



MEMORANDUM

TO: Ocean Protection Council

FROM: Abe Doherty, Project Specialist

DATE: March 11, 2011

RE: Revised Resolution of the Ocean Protection Council on Sea-Level Rise

ATTACHMENTS: Proposed Revised Resolution
Sea Level Rise Task Force Interim Guidance Document

REQUESTED ACTION

Staff recommends that the Council adopt the attached Resolution of the California Ocean Protection Council (OPC) on Sea-Level Rise.

PROPOSED RESOLUTION

In November 2010, OPC staff presented a draft OPC Resolution on Sea-level Rise (SLR) for Council consideration and public comment. At the November 29, 2010 OPC meeting, Council members provided comments and requested that OPC staff revise the resolution to make it a clearer policy directive and to make it applicable to entities implementing projects funded by the state. The proposed revised resolution (attached) includes changes based on this direction from the Council, comments received from the public during a 45-day comment period, comments from state agencies, and targeted outreach to stakeholders.

The proposed revised resolution sets forth the following new policy statements for the state:

1. Pollutants that cause climate change should be reduced early in this century in order to limit the amount of damage from SLR;
2. State agencies should include consideration of SLR when making funding decisions, to the extent permissible by law; and
3. State agencies should follow the recommendations in the guidance document on SLR developed by a state agency working group with input from the OPC's Science Advisory Team (see Background section below). Non-state entities implementing projects or programs using state funding or on state property, including on lands granted by the Legislature, should also follow these recommendations.

The proposed revised resolution urges state agencies to bring renewed efforts to implement certain existing policies on SLR, including the following:

1. State agencies should incorporate consideration of the risks posed by SLR into all decisions regarding areas or programs potentially affected by SLR (expands upon Executive Order S-13-08 – see Background section below); and
2. State agencies should implement the recommendations in the 2009 California Climate Adaptation Strategy (“Adaptation Strategy”), including by making decisions based upon the Adaptation Strategy’s guiding principles.

As described in the Background section, 16 state agencies developed a SLR Interim Guidance Document (“Interim Guidance Document”) in October 2010. The proposed revised resolution further advances guidance on SLR assessments beyond that stated in the Interim Guidance Document by stating that state agencies, as well as entities implementing projects or programs funded by the state or on state property, including on lands granted by the Legislature, should:

1. Assess vulnerabilities over a range of SLR projections, including analysis of the highest SLR values presented in the state guidance document and not solely use SLR values within the lower third of the range of SLR projections;
2. Avoid making decisions based on SLR projections that would result in high risk; and
3. Coordinate and use the same SLR projections when working on the same project or program.

The proposed revised resolution commits OPC to the following actions:

1. Provide coordination with the Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT) and the OPC’s Science Advisory Team in order to regularly update guidance documents on SLR;
2. Engage in a public stakeholder process to develop decision guidance to clarify and expand upon the Adaptation Strategy and to identify actions that the state and OPC can take to address the areas of greatest need regarding coastal and ocean climate change adaptation;
3. Support the development of regional sea-level rise adaptation plans, to the extent that funding and staff capacity allow;
4. Encourage collaborations to enhance data collection and monitoring and development of decision support tools and guidance that will directly improve adaptation decision-making, including those predicting extreme events and supporting coastal and ocean climate change impact assessments; and
5. Support the development and application of common climate change modeling assumptions so that planning actions in different agencies are based on shared information and current scientific understanding.

Some of the comments on the draft resolution requested changes or clarification of the recommendations in the Adaptation Strategy. OPC staff responded to these comments by adding a commitment that OPC would work closely with state agencies to engage stakeholders in clarifying and expanding upon the Adaptation Strategy. During targeted outreach to local

governments and harbor districts, these entities expressed concern about lack of funding and staff capacity to conduct SLR assessments. In response to this concern, OPC staff is conducting outreach to private foundations to explore possible public-private partnerships to provide funding for vulnerability assessments. In response to comments that the current SLR projections may be underestimates, OPC staff revised the resolution to recommend that assessments of impacts and vulnerabilities should include the highest SLR values presented in the Interim Guidance Document. Other comments included requests for specific actions by different state agencies, concern that the resolution removed flexibility on SLR decision-making, and requests to express greater urgency.

The proposed revised resolution is an advisory document and is not intended to carry the force of law.

BACKGROUND

Governor's Executive Order S-13-08

The Adaptation Strategy was developed in response to Governor's Executive Order S-13-08, which also directed state agencies to consider a range of SLR scenarios for the years 2050 and 2100 in order to assess project vulnerability and reduce expected risks, and increase resiliency to sea-level rise. Executive Order S-13-08 called for the OPC to work with other state agencies to support a National Academy of Sciences (NAS) expert panel to identify ranges of SLR to use for vulnerability assessments.

Sea Level Rise Task Force and Interim Guidance Document

Because the NAS final report is unlikely to be released until 2012, and the state is making decisions now which would benefit from guidance on SLR, OPC staff established the Sea-Level Rise Task Force (SLR Task Force) of the Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT). The SLR Task Force includes staff from the following state entities:

1. Business, Transportation and Housing Agency,
2. Coastal Commission,
3. Department of Fish and Game,
4. Department of Parks and Recreation,
5. Department of Public Health,
6. Department of Toxic Substances Control,
7. Department of Transportation,
8. Department of Water Resources,
9. Environmental Protection Agency,
10. Governor's Office of Planning and Research,
11. Natural Resources Agency,
12. Ocean Protection Council,
13. San Francisco Bay Conservation and Development Commission,
14. State Coastal Conservancy,

15. State Lands Commission, and
16. State Water Resources Control Board.

The SLR Task Force developed and agreed upon recommendations for incorporating sea-level rise projections into planning and decision making for projects in California. These recommendations are contained in the Interim Guidance Document, completed in October 2010. The CO-CAT will work with OPC Science Advisory Team to revise these recommendations in future guidance documents as improved information about SLR becomes available.

The California Ocean Science Trust and the OPC's Science Advisory Team provided scientific input to inform the SLR Task Force's policy recommendations, including the recommendation to use the SLR values presented in the December 2009 *Proceedings of National Academies of Science* publication by Vermeer and Rahmstorf¹ as a starting place and to select SLR values based on agency and context-specific considerations of risk tolerance and adaptive capacity.

CONSISTENCY WITH THE CALIFORNIA OCEAN PROTECTION ACT:

The proposed resolution is consistent with the Ocean Protection Act (Division 26.5 of the Public Resources Code). Specifically, the resolution is consistent with Public Resources Code Section 35615, in that it coordinates activities of state agencies (Section 35615(a)(1)); establishes policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies (Section 35615(a)(2)); requests the OPC Science Advisory Team to review and evaluate research to provide information for the Council's activities (Section 35615(a)(3)); and transmits the results of research and investigations to state agencies to provide information for policy decisions (Section 35615(a)(5)). The proposed resolution is also consistent with Public Resources Code Section 35620(a)(2)(B), that directs OPC to increase the amount of baseline scientific and geospatial information on the effects of climate change.

CONSISTENCY WITH THE OPC'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

The proposed resolution is consistent with OPC's Strategic Plan Goal D, Objective 3: "support state efforts to detect the impacts of climate change and to develop strategies to respond to them." The resolution presents strategies for assessing SLR, which is one of the most significant impacts from climate change on ocean and coastal resources. Through coordinating the SLR Task Force and the Climate Action Team's Coastal and Ocean Working Group to reach agreement on approaches for evaluating SLR, the OPC continued to implement the action for Goal D, Objective 3a to "work with the Climate Action Team to investigate the long-term impacts of sea level rise and develop statewide adaptive management policies that will help agencies deal with these impacts." The resolution also is consistent with Strategic Plan Goal A, Objective 2 ("Interagency Coordination") in that it aims to maximize the effectiveness of state agency efforts to protect and conserve ocean resources.

¹ Martin Vermeer and Stefan Rahmstorf, "Global sea level linked to global temperature", *Proceedings of the National Academy of Sciences*, published online before print December 7, 2009; doi: 10.1073/pnas.0907765106.