

AMENDED IN SENATE APRIL 4, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1294

Introduced by Senator Pavley
(Coauthor: Senator Hertzberg)

February 19, 2016

An act to add Division 45 (commencing with Section 75300) to the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1294, as amended, Pavley. The Community Climate and Drought Resilience Program of 2016.

Existing law authorizes the Department of Forestry and Fire Protection (CalFire) to implement a program in urban forestry to encourage better tree management and planting in urban areas to increase integrated, multibenefit projects by assisting urban areas with innovative solutions to problems, including greenhouse gas emissions, public health impacts of poor air and water quality, urban heat island effect, stormwater management, water shortages, lack of green space, lack of urban parks that are accessible to pedestrians, vandalism, and insufficient tree maintenance. Existing law authorizes the Department of Resources Recycling and Recovery (CalRecycle) to develop a program to increase the use of compost products in agricultural applications.

This bill would enact the Community Climate and Drought Resilience Program of 2016 and would require CalFire to review the urban forestry program and, if necessary, revise the program to provide funding priority to multibenefit carbon sequestration projects and to establish local or regional targets for urban tree canopy. The bill would require CalRecycle, by July 1, 2017, to develop and implement a program that

provides incentives for certain projects that increase drought resilience and result in quantifiable reductions in the emissions of greenhouse gases through increased carbon sequestration in urban and rural areas.

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 has been a global leader in reducing the emissions*
4 *of greenhouse gases through the California Global Warming*
5 *Solutions Act of 2006 (Division 25.5 (commencing with Section*
6 *38500) of Health and Safety Code) and the Governor's Executive*
7 *orders S-3-05 and B-30-15.*
 - 8 *(b) The state has developed a comprehensive climate adaptation*
9 *strategy document titled "Safeguarding California: Implementation*
10 *Action Plans" and has established the Integrated Climate*
11 *Adaptation and Resiliency Program to further coordinate local*
12 *and regional efforts with the state climate adaptation strategies.*
 - 13 *(c) The state's existing investment in natural infrastructure,*
14 *including urban forest canopy, which helps accomplish both carbon*
15 *sequestration and climate resilience, is at risk due to existing*
16 *drought conditions.*
 - 17 *(d) The drought has heightened awareness and underscored*
18 *the importance of sustainable water management.*
 - 19 *(e) Improved water retention and infiltration can greatly reduce*
20 *reliance on potentially energy-intensive long-distance water*
21 *imports and thereby reduce emissions of greenhouse gases.*
 - 22 *(f) Through carbon sequestration, the protection and*
23 *management of natural and working lands and organic waste*
24 *diversion are both integral to accomplishing the state's policy to*
25 *reduce greenhouse gas levels.*
 - 26 *(g) The state has recently developed a strategy to dramatically*
27 *increase the diversion of organic waste from landfills, with the*
28 *organic waste being used to create compost and mulch.*
 - 29 *(h) Composting and use of organic waste in improved landscape*
30 *and healthy soil management have great potential to be cost*
31 *effective at reducing greenhouse gas levels through improved*

1 *carbon soil sequestration and may also greatly improve water*
2 *retention and infiltration of stormwater flows.*

3 *(i) Composting may also provide important environmental and*
4 *agricultural cobenefits, including reduction of naturally occurring*
5 *volatile organic compounds and ammonia, and may help the state*
6 *address agriculture, dairy, and forestry waste in a proper and*
7 *environmentally responsible manner.*

8 **SECTION 1.**

9 **SEC. 2.** Division 45 (commencing with Section 75300) is added
10 to the Public Resources Code, to read:

11
12 **DIVISION 45. COMMUNITY CLIMATE AND DROUGHT**
13 **RESILIENCE PROGRAM OF 2016**

14
15 **CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS**

16
17 ~~75300. (a) The Legislature finds and declares all of the~~
18 ~~following:~~

19 ~~(1) California has been a global leader in reducing the emissions~~
20 ~~of greenhouse gases through the California Global Warming~~
21 ~~Solutions Act of 2006 (Division 25.5 (commencing with Section~~
22 ~~38500) of Health and Safety Code) and the Governor's Executive~~
23 ~~Orders S-03-05 and B-30-15.~~

24 ~~(2) The state has developed a comprehensive climate adaptation~~
25 ~~strategy document titled "Safeguarding California" and has~~
26 ~~established the integrated Climate Adaptation and Resiliency~~
27 ~~Program to further coordinate local and regional efforts with the~~
28 ~~state climate adaptation strategies.~~

29 ~~(3) The state's existing investment in natural infrastructure,~~
30 ~~including urban forest canopy, which helps accomplish both carbon~~
31 ~~sequestration and climate resilience, is at risk due to existing~~
32 ~~drought conditions.~~

33 ~~(4) The drought has heightened awareness and underscored the~~
34 ~~importance of sustainable water management.~~

35 ~~(5) Improved water retention and infiltration can greatly reduce~~
36 ~~reliance on potentially energy-intensive long-distance water~~
37 ~~imports, and thereby reduce emissions of greenhouse gases.~~

38 ~~(6) Through carbon sequestration, the protection and~~
39 ~~management of natural and working lands and organic waste~~

1 diversion are both integral to accomplishing the state's policy to
2 reduce greenhouse gas levels.

3 ~~(7) The state has recently developed a strategy to dramatically~~
4 ~~increase the diversion of organic waste from landfills, with the~~
5 ~~organic waste being used to create compost and mulch.~~

6 ~~(8) Composting and use of organic waste in improved landscape~~
7 ~~and healthy soil management has great potential to be cost effective~~
8 ~~at reducing greenhouse gas levels through improved carbon soil~~
9 ~~sequestration, and may also greatly improve water retention and~~
10 ~~infiltration of stormwater flows.~~

11 ~~(9) Composting may also provide important environmental and~~
12 ~~agricultural cobenefits, such as reduction of naturally occurring~~
13 ~~volatile organic compounds and ammonia, and may help the state~~
14 ~~address agriculture, dairy, and forestry waste in a proper and~~
15 ~~environmentally responsible manner.~~

16 ~~(b)–~~
17 75300. In enacting this division, it is the intent of the
18 Legislature to do both of the following:

19 ~~(1)~~
20 (a) Establish an innovative natural resource management
21 program that improves carbon sequestration, improves drought
22 preparedness, and helps California communities address the effects
23 of climate change through increased urban forest canopy, carbon
24 soil sequestration, multibenefit stormwater management, organic
25 waste diversion, and community greening.

26 ~~(2)~~
27 (b) Enable opportunities for employment of California's at-risk
28 youth in climate-friendly landscape management strategies,
29 especially in disadvantaged communities.

30 ~~(e)–~~
31 75301. The Department of Forestry and Fire Protection and
32 the Department of Resources Recycling and Recovery, in
33 implementing this division, shall promote policies and incentives
34 that advance all of the following:

35 ~~(1)~~
36 (a) Help urban and rural communities adapt to the effects of
37 climate change.

38 ~~(2)~~
39 (b) Improve water management and drought preparedness.

40 ~~(3)~~

1 (c) Provide workforce training to young men and women in
2 disadvantaged communities.

3 ~~(4)~~

4 (d) Maximize carbon sequestration and ensure the associated
5 greenhouse gas reduction benefits are maintained through both of
6 the following:

7 ~~(A)~~

8 (1) Improvement and continued management of urban forest
9 canopy and carbon soil sequestration.

10 ~~(B)~~

11 (2) Development and application of compost made from organic
12 waste that is diverted from landfills.

13 75305. For purposes of this division, the following definitions
14 apply:

15 (a) “CalFire” means the Department of Forestry and Fire
16 Protection.

17 (b) “CalRecycle” means the Department of Resources Recycling
18 and Recovery.

19 (c) “Disadvantaged communities” means communities identified
20 pursuant to Section 39711 of the Health and Safety Code.

21
22 CHAPTER 2. URBAN FORESTRY
23

24 75310. (a) CalFire shall review the urban forestry program
25 implemented pursuant to the California Urban Forestry Act of
26 1978 (Chapter 2 (commencing with Section 4799.06) of Part 2.5
27 of Division 4), and revise the program, if necessary, to do both of
28 the following:

29 (1) Provide funding priority to multibenefit carbon sequestration
30 projects. Eligible project categories shall include, but are not
31 limited to, all of the following:

32 (A) Mulching, watering, or pruning.

33 (B) The use of onsite water capture, recycled water, and other
34 local water sources.

35 (C) Emergency drought response measures that reduce tree
36 mortality, ensure optimal tree health, and preserve the carbon
37 sequestration and climate resilience benefits of the urban forest.

38 (2) Establish local or regional targets for urban tree canopy,
39 especially in disadvantaged communities that tend to be most
40 vulnerable to urban heat island effect. These targets shall include

1 urban forest diversity, tree species' adaptability to anticipated
2 climate change impacts, and other relevant factors.

3 (b) CalFire shall develop or update its regulations, as necessary,
4 to implement the requirements of the chapter and shall provide
5 both of the following:

6 (1) Planning and technical assistance for eligible applicants
7 assisting disadvantaged communities.

8 (2) Guidance to grantees and local governments regarding best
9 practices and metrics for maintaining urban forest health.

10
11 CHAPTER 3. THE USE OF COMPOST IN FARMING AND
12 LANDSCAPING PRACTICES
13

14 75320. (a) By July 1, 2017, CalRecycle, in consultation with
15 relevant state agencies, shall develop and implement a program
16 that provides incentives for the use of compost from organic waste
17 in farming and landscaping practices that increase drought
18 resilience and result in quantifiable reductions in the emissions of
19 greenhouse gases through increased carbon sequestration in urban
20 and rural areas.

21 (b) In implementing this program, CalRecycle shall enter into
22 an agreement with state-certified conservation corps to assist
23 community outreach, compost delivery and application, and other
24 urban greening projects that are eligible under the program.

25 (c) CalRecycle shall develop and update regulations for the
26 implementation of this chapter.