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AB-1482 Climate adaptation. (2015-2016)

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Assembly Bill No. 1482

CHAPTER 603

An act to amend Section 75125 of, and to add Part 3.7 (commencing with Section 71150) to Division 34 of, the Public Resources Code, relating to climate change.

[Approved by Governor October 08, 2015. Filed with Secretary of State October 08, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1482, Gordon. Climate adaptation.

Existing law establishes the Natural Resources Agency, comprised of departments, boards, conservancies, and commissions responsible for the restoration, protection, and management of the state's natural and cultural resources.

Existing law establishes the Strategic Growth Council in state government and assigns to the council certain duties, including providing, funding, and distributing data and information to local governments and regional agencies that will assist in the development and planning of sustainable communities.

This bill would require the agency, by July 1, 2017, and every 3 years thereafter, to update the state's climate adaptation strategy, as provided. The bill would require the agency, by January 1, 2017, and every 3 years thereafter, to release a draft climate adaptation strategy, as provided. The bill would require state agencies to maximize specified objectives, including, among others, promoting the use of the climate adaptation strategy to inform planning decisions and ensure that state investments consider climate change impacts, as well as promote the use of natural systems and natural infrastructure, as defined, when developing physical infrastructure to address adaptation.

This bill also would expand the duties of the council to include identifying and reviewing the activities and funding programs of all state agencies, instead of only the state agencies that are members of the council, to coordinate specified state objectives, including, among others, meeting the goals of the state's climate adaptation strategy.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) California's climate is changing, posing an escalated threat to public health, the environment, the economy, and public and private property in the state. The increasing frequency of extreme weather events, including floods and heat waves, fires, rising sea levels, and changes in hydrology, including diminishing snowpacks and more frequent droughts, among other climate change impacts, will affect every part of residents' lives in the next century and beyond. Planning appropriately for these impacts will help us be better prepared for the future.

(b) The impacts of climate change, including longer droughts, extended floods, prolonged fire seasons with larger and more intense fires, heat waves, and sea level rise, are already creating challenges for public health and safety and causing destructive property damage.

(c) Climate change poses a threat not just to the lives and health of residents but also to the state's economy and to the financial health of our local governments.

(d) According to the Natural Resources Agency's report, "Safeguarding California: Reducing Climate Risk," state-of-the-art modeling shows that a single extreme winter storm in California could cost on the order of \$725,000,000,000, including total direct property losses of nearly \$400,000,000,000 and devastating impacts to residents, the economy, and natural resources.

(e) Adapting to climate change, in addition to reducing the impacts of climate change on California's natural resources and infrastructure, is essential to protecting the state's environment and economy over time and will require coordination across all state departments and agencies.

(f) Given the potential impacts and the long-term nature of effective planning, California needs to take action now.

SEC. 2. Part 3.7 (commencing with Section 71150) is added to Division 34 of the Public Resources Code, to read:

PART 3.7. Climate Change and Climate Adaptation

71150. For purposes of this part, the following terms have the following meanings:

(a) "Agency" means the Natural Resources Agency.

(b) "Council" means the Strategic Growth Council.

(c) "Plan" means the Safeguarding California Plan.

71152. It is the intent of the Legislature to prioritize the state's response to the impacts resulting from climate change by ensuring all state departments and agencies prepare for and are ready to respond to the impacts of climate change, such as extreme weather events, the urban heat island effect, habitat loss, wildfire, sea-level rise, and drought. It also is the intent of the Legislature that the agency consider developing policies to address the impacts of climate change and climate adaptation with a focus on people, places, and water and that actions taken to address climate adaptation should be consistent with the plan.

71153. (a) By July 1, 2017, and every three years thereafter, the agency shall update the state's climate adaptation strategy, known as the plan. As part of the update, the agency shall coordinate with other state agencies to identify a lead agency or group of agencies to lead adaptation efforts in each sector. The updates to the plan shall include all of the following:

(1) 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:

(A) Water.

(B) Energy.

(C) Transportation.

(D) Public health.

(E) Agriculture.

(F) Emergency services.

(G) Forestry.

(H) Biodiversity and habitat.

(I) Ocean and coastal resources.

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

(b) By January 1, 2017, and every three years thereafter, the agency shall release a draft plan. Between the release of the draft plan and the publication of the final update of the plan, the agency shall hold at least three public hearings for the purpose of providing an opportunity for the public to review and provide written and oral comments on the draft plan. The public hearings shall be held in northern California, the central valley of California, and southern California.

(c) The agency shall annually report to the Legislature, consistent with Section 9795 of the Government Code, on actions taken by each applicable agency to implement the plan.

71154. To address the vulnerabilities identified in the plan, state agencies shall work to maximize, where applicable and feasible, the following objectives:

(a) Educating the public about the consequences of climate change, such as sea-level rise, extreme weather events, the urban heat island effect, habitat loss, wildfire, drought, threats to infrastructure and agriculture, worsening air and water quality, and public health impacts.

(b) Ensuring there is a continued repository for scientific data on climate change and climate adaptation in the state in order to facilitate educated state and local policy decisions and to help identify primary risks from climate change to residents, property, communities, and natural systems across the state.

(c) (1) Promoting the use of the plan to inform planning decisions and ensure that state investments consider climate change impacts, as well as promote the use of natural systems and natural infrastructure, when developing physical infrastructure to address adaptation.

(2) When developing infrastructure to address adaptation, where feasible, a project alternative should be developed that utilizes existing natural features and ecosystem processes or the restoration of natural features and ecosystem processes to meet the project's goals.

(3) For purposes of this subdivision, "natural infrastructure" means the preservation or restoration of ecological systems or the utilization of engineered systems that use ecological processes to increase resiliency to climate change, manage other environmental hazards, or both. This may include, but need not be limited to, flood plain and wetlands restoration or preservation, combining levees with restored natural systems to reduce flood risk, and urban tree planting to mitigate high heat days.

(d) Encouraging regional collaborative planning efforts to address regional climate change impacts and adaptation strategies.

(e) Promoting drought resiliency through an integrated water supply, delivery, and capture system that is coordinated and that can be resilient to a multiyear drought scenario while protecting water quality and the public health. Establishing both drought preparation programs, which will help create sustainable water systems in the future, and immediate drought response programs, which will reduce water demand or increase supply within one to five years of any declared drought.

(f) Building resilient communities by developing urban greening projects that reduce air pollution and heat reflection in urban areas and create livable, sustainable communities in urban cores to promote infill development and reduce greenhouse gas emissions.

(g) Protecting and enhancing habitat, species strongholds, and wildlife corridors that are critical to the preservation of species that are at risk from the consequences of climate change.

(h) Promoting actions to ensure healthy soils and sustainable agriculture; inform reliable transportation planning; improve emergency management response across sectors; ensure sufficient, reliable, and safe energy; improve capacity to reduce and respond to public health threats; address the impacts of climate change on disadvantaged communities; and protect cultural resources from the impacts of climate change.

SEC. 3. Section 75125 of the Public Resources Code is amended to read:

75125. The council shall do all of the following:

(a) Identify and review activities and funding programs of state agencies that may be coordinated to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, meet the goals of the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code) and the strategies and priorities developed in the state's climate adaptation strategy known as the Safeguarding California Plan adopted pursuant to Section 71152, encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner. At a minimum, the council shall review and comment on the five-year infrastructure plan developed pursuant to Article 2 (commencing with Section 13100) of Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code and the State Environmental Goals and Policy Report developed pursuant to Section 65041 of the Government Code.

(b) Recommend policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate state agencies to encourage the development of sustainable communities, such as those communities that promote equity, strengthen the economy, protect the environment, and promote public health and safety, consistent with subdivisions (a) and (c) of Section 75065.

(c) Provide, fund, and distribute data and information to local governments and regional agencies that will assist in developing and planning sustainable communities.

(d) Manage and award grants and loans to support the planning and development of sustainable communities, pursuant to Sections 75127, 75128, and 75129. To implement this subdivision, the council may do all of the following:

(1) Develop guidelines for awarding financial assistance, including criteria for eligibility and additional consideration.

(2) Develop criteria for determining the amount of financial assistance to be awarded. The council shall award a revolving loan to an applicant for a planning project, unless the council determines that the applicant lacks the fiscal capacity to carry out the project without a grant. The council may establish criteria that would allow the applicant to illustrate an ongoing commitment of financial resources to ensure the completion of the proposed plan or project.

(3) Provide for payments of interest on loans made pursuant to this article. The rate of interest shall not exceed the rate earned by the Pooled Money Investment Board.

(4) Provide for the time period for repaying a loan made pursuant to this article.

(5) Provide for the recovery of funds from an applicant that fails to complete the project for which financial assistance was awarded. The council shall direct the Controller to recover funds by any available means.

(6) Provide technical assistance for application preparation.

(7) Designate a state agency or department to administer technical and financial assistance programs for the disbursing of grants and loans to support the planning and development of sustainable communities, pursuant to Sections 75127, 75128, and 75129.

(e) Provide an annual report to the Legislature that shall include, but need not be limited to, all of the following:

(1) A list of applicants for financial assistance.

(2) Identification of which applications were approved.

(3) The amounts awarded for each approved application.

(4) The remaining balance of available funds.

(5) A report on the proposed or ongoing management of each funded project.

(6) Any additional minimum requirements and priorities for a project or plan proposed in a grant or loan application developed and adopted by the council pursuant to subdivision (c) of Section 75126.