

AMENDED IN ASSEMBLY AUGUST 6, 2018

AMENDED IN ASSEMBLY JUNE 21, 2018

AMENDED IN ASSEMBLY JUNE 12, 2018

AMENDED IN SENATE MAY 10, 2018

AMENDED IN SENATE APRIL 5, 2018

SENATE BILL

No. 1015

**Introduced by Senator Allen
(Principal coauthor: Senator Dodd)
(Coauthors: Senators Hill, Portantino, and Stern)**

February 7, 2018

An act to add Division 46 (commencing with Section 80200) to the Public Resources Code, relating to climate change.

LEGISLATIVE COUNSEL'S DIGEST

SB 1015, as amended, Allen. ~~California~~ *Natural Resources* Climate Resiliency Program.

Existing law establishes the Wildlife Conservation Board and prescribes the membership and functions and duties of the board with regard to the preservation and protection of natural lands and wildlife habitat. The California Global Warming Solutions Act of 2006 requires 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 be available, upon appropriation by the Legislature, for greenhouse gas emissions reduction activities.

This bill would establish the ~~California~~ *Natural Resources* Climate Resiliency Program to ~~increase resiliency to climate change impacts in~~

~~urban and rural communities throughout the state and to fund the planning and implementation of projects that improve and enhance the climate change resiliency of natural systems, natural and working lands, and developed areas.~~ *plan and implement projects that increase the resiliency of natural systems, natural and working lands, and wildlife habitat in rural and urban areas throughout the state in the face of climate change.* The bill would require that the program be developed and implemented by the Wildlife Conservation Board, in coordination with any participating state conservancies, as defined. The bill would require that moneys from the Greenhouse Gas Reduction Fund, bonds, settlements with conditions consistent with the program, and other revenue sources, upon appropriation in the annual Budget Act, be transferred to the ~~California Natural Resources~~ Climate Change Resiliency Fund (fund), which the bill would create. The bill would require that the board and any participating state conservancies, by June 30, 2019, jointly develop a schedule for the allocation of moneys transferred to the fund pursuant to those provisions to the board and each participating conservancy, as provided. The bill would require that the schedule of allocation be determined based on the geographical scope and population of the jurisdictional area covered by the board and each participating conservancy, *with consideration given to a region's vulnerability to climate change impacts*, and be jointly updated by the board and participating conservancies, not less than once every 5 years, as prescribed. The bill would require that any allocations of moneys from the fund that are included in the schedule of allocation be based on the geographical scope and population of the jurisdictional area covered by the board and each participating conservancy with consideration given to visitor population of the jurisdictional area and the population served by a jurisdictional area even if all or a portion of the population served by the jurisdictional area resides outside of the jurisdictional area. The bill would require that the board and any participating state conservancies expend moneys from the fund for purposes of the program, as prescribed. The bill would also require the board to expend a portion of those moneys to fund projects located in disadvantaged communities, as described, and low-income communities, as defined.

The bill would require the board, in collaboration with state conservancies that are considering participating in the program, no later than January 1, 2020, after a public hearing or other public process, to develop criteria and guidelines for the implementation of the program,

as provided. The bill would authorize the board and each participating conservancy to develop a climate resiliency program pursuant to the bill that prioritizes projects that include specified cobenefits. The bill would require the board and a participating conservancy, after a participating conservancy notifies the board in writing of its interest in the program and completes the above-described criteria and guidelines, to adopt its own climate resiliency plan or climate resiliency program covering its jurisdiction that is consistent with specified objectives and priorities as geographically appropriate, as specified. The bill would authorize the board and any participating state conservancies to award grants to specified public entities and nongovernmental organizations for projects that are consistent with the program. The bill would require the board and any participating state conservancies to each prepare an annual public report on projects undertaken pursuant to the program during the year prior to preparation of the report, 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 is experiencing documented adverse impacts as
4 a result of climate change and it is predicted that these impacts
5 will accelerate.
 - 6 (b) California’s devastating fire season is getting longer and
7 more intense, as evidenced by destructive October fires in northern
8 California and December fires in southern California.
 - 9 (c) This decade produced the worst drought in California’s
10 history, which ended with the second wettest rain and snow season
11 on record.
 - 12 (d) Climate change is driving longer and hotter heat waves,
13 along with increasingly higher average temperatures, which
14 exacerbate the urban heat island effect.
 - 15 (e) All of these climate-change-driven impacts are having
16 detrimental effects on California’s people, communities, and
17 natural resources.
 - 18 (f) California needs to strategically invest in regional projects
19 that enhance the state’s resiliency to climate change, reduce

1 greenhouse gas emissions, and protect and restore California’s
2 natural resources and systems.

3 SEC. 2. Division 46 (commencing with Section 80200) is added
4 to the Public Resources Code, to read:

5

6 DIVISION 46. ~~CALIFORNIA NATURAL RESOURCES~~
7 CLIMATE RESILIENCY PROGRAM

8

9 80200. (a) The ~~California Natural Resources~~ Climate
10 Resiliency Program is hereby created to ~~increase resiliency to~~
11 ~~climate change impacts in urban and rural communities throughout~~
12 ~~the state and to fund the planning and implementation of projects~~
13 ~~that reduce emissions of greenhouse gases and improve and~~
14 ~~enhance the climate change resiliency of natural systems, natural~~
15 ~~and working lands, and developed areas. *plan and implement*~~
16 ~~*projects that increase the resiliency of natural systems, natural*~~
17 ~~*and working lands, and wildlife habitat in rural and urban areas*~~
18 ~~*throughout the state in the face of climate change.*~~ The program
19 shall be developed and implemented by the Wildlife Conservation
20 Board, in coordination with any participating state conservancies.

21 (b) (1) Moneys from the Greenhouse Gas Reduction Fund,
22 created pursuant to Section 16428.8 of the Government Code,
23 bonds, settlements with conditions consistent with this division,
24 and other revenue sources, upon appropriation in the annual Budget
25 Act, shall be transferred to the ~~California Natural Resources~~
26 Climate Change Resiliency Fund, which is hereby created in the
27 State Treasury.

28 (2) The board and any participating state conservancies shall,
29 by June 30, 2019, jointly develop a schedule for the allocation of
30 moneys transferred to the fund pursuant to paragraph (1) to the
31 board and each participating conservancy, which shall include
32 amounts and a timeline for the distribution of moneys transferred
33 to the fund pursuant to that paragraph. The schedule of allocation
34 shall be determined based on the geographical scope and population
35 of the jurisdictional area covered by the board and each
36 participating state conservancy with consideration given to visitor
37 population of the jurisdictional area and the population served by
38 a jurisdictional area even if all or a portion of the population of
39 that area resides outside of the jurisdictional area. *Consideration*
40 *shall also be given to a region’s vulnerability to climate change*

1 *impacts*. The schedule of allocation shall be jointly updated by the
2 board and any participating state conservancies not less than once
3 every five years and prior to any annual budget allocations. Each
4 update shall include any additional conservancy that has notified
5 the board in writing that it has elected to participate in the program.
6 A copy of the schedule of allocation shall be provided to the
7 respective budget committees in the Assembly and the Senate and
8 to the appropriate policy committees in each house with relevant
9 jurisdiction.

10 (3) The board and any participating state conservancies shall
11 expend moneys in the fund for the purposes of the program. A
12 portion of any moneys appropriated pursuant to paragraph (1) shall
13 be used to fund projects located in disadvantaged communities
14 identified pursuant to Section 39711 of the Health and Safety Code
15 and in low-income communities, as defined in Section 39713 of
16 the Health and Safety Code, in order to ensure that the state
17 achieves its goals under Section 39713 of the Health and Safety
18 Code.

19 (c) (1) No later than January 1, 2020, the board, in collaboration
20 with any state conservancies that are considering participating in
21 the program, shall, after a public hearing or other public process,
22 develop criteria and guidelines for the implementation of the
23 program created by this division. The criteria shall include, but
24 not be limited to, standardized measurement and reporting
25 requirements of adaptation benefits and greenhouse gas emissions
26 reductions. In developing those criteria and guidelines, the board
27 and any participating state conservancies shall also consult with
28 the Office of Planning and Research regarding the implementation
29 of the Integrated Climate Adaptation and Resiliency Program
30 established pursuant to Part 4.5 (commencing with Section 71350)
31 of Division 34 and any other state entities, as appropriate, that are
32 responsible for the implementation of programs to address the
33 effects of climate change.

34 (2) The board and each participating state conservancy may
35 develop a climate resiliency program under this division. Any such
36 climate resiliency program adopted *or updated by the board or* by
37 a participating state conservancy shall also prioritize projects that
38 include the following cobenefits:

39 (A) Job creation and training with a preference for at-risk youth
40 employment.

- 1 (B) Recreational opportunities.
- 2 (C) Public health improvement.
- 3 (D) Local community engagement through outreach, education,
- 4 and interpretation as it relates to long-term stewardship and climate
- 5 change awareness.

- 6 (E) *Improved social equity in vulnerable communities.*
- 7 (F) *Protection of natural resources that have cultural or tribal*
- 8 *significance.*

9 (3) *The board shall prioritize funding projects in areas outside*
 10 *the jurisdictional boundaries of participating state conservancies.*

11 (d) (1) After a state conservancy notifies the board in writing
 12 of its interest in the program created by this division and the criteria
 13 and guidelines have been completed pursuant to subdivision (c),
 14 the board and each participating state conservancy shall adopt its
 15 own climate resiliency plan or climate resiliency program that is
 16 consistent with the mission of the board or the participating state
 17 conservancy, and covers climate adaptation and resiliency in its
 18 jurisdiction.

19 (2) The climate resiliency plan or climate resiliency program
 20 required pursuant to paragraph (1) shall outline the board’s or the
 21 participating state conservancy’s activities implementing the
 22 program including, but not limited to, the expenditure of their
 23 allocation from the fund. Eligible activities for a climate resiliency
 24 plan or climate resiliency program may include any of the
 25 following objectives and priorities as geographically appropriate:

26 ~~(A) Acquisition, preservation, and restoration of the wildland~~
 27 ~~urban interface that buffers communities from wildfire, flood, and~~
 28 ~~other natural disasters.~~

29 ~~(B) Acquisition, protection, and restoration of wildlife corridors~~
 30 ~~and habitats, other habitats, or ecosystems at risk due to urban~~
 31 ~~sprawl or climate change.~~

32 ~~(C) Improvement in fish and wildlife habitats on public and~~
 33 ~~private lands for migratory, anadromous, and other~~
 34 ~~climate-vulnerable species using adaptive conservation strategies,~~
 35 ~~including provision of seasonal and temporary habitats, to buffer~~
 36 ~~the impacts of climate change. Investments in conservation actions~~
 37 ~~on private lands shall be in accordance with subdivision (e).~~

38 ~~(D) Improvement of coastal resources to address sea level rise,~~
 39 ~~storm surge, beach and bluff erosion, salt water intrusion, flooding,~~

1 and to preserve and enhance coastal wetlands and natural lands,
2 and to conserve biodiversity.

3 ~~(E) Acquisition, preservation, and restoration of agricultural~~
4 ~~and open space to improve soil health and carbon soil sequestration,~~
5 ~~erosion control, water quality, and water retention, and to provide~~
6 ~~flood control and create habitat.~~

7 ~~(F) Improvement of forest and watershed health through~~
8 ~~hazardous fuels reduction, postfire watershed rehabilitation,~~
9 ~~prescribed or managed burns, invasive species, pest, and disease~~
10 ~~identification and eradication, acquisition of forest conservation~~
11 ~~easements or fee interests, and other fire prevention methods.~~

12 ~~(G) Development, restoration, and maintenance of urban forests,~~
13 ~~river parkways, greenways, creeks and streams, trails, and parks~~
14 ~~that reduce heat island effect, capture stormwater runoff, help~~
15 ~~control or eradicate invasive species, disease, and pests, and~~
16 ~~provide active transportation and recreational opportunities.~~

17 ~~(H) Restoration of watershed health, creation and restoration~~
18 ~~of wetland habitat, provision of benefits to salmon, steelhead, and~~
19 ~~other fisheries, enhancement of stream flows, restoration of~~
20 ~~mountain meadows, reconnection of historical flood plains,~~
21 ~~provision of fish passages, restoration of river channels, control~~
22 ~~of invasive plants, and restoration or enhancement of riparian,~~
23 ~~aquatic, and terrestrial habitat.~~

24 ~~(I) Conservation of water resources through the use of~~
25 ~~drought-efficient landscaping, stormwater capture and filtration,~~
26 ~~impervious surfaces, green roofs, and other forms of water capture~~
27 ~~and storage.~~

28 *(A) Projects on natural lands and working lands to protect*
29 *communities from wildfire, flood, drought, and other natural*
30 *disasters; improve forest and watershed health; control or*
31 *eradicate invasive species, disease, and pests; preserve and restore*
32 *agricultural lands and open space; and improve water quality,*
33 *water retention, erosion control, and carbon soil sequestration.*

34 *(B) Projects that protect, restore, or enhance fish and wildlife*
35 *corridors and habitats and other habitats or ecosystems, including*
36 *seasonal and temporary habitats on public or private lands to*
37 *buffer the impacts of climate change on vulnerable species.*
38 *Investments in conservation actions on private lands shall be in*
39 *accordance with subdivision (c) of Section 80002.*

1 (C) *Projects to address sea level rise, storm surge, beach and*
2 *bluff erosion, saltwater intrusion, and flooding, to preserve and*
3 *enhance coastal wetlands and natural lands, and to conserve*
4 *biodiversity.*

5 (D) *Projects that reduce heat island effect, conserve water*
6 *resources, capture stormwater runoff, restore and maintain river*
7 *parkways, greenways, creeks and streams, trails, and parks, and*
8 *provide active transportation and recreational opportunities.*

9 (3) To satisfy the requirements of paragraphs (1) and (2), the
10 board and any state conservancy may update an existing plan or
11 program to meet the requirements for a climate resiliency plan or
12 climate resiliency program developed pursuant to paragraphs (1)
13 and (2). The State Coastal Conservancy's Climate Ready Program
14 developed pursuant to the requirements of Section 31113 is an
15 existing climate resiliency program for purposes of this division.

16 (4) Projects eligible under this program shall, to the extent
17 applicable and appropriate, have enduring benefits, include a
18 monitoring program, and incorporate adaptive management
19 strategies and best practices.

20 (5) *Projects designed for the benefit of fish and wildlife shall*
21 *be consistent with the most recent State Wildlife Action Plan.*

22 (e) (1) The board and any participating state conservancies may
23 award grants to entities, including, but not limited to, public
24 agencies, nongovernmental organizations, park and open-space
25 districts and authorities, resource conservation districts, joint
26 powers authorities, federally recognized Native American tribes
27 and nonfederally recognized Native American tribes listed on the
28 California Tribal Consultation List maintained by the Native
29 American Heritage Commission, entities responsible for
30 implementing natural community conservation plans or regional
31 habitat conservation plans, and regional collaboratives for climate
32 adaptation, for projects and programs that are consistent with this
33 division.

34 (2) The board may award grants for ecosystem restoration
35 projects, as set forth in Chapters 611, 612, 613, and 614 of the
36 Statutes of 2003, as well as other existing programs that are
37 consistent with this division.

38 (3) The San Gabriel and Lower Los Angeles Rivers and
39 Mountains Conservancy may directly implement or award grants
40 to fund projects consistent with this division that are part of the

1 Lower Los Angeles River Revitalization Plan. The Santa Monica
2 Mountains Conservancy may directly implement or award grants
3 to fund projects consistent with this division that are a part of the
4 revitalization plan developed by the Upper Los Angeles River and
5 Tributaries Working Group pursuant to Section 33220.

6 (f) The board and any participating state conservancies shall
7 each prepare an annual public report on projects undertaken
8 pursuant to this program during the year prior to preparation of
9 the report. This report may be incorporated, as applicable, into an
10 existing reporting ~~requirement~~. *requirement and shall be submitted*
11 *to the Office of Planning and Research's Integrated Climate*
12 *Adaptation and Resiliency Program, to be added to the State*
13 *Adaptation Clearinghouse.*

14 (g) *Nothing in this division is intended to supplant any existing*
15 *program or the existing authority of any state entity.*

16 80201. For purposes of this division, the following terms have
17 the following meanings:

18 (a) "Fund" means the ~~California~~ *Natural Resources Climate*
19 *Change Resiliency Fund* created in Section 80200.

20 (b) "Participating state conservancy" means a state conservancy
21 that has notified the board in writing that it has elected to
22 participate in the program established pursuant to this division.