

Date of Hearing: April 28, 2021

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Luz Rivas, Chair

AB 1431 (Frazier) – As Introduced February 19, 2021

SUBJECT: Forestry: forest carbon plan: state goals

SUMMARY: Establishes specified state goals for fuel treatment and vegetation management contained in the California Forest Carbon Plan (Plan). Requires, on or before January 1, 2023, the Natural Resources Agency (NRA) and the California Environmental Protection Agency (CalEPA) to submit a report to the appropriate policy and budget committees of the Legislature on the positions and resources needed to achieve the state goals.

EXISTING LAW:

- 1) Requires the Board of Forestry and Fire Protection (Board) to classify all lands within the state for the purpose of determining areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state [known as the State Responsibility Area (SRA)].
- 2) Requires The Department of Forestry and Fire Protection CAL FIRE to identify certain areas in the local responsibility area (LRA) as very high fire hazard severity zones (VHFHSZ) based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas.
- 3) Requires the Secretary of NRA to create a working group on expanding wood product markets that can utilize woody biomass, especially biomass removed from high hazard zones, as determined by CAL FIRE.
- 4) Requires the NRA, in consultation with the State Fire Marshal (SFM) and the Forest Management Task Force (FMTF), to review regional capacity of each county that contains a VHFHSZ.
- 5) Establishes a local assistance grant program at CAL FIRE to improve fire prevention in California and ensure that fire prevention activities happen year round.
- 6) Requires the Board to develop criteria and maintain a "Fire Risk Adapted Community" list of local agencies that meet best practices for local fire planning. Prioritizes local agencies on the list for CAL FIRE's local assistance fire prevention grants.
- 7) Requires, pursuant to SB 901 (Dodd), Chapter 626, Statutes of 2018, the following appropriations from the Greenhouse Gas Reduction Fund (GGRF) be made through the 2023-24 Fiscal Year to CAL FIRE:
 - a) \$165 million for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires.
 - b) \$35 million to complete prescribed fire and other fuel reduction projects through proven forestry practices consistent with the recommendations of the Forest Carbon Plan,

including the operation of year-round prescribed fire crews and implementation of a research and monitoring program for climate change adaptation.

THIS BILL:

- 1) Makes various findings about wildfires and the Plan, including that the Plan has yet to be adequately implemented due to funding and workforce challenges, and the general lack of urgency to address California's significant forest and wildland management deficiencies.
- 2) Establishes as state goals for fuel treatment and vegetation management all of the following:
 - a) Increase forest restoration and fuel treatment from 17,500 acres to 60,000 acres per year by 2030;
 - b) Increase the area reforested annually by 25% above 2018 levels;
 - c) Increase vegetation management to 500,000 acres per year on nonfederal lands;
 - d) Urge the federal government to achieve similar treatment levels on federal lands;
 - e) Expand wood products manufacturing in the state;
 - f) Increase carbon storage through increased use of durable wood products in buildings;
 - g) Streamline the planning and permitting for forest restoration and forest health projects;
 - h) Reduce small landowners' financial barriers to land management;
 - i) Increase by 10% the acreage of forest land protected by conservation easements that include specified management objectives. Specifies that conservation easements are required to focus on areas that can effectively sequester and store resilient carbon while providing wildfire habitat, protecting watershed values, and supporting other forest ecosystem benefits.
 - j) Requires, on or before January 1, 2023, the NRA and CalEPA to submit a report to the appropriate policy and budget committees of the Legislature on the positions and resources needed to achieve the state goals.

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement:**

In 2018, a broad representation of local, state and federal agencies finalized the California Forest Carbon Plan to set goals for the treatment of California's forests to prevent and reduce greenhouse gas emissions from high severity wildfires while promoting carbon sequestration in forests and wildlands. The Plan is the result of several years of careful collaboration and includes vegetation management and fuels treatment strategies such as prescribed fire, mechanical thinning and woody biomass utilization, all of which have been widely

scientifically recognized to reduce greenhouse gas emissions associated with high severity wildfires.

While often cited as a roadmap for reducing emissions from California's devastating wildfires, the California Forest Carbon Plan has no statutory authority behind it and has not been nearly as effective as it could in helping California meet its greenhouse gas reduction goals. By codifying various goals of the California Forest Carbon Plan, AB 1431 would stress the urgency of reducing greenhouse gas emissions from wildfires while placing accountability on the agencies responsible for implementing programs and projects to meet those goals. AB 1431 would also allow the Legislature greater oversight by requiring NRA and CalEPA to report annually on the progress of meeting the goals outlined in the Plan.

- 2) **Background.** Wildfires in California are continuing to increase in frequency and intensity, resulting in loss of life and damage to public health, property, infrastructure, and ecosystems. In 2020, wildfires burned more than 4.1 million acres. The August Complex Fire in northern California, the largest fire in California's modern history, burned over one million acres. In total, wildfires caused 33 deaths and destroyed over 10,000 structures in 2020. The land area burned in 2020 more than doubled the previous record, roughly 1.8 million acres, which was set in 2018. Furthermore, seven of the state's deadliest fires have occurred since 2017, with over 100 fatalities in 2017 and 2018.

Fire has always been present in California landscapes, either ignited by lightning strikes or by Native American tribes to preserve certain useful plants and prevent larger fires. Low-intensity fires have clear ecological benefits, such as creating habitat and assisting in the regeneration of certain species of plants and trees. Low-intensity fire also reduces surface fuel, which decreases future wildfire intensity.

A century of suppressing low-intensity fires, logging of older growth and more fire-resistant trees, and a significant five-year drought has increased the size and severity of California's fires. Climate change has also contributed to wildfire risk by reducing humidity and precipitation and increasing temperatures.

The use of targeted mechanical vegetation management, prescribed fire, and managed wildfire reduces the accumulated high fuel loads, promoting healthier, more resilient forests, reducing the risk of high-severity wildfires.

SB 901 (Dodd), Chapter 626, Statutes of 2018, committed \$1 billion for CAL FIRE's Forest Health Grant Program and Fire Prevention Grant Program and dedicated fuel reduction crews over five years. The funds are meant to be used to do significant fuel reduction work near communities and in forested watersheds, and many projects will include a biomass utilization component. Approximately half of this commitment has already been spent.

On January 8, 2021, the Governor's Budget proposed \$1 billion to support the FMTF's Wildfire and Forest Resilience Action Plan; the plan included early action items and an extension of the SB 901 funding commitment for an additional five years, until Fiscal Year 2028-29. The wildfire early action expenditure plan contained in SB 85 (Committee on

Budget and Fiscal Review, 2021) appropriated \$536 million to 15 different state agencies for fire prevention activities.

3) **Forest Carbon Plan.** In May 2018, The Plan was released. According to the Plan:

Forested lands are... the largest land-based carbon sink with trees and underbrush drawing carbon from the atmosphere and storing it in their cellulosic structure and in forest soils. Growing evidence, however, suggests these lands will become a source of overall net GHG emissions if actions are not taken to enhance their health and resilience and to reduce the threats they face from wildfire, insects, disease, and a changing climate.

The Plan was written by the Forest Climate Action Team, which includes various state agencies, federal agencies, and local governments. The lead drafters of the Plan were CAL FIRE, NRA, and CalEPA. The Plan included various findings, proposed actions, and recommendations for implementation to “reverse historic adverse trends and firmly establish California’s forests as a more resilient and reliable long-term carbon sink, rather than a GHG and black carbon emission source.” Also in May of 2018, Governor Brown issued Executive Order B-52-18 to combat dangerous tree mortality, increase the ability of our forests to capture carbon and systematically improve forest management. The Executive Order was aligned with the various findings, proposed actions, and recommendations for implementation of the Plan.

Key elements of the Plan include:

- a) By 2020, increase the rate of forest restoration and fuels treatment, including prescribed fire, from the recent average of 17,500 acre/years to 35,000 acres per year;
- b) By 2030, further increase the rate of forest restoration and fuels treatment to 60,000 acres per year;
- c) By 2030, increase the area reforested annually by 25% above the current level;
- d) By 2025, expand areas of high priority habitat by 5% above current levels, as provided in the State Wildlife Action Plan;
- e) Ensure that timber operations conducted under the Forest Practice Act and Rules contribute to the achievement of healthy and resilient forests that are net sinks of carbon;
- f) Promote increasing the acreage of forest carbon projects and remove barriers to their implementation;
- g) Increase the rate of treatment to approximately 500,000 acres per year on non-federal lands to make an ecologically meaningful difference at a landscape scale;
- h) By 2020, on lands managed by the USDA Forest Service, increase health and resiliency treatments from the current approximately 250,000 acres per year to 500,000 acres per year;
- i) Expand wood products manufacturing in California;

- j) Increase the total volume of carbon stored through greater use of durable wood products;
 - k) By 2030, increase the acreage of forestland protected by conservation easements by 10% with a focus on areas that are threatened by development; and
 - l) By 2030, increase total urban tree canopy statewide by 10% above current levels.
- 4) **New Governor, New Plan.** The Plan was developed under Governor Brown, who also created the Governor’s Forest Management Task Force (FMTF). The FMTF continued its work under Governor Newsom. On January 8, 2021, the Governor’s FMTF released a comprehensive action plan entitled “California’s Wildfire and Forest Resilience Action Plan” (action plan) to reduce wildfire risk for vulnerable communities, improve the health of forests and wildlands, and accelerate action to combat climate change. Many of the goals contained in the action plan overlap, and in some cases conflict, with the goals of the Plan. One reason for the differences in the plans is because the 2020 wildfires grew even larger and more widespread than prior years, and therefore the level of action had to increase. The state may go from committing \$1 billion over five years pursuant to SB 901 to appropriating over \$1 billion in 2021. By codifying portions of the Plan this bill may undermine the more audacious goals outlined in the action plan. One example is the bill states a state goal to increase forest restoration and fuels treatment from 17,500 acres to 60,000 acres per year by 2030. However, the action plan states, “CAL FIRE has increased its forest thinning and prescribed fire activities from about 30,000 acres in 2016 to more than 50,000 acres in 2020.” The bill needs to reconcile the new plan with the old one to have goals that align.
- 5) **Amendments.** The author and committee *may wish to consider* making the following amendments:
- a) Remove problematic findings;
 - b) Specify state goals will also build on the action plan;
 - c) Adjust goals to be consistent with the action plan;
 - d) Add important goals contained in the Plan and action plan related to habitat and urban forestry;
 - e) Specify that vegetation management goals established by this bill are for activities that improve the fire resiliency of the landscape where they are conducted and reduce the fire spread, duration, and intensity, fuel ignitability, or ignition of tree crowns, as applicable; and,
 - f) Make other technical and clarifying changes.
- 6) **Related legislation.**
- SB 456 (Laird) requires, by January 1, 2022, the FMTF to develop a comprehensive implementation strategy to achieve the goals and key actions identified in the state’s “Wildfire and Forest Resilience Action Plan” issued by the task force in January 2021. This bill is scheduled to be heard in the Senate Natural Resources and Water Committee on April 27th.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California Water Agencies
Little Hoover Commission
Rural County Representatives of California

Opposition

None on file

Analysis Prepared by: Michael Jarred / NAT. RES. /