



The California County Platform | Chapter 3

Agriculture, Environment, Natural Resources

Adopted by the CSAC Board of Directors November 2020

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. Fairgrounds are critical facilities during local and statewide emergencies, including during wildfires, as evacuation centers and staging areas for emergency operations.

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.

Implementation of the Sustainable Groundwater Management Act shifted the roll of groundwater management to locals, including the development in some areas of Groundwater Sustainability Agencies (GSA) that are charged with balancing groundwater use through enforceable Groundwater Sustainability Plans. It is CSAC's position that planning and land use decisions reside with the county, and therefore any planned changes must be implemented within the county land use authority.

Financing of Water Management

Counties throughout California face many funding challenges and needs that involve storm water, 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 & Flood Protection

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.

Flood Protection in California Statement of Principles

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.

Flood Protection 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.

- 1) 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.
- 2) 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.
- 3) CSAC supports funding mechanisms originating within all levels of government, including local, state and federal, but not relying solely on ratepayer shares.

- 4) CSAC encourages state and federal funding that is stable, predictable and sufficient for planning, capital projects, and ongoing operation and maintenance costs.
- 5) CSAC supports prioritizing funding for improvements to areas deemed to be at the most risk in the statewide flood control system.
- 6) 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.
- 7) CSAC supports identifying specific dollar amounts for flood protection within any bond measure, and supports the minimization or elimination of local matching requirements.
- 8) CSAC supports funding being made available for both capital costs and operation and maintenance of the system.
- 9) All state flood protection funding shall be protected under Proposition 1A.
- 10) CSAC will continue to support efforts to exempt flood control and storm water fees from the voter approval requirements of Proposition 218.

Flood Protection & 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.

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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.

- 6) CSAC supports the use of forecast-based management of the statewide flood protection system.
- 7) CSAC supports the rehabilitation of the upper watershed areas for partial mitigation of flood events affecting downstream reservoirs and control systems.
- 8) 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.

Mapping the Flood Protection 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.

- 1) The updated maps should be based on general plan build out of the watershed or a reasonable build out scenario.
- 2) 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.
- 3) 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.

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.

- 1) CSAC recognizes the existing role of state agencies to review and comment on development proposals.
- 2) CSAC supports updated building standards to reflect appropriate flood prevention standards.
- 3) 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.
- 4) 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.

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

Regulatory Streamlining for Flood Protection Projects

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

- 1) CSAC supports an expedited permit process for flood protection projects, including maintenance and operation work.
- 2) CSAC supports better coordination between state and federal regulatory agencies and clear direction on flood control requirements and responsibilities.
- 3) 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.
- 4) CSAC opposes repeated mitigation requirements in connection with any ongoing maintenance of the flood management system, projects and facilities.

Flood Insurance

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

- 1) 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.
- 2) 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.
- 3) CSAC supports efforts to encourage property owners to secure and maintain flood insurance.

Flood Control Protection Liability

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

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

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

Delta & State Water Policy

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.

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 section of the County Platform is consistent with other existing CSAC policy guidelines concerning water, land use, agriculture, forestry, climate change and flood protection.

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 statewide water policy, planning, guidance and projects. CSAC believes that any proposed Delta solutions be implemented in a manner that:

- 1) Respects the affected counties' land use authority, revenues, public health and safety, economic development, water rights, and agricultural viability.
- 2) Promotes recreation and environmental protection.
- 3) Ensures Delta counties' status as voting members of any proposed Delta governance structure.
- 4) Improves flood protection for delta residents, property, and infrastructure.
- 5) Improves and protects the Delta ecosystem, water quality, flows and supply.
- 6) Ensures consistency with affected counties adopted policies and plans.

- 7) Secures financial support for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat.
- 8) Accords special recognition, and advances the economic vitality of “heritage” or “legacy” communities in the Delta.
- 9) Demonstrates a clearly evidenced public benefit to any proposed changes to the boundaries of the Delta.
- 10) 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.

Counties support statewide efforts to provide funding and programs to develop access to parks for all persons.

SECTION 7: SOLID WASTE MANAGEMENT

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

- 1) 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.
- 2) The use of recycled content in products sold in California;
- 3) The creation of economic incentives for the use of recycled materials; and,
- 4) The expansion of the Beverage Container Recycling Program.

CSAC shall support legislation that:

- 1) Protects local solid waste franchising and fee-setting authority;
- 2) Provides for the use of performance standards and alternative daily cover for landfills; and,
- 3) Requires state facility cooperation with local jurisdictions on waste reduction to meet AB 939 and organic waste diversion goals.
- 4) 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:

- 1) Preempts local planning decisions regarding solid waste facility siting;
- 2) Preempts local solid waste and AB 939 fee-setting authority; and,
- 3) 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.

CSAC supports efforts to improve access to resources that would help counties and our waste hauler partners implement the State's Organic Waste Diversion Regulations as required under SB 1383 (Lara, Chapter 395, Statutes of 2016). In addition, CSAC supports efforts to create more flexible SB 1383 implementation deadlines and requirements as a co-equal partner in achieving California's waste management goals.

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 delisting;
- 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 delisting 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:

- 1) 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.
- 2) Advocate for broad county access to technology and infrastructure that offer effective and wide-ranging communications capabilities for alerting the public in emergency situations.
- 3) Work to ensure that proposals that impose responsibilities upon counties are accompanied by full and flexible funding.
- 4) 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).

- 5) Support full and flexible funding for on-going emergency preparedness and all hazard planning.
- 6) Support grant processes, procedures, and guidelines that allow full funding for personnel in order to carry out emergency management and homeland security mandates.
- 7) 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.
- 8) 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.
- 9) Support full and flexible funding for emergency communication system interoperability between all local government agencies and the State of California.
- 10) 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:

- 1) Assess available conservation and renewable 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.

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

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.

SECTION 15: CANNABIS

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 MSCRA 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.

Cannabis 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.

Cannabis Cultivation and Environment Impacts

Counties urge 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.

Cannabis 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.

Cannabis 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:

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

Cannabis 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:

- 1) Interim solutions to encourage tax compliance in the absence of adequate banking solutions.
- 2) Sufficient resources for local code enforcement and environmental health and other departments.
- 3) 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.
- 4) Actions that would provide state funding and resources to local governments for public education efforts concerning responsible use of cannabis.

Cannabis 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.