior Policy Analyst, Land Conservation and Development
Kristen Sheehan, Governor's Climate Policy Advisor
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Cathy Macdonald, Chair, Oregon Global Warming Commission
Janine Benner, Director Oregon Department of Energy
Amada Pietz, ODOT's Climate Office Director