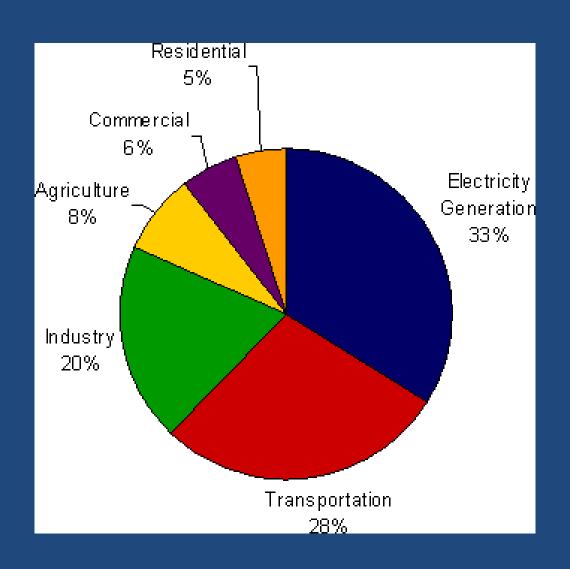
Is that All There Is? The Surprising Value of Unenforceable Local Climate Action Plans

Melissa Powers

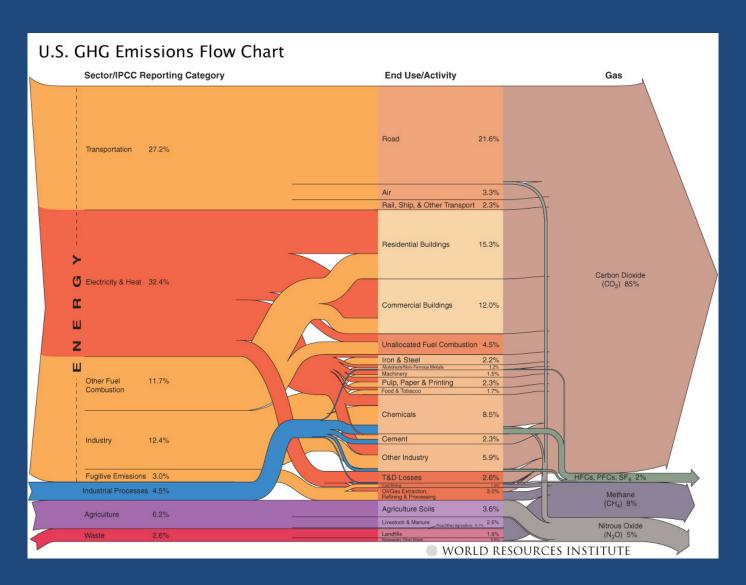
Associate Professor of Law

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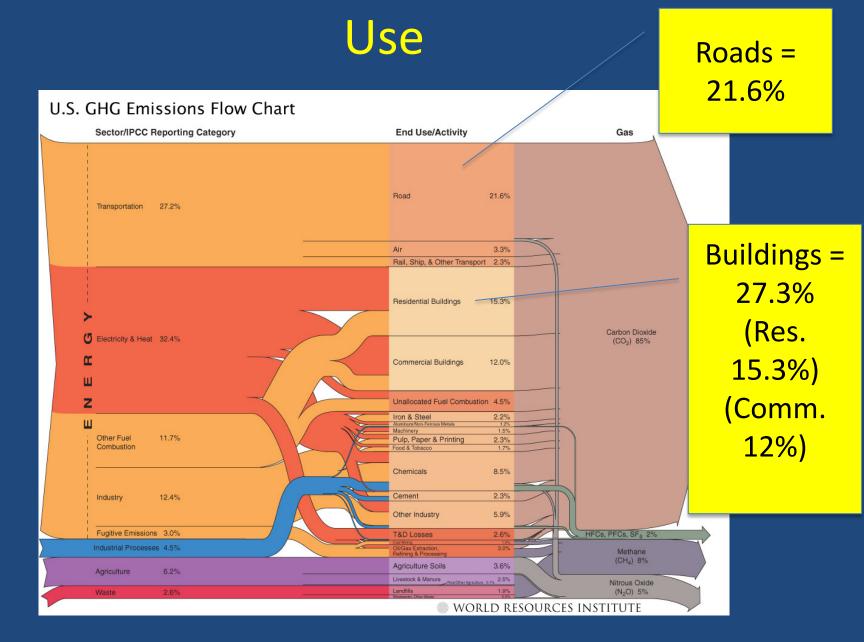
U.S. GHG Emissions



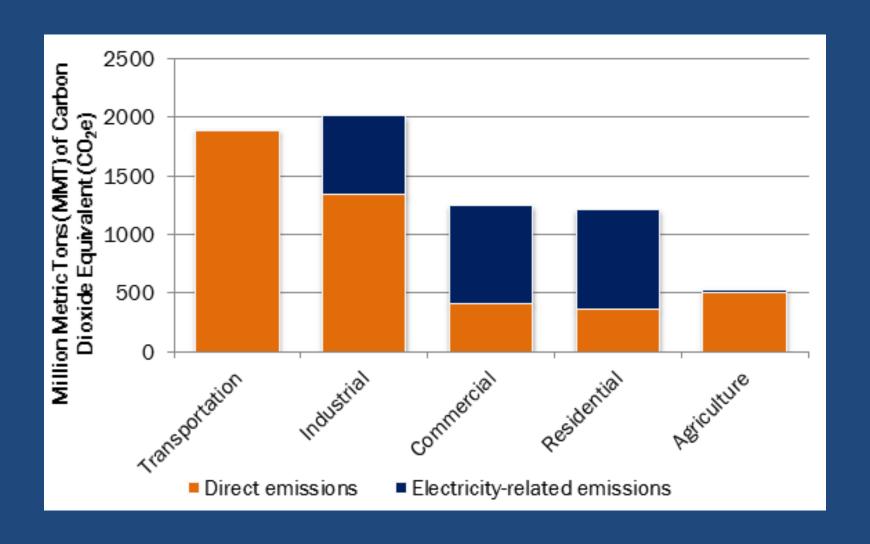
U.S. GHG Emissions – Source and End Use



U.S. GHG Emissions – Sources and End



End Use - Direct and Indirect



Mitigation: Federal, State, Local

Federal/State

- Source emissions
 - Stationary sources
 - Fuels
 - Energy sector
 - Agricultural sector
- Some demand
 - Vehicle emissions
 - Energy efficiency (to some extent)

State/Local

- Demand/end use
 - Transportation
 - Land use
 - Alternative transportation
 - Buildings
 - Efficiency codes
 - Local offsets
 - Trees/greenspaces
 - Waste/food production
- Some sources
 - Alternative energy

- Control/influence demand
- Replace/offset sources
- Norm-setting

Critiques of Local Efforts

- Not global
- Too slow
- Not enforceable

Is enforceability a problem?

- My informal survey results
 - 6 cities on track
 - Only 4 produced regular compliance reports
 - Denver, for example, set goals, apparently met them, but have several-year gap in public disclosure
 - 4 cities seemed to abandon efforts
 - But may have restarted plans with new leadership
- Other analyses
 - Only 5% of cities with local climate action plans in compliance
 - Few Florida cities on track
 - Most California cities on track

Potential Enforcement Mechanisms

- State mandates
 - State comprehensive land use laws
 - State Clean Air Act requirements (especially in states with poor air quality)
 - CEQA
- Federal Clean Power Plan's building blocks

State mandates

- California example
 - Land use + Clean Air Act transportation conformity+ CEQA
 - Required San Diego county to revise land use plan because would not otherwise meet emissions reductions requirements
 - Required San Bernardino to revise land use plan

Clean Power Plan

- Carbon dioxide emissions reductions at existing fossil fuel-fired power plants
 - Emissions reductions and compliance options based on 4 building blocks
 - On-site emissions reductions through power plant efficiency
 - Switch from higher GHG to lower GHG fuels
 - Increase renewables
 - Increase end use efficiency

Enforcement limitations

- Standing
- Willingness of state governments to impose requirements
- Clean Power Plan years away

So, is that all there is?

Yes and No

- Control/influence demand
 - Land use and transportation
 - Reduced vehicle miles traveled (VMT)
 - Limit sprawl where necessary
 - Building efficiency
 - Waste and food
 - Food policies and "food miles"
 - Waste control = emissions reductions + possible alternative energy
 - Green spaces and urban heat islands

- Replace/offset sources
 - Traditional role in energy efficiency
 - Emerging role for municipalities in energy production
 - Municipal utilities
 - Distributed producers
 - Urban green spaces

- Norm-setting
 - Policies based on norms/local image
 - Images designed to reinforce or change behaviors and norms
 - Greener
 - Fitter
 - Hipper
 - Better

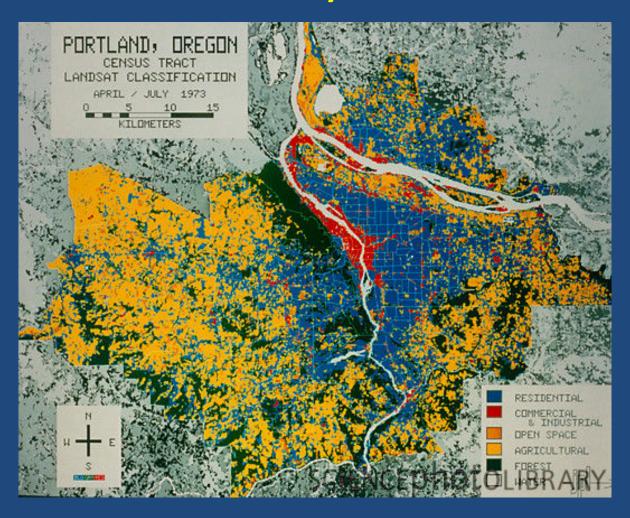
Portland, OR

- Portland, Oregon
 - Greener/hipper/better
 - Environmental legacy statewide
 - First "bottle bill" in country
 - First comprehensive land use plan
 - Portland = sustainable city
 - First local climate action plan 1993
 - Sees itself as a leader

Portland Map



Portland Land Use – Urban Growth Boundary - 1973



Portland Land Use – Urban Growth Boundary



Portland Land Use – Urban Growth Boundary



Portland Climate Change Action Plans

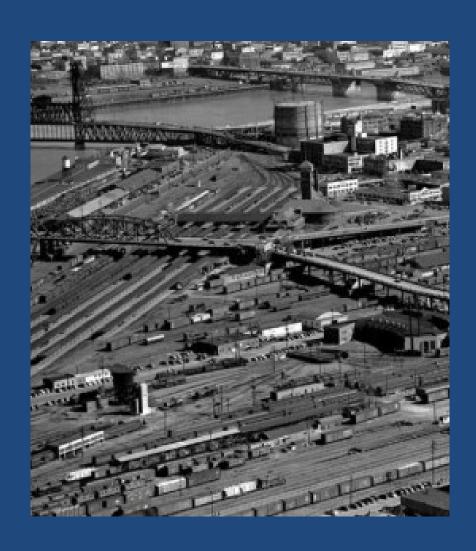
- 1993
 - First in nation
 - 20% below 1990 levels by 2010
- 2001
 - 10% below 1990 levels by 2010
- 2009
 - 40% below 1990 by 2030
 - 80% below by 2050

Portland Climate Change Action Plans

- Specific Strategies (since first plan, but refined)
 - Land use and transportation
 - Building efficiency
 - Waste, food, and trees
 - Renewable energy

Portland Climate Change Action Plans

- Land use and transportation
 - Metro (regional governmental organization) has authority over urban growth boundary
 - City: urban density and infills
 - Pearl District
 - Alternative transportation
 - Public transportation
 - Bicycling
 - Electric vehicles





Pearl District

Transit
Oriented District

High urban density

Walkable/bikable

Green Hip





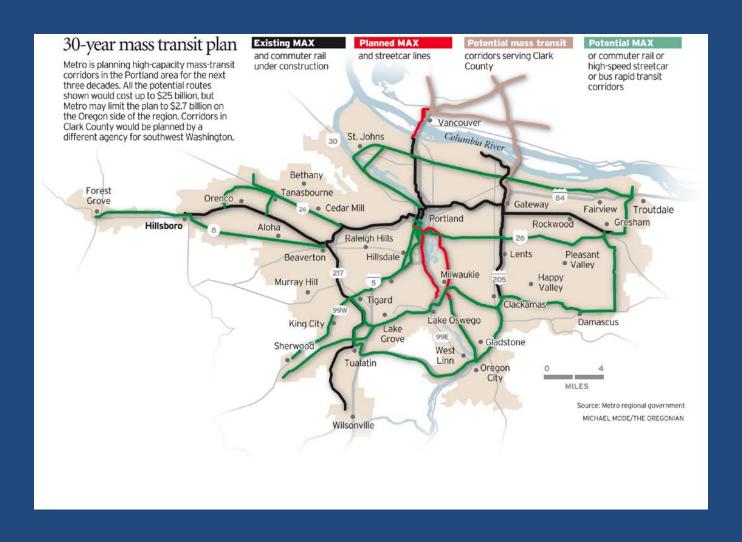










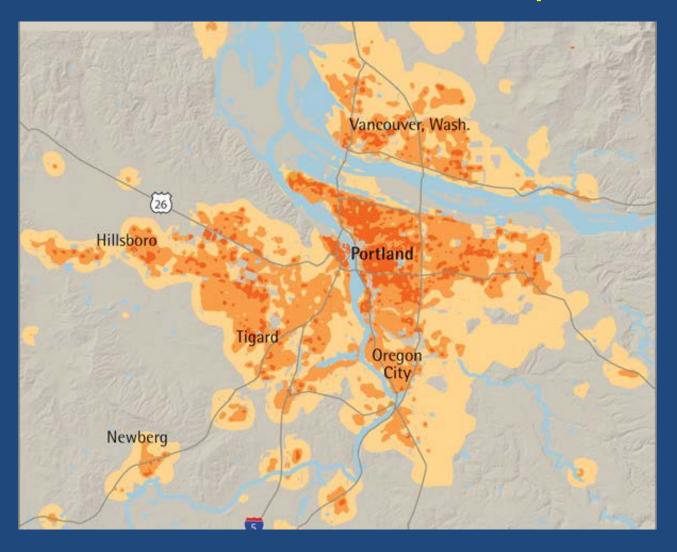


- Embracing multi-pronged transportation options
 - Capitalizing on the cycling culture
 - Increased rates 230% from 2000-2009
 - Limited expenses (signs, sharrows, outreach)
 - Creating new economy around cycling = long-term economic benefits
 - Public transportation light rail
 - Increasing ridership rates every year
 - Electric vehicles emerging infrastructure

Portland: land use and transportation

- Limits and challenges
 - Leakage
 - Leakage/commuting from suburb-to-suburb
 - Metro government in Oregon can address some of this
 - But major source of commuting = Vancouver, WA

Portland: land use and transportation



Portland: land use and transportation

- Limits and challenges
 - Increased urban density without decreased house sizes =
 - loss of urban gardening land and loss of solar access

Portland: building efficiency

- New city-owned buildings must meet gold LEED standards
 - LEED = certification re: efficiency and other environmental values
- New buildings that receive city funding must meet good LEED standards
- However
 - Codes could be stronger and require more from private developers

Portland: waste, food, trees

- Waste
 - Curb-side yard debris
 - Recycling (67% recycling rate = second-highest in country)
 - -2011
 - Food scraps/compost on curbside
 - Reduced garbage collection

Portland: waste, food, trees

Trees

- Street tree planning program through non-profit organization "Friends of Trees"
- Volunteers plant trees around the city; owners receive donated trees or purchase them

Food

Promoting urban food production

Portland: Using and Setting Norms

- Portland "sustainable city"
 - Long-standing self-identification with green image
 - Leadership role in sustainability important for city and its residents
 - Historical energy development made Portlanders embrace efficiency early on
 - Reinforcement of these ideas
 - Portland Bikeways
 - Green Building
 - Renewable Energy
 - "We're Number 1" messaging matters

Portland: Using and Setting Norms

- Incremental change may be necessary
 - Portland's action plan: 1993 2001 2009
 - Responding to increased population growth and realities of the challenge
 - Self-reinforcing ideas necessary for longterm/permanent change

Portland's Outcomes

- 2011 emissions
 - 6% below 1990 (after initially going up)
 - 26% below 2000 levels (even though population grew by 26% at that time)

The role of cities?

- Long-term demand-side reductions
 - Incremental, but lasting
- Untapped authority to promote renewable energy development
- Leading from the bottom up

Recognizing different motivations

- Traditional approach
- Market-based approach
- Behavioral, community approach

