

AMENDED IN ASSEMBLY APRIL 11, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2146**

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**Introduced by Assembly Member Patterson  
(Coauthors: Assembly Members Bigelow, Brough, Chávez, Jones,  
Olsen, and Steinorth)**

February 17, 2016

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An act to ~~amend Section 39719 of the Health and Safety Code, and to add Section 4599 to the Public Resources Code, relating to forestry and fire protection.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2146, as amended, Patterson. Forestry and fire protection: greenhouse gas emissions.

Existing law requires the Department of Forestry and Fire Prevention to implement various fire prevention programs intended to protect forest resources and prevent uncontrollable wildfires. The California Global Warming Solutions Act of 2006 requires that all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available, upon appropriation by the Legislature, for greenhouse gas emissions reduction activities.

This bill would ~~continuously appropriate \$200,000,000 from the annual proceeds of the fund to the department for activities that reduce greenhouse gas emissions in the state caused by uncontrolled forest fires. The bill would provide that an amount not to exceed \$200,000,000~~

*from the fund shall be made available to the department, upon appropriation, for specified activities that reduce greenhouse gas emissions in the state caused by uncontrolled forest fires. The bill would authorize the department to use these funds to provide (1) payments to local governmental entities that carry out fire prevention activities and activities; (2) incentives for actions by private parties to reduce the risk or intensity of wildfires or improve the resiliency of lands prone to wildfires; and (3) funding for the creation and implementation of partnerships between the department and the federal government to reduce the risk or intensity of wildfires or improve the resiliency of federal lands prone to wildfires. The bill would require the department to develop an accounting system to demonstrate that each project awarded funding will provide a long-term reduction of greenhouse gas emissions and to prioritize and fund projects based on the extent to which a project will maximize certain cobenefits, as prescribed.*

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 continues to experience catastrophic wildfires of
- 4 a magnitude previously unknown. Unlike traditional regenerative
- 5 forest fires, modern forest fires are extremely destructive with
- 6 devastating economic and environmental consequences, including
- 7 loss of life and property destruction, job losses, erosion,
- 8 downstream drinking water quality degradation, proliferation of
- 9 nonnative and invasive species, nonnative species choking out
- 10 reemerging native vegetation, soil sterilization, ecosystem
- 11 destruction, and tremendous amounts of greenhouse gas emissions.
- 12 (b) While the state focuses its climate change efforts on reducing
- 13 greenhouse gas emissions from industrial sources, it is turning a
- 14 blind eye to the equally significant greenhouse gas and short-lived
- 15 climate pollutant emissions resulting from forest fires.
- 16 (c) The 2015 calendar year brought disastrous fires of high
- 17 intensity, including the Rough Fire, which burned over 150,000
- 18 acres over a two-months period, injuring 12 people; the 2015
- 19 Valley Fire, which caused four civilian casualties, four injured
- 20 firefighters, over 1,000 destroyed homes, 27 destroyed multifamily

1 structures, and over 600 other structures destroyed, prompting the  
2 declaration of a major disaster from the President of the United  
3 States; and the Butte Fire that continued for over a month, resulting  
4 in two deaths and destroying 475 homes and over 350 other  
5 structures.

6 (d) The 2013 Rim Fire burned over 250,000 acres over 69 days  
7 and caused hundreds of millions of dollars in economic and  
8 environmental damage; destroyed significant habitat for a number  
9 of California's rarest species; and demanded more than \$125  
10 million in firefighting resources. It is estimated that the Rim Fire  
11 released over 11 million metric tons of greenhouse gases, which  
12 is equivalent to the annual emissions of 2.3 million cars. Experts  
13 have attributed the fire's exponential growth to a century's worth  
14 of fuel left behind due to historical fire suppression policies and  
15 practices.

16 (e) The 2007 Angora Fire resulted in roughly 143,000 tons of  
17 greenhouse gas emissions, or approximately 46.2 tons per acre.  
18 Studies indicate that those emissions could have been lowered to  
19 12 tons per acre if the tree density were reduced from  
20 approximately 273 trees per acre to the natural 60 trees per acre  
21 level.

22 ~~SEC. 2. Section 39719 of the Health and Safety Code is~~  
23 ~~amended to read:~~

24 ~~39719. (a) The Legislature shall appropriate the annual~~  
25 ~~proceeds of the fund for the purpose of reducing greenhouse gas~~  
26 ~~emissions in this state in accordance with the requirements of~~  
27 ~~Section 39712.~~

28 ~~(b) To carry out a portion of the requirements of subdivision~~  
29 ~~(a), annual proceeds are continuously appropriated for the~~  
30 ~~following:~~

31 ~~(1) Beginning in the 2015-16 fiscal year, and notwithstanding~~  
32 ~~Section 13340 of the Government Code, 35 percent of annual~~  
33 ~~proceeds are continuously appropriated, without regard to fiscal~~  
34 ~~years, for transit, affordable housing, and sustainable communities~~  
35 ~~programs as follows:~~

36 ~~(A) Ten percent of the annual proceeds of the fund is hereby~~  
37 ~~continuously appropriated to the Transportation Agency for the~~  
38 ~~Transit and Intercity Rail Capital Program created by Part 2~~  
39 ~~(commencing with Section 75220) of Division 44 of the Public~~  
40 ~~Resources Code.~~

1 (B) Five percent of the annual proceeds of the fund is hereby  
2 continuously appropriated to the Low Carbon Transit Operations  
3 Program created by Part 3 (commencing with Section 75230) of  
4 Division 44 of the Public Resources Code. Funds shall be allocated  
5 by the Controller, according to requirements of the program, and  
6 pursuant to the distribution formula in subdivision (b) or (c) of  
7 Section 99312 of, and Sections 99313 and 99314 of, the Public  
8 Utilities Code.

9 (C) Twenty percent of the annual proceeds of the fund is hereby  
10 continuously appropriated to the Strategic Growth Council for the  
11 Affordable Housing and Sustainable Communities Program created  
12 by Part 1 (commencing with Section 75200) of Division 44 of the  
13 Public Resources Code. Of the amount appropriated in this  
14 subparagraph, no less than 10 percent of the annual proceeds, shall  
15 be expended for affordable housing, consistent with the provisions  
16 of that program.

17 (2) Beginning in the 2015–16 fiscal year, notwithstanding  
18 Section 13340 of the Government Code, 25 percent of the annual  
19 proceeds of the fund is hereby continuously appropriated to the  
20 High-Speed Rail Authority for the following components of the  
21 initial operating segment and Phase I Blended System as described  
22 in the 2012 business plan adopted pursuant to Section 185033 of  
23 the Public Utilities Code:

24 (A) Acquisition and construction costs of the project.

25 (B) Environmental review and design costs of the project.

26 (C) Other capital costs of the project.

27 (D) Repayment of any loans made to the authority to fund the  
28 project.

29 (e) Beginning in the 2016–17 fiscal year, and notwithstanding  
30 Section 13340 of the Government Code, two hundred million  
31 dollars (\$200,000,000) of the annual proceeds of the fund is hereby  
32 continuously appropriated to the Department of Forestry and Fire  
33 Protection for activities as described in Section 4599 of the Public  
34 Resources Code.

35 (d) In determining the amount of annual proceeds of the fund  
36 for purposes of the calculation in subdivision (b), the funds subject  
37 to Section 39719.1 shall not be included.

38 SEC. 3.

39 SEC. 2. Section 4599 is added to the Public Resources Code,  
40 to read:

1 4599. (a) The department shall use moneys appropriated  
2 pursuant to subdivision ~~(e)~~ of Section 39719 of the Health and  
3 Safety Code *(f)* to fund activities that reduce greenhouse gas  
4 emissions in the state caused by uncontrolled forest fires, including,  
5 but not limited to, vegetation management, forest overgrowth  
6 reduction, and measures to ensure that future fires are more  
7 consistent with the historic regenerative fire regime.

8 *(b) The department shall develop an accounting system to*  
9 *demonstrate that each project awarded funding pursuant to this*  
10 *section will provide a long-term reduction of greenhouse gas*  
11 *emissions.*

12 *(c) Any person or entity that receives funding pursuant to this*  
13 *section for the treatment or thinning of forest land shall use uneven*  
14 *aged forest management practices for all future timber operations.*

15 ~~(b)~~

16 *(d) The department may, and is encouraged to, use funds*  
17 *appropriated pursuant to subdivision ~~(e)~~ of Section 39719 of the*  
18 *Health and Safety Code (f) to provide both all of the following:*

19 (A) Payments to local governmental entities that carry out fire  
20 prevention activities.

21 (B) Incentives for actions by private parties to reduce the risk  
22 or intensity of wildfires or improve the resiliency of lands prone  
23 to wildfires.

24 *(C) Funding for the creation and implementation of partnerships*  
25 *between the department and the federal government to reduce the*  
26 *risk or intensity of wildfires or improve the resilience of lands*  
27 *prone to wildfires on federal forest lands.*

28 *(e) The department shall prioritize and fund projects based on*  
29 *the extent to which a project will maximize the following cobenefits:*

30 *(1) Restoring watershed health and function.*

31 *(2) Supporting biodiversity and wildlife adaptation to climate*  
32 *change.*

33 *(3) Revitalizing and sustaining rural economies.*

34 *(4) Finding beneficial uses for material removed from the forest.*

35 *(5) Improving public safety as part of holistic forest*  
36 *management.*

37 *(f) An amount not to exceed two hundred million dollars*  
38 *(\$200,000,000) from the Greenhouse Gas Reduction Fund, created*  
39 *pursuant to Section 16428.8 of the Government Code, shall be*  
40 *available, upon appropriation by the Legislature, to implement*

- 1 *this section, consistent with the requirements of Section 39712 of*
- 2 *the Health and Safety Code.*

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