

From: Documentary Projects
To: [ARB Clerk of the Board](#)
Subject: California Tropical Forest Standard and the Draft EA Risks and Alternatives Re: Not able to submit Comments at the CARB. Error Msg: The requested URL was rejected. Please consult with your administrator. Your support ID is: 10878962482672989764 [Go Back]
Date: Monday, October 29, 2018 4:01:13 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

California Tropical Forest Standard and the Draft EA Problems and Alternatives Utilizing California Air Resources Board (“CARB”) Tropical Forest Standards (TFS) to promote & accredit AB398 REDD+ (REDD) carbon offsets in Acre, Brazil without stipulating and enforcing forest people's customary rights presents grave political risks for California, forest people, and REDD offset schemes. The existing standards required by CARB's TFS, as discussed below, either in combination or independently, do not contain criteria that are sufficient to ensure the enforcement of vital social safeguards; therefore the TFS should be rejected. The TFS is linked to the REDD agreement, CA's International Sector-based Offsets program, and jurisdiction's sector plan. The TFS, its linked plans, and social safeguards do not require enforcement of human rights and customary and statutory resource rights for forest peoples prior to REDD funding or accrediting REDD forest offsets.

All of the social standards cited by California's International Sector-based Offsets program, jurisdiction's sector plan, and TFS are qualified by non binding terms such as “participate... respect...promote...support...address, and...recognize”; none require that resource rights, customary rights, and human rights be statutory, monitored, or enforced prior to the CARB's accreditation of Acre's forest offsets.

The TFS states, “[T]he implementing jurisdiction must demonstrate the following: “To ensure that forest-dependent communities and other representative stakeholder groups participate in the development of the sector plan and receive direct benefits as a result of the plan, [and] the implementing jurisdiction's sector plan must include social and environmental safeguards that are equivalent to the principles and criteria specified in the REDD+SES Version 2 (REDD+SES 2012)”. The TFS text is not binding in its linkage to REDD+SES 2012. REDD+SES Version 2 qualifies rights with non binding language: “recognize....respect... promote”. Since REDD+SES 2012 language qualifying rights is non binding, the qualified rights are not enforceable. The other social & environmental standards referenced in the TFS are the: World Bank's Social and Environmental Framework (World Bank 2016), Climate, Community and Biodiversity Standards Version 3.1 (VCS Association 2017), ISEAL Social and Environmental Standards Code of Good Practice Version 2.0 (ISEAL Alliance 2018). These standards are also non binding or enforceable in regard to the rights they qualify.

The underlying REDD agreement is also non binding. The REDD agreement text only “requests” that REDD participants “address”, “tenure issues”, “forest governance”, and “safeguards” for marginalized and traditional forest people. Would REDD promoters or Air Resources Chair, Mary Nichols, sign an agreement that only

"addressed" their family's property rights or human rights without the legal requirement to enforce those rights? And what if those supporters also lived in a remote forest in the Amazon without legal or practical means to enforce those rights?

Yet those who could benefit from creating & trading forest offsets without losing their personal rights laud this language. Ricardo Hernandez Sanchez, representing Mexico's state of Chiapas, commented to CARB, "We urge you to take this next step and commend you for releasing a draft of the California Tropical Forest Standards. This draft sets a gold standard for ensuring that reductions from the forest sector must be achieved through a process which ensures environmental integrity and safeguards the rights and livelihoods of indigenous peoples and local communities." His statement is typical of the State & NGO bureaucracies developing REDD, which have received most of the REDD funding with no loss of their personal rights.

"Learning From 'Actually Existing' REDD+: A Synthesis of Ethnographic Findings" By Sarah Milnea et al. on page 9 & 10 states: "[S]ubstantial REDD+ funding ... has been invested mainly in the development of REDD+ bureaucracies and national strategies, rather than in the rewarding of forest-users..." and "[T]he potentially adverse consequences of state-driven REDD+ implementation...provides no guarantee of emissions reductions, given potential issues with corruption, elite-backed resource grabbing, and new or exacerbated land conflicts."

Jorge Furagaro Kuetgaje, climate coordinator for COICA, the Indigenous People of the Amazon Basin, stated, "For us to continue to conserve the tropical forests we need to have strong rights to those forests. Death should not be the price we pay for playing our part in preventing the emissions that fuel climate change." Brazil's newly elected President recently promised, "not an inch more of indigenous land."

In an article entitled "At What Cost?", Global Witness wrote on July 24, 2018, "Of the 207 [environmental and land] defenders murdered last year, a vast majority of them hailed from Latin America, which remains the most dangerous region for defenders, accounting for 60% of those killed in 2017. Brazil saw 57 murders alone - the worst year on record anywhere in the world...REDD is not necessarily a driver of violence in Brazil. But REDD does nothing to address the power imbalance between agribusinesses and their political backers on one side, and indigenous peoples, quilombolas (descendants of Afro-Brazilian slaves), and small-scale farmers on the other." These are some of the reasonably foreseeable indirect "adverse impacts" of REDD.

California Environmental Quality Act (CEQA) requires that TFS use "feasible alternatives or mitigation measures [that] are able to substantially lessen the significant environmental effects of the project." Requiring the statutory enforcement of forest community resource tenure rights has less social risk than what CARB is proposing, sequesters carbon more cost effectively than REDD carbon offsets, & makes REDD programs (if they are pursued) more likely to meet their goals. Therefore TFS should not be used as a framework for a future regulatory amendment process to be incorporated into the Cap-and-Trade Regulation and conduct linkage

findings pursuant to SB1018, as it does not meet CEQA's requirement.

The CARB "NOTICE OF AVAILABILITY AND PUBLIC COMMENT PERIOD FOR THE CALIFORNIA TROPICAL FOREST STANDARD AND DRAFT ENVIRONMENTAL ANALYSIS" stated:

The Draft EA provides an analysis of both the beneficial and adverse impacts and feasible mitigation measures for the reasonably foreseeable compliance responses associated with the proposed standard.

Using a conservative approach for determining the significance of potential environmental impacts, the California Tropical Forest Standard is anticipated to result in the following beneficial and adverse impacts: beneficial impacts to air quality and greenhouse gas emissions (for emphasis); no adverse impacts to aesthetics, biological resources, cultural resources, energy demand, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, recreation, utilities and service systems; less-than-significant impacts to aesthetics, agriculture and forestry, population, employment and housing, public services, and transportation and traffic; and potentially significant and unavoidable adverse impacts to land use and planning related to local land use plans for non-forest uses and to mineral resources.

This analysis ignores direct and reasonably foreseeable indirect impacts. It states that there are "beneficial impacts ... greenhouse gas emissions:" despite the fact that offsets do not reduce these emissions per Sarah Milnea et al & simple logic. The EA states that there are "...no adverse impacts to...cultural resources" & "less-than-significant impacts to ...population, employment..." despite the contrary representations of experts like Global Witness, Jorge Furagaro Kuetgaje, and Sarah Milnea et al. The EA is incorrect; therefore the TFS has not been adequately analyzed & should not proceed.

The following World Bank working paper presents "feasible alternatives or mitigation measures [that] are able to substantially lessen the significant environmental effects..." of incorporating the TFS into the Cap-and-Trade Regulation. World Bank SOCIAL DEVELOPMENT WORKING PAPERS Paper No. 120/December 2009 stated, "[T]he cost range of recognizing community tenure rights (average \$3.31/ha) is several times lower than the yearly costs estimates for.... an international REDD scheme (\$400/ha/year to \$20,000/ha/year)." "...a relatively insignificant investment in recognizing tenure rights has the potential to significantly improve the world's carbon sequestration and management capacity...prioritizing policies and actions aimed at recognizing forest community tenure rights can be a cost-effective step to improve the likelihood that REDD programs meet their goals." California should promote the titling & enforcement of "forest community tenure rights" if it wants to sequester carbon in Tropical forests, and not through the unenforceable TFS & Cap-and-Trade Regulation.

Thus, accrediting AB398 REDD carbon offsets in Acre, Brazil, through California's Cap-and-Trade system does not decrease emissions, but presents the dangers of lowering the cost of polluting while threatening the rights of forest peoples. As the

world's fifth largest economy, California's response to the REDD program and climate chaos is likely to set a global precedent; therefore, CARB should abandon Brazilian AB398 REDD carbon offsets to avoid negative social impact and political risk in California & Brazil, as well as adding to global warming. California should craft regulations that will end fossil fuel combustion, reduce California's deforestation footprint, provide direct benefits to California communities, and deliver the large-scale, rapid GHG reductions needed to avoid the worst climate catastrophes. California could continue trendsetting by promoting the rule of law and reducing global warming in one stroke.

Submitted by Documentary Projects
