

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1006

Introduced by Senator Pavley

February 10, 2010

An act to ~~add Section 9005 to~~ amend Sections 75125 and 75129 of the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1006, as amended, Pavley. Natural resources: ~~climate change~~. *climate change: Strategic Growth Council.*

Existing law requires the Strategic Growth Council to take certain actions with regard to coordinating programs of member state agencies 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, encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner.

This bill would also require the council to take certain actions with regard to coordinating programs to address climate change impacts. The bill would require the council to provide guidelines and distribute data and information to local governments and regional agencies that will assist in developing and implementing climate change adaptation strategies, projects, or activities, as described.

Existing law requires the council, to support the planning and development of sustainable communities, to manage and award financial assistance to a city, county, or nonprofit organization for the preparation, planning, and implementation of a specified urban greening project.

This bill would, instead, require the council to manage and award financial assistance to a nonprofit organization, council of governments, countywide authority, a metropolitan planning organization, local government, special district, joint powers authority, or entity formed under a joint powers agreement. The bill would provide that grants shall be awarded for those specified activities.

~~Existing law declares that resource conservation is of fundamental importance to the prosperity and welfare of the people of the state. Existing law states that it is the policy of the state to adopt conservation practices to save the basic resources of soil, water, and air from unreasonable and economically preventable waste and destruction.~~

~~There is in state government the Natural Resources Agency. The agency consists of various departments including the Department of Conservation, the Department of Forestry and Fire Protection, the Department of Fish and Game, and the Wildlife Conservation Board.~~

~~This bill would require the Natural Resources Agency, in developing and implementing climate change adaptation strategies and activities, to fully consider and undertake, to the maximum extent practicable, initiatives that, among other things, protect or enhance natural ecosystem functions in relation to wetlands, beaches, flood plains, watersheds, and greenhouse gas emissions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 75125 of the Public Resources Code is
2 amended to read:
3 75125. The council shall do all of the following:
4 (a) Identify and review activities and funding programs of
5 member state agencies that may be coordinated to improve air and
6 water quality, improve natural resource protection, increase the
7 availability of affordable housing, improve transportation, meet
8 the goals of the California Global Warming Solutions Act of 2006
9 (Division 25.5 (commencing with Section 38500) of the Health
10 and Safety Code), *address climate change impacts*, encourage
11 sustainable land use planning, and revitalize urban and community
12 centers in a sustainable manner. At a minimum, the council shall
13 review and comment on the five-year infrastructure plan developed
14 pursuant to Article 2 (commencing with Section 13100) of Chapter

1 2 of Part 3 of Division 3 of the Government Code and the State
2 Environmental Goals and Policy Report developed pursuant to
3 Section 65041 of the Government Code.

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

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

13 *(d) Provide guidelines and distribute data and information to*
14 *local governments and regional agencies that will assist in*
15 *developing and implementing climate change adaptation strategies,*
16 *projects, or activities that do all of the following:*

17 *(1) Protect or enhance natural ecosystem functions.*

18 *(2) Use effective nonstructural approaches to protect*
19 *communities, including practices that utilize, enhance, or mimic*
20 *natural processes and functions.*

21 *(3) Avoid environmental degradation and emission of*
22 *greenhouse gases.*

23 ~~(d)~~

24 (e) Manage and award grants and loans to support the planning
25 and development of sustainable communities, pursuant to Sections
26 75127, 75128, and 75129. To implement this subdivision, the
27 council may do all of the following:

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

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

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

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

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

7 (6) Provide technical assistance for application preparation.

8 (7) Designate a state agency or department to administer
9 technical and financial assistance programs for the disbursing of
10 grants and loans to support the planning and development of
11 sustainable communities, pursuant to Sections 75127, 75128, and
12 75129.

13 (e)

14 (f) No later than July 1, 2010, and every year thereafter, provide
15 a report to the Legislature that shall include, but is not limited to,
16 all of the following:

- 17 (1) A list of applicants for financial assistance.
- 18 (2) Identification of which applications were approved.
- 19 (3) The amounts awarded for each approved application.
- 20 (4) The remaining balance of available funds.
- 21 (5) A report on the proposed or ongoing management of each
22 funded project.

23 (6) Any additional minimum requirements and priorities for a
24 project or plan proposed in a grant or loan application developed
25 and adopted by the council pursuant to subdivision (c) of Section
26 75126.

27 *SEC. 2. Section 75129 of the Public Resources Code is*
28 *amended to read:*

29 75129. (a) To support the planning and development of
30 sustainable communities, the council shall manage and award
31 financial assistance to a ~~city, county, or~~ nonprofit organization,
32 *council of governments, countywide authority, metropolitan*
33 *planning organization, local government, special district, joint*
34 *powers authority, or entity formed pursuant to Chapter 5*
35 *(commencing with Section 6500) of Division 7 of the Government*
36 *Code, if at least one of the parties to the joint powers agreement*
37 *qualifies as an eligible applicant. Grants shall be awarded for the*
38 *preparation, planning, and implementation of an urban greening*
39 *project that provides multiple benefits, including, but not limited*
40 *to, a decrease in air and water pollution, a reduction in the*

1 consumption of natural resources and energy, an increase in the
2 reliability of local water supplies, or an increased adaptability to
3 climate change. An eligible project funded pursuant to this section
4 shall not include a mitigation action that is required under existing
5 law. The financial assistance provided pursuant to this section shall
6 be funded from moneys made available pursuant to subdivision
7 (a) of Section 75065.

8 (b) The council shall develop minimum requirements for funding
9 eligible projects pursuant to this section, which shall require a
10 project to meet at least one of the following criteria:

11 (1) Use natural systems, or systems that mimic natural systems,
12 to achieve the benefits identified in subdivision (a).

13 (2) Create, enhance, or expand community green spaces.

14 (c) The multiple benefits of a project, may include, but are not
15 limited to, the establishment or enhancement of one or more of
16 the following:

17 (1) Tree canopy.

18 (2) Urban forestry.

19 (3) Local parks and open space.

20 (4) Greening of existing public lands and structures, including
21 schools.

22 (5) Multi-objective stormwater projects, including construction
23 of permeable surfaces and collection basins and barriers.

24 (6) Urban streams, including restoration.

25 (7) Community, demonstration, or outdoor education gardens
26 and orchards.

27 (8) Urban heat island mitigation and energy conservation efforts
28 through landscaping and green roof projects.

29 (9) Nonmotorized urban trails that provide safe routes for both
30 recreation and travel between residences, workplaces, commercial
31 centers, and schools.

32 (d) The council shall give additional consideration to a funding
33 project pursuant to this section that meets one or more of the
34 following criteria:

35 (1) The project uses interagency cooperation and integration.

36 (2) The project uses existing public lands and facilitates use of
37 public resources and investments including schools.

38 (3) The project is proposed by an economically disadvantaged
39 community.

1 (e) Up to 25 percent of the moneys allocated pursuant to
2 subdivision (a) of Section 75065 may be used to award revolving
3 loans or grants to a ~~council of governments, countywide authority,~~
4 ~~a metropolitan planning organization, local government, or~~
5 ~~nonprofit organization, council of governments, countywide~~
6 ~~authority, metropolitan planning organization, local government,~~
7 ~~special district, joint powers authority, or entity formed pursuant~~
8 ~~to Chapter 5 (commencing with Section 6500) of Division 7 of the~~
9 ~~Government Code, if at least one of the parties to the joint powers~~
10 ~~agreement qualifies as an eligible applicant. Grants shall be~~
11 ~~awarded for the purpose of creating urban greening plans that will~~
12 ~~serve as the master document guiding and coordinating greening~~
13 ~~projects in the applicant's jurisdiction. These urban greening plans~~
14 ~~shall be consistent with the jurisdiction's general plan or regional~~
15 ~~plan, where one exists.~~

16 ~~SECTION 1. Section 9005 is added to the Public Resources~~
17 ~~Code, to read:~~

18 ~~9005. In developing and implementing climate change~~
19 ~~adaptation strategies and activities, the Natural Resources Agency~~
20 ~~shall fully consider and undertake, to the maximum extent~~
21 ~~practicable, initiatives that do all of the following:~~

22 ~~(a) Protect or enhance natural ecosystem functions, including~~
23 ~~protection, maintenance, or restoration of natural infrastructure as~~
24 ~~wetlands, reefs, beaches, and estuaries to buffer communities from~~
25 ~~floodwaters or storms, watershed protection to maintain water~~
26 ~~quality and groundwater recharge, or flood plain restoration to~~
27 ~~improve natural flood control capacity.~~

28 ~~(b) Use nonstructural approaches to protect communities,~~
29 ~~including practices that utilize, enhance, or mimic the natural~~
30 ~~hydrologic cycle process of infiltration, evapotranspiration, and~~
31 ~~reuse.~~

32 ~~(c) Are consistent with state and federal conservation and~~
33 ~~environmental laws and, to the maximum extent practicable, avoid~~
34 ~~environmental degradation and emission of greenhouse gases.~~

35 ~~(d) Draw upon lessons learned and best practices from existing~~
36 ~~climate change adaptation planning efforts.~~