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**To:** CSAC Board of Directors

**From:** Cara Martinson, CSAC Senior Legislative Representative, Agriculture, Environment, and Natural Resources & Federal Affairs Manager  
Nick Cronenwett, CSAC Legislative Analyst, Agriculture, Environment, and Natural Resources

**Re:** **2019-2020 Platform Chapters: Agriculture, Environment, and Natural Resources – ACTION ITEM**

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**Staff Recommendation.** Staff recommends that the CSAC Board of Directors approve the recommended changes to the CSAC policy platform as drafted and approved by the CSAC Agriculture, Environment, and Natural Resources Policy Committee.

**Background.** The California County Platform is a statement of policies on issues of concern and interest to California's counties. CSAC's policy committees and Board of Directors review the platform regularly, amending and updating when necessary. Generally, CSAC policy committees adopt recommend updates to their relevant platform chapters every two years at the Annual Meeting. Committee recommendations are adopted through an action item and then sent to the Board to be adopted for final approval. The proposed changes in this memo were adopted by the Agriculture, Environment, and Natural Resources Committee which met on November 27<sup>th</sup>, 2018 at the Annual Meeting.

The AENR Committee has jurisdiction over the following pieces of the California County Platform:

- Chapter 3: AENR Policy Platform
  - Chapter 3 Attachment: Flood Protection Principles
  - Chapter 3 Attachment: State Water Policy Guideline
- Chapter 4: Energy
- Chapter 14: Climate Change
- Chapter 17: CEQA Reform Guidelines
- Cannabis Policy

The AENR Committee and staff have proposed the following changes to the California County Platform.

**Chapter Three – Agriculture, Environment, and Natural Resources Platform**

LA County proposed an additional Environmental Health sub-section in Section 12 on Emergency Management. The proposed language deals with enforcement and prevention of environmental incidents. The AENR Committee adopted this proposed text:

***Environmental Health***

*Recent environmental hazard events across the State have demonstrated the need to bolster enforcement actions and local authority to prevent environmental incidents from occurring. Counties*

*support policies to prevent and protect the public and the environment from hazardous incidents by improving enforcement of hazardous waste laws and regulations, and strengthening oversight and regulations of facilities that treat, store, or dispose toxic substances and pose an endangerment to public health and safety. Additionally, Counties also support legislation that expedites the cleanup of environmental hazards, and increases resources for remediation activities, and increases community engagement.*

In addition, formatting and organizational changes were made throughout to promote consistency across platform chapters; this includes incorporating the previously adopted medical marijuana policy into Chapter 3. Staff provided updates and clean ups to our policies in the following areas:

- State and County Fair Policy
- Support for resources to address tree mortality
- Financing of water management policy
- Emergency management policy

### **Chapter 3 Attachment – Flood Protection Principles and Policy Guidelines**

No changes were made to this attachment.

### **Chapter 3 Attachment – State Water Policy Guideline**

No changes were made to this attachment.

### **Chapter 4 – Energy**

Formatting and organizational changes were made throughout to promote consistency across platform chapters.

### **Chapter 14 – Climate Change Policy Guidelines**

No changes made to this guideline.

### **Chapter 17 – CEQA Reform Guidelines**

Formatting and organizational changes were made throughout to promote consistency across platform chapters.

### **Cannabis Policy**

Monterey County submitted the following comment regarding the policy’s statement in support of hemp: “There is not a consensus among all the counties on this point. It may be premature for CSAC to take this position on hemp. And since it is in the Cannabis policy, if they do, they should have a statement about the coexistence of hemp with Cannabis. These are not necessarily compatible crops.” CSAC AENR Committee adopted the following language:

The ability to grow industrial hemp as an agricultural product, *while respecting local control.*

### **Attachments.**

1. Chapter 3: AENR Policy Platform
2. Chapter 3 Attachment: Flood Protection Principles
3. Chapter 3 Attachment: State Water Policy Guideline
4. Chapter 4: Energy
5. Chapter 14: Climate Change
6. Chapter 17: CEQA Reform Guidelines
7. Cannabis Policy

**CSAC Staff Contacts.**

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## Chapter Three

# Agriculture, Environment and Natural Resources

### Introduction

Counties recognize the necessity of balancing the need to develop and utilize resources for the support of our society and the need to protect and preserve the environment. Counties also recognize that climate change and the release of greenhouse gases (GHG) into the atmosphere have the potential to dramatically impact our environment, public health and economy. Due to the overarching nature of the climate change issues, all sections in this chapter should be viewed in conjunction with chapter fifteen.

Counties assert that solutions necessary to achieve this delicate balance can best be formulated at the local level in cooperation with public and private industry and state and federal government.

Over-regulation is not the answer. Processes must be adopted for all federal and state proposed rules and regulations to include a detailed environmental and economic cost/benefit analysis. Additionally, proposed and existing state rules and regulations that exceed federal standards should be evaluated and justified.

### Section 1: Agriculture

Counties recognize the importance of agriculture and its contribution to the state's economy. If California is to continue as the leading agriculture state in the nation, the remaining viable agricultural lands must be protected. In order to ensure that agricultural land protection is a statewide priority, the state, in cooperation with local governments, must continue to implement existing policies or adopt new policies which accomplish the following:

1. Provide innovative incentives that will encourage agricultural water conservation and retention of lands in agricultural production;
2. Promote agricultural economic development activities.
3. Support allocation of transportation resources to improvement of important goods movement corridors and farm-to-market routes.
4. Encourage the development of new water resources and delivery systems;
5. Provide research and development for biological control and integrated pest management practices;
6. Ensure water and air quality standards are retained at a level that enables agricultural production to continue without significant lessening in the quantity or quality of production;

7. Support the continuation of statewide public education curricula that address the essential role that agriculture plays in California and world economics;
8. Promote California agriculture, protect it from pests and diseases and ensure the safety and wholesomeness of food and other agricultural products for the consumer;
9. Foster a decision-making environment based upon input from all interested parties and analysis of the best available information, science and technology;
10. Continue to build consumer and business confidence in the marketplace through inspection and testing of all commercial weighing and measuring devices;
11. Encourage low impact/sustainable agricultural practices;
12. Support the elimination of inheritance taxes on agricultural lands; and,
13. Support full funding for UC Cooperative Extension given its vital role in delivering research-based information and educational programs that enhance economic vitality and the quality of life in California counties.

#### *Working with other Entities*

The University of California's Cooperative Extension Service, County Agriculture Commissioners, Sealers of Weights and Measures, Resource Conservation Districts (RCDs), local farm bureaus, Coordinated Resource Management Planning committees (CRMPs), and Resource Conservation & Development Councils (RC&Ds) are valuable resources that can be relied upon to assist state and local governments with the implementation of the policy directives noted above, as well as other programs supporting agricultural and natural resources. Given the long-standing relationship between local cooperative extension offices, county agricultural departments (i.e. County Farm Advisors and Agricultural Commissioners), RCDs, local farm bureaus, CRMPs, RC&Ds and individual counties, it is imperative that state and county officials develop ongoing support for these programs. Further, state and county officials are encouraged to remind other policy and decision makers of the importance of these entities and their value to agriculture, natural resources, the environment and community development.

#### *Williamson Act*

Counties support revisions to the California Land Conservation Act of 1965, also known as the Williamson Act, that provide property owners greater incentives to continue participation under the Act. Additionally, counties are committed to support other reasonable legislative changes which preserve the integrity of the Williamson Act and eliminate abuses resulting in unjustified and premature conversions of contracted land for development.

Counties support the restoration of Williamson Act subventions. The state subventions to counties also must be revised to recognize all local tax losses.

### State and County Fairs

Whether state-owned/operated or county-owned, fairs are important assets to California's counties. They provide educational and competitive exhibits that highlight state and local industrial enterprises, resources and products. Fairs also provide the venue for a variety of agricultural and local community events and serve the state by assisting in emergency preparedness and response.

Unfortunately, declining budget resources threaten to force the closure of fairs throughout the state unless a new governance and funding structure is established. Counties recognize that fairs represent a critical state and community asset that is in dire need of funding and strongly support the development of a comprehensive solution that will ensure the viability of the entire fair network.

## **Section 2: Forests**

Counties recognize the importance of forests to the state's economy. California is the second leading timber producing state in the nation. As with agriculture, to remain so, the state must protect and maintain its viable timberland base. Counties also recognize the importance of forestry in the context of climate change. Effectively managed forests have less of a probability of releasing harmful greenhouse gases into the atmosphere and increase the potential for carbon sequestration. To ensure protection of the viable timberland base, it must become a statewide priority to implement existing policies or adopt new policies that accomplish the following:

1. Continue reimbursement to counties for lost timber related revenues as currently provided under the Secure Rural Schools and Community Self-Determination Act of 2000;
2. Encourage sustainable forestry practices through the existing regulatory process;
3. Encourage continued reforestation on private timberlands;
4. Provide new and innovative incentives that will encourage good management practices and timberland retention;
5. Support the State Fire Safe Council's mission to preserve California's natural and man-made resources by mobilizing all Californians to make their homes, neighborhoods and communities fire safe;
6. Support for state and federal resources to address the tree mortality crisis in California;
7. Support the continuing work of the Governor's Forest Management Task Force; and
8. Oppose any net increase in state or federal land acquisition, unless otherwise supported by the affected local governments and until all of their issues and concerns are addressed or mitigated to their satisfaction.

### Biomass

Counties recognize the problems and opportunities presented by biomass bi-product and accumulated fuels reduction efforts. The state of California must develop a coherent, integrated biomass policy that will guide regulation and investment for the next 20 years. The state must give highest priority in the near term to the retention of its unique biomass energy industry, which is in danger of disappearing as

the result of electric services restructuring and changes in energy markets. By integrating State and local air quality goals, wildfire prevention and waste management strategies into a statewide biomass policy, California will solve several critical environmental problems and create viable private industries, which will serve the public need.

### **Section 3: Mineral Resources**

The extraction of minerals is essential to the needs and continued economic well-being of society. To ensure the viability of this important industry and to protect the quality of the environment, existing and new statewide policies concerning mineral resources must accomplish the following:

1. Encourage conservation and production of known or potential mineral deposits for the economic health and well-being of society;
2. Ensure the rehabilitation of mined lands to prevent or minimize adverse effects on the environment and to protect public health and safety;
3. Recognize that the reclamation of mined lands will allow continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land;
4. Recognize that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different and that reclamation operations and the specifications thereof may vary accordingly;
5. Oversee surface, pit, in-stream and off-site mining operations so as to prevent or minimize adverse environmental effects;
6. Specify that determination of entitlements to surface mining operations is a local land use issue provided that reclamation plans are obtained and enforced.

### **Section 4: Air Quality**

Counties fully recognize that clean air laws have been enacted to protect the public from the adverse and deleterious health effects of air pollution. However, any rules and regulations aimed at improving California's air quality must be developed with the input of local government. Rule makers working on air quality issues must ensure a balance between economic advancement, health effects and environmental impacts.

Counties assert that federal and state agencies, in cooperation with local agencies, have the ability to develop rules and regulations that implement clean air laws that are both cost-effective and operationally feasible. In addition, state and federal agencies should be encouraged to accept equivalent air quality programs, thereby allowing for flexibility in implementation without compromising air quality goals.

As it pertains to air quality regulations, distinctions need to be drawn between different types of open burning (i.e. wildland fuel reduction programs using prescribed fire v. agricultural burning). Efforts should continue to find economical alternatives to open burning in general.

Failure to meet air quality standards may jeopardize federal transportation funding statewide. Counties continue to work closely with congestion management agencies, air quality districts, metropolitan organizations and regional transportation agencies to ensure that transportation planning is coordinated with air quality objectives.

Many portions of the state, including the broader Sacramento area and mountain counties air basin, have been formally identified by the California Air Resources Board (CARB) as receptors of ozone-related air pollution transported from the San Francisco Bay Area and the San Joaquin Valley. Although the California Air Resources Board is considering actions that will help mitigate air pollution transport, the receptor counties are still potentially subject to sanctions if they do not take sufficient steps to achieve and maintain healthy air quality. Sanctions can take many forms, including lowered New Source Review thresholds in the receptor districts as compared to transporting districts and through transportation conformity. Given the potential impacts on the receptor counties, legislation and/or policy measures must be enacted that provide reasonable sanction protection for counties impacted by air pollution transport from upwind areas. Other legislative or policy measures that would require the upwind areas to implement air pollution mitigation measures should also be considered.

Given its longstanding support of local autonomy, CSAC opposes the addition of state appointees to local air districts. Such an action would result in a loss of local control without perceived improvements to the public process and clean air efforts. However, technical support services at the state level such as research, data processing and specialized staff support should be maintained and expanded to assist local air quality management efforts.

## **Section 5: Water Resource Management**

### **Water Resources Development**

Counties recognize the complexities of water use and distribution throughout the state, and therefore should be officially represented geographically on all federal, state, and/or regional water policy bodies and decision-making authorities. A comprehensive statewide water resource management plan – one that includes the upper watershed areas – is essential to the future of California. Such a plan should include a full assessment of needs for all users.

In relation to any specific water project, counties support statutory protection of counties of origin and watershed areas. These protections provide that only water that is surplus to the reasonable ultimate human and natural system needs of the area of origin should be made available for beneficial uses in other areas. A natural system includes the ecosystem, meaning a recognizable, relatively homogeneous unit that includes organisms, their environment, and all interactions among them. Additionally, the cost of water development to users within the areas of origin should not be increased by affecting a water export plan. Furthermore, in all federal and state legislation, county of origin protections should be reaffirmed and related feasibility studies should clearly identify and quantify all reasonable future needs of the counties of origin to permit the inclusion of specific guarantees. Existing water rights should be recognized and protected.

Counties must be compensated for any third party impacts, including, but not limited to, curtailed tax revenues and increases in costs of local services occasioned by an export project.

There currently exists a need for the development of new solutions to expand water resources to meet the growing needs of the state. The increased demand for water is due to the rapid population growth, agricultural needs and industrial development. Projects should be considered that will create new water supplies through a variety of means such as recycling, water neutral developments, storm water capture, desalinization, waste water reclamation, watershed management, development of additional storage and conservation. In building any new water projects, the state must take into account and mitigate any negative socio-economic impacts on the affected counties.

Counties support the incorporation of appropriate recreational facilities into all water conservation and development projects to the extent feasible.

#### Water Rationing

Counties oppose statewide mandatory water rationing programs that would establish unrealistic and unnecessary restrictions on some areas of the state and which establish inadequate goals for other areas. Instead, counties support a voluntary approach to water conservation that promotes a permanent "conservation ethic" in California. If water rationing does become necessary in certain areas of the state, counties will need statutory authorization to impose water rationing decisions at the county government level.

#### Water Conservation

The Legislature has recognized the need for water conservation. Counties recognize the need for local programs that promote water conservation and water storage. Water conservation may include reuse of domestic and industrial wastewater, reuse of agriculture water, groundwater recharge, or economic incentives to invest in equipment that promotes efficiency. No conservation of water shall be recognized if the conservation arises from the fallowing of agricultural land for compensation, unless the board of supervisors of the county in which the water has been devoted to agricultural use consents to the fallowing.

The Regional Water Quality Control Boards need to direct staff to issue permits for direct discharge of properly treated wastewater to promote reuse.

#### Ground Water Management

It is CSAC's position that ground water management is necessary in California and that the authority for ground water management resides at the county level. Adequate management of water supply cannot be accomplished without effective administration of both surface and ground water resources within counties. Ground water management boundaries should recognize natural basins and responsibilities for administration should be vested in organizations of locally elected officials. Private property rights shall be addressed in any ground water management decisions.

Ground water management programs should maintain the flexibility to expeditiously address critical localized and basin-wide problems. Studies necessary to design ground water programs should be directed by local agencies with technical or economic support from state and federal programs.

### *Financing of Water Management*

Counties throughout California face many funding challenges and needs that involve stormwater, flood control, groundwater management requirements and compliance with water conservation requirements. Proposition 218 creates challenges for local government to manage water responsibly for public safety, and environmental and conservation purposes. Given all of the changes that have occurred and requirements enacted since the 1970's relative to how the State manages its water resources, voters should be provided with the opportunity to consider constitutional reforms that reflect the needs of modern water management.

CSAC supports constitutional reforms to address the unintended consequences of Propositions 218 for local governments' ability to manage water responsibly. These reforms should maintain high standards of transparency and accountability, while providing local agencies with the needed flexibility to enact funding mechanisms that will enable them to improve supply reliability, maintain water quality for public and environmental health, and protect the state's residents and businesses from harmful flooding.

#### Flood Control

The following policy guidance on flood control shall be followed in conjunction with CSAC's Flood Management Principles and Policy Guidelines.

Long-term flood control improvements are necessary in order to provide improved flood protection and minimize future damages. Local, state and federal agencies should work to improve communications, coordination and consistency prior to and following a flood disaster. Counties are encouraged to look for funding opportunities to move structures out of flood plains.

CSAC supports and encourages the U.S. Army Corps of Engineers, through the Waterways Experiment Stations, to adopt innovative geo-technical (high-tech) inspections systems to identify unexpected voids and saturated sand lenses in government-authorized levees. CSAC further supports follow up by the Army Corps with a recommendation for non-federal sponsors to add these techniques to their annual levee inspection programs.

Counties continue to experience frustration when applying for the state and federal permits that are required to repair, restore and maintain flood control facilities. Counties support streamlining of such permits or any other efforts that would allow expeditious implementation of such activities.

Counties recognize the need for environmental mitigation measures to protect endangered species. The unique need for ongoing and routine levee maintenance must be reconciled with reasonable mitigation requirements. Solutions could include blanket "take permit" exempting levee maintenance from compliance and a more efficient process for routine maintenance.

Counties further recognize that providing habitat and flood control may not be mutually achievable goals within river, stream or ditch channels. However, ecosystem restoration projects may provide flood control benefits and will require detailed hydraulic and other engineering studies to assess the individual and cumulative hydraulic impacts in floodways. Counties also recognize that habitat areas shall be maintained in such a manner as to not obstruct the flow of water through the channel. Further, the river, stream and ditch channels should also have blanket "take permits" issued to allow for proper cleaning of obstructions to the water flow and/or carrying capacity.

Federal and state agencies that have the expertise and have been funded to identify, protect and are responsible for species that would be harmed in the course of flood control projects – such as levee reconstruction, maintenance or repairs – must be charged with the rescue of these species and not the local government performing such activities. These local governments have little, if any, expertise in the identification and rescue procedures of threatened and endangered species. This identification and rescue should be accomplished in the most expedient time frame practicable. The federal agencies should be required to consult with the local action agencies within thirty days of any species rescue determination.

In respect to locally sponsored flood control projects, CSAC shall continue to urge the administration and the legislature to fully fund the State Flood Control Subvention Program.

### Delta

CSAC believes that any proposed Delta solutions be implemented in a manner that:

- Respects the affected counties' land use authority, revenues, public health and safety, economic development, water rights, and agricultural viability.
- Promotes recreation and environmental protection.
- Ensures Delta counties' status as voting members of any proposed Delta governance structure.
- Improves flood protection for delta residents, property, and infrastructure.
- Improves and protects the Delta ecosystem, water quality, flows and supply.
- Ensures consistency with affected counties adopted policies and plans.
- Secures financial support for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat.
- Accords special recognition, and advances the economic vitality of "heritage" or "legacy" communities in the Delta.
- Demonstrates a clearly evidenced public benefit to any proposed changes to the boundaries of the Delta.
- Support development of adequate water supply, utilizing the concept of "Regional Self Sufficiency" whereby each region maximizes conservation and recycled water use, implements storage (surface and groundwater) and considers desalination, as necessary.

## **Section 6: Parks and Recreation**

Counties are encouraged to consider supporting the efforts of the California Association of Regional Park and Open Space Administrators to provide for the health, safety and quality of life for all Californians by protecting parkland and open space.

## **Section 7: Solid Waste Management**

CSAC supports policies and legislation that aim to promote improved markets for recyclable materials, and encourages the following:

- Solutions to a number of global policy reforms, including China's National Sword Program, which has dramatically reduced California's market for recycled plastic and paper. Solutions should focus on market expansion, source reduction, recycled content requirements, and a focus on reducing of single-use plastic materials.
- The use of recycled content in products sold in California;
- The creation of economic incentives for the use of recycled materials; and,
- The expansion of the Beverage Container Recycling Program.

CSAC shall support legislation that:

- Protects local solid waste franchising and fee-setting authority;
- Provides for the use of performance standards and alternative daily cover for landfills; and,
- Requires state facility cooperation with local jurisdictions on waste reduction to meet AB 939 and organic waste diversion goals.
- Promotes the development of conversion technologies as an alternative to land filling, and provides state funding to local jurisdictions for such projects; provides full diversion credit and greenhouse gas emission reduction credits under applicable state law; and, provides that all energy produced by these conversion technology facilities be designated as renewable energy.

CSAC shall oppose legislation that:

- Preempts local planning decisions regarding solid waste facility siting;
- Preempts local solid waste and AB 939 fee-setting authority; and,
- Requires burdensome changes to locally adopted plans.

CSAC does not oppose legislation that assesses fees on solid waste that is disposed of out of state, as long as the fees reflect the pro-rata share of California Integrated Waste Management Board services used.

CSAC supports an Extended Producer Responsibility Framework Approach to the end-of-life management of products, which creates effective producer-lead reduction, reuse and recycling programs, to deal with a product's lifecycle impacts from design through end of life management, without relying solely on state and local governments.

In order to comply with the diversion requirements of the California Integrated Waste Management Act, local governments must continue to have the ability to direct the flow of waste. Given federal and state court decisions which restrict this ability, counties are encouraged to consider supporting legislation which ensures local governments' authority to direct the flow of waste.

### **Section 8: Endangered Species**

Because of widespread impacts of the state and federal endangered species acts on public projects, agriculture, timber and other industries in California, including the resulting impact on county revenues, both acts should be amended to provide for the following:

1. Recognition and protection of private property rights and local government's land use authority;
2. All those who benefit should pay the costs. It should be recognized that inequity exists concerning the implementation of the existing acts in that the cost of species protection on private property is borne by a few property owners for the benefit of all;
3. If Congress and the state legislature deem the protection of certain species is of national interest, then the responsibility for that protection, including the costs, should be assumed by all who benefit through federal and/or state funding, and a process should be adopted which is consistent with other public projects of national interest;
4. Applications for a listing should be required to include a map of critical habitat, a recovery plan and an economic and environmental analysis of costs and benefits;
5. The development of a delisting process that is as aggressively adhered to as the listing process;
6. The creation of a scientifically based and efficient process for delistings;
7. Include independent scientific peer review, local public hearings, and equal access to judicial review;
8. Delegation of implementation of the Federal Endangered Species Act to the state;
9. Full compensation to property owners when historical or future use of their land is diminished;
10. Use of public lands first for multi-species protection;

11. Prohibit the distribution of public grant funds to private entities that seek to support or oppose listings or delistings of endangered species;
12. Control of protected species that prey upon and reduce either the adult or juvenile population of any listed species;
13. Protection of current land uses;
14. Support recovery efforts of endangered species;
15. The ability to produce food, fiber, and all other agricultural products is not abridged; and
16. Agricultural produces should not be held liable for any “take” that occurs during normal agricultural operations.

### **Section 9: Public Lands**

Plans for state and federal public lands shall be coordinated and compatible with local general plans and zoning. Private uses on public federal lands, exclusive of Native American lands, should be required to comply with applicable state and local laws. In addition, counties should be reimbursed for lost tax revenues when land is transferred for non-profit or public uses.

Counties should have an opportunity to review and comment on management decisions affecting their economies, general plans and resources. Public participation, including public hearings, should be required in land use planning on public lands to ensure that economic or environmental concerns are addressed.

Counties encourage the operation and ownership of land resources under private rather than governmental control. Lands acquired by government or utilities for particular purposes which are no longer essential should be returned to private ownership – with preference to previous owners where possible – and without reservation of water and mineral rights. Small isolated units of publicly held property should be offered for sale to private operators, with preference to adjacent owners.

Government should be required to demonstrate, using reliable data, an integrated program of land use and the need for the acquisition before being permitted to purchase, further expand or transfer land from one governmental agency to another. Management plans and budgetary information should be required on all lands proposed for acquisition by governmental agencies prior to such acquisition, so that they can be made part of the public hearing process.

The practice of government funding through grants or other means to organizations and foundations in order to purchase private land that will be resold or donated to some governmental entity threatens to diminish the tax base of local units of government. As a result, counties’ tax base should be kept whole in the event of federal or state purchase of land.

Counties support the multiple use of public lands. Uses of these lands include grazing, mining, timber, wildlife and recreation. Lands under governmental control should be actively managed in concert with private activities to encourage the greatest use and improvement. Counties believe that timber harvest,

mining, and grazing activities are a valuable component of ecosystem management in some instances and that recreational activities, impacts on wildlife and natural events like fires and floods must be considered. Properly managed land results in higher sustained yields of water, forage, timber, minerals, and energy. Grazing and logging are important elements of the multiple-use concept. Therefore, counties support efforts to minimize additional acreage designated as wilderness, unless otherwise supported by the affected local governments, and all of their issues and concerns are addressed or mitigated to their satisfaction.

Reforestation and continued management of public lands with suitable soils for producing forest crops are essential to maintaining a viable forest industry in California. Timber stand improvement is needed and required for producing maximum yields both for quality and quantity of timber products. Additionally, comprehensive fuels management programs are encouraged for the protection and sustainability of timber producing lands. Counties support economically and environmentally sound management of public forests for the production of forest products, which support local industry and, in the case of National Forests, maximize federal payments for support of local government.

#### Federal and State Compensation

Adequate compensation must be made available to local governments to offset the costs of providing services to public lands. Current federal compensation programs, such as PL 106-393, should be retained with respect to land where harvesting is severely limited or no longer occurs. Counties continue to support a per acre charge for any land which has historically received revenue timber receipts.

Information regarding county revenues generated from federal lands indicates that receipts are down, will continue to go down, and are not likely to change direction in the near future. In order to ensure that a system is in place that is fair and equitable, a revenue sharing and/or payment in-lieu of taxes system must meet three criteria:

1. Equitable - The federal government must compensate the state and counties at a level that is consistent with revenues that would be expected to be generated if such lands were not in federal ownership and management.
2. Predictable – The system in place must provide some assurance and predictability of the level and timing of revenues; and,
3. Sustainable - Revenues should be maintained over time; and changes in federal policies in the future should not adversely affect local communities.

CSAC shall continue to pressure the state and the federal government to meet its statutory obligation to annually pay local agencies full in-lieu fees and payments in-lieu of taxes for state and federal purchased properties. CSAC supports the premise that no new state or federal acquisitions of private property shall occur until state in-lieu fees and federal payments in-lieu of taxes are fully funded. Federal legislation is needed to provide additional compensation for those public land counties that meet specified hardship criteria.

#### Forest Service and Bureau of Land Management Exchanges

Counties recognize that efficient management of public lands requires land adjustments to ensure manageable units and prevent conflicts with adjacent private land uses.

Land exchanges and purchases are the usual means available to the two federal agencies. Tripartite and direct timber for land exchange are permitted under federal law.

Counties will support the federal agencies in these exchange and consolidation efforts when:

1. Better and more productive management of public land will result;
2. Counties affected are consulted and given opportunity to help determine acquisition of local lands in exchange process and negative effects are fully mitigated;
3. County revenues, including PL 106-393 and payment in lieu of taxes (PILT) are protected or enhanced;
4. Areas slated for disposal in exchanges are included in the county general plan and classified as to probable use (e.g. residential, TPZ, commercial); and
5. Land-for-land exchanges enhance the counties and result in no net loss of value.

Counties support efforts to streamline and shorten the federal land exchange procedure so mutually beneficial consolidations will be more attractive and expeditious.

#### Local Use of Public Lands

Counties support legislation and land management policies to enable local agencies to acquire state and federal lands for public purposes.

#### Waste Disposal on Public Lands

Counties experience considerable difficulty locating and maintaining facilities to dispose of solid waste. Counties with large areas of state and federal lands used for recreation are required to assume the responsibility of disposing solid waste generated by these recreational activities. The entities that administer these public lands should assume responsibility for providing sites for solid waste disposal and funds for development, maintenance and operation of such sites.

### **Section 10: Invasive Species Control**

Counties support aggressive action by federal, state, and local agencies to limit the spread, and to enhance the eradication of, identified invasive plants and animal species, and support prioritizing the efforts that are most attainable and cost-effective.

### **Section 11: Predator Control**

Counties benefit from the established federal-state Cooperative Animal Damage control program through reduced livestock depredation, and property damage as well as public health protection.

Counties support predator control and promoting program efficiency through cooperative federal-state-county programs.

Changes in state law have removed many tools previously utilized by landowners and Animal Damage Control professionals for use in predator control. The result is an increased need for additional Animal Damage Control professionals.

Counties support expanded program funding through the current Federal-State Cooperative Animal Damage Control program and strongly support equal cost sharing between counties and cooperative agencies.

## **Section 12: Emergency Management**

CSAC shall support legislative and regulatory proposals that maximize California counties' ability to effectively mitigate, prepare for, respond to, and recover from natural and man-made disasters and public health emergencies, protecting both physical and fiscal health. Such proposals must recognize that the 58 California counties have unique characteristics, differing capacities, and diverse environments. In addition, emergency management and homeland security policies, practices, and funding should be designed to promote innovation at the local level and to permit maximum flexibility, so that services can best target individual community needs, hazards, threats, and capacities. To achieve this broad-based policy direction, CSAC shall:

- Support adherence to the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) processes, especially as they relate to the operational area concept.
- Advocate for broad county access to technologies that offer effective and wide-ranging communications capabilities for alerting the public in emergency situations.
- Work to ensure that proposals that impose responsibilities upon counties are accompanied by full and flexible funding.
- Advocate for improved coordination between state and local offices of emergency services and state and local departments with health and safety-related responsibilities (e.g. California Health and Human Services Agency, Department of Health Services, and the Emergency Medical Services Authority, and county offices of emergency services, county health agencies and local emergency services agencies).
- Support full and flexible funding for on-going emergency preparedness and all hazard planning.
- Support grant processes, procedures, and guidelines that allow full funding for personnel in order to carry out emergency management and homeland security mandates.
- Support efforts to reform the existing state and federal grant funding structure that result in a streamlined and flexible process for the protection of Californians' physical and fiscal health and wellbeing.
- Support full and flexible funding for on-going emergency preparedness exercises and training, focusing on an all hazards approach, at the state and local level.
- Support full and flexible funding for emergency communication system interoperability between all local government agencies and the State of California.
- Advocate at the federal level for policies and requirements that are practically achievable by local governments.

### Fire Protection

Fires are best prevented and fought through long-term fuels management and other anticipatory actions. Such fire protection efforts must be integrated and supported by other natural resource programs and policies. Counties support the achievement of a sustainable ecosystem and the maintenance of healthy forests while providing defensible space for protection of life and property. Governmental agencies alone cannot achieve fire safe communities; private property owners are also obligated to take necessary actions to reduce their fire risk.

Counties further support an increase in state and federal funding for fuels management. However, given existing concerns expressed by counties regarding the allocation of fire protection resources, it is imperative that local governments be included in any effort to develop appropriate allocation of these resources between pre-fire management and fire suppression.

Fires are best fought by rapid response from trained firefighters. Counties support CDF's reconnaissance and rapid response systems. Counties support state funding of local fire agencies – both paid and volunteer – and local Fire Safe Councils for wildland fire response.

### Prescribed Fire

The state of California should pursue alternate methods of biomass disposal that conserves energy in order to reduce the wildland fuel volumes consumed by prescribed fire.

Where alternative methods are not available, the state of California should assume greater responsibility in the development of a less restrictive program of prescribed fire for forest and range improvement, enhancement of wildlife, watershed management and reduction of major wildfire hazards.

Solutions must be found to the problems of liability when a county maintains a controlled burning program.

The State Department of Forestry and Fire Protection and the State Air Resources Board should arrive at a joint policy concerning controlled burning so that counties will be dealing with one state government policy, rather than with two conflicting state agency policies.

### Environmental Health

Recent environmental hazard events across the State have demonstrated the need to bolster enforcement actions and local authority to prevent environmental incidents from occurring. Counties support policies to prevent and protect the public and the environment from hazardous incidents by improving enforcement of hazardous waste laws and regulations, and strengthening oversight and regulations of facilities that treat, store, or dispose toxic substances and pose an endangerment to public health and safety. Additionally, Counties also support legislation that expedites the cleanup of environmental hazards, and increases resources for remediation activities, and increases community engagement.

## **Section 13: Energy**

This section should be viewed in conjunction with Chapter 4, which includes CSAC's Energy Policy Guidelines.

It is CSAC's policy that the state and the 58 counties should seek to promote energy conservation and energy efficiency. Counties are encouraged to undertake vigorous energy action programs that are tailored to the specific needs of each county. When developing such action programs counties should:

- Assess available conservation and renewable energy options and take action to implement conservation, energy efficiency and renewable energy development when feasible;
- Consider the incorporation of energy policies as an optional element in the county general plan; and,
- Consider energy concerns when making land use decisions and encourage development patterns which result in energy efficiency.

In order to meet the state's energy needs, counties fully recognize the importance of establishing a cooperative relationship between other levels of government and the private sector. This includes working with public and private utilities that serve their areas to develop energy transmission corridors and to minimize delays in approvals and land use conflicts.

With respect to alternative and renewable energy sources, the state and counties should encourage use of agricultural, forestry and non-recyclable urban wastes for generating usable energy. They should also take into consideration the other benefits of waste-to-energy production. Additionally, the state should encourage, and counties should explore, the development of cogeneration projects at the local level. In respect to public power options, counties support efforts that enhance local governments' ability to become community aggregators of electricity.

Counties support the encouragement of new generation facilities by the provision of increased incentives and a streamlined permitting process. However, state government needs to maintain regulatory oversight of these facilities. Lastly, counties oppose state acquisition and/or management of electric generating or transmission facilities.

#### **Section 14: Medical Cannabis**

This section should be viewed in conjunction with CSAC's Cannabis policy. CSAC believes that the constitutional police powers of counties to protect the health, safety, and general welfare of the public authorizes counties to take actions to address what an elected Board of Supervisors legislatively determines to be the negative secondary effects of medical cannabis dispensaries and cultivation. The proliferation of such dispensaries and cultivation has created a variety of problems in many areas of the State. Counties must be able to enact prohibitions or regulations in the face of threats to the public health, safety and general welfare. Such decisions represent legislative judgments made by locally elected legislative bodies about the wisdom and need for local control over a particularly vexing and unusual land use. Under well settled constitutional separation of powers principles, deference must be afforded to the legislative judgments made by locally elected officials, who are in the best position to evaluate local conditions, community needs, and the public welfare. Accordingly, CSAC believes that any legislation to develop a statewide program for the regulation of medical marijuana dispensaries and cultivation must allow individual local governments the discretion to either adopt that program in full, to modify the program as they see fit, or to opt out of the program completely.

In addition, the cultivation of cannabis is often accompanied by land use and operational activities such as clearing of land, grading, road-building, water withdrawals from streams and application of herbicides, pesticides and fertilizers. These activities are routinely regulated and enforced by Federal, State and local agencies when they are associated with industries such as timber, ranching or farming,

so as to reduce their potential impacts on the environment. CSAC believes responsible agencies should be given clear guidance and adequate resources to regulate and enforce existing environmental laws when they are associated with the cultivation of cannabis. CSAC also supports a requirement that state agencies coordinate with local governments to ensure uniform application in enforcement efforts

## Chapter Three

# Agriculture, Environment and Natural Resources: Flood Protection Attachment

(As Approved by the CSAC Board of Directors 3/30/06)

### **Background**

The California State Association of Counties (CSAC) believes that the State flood control system must be viewed as a complete functioning system and funded accordingly. Intermittent and piecemeal efforts at mapping, maintaining, and repairing the system has proved to be inefficient, costly and generally ineffective. CSAC also recognizes the critical need for new projects and repairs within the existing flood control infrastructure and the necessity of ensuring the ongoing maintenance of all components, from upper watershed to end-users. As such, CSAC has developed the following flood protection principles and policy guidelines that CSAC can use as a base for lobbying efforts on behalf of counties.

### **Section 1: Funding**

CSAC supports a statewide, multi-level funding approach to funding new flood protection projects, mapping, improvements to the system, and the maintenance and operation of all flood mitigation efforts, including upper watershed flood positive mapping and watershed rehabilitation, coastal watershed mitigations and flood protections plans, and other identified projects in each of the state's 10 flood control zones. CSAC also recognizes that appropriations or bond funds earmarked for flood protection must be equally available to all areas of the state.

- CSAC would consider the use of financial incentives to encourage local governments to adopt flood related planning activities if such incentives applied equally to all jurisdictions affected by the statewide flood control system and were based on a uniform standard, such as the community rating system used by FEMA.
- CSAC supports full funding for the State's Flood Control Subventions Program within the Department of Water Resources to ensure appropriate staffing and reimbursements for delinquent and future claims.
- CSAC supports funding mechanisms originating within all levels of government, including local, state and federal, but not relying solely on ratepayer shares.
- CSAC encourages state and federal funding that is stable, predictable and sufficient for planning, capital projects, and ongoing operation and maintenance costs.
- CSAC supports prioritizing funding for improvements to areas deemed to be at the most risk in the statewide flood control system.

- CSAC supports a variety of funding sources which may include but are not limited to: statewide bond measures, statewide and local assessments, developer fees, wheeling charges, beneficiary pays and the creation of a maintenance endowment fund.
- CSAC supports identifying specific dollar amounts for flood protection within any bond measure, and supports the minimization or elimination of local matching requirements.
- CSAC supports funding being made available for both capital costs and operation and maintenance of the system.
- All state flood protection funding shall be protected under Proposition 1A.
- CSAC will continue to support efforts to exempt flood control and storm water fees from the voter approval requirements of Proposition 218.

## **Section 2: Flood Protection and Levee Integrity**

CSAC supports the assessment of the integrity of the statewide flood control system provided it is not to the exclusion of investing in actual and critical project improvements.

- In assessing the integrity of the flood control system, CSAC believes that project levees shall be distinguished from non-project levees; and levees that protect agriculture, urban areas or critical infrastructure shall be distinguished from each other.
- CSAC supports the assessment and inclusion of non-project levees into the statewide project levee system, as they are integral to the overall water management system.
- CSAC supports the use of formal, uniform and reliable federal standards relating to levee integrity and the flood management system upon which all flood control agencies and jurisdictions can rely.
- CSAC supports the targeted and expedited assessment of levees in problem areas, and supports operators at the local level who are willing to provide their expertise to agencies tasked that are tasked with assessing the integrity of California's flood protection system.
- While CSAC recognizes the need for detailed studies of the flood protection system, we support a reasonable ratio of time and funds for this purpose to be balanced by the urgent need for actual flood protection to protect threatened areas.
- CSAC supports the use of forecast-based management of the statewide flood protection system.

- CSAC supports the rehabilitation of the upper watershed areas for partial mitigation of flood events affecting downstream reservoirs and control systems.

CSAC supports recognition of the Sacramento-San Joaquin Delta as a critical region of statewide importance encompassing vital water, transportation, energy, agricultural and economic interests. As such, funding to assure the adequacy of its flood protection systems is of statewide importance.

### **Section 3: Mapping of the System**

CSAC supports the creation of updated detailed FEMA and Statewide Awareness Maps and acknowledges the need for such maps to be created as soon as possible.

- The updated maps should be based on general plan build out of the watershed or a reasonable build out scenario.
- If FEMA must maintain a floodplain map based on existing development, then it should include a second floodplain zone based on a reasonable watershed build out.
- CSAC opposes changing federal standards from the current 100-year flood designation to a 200-year standard without a clear demonstration of the benefits and the attendant amount of funding that would enable local governments to achieve the new standard.

### **Section 4: Development in Flood Prone Areas**

CSAC opposes any state preemption of local land use authority and reiterates that land use decisions must remain at the local level. CSAC supports the strengthening of flood protection policies in State General Plan law while recognizing the value of agricultural uses, existing natural resources and housing needs of each region in the state.

- CSAC recognizes the existing role of state agencies to review and comment on development proposals.
- CSAC supports updated building standards to reflect appropriate flood prevention standards.
- CSAC supports efforts to ensure that every local entity creates an emergency flood response management plan that would include such items as emergency response protocols, integrated regional communications and emergency evacuation plans.
- CSAC believes that new development should pay its fair share, up to the full cost of project related impacts including mitigation, to achieve a designated level of flood protection. Furthermore new development should be a part of the funding solution relative to the maintenance and operation costs of project related flood protection.

- CSAC supports the update of the CEQA Guidelines Checklist to ensure that projects are evaluated for flooding impacts.

### **Section 5: Regulatory Streamlining**

CSAC supports improvements to the regulatory process for flood protection projects, especially those deemed to be imminent threats.

- CSAC supports an expedited permit process for flood protection projects, including maintenance and operation work.
- CSAC supports better coordination between state and federal regulatory agencies and clear direction on flood control requirements and responsibilities.
- CSAC supports programmatic Environmental Impact Reports (EIRs) and standardized mitigation measures for the flood management system, levee maintenance and capital projects that fall under certain thresholds.
- CSAC opposes repeated mitigation requirements in connection with any ongoing maintenance of the flood management system, projects and facilities.

### **Section 6: Insurance**

CSAC supports outreach and notification efforts by all levels of government to people at risk in identified flood prone areas.

- CSAC supports the establishment of an outreach or notification program administered by the state to educate the public regarding the level of risk they face in identified flood prone areas. Such efforts by the state shall be developed with input from, and coordinated with, local government.
- CSAC is concerned about the possible effects of any new state-imposed flood insurance program and would oppose any mandates requiring local governments to administer such a program.
- CSAC supports efforts to encourage property owners to secure and maintain flood insurance.

### **Section 7: Liability**

CSAC opposes the transfer of primary liability for the statewide flood control system to local jurisdictions.

- CSAC supports a defined standard of liability for flood control infrastructure

- CSAC supports a proportional and equitable distribution of liability between all levels of government associated with the statewide flood control system
- CSAC supports the enactment of a State Hazard Mitigation Plan law to provide funds for targeted relocation efforts in high-risk areas.

## Chapter Three

# Agriculture, Environment and Natural Resources: State Water Policy Attachment

### Background

As the nation's most populous state, California faces many complicated and compelling water resource issues. The California State Association of Counties (CSAC) recognizes the complexities of water use and distribution throughout the state and has reiterated its position on this issue over the years through various policy statements, including, but not limited to support for statutory protection of counties of origin and watershed areas, support for existing water rights, the need for new and expanded water resources, and the need for local water conservation efforts. This policy attachment is consistent with other existing CSAC policy guidelines concerning water, land use, agriculture, forestry, climate change and flood protection.

### Introduction

CSAC acknowledges the reliance of counties on the Delta as a water delivery system, and recognizes the urgency with which all of the Delta partners, including the State must act to resolve and fund infrastructure, environmental and supply issues.

### Section 1: Water Conveyance

Decisions regarding the Delta necessitate the inclusion of policy direction in CSAC's platform to ensure consideration of county interests. These proposed policies also build upon CSAC's existing policy that recognizes the Delta as a critical region of statewide importance encompassing vital water, transportation, energy, agriculture and economic interests. The proposed policies will be relied upon by CSAC staff in conjunction with existing CSAC policy in developing recommendations regarding the State Water Plan, the Bay Delta Conservation Plan, and the California Water Fix Project. CSAC believes that any proposed Delta solutions be implemented in a manner that:

- Respects the affected counties' land use authority, revenues, public health and safety, economic development, water rights, and agricultural viability.
- Promotes recreation and environmental protection.
- Ensures Delta counties' status as voting members of any proposed Delta governance structure.

- Improves flood protection for delta residents, property, and infrastructure.
- Improves and protects the Delta ecosystem, water quality, flows and supply.
- Ensures consistency with affected counties adopted policies and plans.
- Secures financial support for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat.
- Accords special recognition, and advances the economic vitality of “heritage” or “legacy” communities in the Delta.
- Demonstrates a clearly evidenced public benefit to any proposed changes to the boundaries of the Delta.
- Supports development of adequate water supply for the south, utilizing the concept of "Regional Self Sufficiency" whereby each region maximizes conservation and recycled water use, implements storage (surface and groundwater) and considers desalination, as necessary.

## Chapter Four

# Energy Policy Guidelines

### Introduction

The following policy guidelines cover a wide range of energy issues of significant interest to county governments. This policy direction will assist CSAC with its efforts to represent county interests on energy proposals moving through the legislative process.

### Section 1: Tax and Revenue Impacts

Legislative, Public Utility Commission (PUC), and State Board of Equalization (SBE) decisions concerning energy issues shall include provisions to avoid negative impacts on local government and schools.

Local governments rely on property tax revenues and franchise fees from utilities to provide essential public services. These revenues, as well as property tax revenues from alternative energy facilities, must be protected to ensure that local governments can continue to provide essential services, and support statewide energy needs by siting new power plants, and alternative energy facilities, bringing old power plants back on line and enacting long-term conservation measures.

### Section 2: Energy Generation

**Counties support efforts to ensure that California has an adequate supply of safe, reliable energy at the most competitive prices possible, while adhering to the state's expressed order of priorities of conservation, renewables, new generation and new transmission.**

Counties support establishing incentives that will encourage the development and use of alternative energy sources such as wind, solar, biomass, hydropower, and geothermal resources. Counties also support promoting the timely development of new infrastructure, such as new electric transmission, needed to facilitate renewable energy development. Such efforts will lead to the state realizing its goal of having 100% of its electricity supply come from renewable and zero carbon energy sources by 2045.

To encourage local siting of renewable energy facilities, counties support restoring authority to assess alternative energy facilities such as commercial solar facilities currently exempt under SB 871 (Chapter 41, Statutes 2014)

While CSAC supports a statewide assessment and planning for future transmission needs, we oppose transmission corridor designations that ignore the local land use decision-making process.

Counties support the construction and operation of biomass facilities through the establishment of state policies that will ensure sustainable long-term commitments to resource supply and electrical generation purchases at a price that supports resource-to-energy conversion.

Counties shall commit to examine their own policies on alternative energy for any potential impacts that discourage the use of such systems.

Counties support efforts to allow local agencies to retain regulatory oversight over generators by statutorily changing the threshold from 50 megawatts to 100 megawatts.

Counties support additional state grant funding for back-up generation for essential facilities.

Counties support additional state grant funding for air quality compliance for emergency generation facilities.

Counties support providing incentives to local agencies to site energy facilities. The following incentives would stimulate the development and siting of more energy generation facilities:

- *Funding to streamline the siting process at the local level.* Funds would be available to reimburse cities and counties for the costs of permits, environmental review and other local expenses in order to expedite the process at the local level.
- *Energy facility incentive payments.* Financial incentives for cities and counties that approve new generating facilities, and/or the expansion of existing generation facilities, to replace them with more efficient facilities, or to build renewable projects, including photovoltaics, fuel cells or cogeneration. Increased incentives would be given to those facilities that generate power beyond the demand of the host jurisdiction's facilities alone.
- *Property tax allocation incentives.* Any city or county that approves siting of a privately developed generating facility should receive 100% of the property tax of that facility.
- *Waiving charges.* To stimulate development of projects such as cogeneration facilities, standby charges for generating facilities should be waived.
- *Aligning processes at various levels.* Streamlining of timeframes currently associated with the state and federal regulatory process for siting power generating facilities.

Counties support an amendment to the California Integrated Waste Management Act (CIWMA) to provide full diversion credit for cogeneration facilities to further encourage their development. The CIWM Act currently establishes a 10% limitation on solid waste diversion that occurs through transformation.

Counties support streamlining the approval and environmental review process for new power plants and any building using alternative sources of energy.

Counties support payments to qualified facilities consistent with state and federal standards for renewable energy sources.

Counties oppose state ownership of power plants because of the impact on local government revenue streams, water rights, the operation of hydro facilities, and the efficient management of such systems, including the economic uncertainty associated with state ownership of power plants. In the event of state ownership, all impacts on local government shall be mitigated.

### **Section 3: Public Power**

Counties support measures that enhance public power options available to local governments.

Counties support measures that enhance local government's ability to become community aggregators of electricity.

#### **Section 4: Conservation**

CSAC and its member counties are committed to reducing electricity use and increasing efficiency in their facilities.

Counties support development of a statewide grant program to fund energy conservation and energy management equipment in local government facilities.

Counties support a rate structure that recognizes conservation efforts.

Counties support grants and loans that promote energy efficiency among businesses and homeowners.

Counties support the adoption of real-time metering and time-of-use metering, allowing consumers to make choices about their consumption of electrical energy based on the real-time price of electricity.

Counties support providing incentives, including the use of new technologies, for businesses that generate their own energy, and support encouraging them to make their excess capacity available to the utilities.

#### **Section 5: Economic Development**

Counties support the development and implementation of a statewide "proactive" California business retention strategy, led by the Governor's Office of Business and Economic Development (GO-Biz). We encourage partnerships with local economic development organizations.

Counties support the development and execution of a statewide, consistent and balanced message campaign that presents the true business climate in California.

Counties support efforts to encourage alternative energy solutions to be instituted in businesses and residences.

Counties support the right to implement Property Assessed Clean Energy (PACE) programs and establish property assessment liens for energy conservation and renewable energy investments. PACE programs create jobs, stimulate business growth, reduce greenhouse gas emissions and add lasting value to residential and commercial properties without increasing risks of mortgage defaults.

#### **Section 6: Notification of Power Outages**

Counties, as providers of essential services, must be provided with adequate notice regarding any planned rotating block outages.

#### **Section 7: Miscellaneous**

Counties support a utility market structure that ensures that energy supply and demand is not unreasonably constrained by artificially imposed price caps.

## Chapter Fourteen

# CSAC Climate Change Policy Guidelines

- CSAC recognizes that sustainable development and climate change share strong complementary tendencies.
- CSAC recognizes that mitigation and adaptation to climate change – such as promoting sustainable energy, improved access and increased walkability, transit oriented development, and improved agricultural methods – have the potential to bolster sustainable development.
- CSAC recognizes that climate change will have a harmful effect on our environment, public health and economy. Although there remains uncertainty on the pace, distribution and magnitude of the effects of climate change, CSAC also recognizes the need for immediate actions to mitigate the sources of greenhouse gases.
- CSAC recognizes the need for sustained leadership and commitment at the federal, state, regional and local levels to develop strategies to combat the effects of climate change.
- CSAC recognizes the complexity involved with reducing greenhouse gases and the need for a variety of approaches and strategies to reduce greenhouse gas (GHG) emissions.
- CSAC supports a flexible approach to addressing climate change, recognizing that a one size fits all approach is not appropriate for California’s large number of diverse communities.
- CSAC supports special consideration for environmental justice issues, disadvantaged communities, and rural areas that do not have the ability to address these initiatives without adequate support and assistance.
- CSAC supports cost-effective strategies to reduce GHG emissions and encourages the use of grants, loans and incentives to assist local governments in the implementation of GHG reduction programs.
- CSAC recognizes that adaptation and mitigation are necessary and complementary strategies for responding to climate change impacts. CSAC encourages the state to develop guidance materials for assessing climate impacts that includes adaptation options.
- CSAC finds it critical that the state develop protocols and GHG emissions inventory mechanisms, providing the necessary tools to track and monitor GHG emissions at the local level. The state, in cooperation with local government, must determine the portfolio of solutions that will best minimize its potential risks and maximize its potential benefits. CSAC also supports the establishment of a state climate change technical assistance program for local governments.
- CSAC believes that in order to achieve projected emission reduction targets, cooperation and coordination between federal, state and local entities must occur to address the role public lands play in the context of climate change.

- CSAC recognizes that many counties are in the process of developing, or have already initiated climate change-related programs. CSAC supports the inclusion of these programs into the larger GHG reduction framework and supports acknowledgement and credit given for these local efforts.
- CSAC acknowledges its role to provide educational forums, informational resources and communication opportunities for counties in relation to climate change.
- CSAC recognizes that collaboration between cities, counties, special districts, and the private sector is necessary to ensure the success of a GHG reduction strategy at the local level.
- CSAC encourages counties to take active measures to reduce GHG and create energy efficiency strategies that are appropriate for their respective communities.

## **Section 1: Fiscal**

The effects of climate change and the implementation of GHG reduction strategies will have fiscal implications for county government.

CSAC recognizes the potential for fiscal impacts on all levels of government as a result of climate change, i.e. sea level rise, flooding, water shortages and other varied and numerous consequences. CSAC encourages the state and counties to plan for the fiscal impacts of climate change adaptation, mitigation and strategy implementation.

- CSAC supports the use of grants, loans, incentives and revenue raising authority to assist local governments with the implementation of climate change response activities and GHG reduction strategies.
- CSAC continues to support its state mandate principles in the context of climate change. CSAC advocates that new GHG emissions reduction programs must be technically feasible for counties to implement and help to offset the long-term costs of GHG emission reduction strategies.
- CSAC advocates that any new GHG reduction strategies that focus on city-oriented growth and require conservation of critical resource and agricultural lands within the unincorporated areas should include a mechanism to compensate county governments for the loss of property taxes and other fees and taxes.
- CSAC supports the allocation of cap and trade revenues to fund programs that help reduce GHG emissions at the local level.
- CSAC supports changes and refinement to the California Communities Environmental Health Screening Tool (CalEnviroScreen) to include criteria that reflects the diversity of disadvantaged communities in California.

## **Section 2: Land Use, Transportation, and Housing**

CSAC recognizes that population growth in the state is inevitable, and therefore climate change strategies that affect land use must focus on how and where to accommodate and mitigate the

expected growth in California. Land use planning and development play a direct role in transportation patterns, affecting travel demands and in turn vehicle miles traveled (VMT) and fuel consumption. It is recognized that in addition to reducing VMTs, investing in a seamless and efficient transportation system to address congestion also contributes to the reduction of GHG emissions. The provision of housing affordable to all income levels also affects the ability to meet climate change goals. Affordable housing in close proximity to multi-modal transportation options, work, school, and other goods and services is a critical element to reducing GHG emissions in the state. Smart land use planning and growth, such as that required by SB 375 (Chapter 728, Statutes of 2008), remains a critical component to achieve the GHG emission reduction targets pursuant to AB 32 (Chapter 488, Statutes of 2006), particularly to address the emissions from the transportation sector (i.e. vehicle, air and train). In order to better understand the link between land use planning, transportation, housing, and climate change further modeling and consideration of alternative growth scenarios is required to determine the relationship and benefits at both the local and regional levels.

- CSAC supports measures to achieve reductions in GHG emissions by promoting housing/jobs proximity and transit-oriented development, and encouraging high density residential development along transit corridors. CSAC supports these strategies through its support for SB 375 (Chapter No. 728, Statutes of 2008) and other existing smart growth policies for strategic growth. These policies support new growth that results in compact development within cities, existing unincorporated urban communities and rural towns that have the largest potential for increasing densities, and providing a variety of housing types and affordability.
- CSAC supports policies that efficiently utilize existing and new infrastructure investment and scarce resources, while considering social equity as part of community development, and strives for an improved jobs-housing balance.
- CSAC supports the protection of critical lands when it comes to development, recognizing the need to protect agricultural lands, encourage the continued operations and expansion of agricultural businesses, and protect natural resources, wildlife habitat and open space.
- CSAC acknowledges that growth outside existing urban areas and growth that is non-contiguous to urban areas may be necessary to avoid the impacts on critical resource and agricultural lands that are adjacent to existing urban areas.
- CSAC supports providing incentives for regional blueprints and countywide plans, outside of SB 375, to ensure that all communities have the ability to plan for more strategic growth and have equitable access to revenues available for infrastructure investment purposes. It is CSAC's intent to secure regional and countywide blueprint funding for all areas.
- CSAC supports new fiscal incentives for the development of countywide plans to deal with growth, adaptation and mitigation through collaboration between a county and its cities to address housing needs, protection of resources and agricultural lands, and compatible general plans and revenue and tax sharing agreements for countywide services.
- CSAC recognizes that counties and cities must strive to promote efficient development in designated urban areas in a manner that evaluates all costs associated with development on both the city and the county. Support for growth patterns that encourage urbanization to occur within cities must also result in revenue agreements that consider all revenues generated from such growth in order to reflect the service demands placed on county government. As an alternative, agreements could be entered into requiring cities to assume portions of county service delivery obligations resulting from urban growth.

- While local governments individually have a role in the reduction of GHG emissions through land use decisions, CSAC continues to support regional approaches to meet the State’s GHG emission reduction and climate change goals, such as efforts which build upon existing regional blueprint and transportation planning processes. CSAC continues to support regional approaches over any statewide “one size fits all” approach to addressing growth and climate change issues. Further, CSAC supports countywide approaches to strategic growth, resource and agricultural protection, targeting scarce infrastructure investments and tax sharing for countywide services.
- CSAC finds it critical that state and federal assistance is provided for data and standardized methodologies for quantifying GHG emissions for determining and quantifying GHG emission sources and levels, vehicle miles traveled and other important data to assist both local governments and regional agencies in addressing climate change in environmental documents for long-range plans.

### **Section 3: Energy**

Reducing energy consumption is an important way to reduce GHG emissions and conserve. Additionally, the capture and reuse of certain GHGs can lead to additional sources of energy. For example, methane gas emissions, a mixture of methane, carbon dioxide and various toxic organic and mercuric pollutants, from landfills and dairies have been identified as potent GHGs. Effective collection and treatment of these gases is not only important to the reduction of GHG emissions, but can also result in an additional source of green power.

CSAC continues to support efforts to ensure that California has an adequate supply of safe and reliable energy through a combination of conservation, renewables, new generation and new transmission efforts.

#### **Energy Efficiency**

- CSAC supports energy conservation and energy efficiency, along with broader use of renewable energy resources. Counties are encouraged to undertake vigorous energy action programs that are tailored to the specific needs of each county. When developing such action programs counties should:
  - (1) assess available conservation and renewable and alternative energy options and take action to implement conservation, energy efficiency and renewable energy development when feasible;
  - (2) consider the incorporation of energy policies as an optional element in the county general plan; and,
  - (3) consider energy concerns when making land use decisions and encourage development patterns which result in energy efficiency.
- CSAC supports incentive based green building programs that encourage the use of green building practices, incorporating energy efficiency and conservation technologies into state and local facilities. A green building is a term used to describe structures that are designed, built, renovated, operated or reused in an ecological and resource-efficient manner. Green buildings are designed to meet certain objectives using energy, water and other resources more efficiently and reducing the overall impact to the environment.

- CSAC supports the state's development of green building protocols sustainable building standards, including guidelines for jails, hospitals and other such public buildings.
- CSAC supports the use of grants, loans and incentives to encourage and enable counties to incorporate green building practices into their local facilities.
- CSAC supports the use of procurement practices that promote the use of energy efficient products and equipment.

#### Methane Emissions

- CSAC supports state efforts to develop a dairy digester protocol to document GHG emissions reductions from dairy farms. CSAC supports funding mechanisms that support the use of dairy digesters to capture methane gas and convert it to energy.
- CSAC supports state efforts to capture methane gases from landfills, and supports development of a reasonable regulatory measure with a feasible timeline to require landfill gas recovery systems on landfills that can support a self-sustaining collection system.
- CSAC supports the development of a guidance document for landfill operators and regulators that will recommend technologies and best management practices for improving landfill design, construction, operation and closure for the purpose of reducing GHG emissions.
- CSAC also supports funding mechanisms, including grants, loans and incentives to landfill operators to help implement these programs.

### **Section 4: Water**

According to the Department of Water Resources, projected increases in air temperature may lead to changes in the timing, amount and form of precipitation, changes in runoff timing and volume, sea level rise, and changes in the amount of irrigation water needed. CSAC recognizes the need for state and local programs that promote water conservation and water storage development.

CSAC recognizes that climate change has the potential to seriously impact California's water supply. CSAC continues to assert that adequate management of water supply cannot be accomplished without effective administration of both surface and ground water resources within counties, including the effective management of forestlands and watershed basins.

- CSAC supports the incorporation of projections of climate change into state water planning and flood control efforts.
- CSAC supports water conservation efforts, including reuse of domestic and industrial wastewater, reuse of agriculture water, groundwater recharge, and economic incentives to invest in equipment that promotes efficiency.
- CSAC continues to support the study and development of alternate methods of meeting water needs such as desalinization, wastewater reclamation, watershed management, the development of additional storage, and water conservation measures.

### **Section 5: Forestry**

With a significant percentage of California covered in forest land, counties recognize the importance of forestry in the context of climate change. Effectively managed forests have a lower probability of releasing large amounts of harmful GHG emissions into the atmosphere in the form of catastrophic wildfires. Furthermore, as a result of natural absorption, forests reduce the effects of GHG emissions and climate change by removing carbon from the air through the process of carbon sequestration. CSAC also recognizes the benefits of biomass energy as an alternative to the burning of traditional fossil fuels, as well as the benefits of carbon sequestration through the use of wood products.

- CSAC supports encouraging sustainable forestry practices through the existing regulatory process, and encouraging continued reforestation and active forest management on both public and private timberlands.
- CSAC supports responsible optimum forest management practices that ensure continued carbon sequestration in the forest, provide wood fiber for biomass-based products and carbon-neutral biomass fuels, and protect the ecological values of the forest in a balanced way.
- CSAC supports the state's development of general forestry protocols that encourage private landowners to participate in voluntary emission reduction programs and encourage National Forest lands to contribute to the state's climate change efforts.
- It is imperative that adequate funding be provided to support the management of forest land owned and managed by the federal government in California in order to ensure the reduction of catastrophic wildfires.
- CSAC supports additional research and analysis of carbon sequestration opportunities within forestry.

## **Section 6: Agriculture**

The potential impacts of climate change on agriculture may not only alter the types and locations of commodities produced, but also the factors influencing their production, including resource availability. Rising temperatures, changes to our water supply and soil composition all could have significant impacts on California's crop and livestock management. Additionally, agriculture is a contributor to GHG emissions in form of fuel consumption, cultivation and fertilization of soils and management of livestock manure. At the same time, agriculture has the potential to provide offsets in the form of carbon sequestration in soil and permanent crops, and the production of biomass crops for energy purposes.

- CSAC supports state efforts to develop guidelines through a public process to improve and identify cost effective strategies for nitrous oxide emissions reductions.
- CSAC continues to support incentives that will encourage agricultural water conservation and retention of lands in agricultural production.
- CSAC continues to support full funding for UC Cooperative Extension given its vital role in delivering research-based information and educational programs that enhance economic vitality and the quality of life in California counties.
- CSAC supports additional research and analysis of carbon sequestration opportunities within agriculture.

## **Section 7: Air Quality**

CSAC encourages the research and development and use of alternative, cleaner fuels. Further, air quality issues reach beyond personal vehicle use and affect diesel equipment used in development and construction for both the public and private sector.

- CSAC supports state efforts to create standards and protocols for all new passenger cars and light-duty trucks that are purchased by the state and local governments that conform to the California Strategy to Reduce Petroleum Dependency. CSAC supports state efforts to revise its purchasing methodology to be consistent with the new vehicle standards.
- CSAC supports efforts that will enable counties to purchase new vehicles for local fleets that conform to state purchasing standards, are fuel efficient, low emission, or use alternative fuels. CSAC supports flexibility at the local level, allowing counties to purchase fuel efficient vehicles on or off the state plan.
- CSAC supports identifying a funding source for the local retrofit and replacement of county on and off road diesel powered vehicles and equipment.
- CSAC opposes federal standards that supersede California's ability to adopt stricter vehicle standards.
- Counties continue to assert that federal and state agencies, in cooperation with local agencies, have the ability to develop rules and regulations that implement clean air laws that are both cost-effective and operationally feasible. In addition, state and federal agencies should be encouraged to accept equivalent air quality programs, thereby allowing for flexibility in implementation without compromising air quality goals.
- CSAC also recognizes the importance of the Air Pollution Control Districts (APCDs) and Air Quality Management Districts (AQMDs) to provide technical assistance and guidance to achieve the reduction of GHG emissions.
- CSAC supports the development of tools and incentives to encourage patterns of product distribution and goods movement that minimize transit impacts and GHG emissions.
- CSAC supports further analysis of the GHG emission contribution from goods movement through shipping channels and ports.

## **Section 8: Solid Waste and Recycling**

The consumption of materials is related to climate change because it requires energy to mine, extract, harvest, process and transport raw materials, and more energy to manufacture, transport and, after use, dispose of products. Recycling and waste prevention can reduce GHG emissions by reducing the amount of energy needed to process materials, and reducing the amount of natural resources needed to make products.

CSAC continues to support policies and legislation that aim to promote improved markets for recyclable materials, and encourages:

- The use of recycled content in products sold in California;
- The creation of economic incentives for the use of recycled materials;
- Development of local recycling markets to avoid increased emissions from transporting recyclables long distances to current markets;
- The expansion of the Electronic Waste Recycling Act of 2003 and the Beverage Container Recycling Program;
- The use of materials that are biodegradable;
- Greater manufacturer responsibility and product stewardship.

### **Section 9: Health**

CSAC recognizes the potential impacts of land uses, transportation, housing, and climate change on human health. As administrators of planning, public works, parks, and a variety of public health services and providers of health care services, California's counties have significant health, administrative and cost concerns related to our existing and future built environment and a changing climate. Lack of properly designed active transportation facilities have made it difficult and in some cases created barriers for pedestrians and bicyclists. Lack of walkability in many communities contributes to numerous chronic health related issues, particularly obesity which is an epidemic in this country. Heat-related illnesses, air pollution, wild fire, water pollution and supply issues, mental health impact and infectious disease all relate to the health and well-being of county residents, and to the range and cost of services provided by county governments.

CSAC recognizes that there are direct human health benefits associated with improving our built environment and mitigating greenhouse gas emissions, such as lowering rates of obesity, injuries, and asthma. Counties believe that prevention, planning, research, education/training, and preparation are the keys to coping with the public health issues brought about by our built environment and climate change. Public policies related to land uses, public works, climate change and public health should be considered so as to work together to improve the public's health within the existing roles and resources of county government.

- CSAC supports efforts to provide communities that are designed, built and maintained so as to promote health, safety and livability through leadership, education, and funding augmentations.
- CSAC supports efforts to improve the public health and human services infrastructure to better prevent and cope with the health effects of climate change through leadership, planning and funding augmentations.
- CSAC supports state funding for mandated local efforts to coordinate monitoring of heat-related illnesses and responses to heat emergencies.

- CSAC supports efforts to improve emergency prediction, warning, and response systems and enhanced disease surveillance strategies.

## Glossary of Terms

### **Climate change**

A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

*United Nations Framework Convention on Climate Change*

### **Carbon Sequestration**

**Carbon sequestration** refers to the provision of long-term storage of carbon in the terrestrial biosphere, underground, or the oceans so that the buildup of carbon dioxide (the principal greenhouse gas) concentration in the atmosphere will reduce or slow. In some cases, this is accomplished by maintaining or enhancing natural processes; in other cases, novel techniques are developed to dispose of carbon.

*US Department of Energy*

### **Environmental Justice**

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

*US Environmental Protection Agency*

### **Greenhouse gas**

A gas that absorbs radiation at specific wavelengths within the spectrum of radiation (infrared radiation) emitted by the Earth's surface and by clouds. The gas in turn emits infrared radiation from a level where the temperature is colder than the surface. The net effect is a local trapping of part of the absorbed energy and a tendency to warm the planetary surface. Water vapour (H<sub>2</sub>O), carbon dioxide (CO<sub>2</sub>), nitrous oxide (N<sub>2</sub>O), methane (CH<sub>4</sub>) and ozone (O<sub>3</sub>) are the primary greenhouse gases in the Earth's atmosphere.

*United Nations Intergovernmental Panel on Climate Change*

## Chapter 17

# **CEQA Reform General Principles and Policy Statements**

The California Environmental Quality Act (CEQA), signed into law by Governor Ronald Reagan in 1970, establishes a process to incorporate scientific information and public input into the approval of development projects, both public and private. Viewed by many as California's landmark environmental law, CEQA has attracted controversy throughout its 43 years and its reform is a frequent subject of proposed legislation.

In order to respond to CEQA reform proposals, CSAC convened a working group of CEQA experts including, planning directors, county counsels, and public works directors to help draft policy principles to guide CSAC through ongoing reform debates. The following chapter sets forth the CEQA Working Group's principles and policy statements regarding CEQA reforms.

### **Section 1: Role of CEQA**

Counties acknowledge that CEQA provides essential environmental information to the local decision-making process. Its purpose is to ensure that governmental decisions take full account of environmental impacts, including reducing or avoiding significant environmental impacts wherever feasible, as well as fostering transparency in the decision making process.

The protection of our environment is a responsibility that counties take very seriously. Likewise, counties know that local governments must balance environmental protection and the need to complete necessary infrastructure projects and ensure the economic vitality of our communities. This balancing role is explicitly recognized in the CEQA statute and its Guidelines, which provide that CEQA must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. However, the CEQA process remains wrought with uncertainty, costly litigation, and project delays.

Counties believe there are several opportunities for enhancing key areas of CEQA to improve its effectiveness and the efficiency of the environmental review process while ensuring that the law's environmental protection and public involvement purposes are fulfilled. As lead agencies with responsibility for a wide range of environmental resources, counties have a unique ability to provide meaningful input into the process.

CSAC's focus is to identify improvements that will streamline our delivery of public works and other public projects and make our development review processes more efficient by enhancing CEQA in ways that apply our increasingly scarce resources to actions that actually protect the environment.

The following general principles and policy statements are CSAC's foundation for representing counties and the citizens they serve at both the administrative and legislative level.

### **Section 2: General Principles**

- Counties support the balance of sound environmental protection with the need to complete projects that promote economic prosperity and social equity. Any proposed CEQA revisions should seek to modernize, simplify and streamline the law, and not dismantle it or create new and equally complicated processes resulting in litigation.
- Local government performs the dominant role in planning, development, conservation, and environmental procedures. Counties have and should retain the primary responsibility for land use decisions in unincorporated areas. In addition, counties should act as the lead agency where projects are proposed in unincorporated areas requiring discretionary action by the county and other jurisdictions.
- The CEQA process should be integrated with the planning process wherever possible, including the preparation of programmatic or master environmental documents that allow the use of tiered environmental review (including negative declarations) to achieve a more streamlined CEQA process for subsequent development and infrastructure projects.
- Counties support state funding to update and implement general plans, specific plans, sustainable communities strategies, and smart growth plans, including programmatic CEQA review of these plans.
- CSAC encourages state and federal agencies to provide timely and complete review of local projects within the timelines set forth in CEQA so that issues relevant to those agencies' regulatory role can be addressed at the earliest possible time.
- CSAC encourages local agencies to resolve CEQA disputes without costly litigation and in a way that buoys public confidence in local government. Examples of this include the use of non-binding mediation.
- CSAC acknowledges its role in providing educational forums, informational resources and communication opportunities for counties in regards to CEQA practice and reform efforts.

### **Section 3: Policy Statements**

- Counties support statutory changes that provide lead agencies with the ability to find that de minimis contributions to a significant impact are not cumulatively considerable.
- Counties strongly support statutory changes to improve the defensibility of well-prepared mitigated negative declarations (MND), including but not limited to applying the substantial evidence standard of review to MNDs that meet certain criteria, such as those prepared for projects that are consistent with current zoning or an existing general plan.
- CEQA currently allows for potential issues to be raised late in the decision-making process, giving rise to disruptive and counterproductive tactics known as “late hits” and “document dumps” to stall the project review process. Counties support limits on the submittal of late input into the process. In order to raise an issue in court, counties assert that the issue with an EIR or MND must have been raised during the Draft EIR or MND public comment period, unless the new issue was not known and could not have been raised earlier.

- Counties support CEQA exemptions and streamlining for infill projects in both cities and existing urbanized areas in counties. Conditions for such exemptions and streamlining processes should be based on population densities that reflect reasonable infill densities in counties or other objective measures of urban development, rather than arbitrary jurisdictional boundaries.
- Roadway infrastructure projects that protect the health and safety of the traveling public are subject to project delivery delays due to environmental review, even when a project replaces existing infrastructure. Counties support categorical and/or statutory exemptions and streamlining for road safety projects in the existing right-of-way. The maintenance or rehabilitation of existing public facilities, within existing public right-of-way, with previously approved environmental documents, should also be provided a streamlined process or be exempt from having to do another CEQA document.
- Support measures to reduce or eliminate duplicative environmental review for public works projects that are subject to both NEPA and CEQA. This could include action at the federal level to allow use of the CEQA document in place of a NEPA document.
- Counties support programmatic Environmental Impact Reports (EIRs) and standardized mitigation measures for the flood management system, levee maintenance and capital projects that fall under certain thresholds.
- Counties support providing the courts with more practical discretion to sever offending parts of a large project that is subject to CEQA litigation and allow the beneficial parts of a project to proceed when they are not relevant to the court's CEQA decision.
- Counties support transparency in the preparation and distribution of environmental documents. To accomplish this, CSAC supports state funding and assistance for the electronic filing of documents. Further, counties believe they are in the best position to decide how to make governmental information available to non-English speaking communities within their jurisdictions. Counties do not support state-mandated translation of CEQA documents.
- Counties believe that in some circumstances existing environmental laws and regulations can be used to streamline the CEQA process and help avoid unnecessary duplication. However, Counties also believe that any such standards or thresholds must be found by the lead agency to be specifically applicable to the project where they are applied. If the use of existing environmental laws is intended to exempt a project from further CEQA review, it should be focused on specific impacts and limited to "qualified standards" that the lead agency reasonably expects will avoid significant impacts in the area addressed by the standard.
- Challenges to the contents of the administrative record have become a common way to create litigation delays and increased costs. Counties support a statutory clarification that the contents of an administrative record only include all documents that were submitted to the relevant decision making body before the challenged decision. Counties further support a statutory clarification allowing public agencies to certify both accuracy and completeness of an administrative record prepared by a petitioner. Counties support statutory clarification that resolution of disputes regarding preparation and certification of the administrative record should occur through motions to supplement which run parallel to briefing on the merits, not prior.

- Counties support statutory revisions that increase the transparency by limiting the standing of parties filing CEQA lawsuits and actions to persons or entities with an environmental concern rather than economic interest in the project.
- Counties support statutory revisions to the private attorney general statute governing awards of attorneys' fees, which are available to petitioners but not defendants. This low-risk, high-return imbalance in favor of petitioners is one of the primary drivers for CEQA litigation.
- Counties support the use of the substantial evidence standard for challenges to a categorical exemption.

# **CSAC Cannabis Policy**

## **Introduction**

On November 8, 2016, voters passed Proposition 64, the Adult Use of Marijuana Act (AUMA), legalizing the adult use of cannabis in California. AUMA contains broad local regulatory and taxation authority, allowing local governments to decide how best to regulate – and impose local taxes on – the retail sale and cultivation of cannabis in their respective communities while integrating local regulatory programs within a larger state licensing system. AUMA provides guidelines for several state agencies to develop specific regulations that taken together will create a statewide licensing and regulatory framework for the cultivation, manufacture, transportation, testing, and sale of adult use cannabis. In addition to AUMA, the Governor signed into law the Medical Cannabis and Regulatory Safety Act (MCRSA) in 2015. MCRSA established a similar statewide licensing and regulatory framework specific to medical cannabis. While substantially similar, these two laws contain several differences. As a result, the Legislature and regulatory agencies are working to reconcile several inconsistencies between AUMA and MCRSA as they work to implement both laws.

AUMA and MCRSA respect local police powers and contain explicit county taxing authority. However, counties have a stake in shaping the broader statewide landscape of cannabis regulation in California as it will undoubtedly have a significant impact on local government operations. As the Legislature and regulatory agencies work to develop regulations to implement both the medical and adult use cannabis laws, counties put forth the following policy principles to guide CSAC positions and advocacy on cannabis regulation in California.

## **Policy Principles**

### **Section 1: Licensing, Regulation, and Local Control**

Local government police powers and authority over taxation and fees must be respected in the development of any regulations implementing both medical and adult use cannabis laws. This includes support for existing local land use authority and counties' ability to ban the commercial adult use or medical cannabis retail sale, delivery, and/or cultivation within the unincorporated area.

The MCRSA and AUMA outline categories of different types of licenses for the cultivation, sale, manufacture, distribution, and testing of cannabis. Both laws contain different types of restrictions on how many licenses can be held by a single entity. Counties support existing prohibitions on the cross-ownerships of licenses within the medical cannabis laws, and support restrictions on the cross-ownership of licenses within AUMA.

Counties support:

1. The development of a dual licensing system, which requires the verification of a local license as a condition precedent to the issuance of a state license for both medical and adult use commercial cannabis licensees, and the development of a strong license revocation policy and procedure for violations of license requirements.
2. Limitations and/or phase-in of unlimited acreage licenses, or Type Five licenses. (Proposition 64 allows for an unlimited acreage cultivation license - Type 5 - after the law has been in effect for five years).
3. State development of uniform regulations, when feasible, for adult use and medical cannabis.

## **Section 2: Cultivation and Environmental Impacts**

### **Counties urge:**

1. Action to reduce environmental degradation and ensure the responsible use of resources, including water and electricity, in cannabis cultivation.

### **Counties support:**

1. Uniform pesticide and other contaminant standards for adult use and medical cannabis.
2. A statewide track and trace technology system designed with compatibility and full integration with local programs.
3. Local access to both the state track and trace system and laboratory test results for cannabis and cannabis products.
4. Integration with GIS systems at the local level, especially with respect to cultivation sites. This should include integration and consultation with resource conservation districts and enable integration with Integrated Watershed Management Plans.
5. Strong coordination between local and state agencies to ensure uniform application in environmental enforcement efforts. This includes providing clear guidance and adequate resources to responsible agencies to regulate and enforce existing environmental laws when they are applied to the cultivation of cannabis.
6. The ability to grow industrial hemp as an agricultural product, while respecting local control.

## **Section 3: Enforcement and Public Safety**

Counties strongly urge the state to fully enforce all state aspects of cannabis regulations, and to provide resources to local governments for enforcement efforts undertaken by local governments.

### **Counties support:**

1. The development of enforceable standards for impaired driving.
2. Employer rights to maintain competency for duty and a drug-free workplace and the ability to impose restrictions on cannabis use by employees.
3. Action and assistance to aid local government and law enforcement's ability to stop unlicensed commercial activity and diversion of cannabis and cannabis products.

4. Dedicated resources for the active enforcement of illegal cannabis cultivation on state and federal lands.
5. State standards governing worker safety and security in the cannabis industry.
6. Inspections of cannabis retail establishments, sales locations, or cultivation sites to ensure adherence to state and local laws and policies.

#### **Section 4: Labeling, Testing, and Advertising**

Counties urge the state:

1. To develop packaging requirements that are designed to display no appeal for children and to require childproof containers, where appropriate.
2. To allow counties to use state-run labs for pesticide, heavy metal, and biological testing for enforcement purposes.
3. To develop uniform potency standards for cannabis products to ensure consumer health and safety.

Counties support:

4. Standards for the recognition of a particular appellation of origin of cannabis cultivated in a certain geographical region.
5. Strict labeling and testing requirements of all adult use and medical cannabis products.

#### **Section 5: Resources, Revenue Collection, and Banking**

Counties urge:

1. The federal government to continue to respect states' rights with respect to cannabis regulation and enforcement.
2. The federal government to allow banking services for the cannabis industry to help reduce the public safety issues posed by a cash-based industry.
3. The federal government to declassify cannabis as a Schedule I drug and remove all conflicts under federal law.
4. Revenue sharing and grants from state revenues to manage the impacts of cannabis growth.

Counties support:

5. Interim solutions to encourage tax compliance in the absence of adequate banking solutions.
6. Sufficient resources for local code enforcement and environmental health and other departments.
7. Sufficient funding for adequate staffing at the state and local level to conduct regular inspections for dispensaries, cultivation, and manufacturing facilities, to conduct investigations and enforcement activity, and to quickly respond to and resolve complaints in a timely manner.

8. Actions that would provide state funding and resources to local governments for public education efforts concerning responsible use of cannabis.

## **Section 6: Public Education, Outreach, and Research**

Counties support:

1. Methods of sharing best practices, lessons learned, and model ordinances on cannabis regulation and taxation.
2. The development of strong, effective substance abuse prevention and education campaigns at the state level with input from counties, and resources for local education.
3. Statewide data collection and additional research and monitoring of trends regarding the impacts of cannabis – including impacts to public health, enforcement issues, and other impacts. Counties urge the state to share such data and research with local governments.
4. Continued collaboration between local and state agencies, including ongoing dialogue about implementation efforts, tax rates, enforcement issues, and other issues of significance.
5. Adequate local representation on the state Cannabis Advisory Committee to help inform state regulatory agencies and other stakeholders about local conditions, concerns and issues of significance.
6. Widespread communication on the impacts of cannabis on public health, especially related to impaired driving and youth.