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**SENATE COMMITTEE ON ENVIRONMENTAL QUALITY**

**Senator Allen, Chair**

**2019 - 2020 Regular**

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**Bill No:** AB 2621  
**Author:** Mullin  
**Version:** 7/2/2020  
**Urgency:** No  
**Consultant:** Eric Walters

**Hearing Date:** 8/14/20  
**Fiscal:** Yes

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

**DIGEST:** This bill encourages regional collaboratives for climate adaptation work by 1) defining a regional climate network, 2) directing the Governor’s Office of Planning and Research (OPR) to specify regions of the state, 3) requiring OPR to develop guidelines that will aid regional climate networks in creating regional climate adaptation action plans, and 4) requiring OPR to make recommendations to the relevant policy committees of the legislature on how the state can support regional adaptation work.

**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 the Governor’s Office of Planning and Research (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 (Government Code (GOV) § 65040), and declares that it is the intent of the Legislature:
  - 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 the Director of OPR to administer the Integrated Climate Adaptation and Resiliency Program (ICARP) to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change with, to the extent feasible, an emphasis on climate equity considerations across sectors and regions and strategies that benefit both greenhouse gas (GHG) emissions reductions and adaptation efforts, in order to facilitate the development of holistic, complimentary strategies for adapting to climate change impacts. (PRC § 71354). Requires the program to include:
- a) Working with and coordinating local and regional adaptation efforts, including developing tools and guidance, promoting and coordinating state agency support, and informing state-led programs, planning processes, grant programs, and guidelines development through regular coordination between entities including but not limited to, the California Environmental Protection Agency (CalEPA), the California Natural Resources Agency (CNRA), the Climate Action Team (CAT) established by Executive Order S-3-05, and the Strategic Growth Council.
  - b) Assisting the Office of Emergency Services (OES)—in coordination with CNRA—with coordinating regular reviews and updates to the Adaptation Planning Guide (APG).
  - c) Coordinating and maintaining the state’s clearinghouse for climate adaptation information.
  - d) Conducting regular meetings with the advisory council as established.
- 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. (PRC §71358)
- 4) Establishes the Strategic Growth Council (SGC), consisting of the Director of OPR, the Secretary of the California Natural Resources Agency (CNRA), the Secretary of the Environmental Protection Agency (CalEPA), the Secretary of

Transportation, the Secretary of Health and Human Services (HHS), the Secretary of Business, Consumer Services, and Housing, the Secretary of the California Department of Food and Agriculture (CDFA), and three members of the public. (PRC §75121)

- 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. (PRC § 71153)
- 6) Dictates CNRA's updates to the Safeguarding California Plan to include: (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: Water, Energy, Transportation, Public health, Agriculture, Emergency services, Forestry, Biodiversity and habitat, Ocean and coastal resources, and (2) priority actions needed to reduce risks in those sectors, as identified by the lead agency or group of agencies. (PRC § 71153)
- 7) 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)
- 8) Under AB 1482 (Gordon, Chapter 603, Statutes of 2015), establishes a framework for adaptation coordination among state agencies.
- 9) Under SB 379 (Jackson, Chapter 608, Statutes of 2015), requires local jurisdictions to include climate vulnerability and adaptation considerations in their general plan updates.

This bill:

- 1) Declares that it is the intent of the Legislature to:
  - a) Develop guidance for investing in regional priority climate adaptation projects statewide.
  - b) Reduce climate risk and achieve benefits to public health, infrastructure protection, and California's economy through regionally-coordinated climate adaptation solutions.
  - c) Build upon the work of the ICARP.

- d) Promote cost-effectiveness and avoid duplicative or conflicting efforts by encouraging local, regional, and state agencies to build off of existing planning documents.
- 2) Defines the following terms for two relevant sections of the Public Resources Code:
    - a) “Eligible agency” to encompass specified local, regional, or state agencies, including, but not limited to, a city, county, special district, council of governments, MPO, state conservancy, climate collaborative (per PRC § 71130), regional water quality control board, and the San Francisco Bay Conservation and Development Commission.
    - b) “Plan” to mean a regional climate adaptation action plan,
    - c) “Regional climate network” to mean a group of two or more eligible agencies whose jurisdictions are located in the same region, and whose combined jurisdiction enhances their effectiveness in responding to climate risks,
    - d) “Region” to mean areas, established by OPR, based on the regions identified in the most current version of California’s Climate Change Assessment, as well as geographic boundaries of MPOs.
  - 3) States that any eligible agency may voluntarily establish membership in a regional climate network, a regional climate network may be expanded or consolidated at any time, and that an eligible agency shall consult with OPR before establishing membership in a regional climate network.
  - 4) Requires OPR to facilitate coordination between regions, and encourage regions to incorporate as many eligible agencies into one network as feasible.
  - 5) Requires OPR to, on or before January 1, 2022, develop guidelines for a regional climate network to develop a regional climate adaptation action plan, which will include but not be limited to:
    - a) Standards and required contents (vulnerabilities, planning assumptions, identification of key challenges, prioritization or actions, and clear identification of adaptation goals).

- b) Anticipated benefits to adaptation actions, such as minimizing climate change impacts, equity considerations, public health, and other cobenefits.
  - c) Project schedules, monitoring and course correcting of actions, financing strategies, the use of natural infrastructure where feasible, a timeline for reassessing the plan (no greater than five years), and use of the best available science going forward.
  - d) Resources and guidance to ensure the plans are consistent with other existing local and regional planning documents, as specified.
  - e) Guidance for how to develop a plan through a public process with participation from various local organizations, as specified.
  - f) Logistical considerations for submitting the plan to OPR.
- 6) Requires OPR to provide technical assistance to eligible agencies, publish a public draft of these guidelines 60 days before adoptions, and maintain the guidelines on their website.
- 7) Requires OPR to report recommendations to the relevant policy committees of the Legislature by January 1, 2022 on potential (1) state-region partnerships to best provide technical assistance, (2) services to assist local and regional adaptation practitioners, (3) sources of financial assistance or eligible state funds.

## **Background**

- 1) *Responding to climate change.* In order to maintain a safe, livable California for all in the face of global climate change, rapid and far-reaching actions must be taken, simultaneously, along multiple axes: mitigation, adaptation, and resilience. California contributes approximately 1% of global GHG emissions annually, and must do its part to slow the rate of global warming by mitigating its GHG emissions. Independent of efforts to mitigate the worst effects of climate change, the state must also prepare to live with the effects of global warming through adaptation. Adapting to climate change means different things in different contexts; varying geography, populations, and economies mean there is no one-size-fits-all best way to adapt to climate change. Regardless of the efforts made in mitigation and adaptation, the state will still ultimately need to become more resilient to the increasingly frequent and destructive impacts a warming Earth will bring as well. Climate-proofing California will require careful coordination across all levels of government as

we face unprecedented challenges to our infrastructure, health, and economy.

Given the geographic variability of climate threats, location-tailored action is a hallmark of successful climate adaptation and resilience work. While California is facing increased risk from increased temperature, drought, extreme heat, sea level rise, snowpack impacts, wildfire, and flooding, the relative threat of each varies widely. In order to utilize the greater pooled resources of a larger area while still making sure adaptation actions suit their setting, there has been a push towards thinking regionally. In California's Fourth Climate Change Assessment, the state was split into 9 regions (Central Coast, Inland Deserts, Los Angeles, North Coast, Sacramento Valley, San Diego, San Francisco Bay Area, San Joaquin Valley, and Sierra Nevada). In terms of development planning, a regional approach is also used with MPOs, where 18 MPOs (collections of local governments covering one or more counties) encompass 98% of all Californians.

- 2) *What's been done and what needs doing.* Devising and executing successful climate adaptation strategies takes coordination across several fields of expertise; climate research, state actions, and integrated local and regional action are all crucial.

At the state level, the four California Climate Assessments released to date have been invaluable. Although not required under existing law, California has produced four comprehensive climate change assessments since 2006. While the assessments have evolved over time, they generally seek to assess climate change impacts and risks and to identify potential solutions to inform policy actions. The assessments also examine how climate change will affect specific sectors, potential responses, and other policy-driven questions. The most recent assessment began to assess the costs of climate change. The emerging findings show that costs associated with direct climate impacts in California by 2050 are dominated by human mortality, damages to coastal properties, and the potential for droughts and mega-floods. The costs are in the order of tens of billions of dollars.

Integrating local and regional action has been a challenging facet of adaptation in California. One notable effort by the state to support local agencies was the Adaptation Planning Guide (APG). Released in 2012, the APG, was a set of four complementary documents, providing guidance to support communities in addressing the unavoidable consequences of climate change. The APG, developed by the California Emergency Management Agency and CNRA, introduced the basis for climate change adaptation planning and detailed a step-by-step process for local and regional climate vulnerability assessment and

adaptation strategy development. The guide was developed to allow flexibility in the commitment of time, money, and scope. More recently, the California Climate & Agriculture Network conducted a series of focus groups to assess needs by farmers, ranchers, technical assistance providers, and agricultural researchers throughout the state. Participants highlighted that many agricultural climate change risks and adaptation needs are regionally-specific, as are their secondary impacts on local governments, like changes in land use and reduced property tax revenues.

Some cities and counties have already undertaken climate adaptation planning exercises. The resulting plans and documents are useful resources, and represent laudable steps towards implementing climate adaptation. However, if left solely to the ability and ambition of each local government, preparation for climate adaptation may be greater in better-funded areas. All cities in California will ultimately need to plan for climate adaptation in one way or another.

- 3) *Safeguarding California*. The Safeguarding California Plan was last updated in 2018 by CNRA in collaboration with other state agencies. It articulates over 1,000 ongoing actions and next steps, organized by 76 policy recommendations across 11 policy sectors, which were developed through the scientific and policy expertise of staff from 38 state agencies.

The 2018 Update strove to be a comprehensive suite of ongoing and needed adaptation actions by state agencies, which included principles and recommendations to guide and organize adaptation efforts by state agencies. It clearly stated that it was not intended to be a prescriptive policy document for non-state government entities, nor was it intended to be guidelines for local governments on how to adapt to climate change.

While the Safeguarding California Plan has been vital to coordinating and assess the state's efforts and path ahead for climate adaptation—and it will likely be a crucial resource in guiding local adaptation actions—it is not appropriate to expect the Plan to comprehensively guide local and regional adaptation work to the same extent it does state-wide work.

## Comments

- 1) *Purpose of Bill*. According to the author, “Climate change is already affecting California and is projected to continue to do so well into the foreseeable future. Current and projected impacts of climate change include increased temperatures, sea-level rise, intense wildfires, altered precipitation patterns,

excessive flooding, severe drought, and more frequent storm events. These impacts can result in additional consequences including detrimental effects on human health and safety, economic continuity, ecosystem integrity, and provision of basic services.

“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 2621 seeks to fill this gap by developing guidance for potential state, federal, or private investment in funding regional priority adaptation projects across the state and encouraging local and regional entities to collaborate when planning for climate adaptation in a way that promotes regional solutions and improves effectiveness and efficiency of adaptation actions.

- 2) *What work needs to be done?* Adapting to climate change in California will require planning and development across all sectors of the economy and all levels of government. Progress will need to be made quickly, despite working under deep uncertainty and against unprecedented and increasingly frequent disasters.

A series of informational hearings conducted by the Senate Environmental Quality Committee in 2015 addressed the intersection between research and implementation in climate adaptation. Testimony underscored the current and worsening impacts from climate change and the need for coordinating knowledge, tools, and funding so that adaptation is approached efficiently and holistically across government levels and regions. Local leaders called for more alignment of adaptation efforts across the state and regional agencies, as well as more guidance and engagement from the state with regional and local bodies.

Given its size and geographic diversity, climate adaptation in California cannot be a one-size-fits-all effort. At the same time, requiring each and every city and county to undergo its own assessment and planning would require resources those localities may not have. By addressing climate risks on a regional basis, resources and expertise can be pooled, while still being responsive to the specific challenges faced in that area. The regional climate network model that would be created under AB 2621 appears to be a prudent, sensible approach to giving regions the best of both worlds: state-level guidance and local-level knowledge of governments and natural resources.

- 3) *Who should do the work?* This bill originally tasked SGC with the responsibilities to assist and oversee regional climate networks. Amendments in the Assembly Appropriations Committee moved the program to OPR. Particularly given the statutory responsibility of ICARP, OPR may be the appropriate home for such a cross-sector role spanning local, regional, and state efforts.

Much of the work that needs to be done in this space has been considered in the Safeguarding California Plan. The Plan has been, and will remain, an essential resource for evaluating and executing climate adaptation work in California. However, as the Plan itself admits, it is not intended to serve as guidelines for local governments on how to adapt to climate change.

Under the guidance of OPR, the regional climate networks created pursuant to AB 2621 will receive guidance across all levels and sectors. Within ICARP, both the Climate Adaptation Clearinghouse and the Technical Advisory Council will facilitate actions that better prepare California for climate change.

- 4) *Additional clarifications.* The author has continued to refine and clarify this bill as it has been in the committee and would like to add some clarifying amendments. These include modifying the definition of “eligible agency” and some of the guiding planning documents to be considered. *In the interest of time and under the unprecedented circumstances of this legislative session, the committee may wish to consider adopting upon consideration of this bill.* These amendments include:
- a) Removing state conservancies, regional water quality control boards, and the San Francisco Bay Conservation and Development Commission from the definition of “eligible agency”.
  - b) Directing OPR to encourage the inclusion of agencies with land use planning authority into regional climate networks.
  - c) Making 5-year updates to regional plans a goal to be encouraged, not strictly enforced.

- d) Clarifying that local coastal programs only be used to guide regional plans when they have been updated to address sea level rise, and those plans may also build upon coastal management programs.

**Related/Prior Legislation**

AB 2371 (Friedman, 2020) would establish 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 is currently in the Senate Environmental Quality Committee.

SB 246 (Wieckowski, 2015) established the ICARP within OPR to coordinate regional and local adaptation efforts with state climate adaptation strategies. AB 1482 (Gordon, 2015) established a framework for adaptation coordination among state agencies.

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

**SOURCE:** Author

**SUPPORT:**

Association of Bay Area Governments (ABAG)  
California Association of Resource Conservation Districts (CARCD)  
California Climate & Agriculture Network (CALCAN)  
California Tahoe Alliance  
Metropolitan Transportation Commission  
Peninsula Open Space Trust (POST)  
Santa Clara Valley Open Space Authority  
Sierra Business Council  
Silicon Valley Leadership Group  
Valley Vision

**OPPOSITION:**

None received