
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: AB 1640
Author: Ward, et al.
Version: 5/19/2022
Urgency: No
Consultant: Eric Walters

Hearing Date: 6/22/2022
Fiscal: Yes

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

DIGEST: This bill requires the Office of Planning and Research (OPR) to facilitate the creation of regional climate networks and create standards for the development of a regional climate adaptation action 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, and: (GOV §65040.2)
 - 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. Requires ICARP to: (PRC §71354)
 - 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 the California Natural Resources Agency (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,
 - i) Priority actions needed to reduce risks in those sectors, as identified by the lead agency or group of agencies.

This bill:

- 1) Defines terms for the purposes of the sections created by this bill, including but not limited to:
 - a) “Eligible entity” to mean an extensive list of local, regional, tribal, or state organizations, including but not limited to a city, county, regional climate collaborative, regional member of the Alliance of Regional Collaboratives for Climate Adaptation, or nonprofit organization, among others;
 - b) “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; and
 - c) “Vulnerable community” to mean a community with heightened risk and increased sensitivity to climate change that has less capacity and fewer resources to cope with, adapt to, or recover from climate impacts.
- 2) Requires OPR, through ICARP, to publish guidelines on how eligible entities may establish regional climate networks, as specified.
- 3) Permits eligible entities to establish and participate in a regional climate network—provided they notify OPR in writing first—and to develop a regional climate adaptation and resilience action plan.
- 4) Requires OPR to provide technical assistance facilitating the formation of a regional climate network.
- 5) Specifies the activities regional climate networks may participate in, including but not limited to:
 - a) Developing and implementing regional climate adaptation and resilience action plans;
 - b) Facilitating the exchange of best practices and other information between stakeholders and regions;
 - c) Support coordination and capacity building;
 - d) Administering grants;
 - e) Apply for grants from federal and state agencies;
 - f) Enter into and perform contracts;
 - g) Enter into joint power agreements;
 - h) Hire and compensate staff; and
 - i) Establish direct governance procedures and policies, as specified.

Background

- 1) *Adapting to climate risks in 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.

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.

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.

- 2) *Existing adaptation strategies.* California’s adaptation efforts can be traced back to 2008, when Governor Schwarzenegger ordered 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 with coordinated local and regional adaptation action and developments in climate impact science.
- 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.

- 3) *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).

These collaboratives encompass 80% of the state's population. 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, “Currently there are various climate change collaboratives and authorities throughout the state that have been established at the local level. While each collaborative/authority is working to address climate change issues in their particular region, there needs to be consistent best practices or standards available across all areas of the state. AB 1640 seeks to address this by requiring the Office of Planning and Research to adopt guidelines for the establishment of Regional Climate Networks.”
- 2) *Same foundation, different solutions.* As described in the background, many areas in California already have established regional climate planning collaboratives to address the mounting impacts of climate change. However, their basis and structures vary; the San Diego Regional Climate Collaborative was created as a non-profit, the Sonoma Regional Climate Protection Authority was created in statute, and the Bay Area Climate Adaptation Network is a collaboration of local governments. There are also areas in the state, particularly the Central Valley that do not have a regional climate collaborative or authority. There is no consistency with how existing collaboratives have been created.

Given that regions are working on regional adaptation planning, it is important to provide statutory authority to establish Regional Climate Networks so there is consistency and accountability as state (and potentially federal) funds flow through these Networks. By establishing a clear statutory foundation, Regional Networks can build upon clear, uniform authorities to develop the plans and actions that are needed in their specific area.

- 3) *Third time's the charm?* This committee has previously heard and passed out two similar bills, AB 897 (Mullin, 2021) and AB 2621 (Mullin, 2020). Both bills subsequently were held on suspense in the Senate Appropriations Committee.

Language in AB 1640 mirrors language from AB 897 with respect to establishing Regional Climate Networks. They both require OPR to develop and publish on its website guidelines regarding how eligible entities may establish regional climate networks and how governing boards may be established within regional climate networks. The major difference between the two bills is that last year's AB 897 also established criteria for development of

regional adaption plans that this bill does not include. Criteria for development of regional adaptation plans, was instead included in budget trailer bill language from SB 170 (Chapter 240, Statutes of 2020).

In the two years since Assemblymember Mullin introduced AB 2621, the state has taken more actions towards establishing regional climate collaboratives, as well as guiding and funding regional adaptation plans. This bill aligns with current regional adaptation efforts already underway, while also establishing a clear path to establish, disseminate, and follow best practices going forward.

Related/Prior Legislation

AB 897 (Mullin, 2021) would have would directed OPR to facilitate the creation of regional climate networks and create standards for regional climate adaptation and resilience action plans to support the implementation of regional climate adaptation effort. This bill was held on suspense in the Senate Appropriations Suspense File.

AB 2621 (Mullen, 2020) would have required, on or before January 1, 2022, OPR to develop guidelines that establish standards for how a network should develop a regional climate adaptation action plan to gain the approval of the OPR. Required OPR to make recommendations on improving state support for regional climate network. This bill was held on suspense in the Senate Appropriations Committee.

SOURCE: Author

SUPPORT:

Association of California Water Agencies (ACWA)
 CA Association of Local Agency Formation Commissions
 California Association of Resource Conservation Districts
 California Council of Land Trusts
 California Environmental Voters (formerly Clcv)
 California Special Districts Association
 Civicwell (formally the Local Government Commission)
 Edison International and Affiliates, Including Southern California Edison
 Encinitas; City of
 Midpeninsula Regional Open Space District
 Monterey; County of
 San Diego Association of Governments
 San Diego Green New Deal Alliance
 San Diego; City of
 Sandiego350

OPPOSITION:

None received

-- END --