
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: AB 897
Author: Mullin, et al.
Version: 4/19/2021
Urgency: No
Consultant: Rylie Ellison

Hearing Date: 6/28/2021
Fiscal: Yes

SUBJECT: Office of Planning and Research: regional climate networks: climate adaptation action plans

DIGEST: This bill requires the Governor’s Office of Planning and Research (OPR) to facilitate the creation of regional climate networks (networks) and create standards for the development of a regional climate adaptation action plan (plan) to support the implementation of regional climate adaptation efforts.

ANALYSIS:

Existing federal law:

- 1) Requires any urbanized area with a population greater than 50,000 to establish a metropolitan planning organization (MPO) that, among other things, is responsible to ensure that regional transportation planning is cohesive across local jurisdictions. (23 U.S.C. §§134–135)

Existing state law:

- 1) Establishes OPR to serve the Governor and Cabinet as staff for long-range planning and research, with a focus on factors influencing the quality of the state’s environment and declares that it is the intent of the Legislature (Government Code (GOV) §65040):
 - a) To have one agency at the state level which is responsible for developing state land use policies, coordinating planning of all state agencies, and assisting and monitoring local and regional planning;
 - b) That OPR is the most appropriate state agency to carry out this statewide land use planning function; and,
 - c) To not vest in OPR any direct operating or regulatory powers over land use planning, public works, or other state, regional, or local project or programs. (GOV § 65035)

- 2) Requires OPR to adopt and periodically revise the State General Plan Guidelines for the preparation and content of general plans for all cities and counties in California (GOV §65040.2), and:
 - a) Requires local jurisdictions to include climate vulnerability and adaptation considerations in their general plan updates. (GOV §65302)
- 3) Establishes a technical advisory council (TAC) to support OPR by providing scientific and technical support and to facilitate coordination among state, regional, and local agency efforts to adapt to the impacts of climate change. (Public Resources Code (PRC) §71358)
- 4) Establishes the Integrated Climate Adaptation and Resilience Program (ICARP), administered by OPR, to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change. (PRC §71354) Requires ICARP to:
 - a) Pursue an emphasis on climate equity across sectors and strategies that benefit both greenhouse gas (GHG) emissions reductions and adaptation efforts;
 - b) Work with and coordinate local and regional efforts for climate adaptation and resilience;
 - c) Assist the Office of Emergency Services (OES)—in coordination with CNRA—with coordinating regular reviews and updates to the Adaptation Planning Guide (APG); and,
 - d) Maintain a continued data clearinghouse on climate change and climate adaptation for the purposes of facilitating educated state and local policy decisions.
- 5) Requires CNRA to, by July 1, 2017 and every three years thereafter, update the Safeguarding California Plan, and as part of the update, to coordinate with other state agencies to identify a lead agency or group of agencies to lead adaptation efforts in each sector, and dictates that the updates include: (PRC §71153)
 - a) Vulnerabilities to climate change by sector, as identified by the lead agency or group of agencies, and regions, including, at a minimum, the following sectors: water, energy, transportation, public health, agriculture, emergency services, forestry, biodiversity and habitat, ocean and coastal resources; and,

- b) Priority actions needed to reduce risks in those sectors, as identified by the lead agency or group of agencies.

This bill:

- 1) Declares that it is the intent of the legislature to:
 - a) Foster regional-scale climate adaptation by encouraging collaboration among local, regional, and state entities in a way that promotes coordination among neighboring regions;
 - b) Support the development and implementation of regional climate adaptation efforts that build upon local actions to reduce climate risk and achieve multiple benefits, by developing guidance for potential investment in funding regional priority climate adaptation projects in California;
 - c) Build upon the work of ICARP under OPR; and,
 - d) Reduce the risk of climate change impacts across the state.
- 2) Defines “eligible entity” to mean a local, regional, or state organization, including, but not limited to, a city, county, special district, council of government, MPOs, joint powers authority, climate collaborative, regional member of the Alliance of Regional Collaboratives for Climate Adaptation, nonprofit organization, community-based organization, tribal government, school district, and higher education institution.
- 3) Defines "regional climate network" to mean a group of eligible entities whose jurisdictions are located in the same region, and whose combined jurisdiction enhances their effectiveness in responding to climate risks.
- 4) Requires OPR, on or before July 1, 2022, to establish geographic boundaries for regional climate networks. In establishing these boundaries, OPR is required to do all of the following:
 - a) Use regions identified in California’s Fourth Climate Change Assessment, or subsequent updates. Authorizes OPR to also consider the geographic boundaries of an MPO;
 - b) Solicit public input before determining the final geographic boundaries; and,
 - c) Develop and publish guidelines for how regional climate networks and their governance boards may be established to account for regional differences and ensure equity in representation.

- 5) Allows eligible entities to establish, expand, and consolidate in a regional climate network, given that OPR is notified following specified requirements.
- 6) Requires OPR to provide technical assistance to regions seeking to establish a network, facilitate coordination between regions, and encourage as many eligible entities into one network as feasible.
- 7) Requires a regional climate network to develop a regional climate adaptation plan and submit the plan to OPR for review, comments, and approval.
- 8) Requires, on or before January 1, 2023, OPR to develop guidelines that establish standards and required content for a regional climate adaptation plan, including, but not limited to:
 - a) A description and prioritization of projects and actions necessary to respond to the climate vulnerabilities of a region;
 - b) Clear identification of the benefits and adaptation goals the priority projects are designed to achieve, including, when feasible, metrics to reflect these benefits with specified requirements for considerations;
 - c) An assessment of the plan's ability to create regional benefits;
 - d) Monitoring to assess ongoing effectiveness of projects to determine appropriate course corrections;
 - e) Assessments of cost, timing of implementation and reassessment; and
 - f) Use of best available science and specified existing planning information from relevant local or regional planning documents.
- 9) Requires OPR, in developing these guidelines, to:
 - a) Engage in a public process that encourages participation from all impacted communities;
 - b) Provide technical assistance to local governments developing networks and plans; and,
 - c) Publish draft and final guidelines.
- 10) Allows regional climate networks to engage in activities to address climate change, and, in doing so:
 - a) Support the development and implementation of regional climate adaptation plans, mitigation strategies and programs;
 - b) Conduct activities and facilitate the exchange of strategies among participating local agencies and stakeholders;
 - c) Administer grants to local agencies and eligible entities;

- d) Exercise specified powers necessary to carry out these activities; and,
 - e) Establish distinct governance procedures and policies that include processes for eligible entities to participate under specified guidelines.
- 11) Allows OPR to request that established regional climate networks submit a biennial report on the participating eligible entities, an outline of activities, actions, and outcomes, as well as accounting of the administration and expenditures made by the regional climate networks.
- 12) Requires, on or before January 1, 2023, OPR to make recommendations to relevant policy and budget committees of the Legislature related to regional adaptation, including:
- a) State-region partnerships to best provide technical assistance;
 - b) Services to assist local and regional adaptation practitioners; and,
 - c) Sources of financial assistance or eligible state funds.

Background

- 1) *Climate risks to California.* California is particularly susceptible to the harmful effects of climate change, including an increase in extreme heat events, drought, wildfire, sea level rise, and more. According to the Fourth California Climate Change Assessment, by 2100, the average annual maximum daily temperature is projected to increase by 5.6-8.8 °F, water supply from snowpack is projected to decline by two-thirds, the average area burned in wildfires could increase by 77%, and 31-67% of Southern California beaches may completely erode without large-scale human intervention, all under business as usual and moderate GHG reduction pathways.

California is already experiencing the effects of climate change now. For example, eight out of the past ten years have had significantly below average precipitation. As of September 2020, the state has experienced a degree of wildfire activity that California's Fourth Climate Change Assessment initially forecasted to not occur until 2050. We can expect effects such as these as well as extreme weather events to increase over time until global emissions are significantly reduced.

Climate change comes with a huge price tag for the State. California's 2018 wildfires, less than half the size of the 2020 conflagrations, cost \$148.5 billion in damages (about two thirds of California's pre-COVID 2020 state budget), with \$27.7 billion (19%) in capital losses, \$32.2 billion (22%) in health costs and \$88.6 billion (59%) in indirect losses, with a majority of those far from the

actual wildfire footprint. The cost of water and energy is predicted to increase significantly as well, especially in the Western United States. The Natural Resources Defense Council (NRDC) estimates that under a business-as-usual scenario, between the years 2025 and 2100, the cost of providing water to the western states in the US will increase from \$200 billion to \$950 billion per year, nearly an estimated 1% of the United States' gross domestic product.

- 2) *Climate adaptation.* Adaptation can help safeguard against some of the worst impacts, costs, and risks associated with climate change. While climate change is a global issue, it is felt on a local scale. Cities, counties, and other sub-national jurisdictions are therefore at the frontline of adaptation. In the absence of national or international climate policy direction, cities and local communities around the world have been focusing on solving their own climate problems.

According to the 2014 report on Climate Change Impacts, Adaptation and Vulnerability from the United Nations Intergovernmental Panel on Climate Change (IPCC), governments at various levels are also getting better at adaptation. Climate change is starting to be factored into a variety of development plans: how to manage the increasingly extreme disasters we are seeing and their associated risks, how to protect coastlines and deal with sea-level encroachment, how to best manage land and forests, how to deal with and plan for reduced water availability, and how to protect energy and public infrastructure.

Adaptation is especially important for vulnerable and disadvantaged communities. In 2018, ICARP published a resource guide called *Defining Vulnerable Communities in the Context of Climate Adaptation*. The guide defines vulnerable communities as those that “experience heightened risk and increased sensitivity to climate change and have less capacity and fewer resources to cope with, adapt to, or recover from climate impacts. These disproportionate effects are caused by physical (built and environmental), social, political, and/or economic factor(s), which are exacerbated by climate impacts. These factors include, but are not limited to, race, class, sexual orientation and identification, national origin, and income inequality.” People living in poverty, tribal communities, immigrants and the elderly are some of the groups expected to suffer disproportionately from problems caused by a changing climate. While affluent Californians have resources to shield themselves from some of climate change’s impacts, many impoverished communities face threats that are intensified by climate change. For example, they frequently live in areas already vulnerable to pollution and natural disasters, yet may lack insurance and other economic means to recover from

health problems or disasters. Investing in adaptation efforts in vulnerable and disadvantaged communities can improve public health, quality of life, and economic opportunity in California's most burdened populations.

- 3) *Existing adaptation strategies.* California's adaptation efforts can be traced back to 2008, when Governor Schwarzenegger ordered the CNRA, through the Climate Action Team, to coordinate with local, regional, state, federal, public, and private entities to develop the state's Climate Adaptation Strategy in order to assess California's vulnerability to climate change impacts and outline solutions that can be implemented to promote resiliency (EO S-13-08). The state's Climate Adaptation Strategy, released in 2009, proposes a comprehensive set of recommendations designed to inform and guide California decision makers as they begin to develop policies that will protect the state, its residents, and its resources from a range of climate change impacts.
 - a) *Safeguarding California.* In July of 2014, CNRA released an update to the California Climate Adaptation Strategy called *Safeguarding California: Reducing Climate Risk*. This is the state's roadmap for everything state agencies are doing and will do to protect communities, infrastructure, services, and the natural environment from climate change impacts. *Safeguarding California* primarily covers state agencies' programmatic and policy responses across different policy areas, but it also discusses the ongoing related work to with coordinated local and regional adaptation action and developments in climate impact science.

AB 1482 (Gordon, Chapter 603, Statutes of 2015) required updates to the plan every three years, which was done last in 2018. CNRA is partnering with ICARP to develop the 2021 Climate Adaptation Strategy.

- b) *Integrated Climate Adaptation and Resilience Program.* SB 246 (Wieckowski, Chapter 606, Statutes of 2015) established ICARP within OPR to develop a cohesive and coordinated response to the impacts of climate change across the state. They coordinate tools, resources, and technical assistance to local and regional governments to aid in their adaptation and resilience planning. ICARP has multiple legs, including the Technical Advisory Council (TAC), which is made up of representatives from state agencies, local, regional, and tribal governments, non-profits, academia, and the private sector to support OPR in its goal to facilitate coordination among state, regional and local adaptation and resiliency efforts, with a focus on opportunities to support local implementation actions. Another leg is the adaptation clearinghouse, an online database for

adaptation tools and examples of adaptation projects. The database can be searched by locality or climate impact.

- c) *General Plans*. A General Plan is each local government's blueprint for meeting the community's long-term vision for the future. SB 379 (Jackson, Chapter 608, Statutes of 2015) requires all cities and counties to include climate adaptation and resiliency strategies in the Safety Elements of their General Plans beginning in 2017. OPR updates the General Plan Guidelines and provides technical advice to help draft and update General Plans.
- 4) *Climate adaptation regions*. California is a sprawling state with a variety of landscapes, climates, population densities, and adaptation needs. The impacts of climate change will also be variable across the state and so will the adaptation needs. Several regions and entities to provide regional guidance exist already:
 - a) *Fourth Climate Change Assessment*. California's Fourth Climate Change Assessment breaks down the state into 9 regions: North Coast, Central Coast, San Francisco Bay Area, Los Angeles, San Diego, Sacramento Valley, Inland Deserts, San Joaquin Valley, and Sierra Nevada. Separate reports were included for each region, in part because the vast majority of adaptation planning and implementation happen at local and regional scales. Each report provides a summary of relevant climate impacts and adaptation solutions for a region of the state.
 - b) *Metropolitan Planning Organizations*. Federal law requires that any urbanized area with population of at least 50,000 be guided and maintained by a regional entity known as a MPO. Eighteen MPOs are designated in California, accounting for approximately 98% of the state's population. SB 375 (Steinberg, Chapter 728, Statutes of 2008) details specific roles for California MPOs, expanding their role in regional planning and developing sustainable community strategies.
 - c) *Regional collaboratives*. Seven regional climate collaboratives have already been formed and are members of the Alliance of Regional Collaborative for Climate Adaptation (ARCCA): the Bay Area Climate Adaptation Network (BayCAN), the Capital Region Climate Readiness Collaborative (CRC), the Central Coast Climate Collaborative (4C), the Los Angeles Regional Collaborative for Climate Action and Sustainability (LARC), the North Coast Resource Partnership (NCRP), the San Diego Regional Climate Collaborative (SDRCC), and the Sierra Climate

Adaptation & Mitigation Partnership (Sierra CAMP). The inland empire also has a climate adaptation network called the Inland Southern California Climate Collaborative (ISC3).

ARCCA is a coalition of the Local Government Commission, with OPR serving as an ex-officio member. These collaboratives encompass 80% of the state's population. According to their website, "ARCCA aims to create a robust network of organizations and professionals working to advance climate change adaptation in California to share information and best practices, coordinate activities, and leverage limited resources to conduct joint projects." Member organizations of these networks include city governments, county governments, regional and state government agencies, regional planning authorities, utility companies and districts, non-profit organizations, community-based organizations, tribal governments, school districts, academic institutions, and more. Each collaborative functions differently, however they generally serve their members by fostering learning networks, bringing in outside resources, connecting member organizations, and helping them identify adaptation projects and funding sources.

Comments

- 1) *Purpose of Bill.* According to the author, "Local entities play a critical role in preparing for climate change, as many impacts will vary based on a community's physical, social, and economic characteristics. These characteristics tend to extend beyond city or county boundaries, making regional coordination between local governments, community-based organizations, non-profits, and private sector entities a vital component of thorough resiliency planning. Some local entities across the state have begun the process of preparing for the impacts of climate change. However, many entities have not begun coordinating this preparedness with adjacent entities in their region, and some have not begun planning at all.

"Due to this lack of coordinated planning, the state's current mechanism for funding adaptation projects has been primarily piecemeal, with no comprehensive strategy for coordinating its investments to ensure the most effective resiliency return. AB 897 seeks to fill this gap by encouraging and supporting regional climate adaptation planning that builds upon and enhances local adaptation actions to reduce climate risk, foster collaboration among local, regional, and state entities on adaptation solutions, and develop guidance for potential state, federal, or private investment in funding regional priority

adaptation projects across the state.”

- 2) *How will regions be defined?* The process of deciding on adaptation regions will be complex and must require a consideration of numerous factors. Climate impacts such as sea level rise, wildfire, and extreme heat do not affect all areas of the state equally and many communities are subject to multiple impacts simultaneously.

AB 897 would require OPR to consider the regions defined by the Fourth Climate Change Assessment and MPOs as a starting point, with public input. This will allow for OPR to further optimize existing networks and incorporate the participation of those involved in adaptation efforts. It will be essential to ensure that stakeholders who would be participating in these regional networks play a key role in their development.

- 3) *Statewide regional resiliency.* Some regions are much further along than others when it comes to adaptation strategy development and implementation. Under ARCCA’s 7 regional climate collaboratives, 80% of California’s population is included. The areas of the state that do not appear to be a part of an existing regional collaborative are inland northern California, and the central valley.

All regions could benefit from state technical assistance and financial support to increase regional adaptation. While *Safeguarding California* has primarily focused on adaptation actions at the agency level, there is a clear need for more state support of development and action at the local and regional levels. This bill would also go beyond the existing work of ICARP by creating technical assistance, standards, and possible incentives for networks to create and implement climate adaptation plans. Boosting regional adaptation efforts to can help ensure that all areas of the state are prepared for the harmful impacts of climate change that are already occurring. This is especially necessary for vulnerable and disadvantaged communities. AB 897 requires OPR, in developing the standards and required content for the adaptation plans, to include equity considerations, including impacts to economically disadvantaged or climate-vulnerable communities.

- 4) *Interaction with other bills.* AB 1384 (Gabriel) would require SGC to develop and coordinate a strategic resiliency framework that makes recommendations and identifies actions that are necessary to prepare the state for the most significant climate change impacts. It would require state agencies within the framework to collaboratively engage with regional entities to enhance policy and funding coordination and promote regional solutions and implementation.

In addition, AB 1500 (E. Garcia) proposes to allocate over \$1 billion to implement regional or local climate adaptation plans.

As the bill moves forward, the author should monitor each bill to ensure that they complement each other.

Related/Prior Legislation

AB 1384 (Gabriel, 2021) would require SGC to develop and coordinate a strategic resiliency framework that makes recommendations and identifies actions that are necessary to prepare the state for the most significant climate change impacts. AB 1384 is before the Senate Natural Resources & Water Committee.

AB 1500 (E. Garcia, 2021) would, subject to approval by the voters in the November 8, 2022 general election, authorize a \$6.7 Billion general obligation bond to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, sea level rise, and workforce development programs. AB 1500 is before the Assembly Rules Committee.

SB 45 (Portantino, 2021) would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, subject to approval by the voters in the November 8, 2022 general election, would authorize the issuance of \$5.51 billion in general obligation bonds to finance projects for wildfire prevention, safe drinking water, sea level rise, drought preparation, and flood protection. SB 45 was moved to the Senate inactive file.

AB 2621 (Mullin 2020) was nearly identical to this bill. AB 2621 was held on suspense in the Senate Appropriations Committee.

AB 2371 (Friedman, 2020) would have established a climate science advisory team as a working group of ICARP, with specified duties including producing a list of recommended adaptation projects, and provide input to improve climate adaptation and hazard mitigation across state agencies. AB 2371 was held in the Senate Environmental Quality Committee due to the COVID-19 pandemic.

AB 839 (Mullin, 2019) would have required the Secretary of the CNRA to review the state's climate adaptation strategy and develop a strategic resiliency framework. AB 839 was held on suspense in the Senate Appropriations Committee.

SB 379 (Jackson, Chapter 603, Statutes of 2015) requires local jurisdictions to include climate vulnerability and adaptation considerations in their general plan updates.

AB 1482 (Gordon, Chapter 608, Statutes of 2015) established a framework for adaptation coordination among state agencies.

DOUBLE REFERRAL:

If this measure is approved by the Senate Environmental Quality Committee, the do pass motion must include the action to re-refer the bill to the Senate Natural Resources and Water Committee.

SOURCE: Author

SUPPORT:

350 Silicon Valley
Bay Planning Coalition
California Native Plant Society
Change Begins With Me Indivisible Group
City of Encinitas
City of Half Moon Bay
City of Novato
Climate Resolve
Community Nature Connection
Compassionate Bay
County of San Mateo
Defenders of Wildlife
Elders Climate Action, Norcal and Socal Chapters
Hammond Climate Solutions
League of California Cities
Local Government Commission
Midpeninsula Regional Open Space District
Pacific Forest Trust
San Diego Climate Action Campaign
San Diego Coastkeeper
San Diego Unified Port District
San Francisco Baykeeper
San Francisco Board of Supervisors
San Francisco Public Utilities Commission
Save the Bay

Sierra Business Council
Solano County Water Agency

OPPOSITION:

None received

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