November 30, 2020

To: CSAC Agriculture, Environment & Natural Resources (AENR) Policy Committee
From: Catherine Freeman, Legislative Representative
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Re: CSAC AENR Year in Review and 2020 Legislative Priorities

2020 Year in Review

Wildfire Disaster Recovery and Readiness. California faced yet another challenging fire year, including a rare lightning event that caused long-lasting and damaging fires, some in areas that have not seen major wildfire in decades. This coupled with the hottest August and September temperatures on record, the state faced unprecedented risk going into fire season. CSAC continued to work with utility providers to lessen the impact of public safety power-shutoffs, and to engage local leaders and the legislature in support of fire victims. Coupled with the COVID-19 stay-at-home orders, fire events, evacuations, and power shutoffs took on new and heightened challenges. CSAC staff focused efforts on post-disaster cost-recovery from both state and federal partners, expedited cleanup efforts, and post-fire flood risks. In addition, CSAC engaged outside counsel to help represent county governments in front of the California Public Utilities Commission (CPUC) to ensure that our local community leaders are adequately notified and engaged in the event of the Public Safety Power Shut-off, and compensated for losses. CSAC will continue to focus on these issues as they will be a focus of legislative oversight next year.

With a limited and truncated legislative cycle, CSAC focused its efforts a few key bills passed by the legislature, including bills that: set defensible space requirements; created model use guidelines; implemented new and safer methods of emergency alerts; and implemented new planning requirements in our very high fire severity zones. Out of these four bills passed by the legislature, only two of the four were signed into law by the Governor. The Governor signed AB 3074 (Friedman) which is intended to improve resistance against ember ignitions for structures in locally designated Very High Fire Severity Zones by creating an ember-resistant zone within five feet of a structure. AB 3074 also would require local agencies to provide notification to residents that could be impacted by these improved defensible space requirements. The Governor also signed SB 909, which advances emergency notifications by allowing local governments to equip emergency vehicles with “Hi-Lo” frequency warning alarms to notify residents of mandatory evacuations in the event of an emergency. These very specific sounds would only be sounded in the event of an immediate evacuation—giving residents one more way to prepare for and respond to during emergencies.

Land Use, Resiliency & Emergency Management. CSAC supported two measures, that were vetoed by the Governor, which would have advanced California land use planning efforts in the Wildland Urban Interface (WUI) and high fire severity zones. As fire behavior becomes increasingly more severe and erratic due to changing weather patterns, CSAC joined with other coalition members to suggest improvements to land use planning to mitigate impacts to communities. CSAC supported AB 3164 (Friedman) which would have created a public wildfire risk model using information from the State Responsibility Areas (SRA) and Local Responsibility Areas (LRA). The bill also would have created an advisory committee, which would include representatives from local government to help develop this public model. The Governor vetoed the bill, citing a significant increase in workload and some concerns
about flexibility for CalFIRE to determine appropriate factors for the dynamic risk the model is meant to evaluate. CSAC also supported SB 182 (Jackson) which would have prohibited local governments from approving development agreements, permits, or maps for housing developments unless the project is in compliance with the wildfire risk reduction standards as outlined in the bill. SB 182 would have reduced development pressures in Very High Fire Risk Areas fire risk to communities through new wildfire risk reduction standards, while lowering the proportion of state housing allocations required under the Regional Housing Needs Allocation (RHNA).

Disaster Assistance. In the aftermath of the devastating fires, CSAC worked closely with the Governor’s Office and his Administration to facilitate both direct relief to counties through budget allocations as well as ongoing baseline funding for wildfire preparedness and response. Though the COVID-19 emergency and economic impacts reduced funding for many programs at the state, the continued importance of wildfire and disaster preparedness and response prompted support of both baseline funding and one-time, targeted General Funds to support local and state efforts. The 2020-21 Budget includes $85.6 million General Fund for a 172 firefighter relief staffing and surge capacity. CalFIRE also moved forward with a $4.4 million predictive wildfire simulation program to better understand future wildfires. The California Disaster Assistance Act (CDAA), home hardening and other emergency services were included in a $127 million allocation to the state Office of Emergency Service. This included a one-time $38.2 million General Fund increase to CDAA to help repair, restore, or replace public property damaged or destroyed in a disaster, or to reimburse local governments for emergency activities under a state emergency declaration.

CSAC went to bat in the fall to protect local interests as the state began to deliver $50 million, one-time General Fund dollars, for Community Power Resilience (related to Public Safety Power Shutoffs). Funding was split between city and county governments, and special districts.

Climate & Resiliency Funding. CSAC participated in discussions regarding a resiliency bond measure this year, supporting efforts to provide local governments with additional resources for pre-hazard mitigation and additional funding to prepare for future events and adapt to our changing climate. A total of three bond measures were considered during the two-year legislative cycle, with the author’s goals of consolidating measures into a final proposal to move forward in 2020. CSAC participated in numerous stakeholder meetings, providing input and soliciting feedback from our membership, and we will continue to advocate on these measures in the coming year. In the end, none of the bond measures made it to the final months of the legislative cycle. A $500 million wildfire and emergency relief measure was discussed late in the legislative session but ultimately was not taken up. Unfortunately, in part due to uncertainty about the economy, the state’s Cap-and-Trade program was suspended, allowing only funding from previous-year allocations.

Water Resources & Regulatory Issues. CSAC continued our advocacy efforts to support counties as they navigate implementation of the Sustainable Groundwater Management Act (SGMA). CSAC hosted a virtual conversation with the Department of Water Resources to open dialogues between stakeholders with land use planning responsibilities and the state, focusing on implementation of SGMA at the county level. This multi-year effort will continue to help counties navigate as SGMA implementation ramps up. CSAC advocated for continued funding for local flood control projects and ongoing state matching funds for these critical infrastructure projects. In addition CSAC staff are engaging actively on the implementation of SB 19 (Dodd) of 2018, which will guide the deployment of new stream gages in the state. In addition to existing water management issues, counties are faced
with critical needs as they face post-wildfire debris flow and flooding. CSAC also offered a seminar on the ongoing state efforts to develop a new conveyance project through the Delta, giving county representatives a small-setting environment to discuss concerns with the project.

**Resource Recovery & Waste Management.** CSAC was a key supporter of SB 54 (Allen) and AB 1080 (Gonzalez), two tandem measures that would create a statewide goal of a 75 percent reduction of waste generated by single-use packaging and priority single-use plastic products. CSAC advocated on these measures through the end of the two-year session, but the bills ultimately failed votes on the floor during the final day of the session. The focus of these measures is an important step, of many, needed to deal with our plastic pollution crisis and the limited availability of domestic markets to process and recycle products. On the regulatory front, CSAC actively engaged in the development of regulations to implement SB 1383 (Lara, 2016), which mandates organics recycling. CSAC commented on numerous draft regulations and worked with a coalition of stakeholders to ensure that the regulations are as reasonable and implementable as possible. Much of the waste stream changed during the COVID-19 economic shutdown, leaving great uncertainty about the ability of counties and partners to implement this comprehensive law. CSAC continues to work with the Administration, focusing on implementation of SB 1383 and necessary changes to the timeline and state support for the program. CSAC will continue to engage on this critical issue as local governments lack the resources and infrastructure necessary to manage the organics portion of the waste stream.

**COVID-19 Advocacy.** The COVID-19 pandemic significantly impacted advocacy efforts in 2020. At the beginning of the legislative session, CSAC AENR was tracking 184 bills that could have impacted counties in the AENR policy area. This list was cut down significantly after the Legislature went into a COVID-19 recess in mid-spring to only a few dozen measures. This unusual recess came during what is normally peak time for the Legislature to consider bills in house of origin policy committees. The recess also shortened the regular time frame for reaching legislatively imposed bill deadlines. When the Legislature returned, legislative leadership strongly encouraged members to cut down bill packages to measures that only dealt with a short list of emergency related topics, including COVID. These encouragements did cut down the number of measures moving through the Legislature, however many members continued moving measures that were unrelated to COVID or emergency response. Staff also had to adjust to socially distant lobbying and advocacy which included remote testimony, meeting with legislative and administrative officials and staff online through Zoom, and the submission of position letters entirely through digital means. Staff continued to successfully represent county interests throughout the pandemic and expects to continue these remote advocacy efforts into at least the middle part of next year.

**2021 AENR Priorities**

**Climate & Resiliency.** The legislature will continue to focus on a variety of topics related to improving our statewide resiliency to disasters and adapting to the impacts of climate change, including measures that help fund resiliency work at the local level. It is expected that at least one bond measure will be reintroduced through the legislative process next year, building on the work done in 2019 and 2020. CSAC will continue to engage in these discussions and work to explore additional opportunities for funding of pre-hazard mitigation and resiliency funding. Finally, CSAC will continue to focus on other funding opportunities within the state’s cap and trade program for greenhouse gas (GHG) emissions reduction and adaptation work to help prepare counties to guard against and prepare for our changing climate,
including funding for natural and working lands, sea-level rise, organic waste diversion and other important topics.

The issue of homeowners insurance in fire prone areas will continue to be a topic of conversation in the Legislature and regulatory agency. CSAC supported new options proposed in 2020 to allow for an Insurance Market Action Plan, which was ultimately not passed by the Legislature. CSAC will continue to work with our local government partners, the Department of Insurance and other stakeholders to help create affordable options for homeowners.

**Water Resources & Regulatory Issues.** CSAC will continue to engage on a variety of important legislative and regulatory topics related to water resources, including ongoing implementation of the Sustainable Groundwater Management Act (SGMA) and ongoing discussions about water quality, storm water funding and conservation issues. As water and flood management merge with the impacts of wildfire and possible debris flows, CSAC plans to engage on the state’s plan to deploy an improved stream gage network. CSAC also plans to engage with the California Natural Resources Agency as they implement a new Executive Order to conserve 30 percent of the state’s biodiversity and land by 2030. This proposal includes support for California’s working agricultural lands—and CSAC plans to be at the table as we discuss long-term funding for these critical areas of our counties.

**Resource Recovery & Waste Management.** While it is uncertain what next steps are for the failed SB 54 (Allen) and AB 1080 (Gonzalez), the plastics bills of 2019 and 2020, CSAC will continue to advocate in support of these measures to help reduce plastic waste and increase domestic markets for recyclable materials. In addition, funding for waste and recycling infrastructure will continue to be a topic of interest for local governments. CSAC will also advocate to include funding for organic waste diversion infrastructure as a necessary component of any bond measure. Finally, CSAC will work to provide counties with reasonable timelines, funding and state support for the implementation of California’s organics recycling law under, SB 1383 (Lara 2016).

**Utility Liability.** The discussion of utility liability continues to re-emerge as utilities shift their operational mode to implement shorter power shutoffs and more up-front disaster mitigation. CSAC will stand firm with our coalition partners to continue to protect the rights of victims and local governments, while holding utilities accountable for their actions.

**Public Safety Power Shutoff Policy.** California’s investor-owned electric utilities are more frequently utilizing de-energization policies and shutting off electric power, referred to as Public Safety Power Shut-offs (PSPS), to protect against wildfire ignition and to enhance public safety as permitted under California law. As we navigate through the COVID-19 emergency, CSAC will continue to engage directly with utilities, and through the CPUC, to reduce the impacts PSPS while supporting reduced fire risks. CSAC has engaged outside counsel to help represent all counties in front of the CPUC and track PSPS rule-making to ensure that county interests are adequately represented. CSAC will continue to engage the IOUs and stakeholder groups to work towards better coordination during PSPS events and ensure for adequate resources and communication to sensitive populations.

**Cannabis.** Local control and the ability to ban specific commercial cannabis operations have continually come under assault by segments of the cannabis industry and within portions the Legislature. CSAC will continue to support dual permitting and local control for cannabis regulation and work with counties to help ensure for the successful implementation of their cannabis programs. In addition, CSAC will
continue to advocate the Administration for access to data in the state’s track and trace system. CSAC will continue to support the efforts of the California Cannabis Authority, the county joint powers authority designed to aid local cannabis regulation. Finally, as the Administration pursues consolidation of regulatory efforts at the state level, CSAC will be actively engaged to ensure that counties continue to receive the support they need, to effectively manage local cannabis industries.