

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN SENATE JULY 9, 2015

AMENDED IN SENATE JUNE 16, 2015

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1482

**Introduced by Assembly Member Gordon
(Coauthors: Assembly Members Bloom, Rendon, and Mark Stone)**

February 27, 2015

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.

LEGISLATIVE COUNSEL'S DIGEST

AB 1482, as amended, 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 ~~the agency, in coordination with the council, to address the impacts of climate change and climate adaptation by reviewing and coordinating existing grants and programs~~ *state agencies* to maximize specified objectives, including, among others, ~~establishing policy, guidelines, and guidance at the state level promoting the use of the climate adaptation strategy~~ to inform planning decisions and ~~ensuring~~ *ensure* that state investments consider climate change impacts, as well as promote the use of natural systems and natural infrastructure, ~~whenever feasible as defined,~~ when developing physical infrastructure to address adaptation. ~~The bill would require the Office of Planning and Research, by July 1, 2019, to update the state’s Five-Year Infrastructure Plan to take current and future climate impacts into account in all infrastructure projects.~~

This bill also would expand the duties of the council to include ~~aiding the Natural Resources Agency in overseeing and coordinating state agency actions to adapt to climate change and in identifying and pursuing opportunities for state agencies to collaborate with federal or local agencies in their climate adaptation efforts.~~ *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.
 State-mandated local program: no.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California’s climate is changing, posing an escalated threat
- 4 to public health, the environment, the economy, and public and
- 5 private property in the state. The increasing frequency of extreme
- 6 weather events, including floods and heat waves, fires, rising sea
- 7 levels, and changes in hydrology, including diminishing snowpacks
- 8 and more frequent droughts, among other climate change impacts,
- 9 will ~~touch~~ *affect* every part of residents’ lives in the next century

1 and beyond. Planning appropriately for these impacts will help us
2 be better prepared for the future.

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

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

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

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

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

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

26
27 PART 3.7. CLIMATE CHANGE AND CLIMATE
28 ADAPTATION
29

30 71150. For purposes of this part, the following terms have the
31 following meanings:

32 (a) “Agency” means the Natural Resources Agency.

33 (b) “Council” means the Strategic Growth Council.

34 (c) “*Plan*” means the *Safeguarding California Plan*.

35 71152. It is the intent of the Legislature to prioritize the state’s
36 response to the impacts resulting from climate change by ensuring
37 all state departments and agencies prepare for and are ready to
38 respond to the impacts of climate change, such as extreme weather
39 events, the urban heat island effect, habitat loss, wildfire, sea-level
40 rise, and drought. It also is the intent of the Legislature that the

1 agency consider developing policies to address the impacts of
2 climate change and climate adaptation with a focus on people,
3 places, and water and that actions taken to address climate
4 adaptation should be consistent with the ~~Safeguarding California~~
5 ~~Plan~~ *plan*.

6 71153. (a) By July 1, 2017, and every three years thereafter,
7 the agency shall update the state's climate adaptation strategy,
8 ~~known as the Safeguarding California Plan.~~ *plan*. As part of the
9 update, the agency shall coordinate with other state agencies to
10 identify a lead agency or group of agencies to lead adaptation
11 efforts in each sector. The updates to the ~~Safeguarding California~~
12 ~~Plan~~ *plan* shall include all of the following:

13 (1) Vulnerabilities to climate change by sector, as identified by
14 the lead agency or group of agencies, and regions, including, at a
15 minimum, the following sectors:

16 (A) Water.

17 (B) Energy.

18 (C) Transportation.

19 (D) Public health.

20 (E) Agriculture.

21 (F) Emergency services.

22 (G) Forestry.

23 (H) Biodiversity and habitat.

24 (I) Ocean and coastal resources.

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

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

35 ~~(b)~~

36 (c) The agency shall *annually* report to the Legislature, ~~pursuant~~
37 ~~to~~ *consistent with* Section 9795 of the Government Code, on actions
38 taken by *each applicable agency* to implement the ~~Safeguarding~~
39 ~~California Plan.~~ *plan*.

1 ~~(e) By July 1, 2019, the Office of Planning and Research shall~~
2 ~~update the state’s Five-Year Infrastructure Plan to take current and~~
3 ~~future climate change impacts into account in all infrastructure~~
4 ~~projects.~~

5 ~~71154. To address the impacts of climate change and climate~~
6 ~~adaptation, the agency, in coordination with the council, shall~~
7 ~~review and coordinate existing grants and programs to maximize~~
8 ~~the following objectives:~~

9 ~~71154. To address the vulnerabilities identified in the plan,~~
10 ~~state agencies shall work to maximize, where applicable and~~
11 ~~feasible, the following objectives:~~

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

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

22 ~~(e) Establishing policy, guidelines, and guidance at the state~~
23 ~~level, through the implementation of the Safeguarding California~~
24 ~~Plan, to inform planning decisions and ensure that state investments~~
25 ~~consider climate change impacts, as well as promote the use of~~
26 ~~natural systems and natural infrastructure, whenever feasible, when~~
27 ~~developing physical infrastructure to address adaptation.~~

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

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

38 (3) *For purposes of this subdivision, “natural infrastructure”*
39 *means the preservation or restoration of ecological systems or the*
40 *utilization of engineered systems that use ecological processes to*

1 *increase resiliency to climate change, manage other environmental*
2 *hazards, or both. This may include, but need not be limited to,*
3 *flood plain and wetlands restoration or preservation, combining*
4 *levees with restored natural systems to reduce flood risk, and urban*
5 *tree planting to mitigate high heat days.*

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

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

16 (f) Building resilient communities by developing urban greening
17 projects that reduce air pollution and heat reflection in urban areas
18 and create livable, sustainable communities in urban cores to
19 promote infill development and reduce ~~vehicle miles traveled~~
20 *greenhouse gas emissions.*

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

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

31 ~~71156. For the purposes of implementing the objectives of this~~
32 ~~part, the agency, to the extent feasible and in coordination with~~
33 ~~the council, shall identify and coordinate opportunities among its~~
34 ~~departments in expending moneys from all of the following:~~

35 ~~(a) The Greenhouse Gas Reduction Fund, created pursuant to~~
36 ~~Section 16428.8 of the Government Code.~~

37 ~~(b) The Water Quality, Supply, and Infrastructure Improvement~~
38 ~~Act of 2014, approved by the voters as Proposition 1 at the~~
39 ~~November 4, 2014, statewide general election.~~

40 ~~(c) Other state funds.~~

1 ~~71158. The agency shall assess and coordinate across all state~~
2 ~~departments and agencies to identify opportunities that increase~~
3 ~~the ability for state and local infrastructure, people, and habitat~~
4 ~~and wildlife to adapt to the impacts of climate change.~~

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

7 75125. The council shall do all of the following:

8 (a) Identify and review activities and funding programs of
9 ~~member~~ state agencies that may be coordinated to improve air and
10 water quality, improve natural resource protection, increase the
11 availability of affordable housing, improve transportation, meet
12 the goals of the California Global Warming Solutions Act of 2006
13 (Division 25.5 (commencing with Section 38500) of the Health
14 and Safety Code); *and the strategies and priorities developed in*
15 *the state's climate adaptation strategy known as the Safeguarding*
16 *California Plan adopted pursuant to Section 71152*, encourage
17 sustainable land use planning, and revitalize urban and community
18 centers in a sustainable manner. At a minimum, the council shall
19 review and comment on the five-year infrastructure plan developed
20 pursuant to Article 2 (commencing with Section 13100) of Chapter
21 2 of Part 3 of Division 3 of Title 2 of the Government Code and
22 the State Environmental Goals and Policy Report developed
23 pursuant to Section 65041 of the Government Code.

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

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

33 (d) Manage and award grants and loans to support the planning
34 and development of sustainable communities, pursuant to Sections
35 75127, 75128, and 75129. To implement this subdivision, the
36 council may do all of the following:

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

39 (2) Develop criteria for determining the amount of financial
40 assistance to be awarded. The council shall award a revolving loan

1 to an applicant for a planning project, unless the council determines
2 that the applicant lacks the fiscal capacity to carry out the project
3 without a grant. The council may establish criteria that would allow
4 the applicant to illustrate an ongoing commitment of financial
5 resources to ensure the completion of the proposed plan or project.

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

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

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

15 (6) Provide technical assistance for application preparation.

16 (7) Designate a state agency or department to administer
17 technical and financial assistance programs for the disbursing of
18 grants and loans to support the planning and development of
19 sustainable communities, pursuant to Sections 75127, 75128, and
20 75129.

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

- 23 (1) A list of applicants for financial assistance.
- 24 (2) Identification of which applications were approved.
- 25 (3) The amounts awarded for each approved application.
- 26 (4) The remaining balance of available funds.
- 27 (5) A report on the proposed or ongoing management of each
28 funded project.

29 (6) Any additional minimum requirements and priorities for a
30 project or plan proposed in a grant or loan application developed
31 and adopted by the council pursuant to subdivision (c) of Section
32 75126.

33 ~~(f) Aid the Natural Resources Agency in overseeing and~~
34 ~~coordinating state agency actions to adapt to climate change.~~

35 ~~(g) Aid the Natural Resources Agency in identifying and~~
36 ~~pursuing opportunities for state agencies to collaborate with federal~~
37 ~~or local agencies in their climate adaptation efforts.~~