

Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Luz Rivas, Chair

AB 67 (Petrie-Norris) – As Amended April 5, 2020

SUBJECT: Sea level rise: working group: economic analysis

SUMMARY: Requires a state agency to take into account the current and future impacts of sea level rise based on specified projections when planning, designing, building, operating, maintaining, and investing in infrastructure located in areas vulnerable to flooding from sea level rise or storm surges. Requires, on or before March 1, 2022, the Ocean Protection Council (OPC) to establish a multiagency working group on sea level rise to provide recommended policies, resolutions, projects, and other actions to address sea level rise.

EXISTING LAW:

- 1) Requires the California Coastal Commission (CCC) to protect, conserve, restore, and enhance the state's coastal resources.
- 2) Authorizes the San Francisco Bay Conservation and Development Commission (BCDC), in coordination with local governments, regional councils of government, and other agencies and interested parties, to develop regional strategies for addressing the impacts of, and adapting to, the effects of sea level rise and other impacts of global climate change on the San Francisco Bay and affected shoreline areas.
- 3) Requires state agencies to take into account the current and future impacts of climate change when planning, designing, building, operating, maintaining and investing in state infrastructure.
- 4) Requires the Natural Resources Agency (NRA) to update its climate adaptation strategy, the Safeguarding California Plan (Plan), by July 1, 2017, and every three years thereafter, by coordinating adaptation activities among lead state agencies in each sector.
- 5) Establishes the Climate Ready Program to be administered by the State Coastal Conservancy (SCC).
- 6) Requires the OPC to develop and implement a coastal climate change adaptation, infrastructure, and readiness program to recommend best practices and strategies to improve the climate change resiliency of the state's coastal communities, infrastructure, and habitat.
- 7) Protects, pursuant to the common law doctrine of the public trust (Public Trust Doctrine), the public's right to use California's waterways for commerce, navigation, fishing, boating, natural habitat protection, and other water-oriented activities. The Public Trust Doctrine provides that filled and unfilled tide and submerged lands and the beds of lakes, streams, and other navigable waterways (public trust lands) are to be held in trust by the state for the benefit of the people of California.
- 8) Requires the State Lands Commission (SLC) to be the steward and manager of the state's public trust lands. SLC has direct administrative control over the state's public trust lands

and oversight authority over public trust lands granted by the Legislature to local governments.

- 9) Requires a local trustee of granted public trust lands whose annual gross public trust revenues exceed \$250,000 to prepare and submit to the SLC an assessment of how it proposes to address sea level rise.

THIS BILL:

- 1) Requires a state agency to take into account the current and future impacts of sea level rise based on projections provided by the OPC when planning, designing, building, operating, maintaining, and investing in infrastructure located in the coastal zone, BCDC's jurisdiction, or otherwise vulnerable to flooding from sea level rise or storm surges, such as airports, rail lines, streets and highways, pipelines, wastewater treatment plants, schools, hospitals, and other facilities, or otherwise approving the allocation of state funds including, but not limited to, bonds, grants, and loans, for these purposes.
- 2) Prohibits new or expanded infrastructure vulnerable to sea level rise, supported in whole or in part by state funds, from qualifying for state funds unless the project is not anticipated to be vulnerable to sea level rise risks funding the life of that project.
- 3) Authorizes specified projects such as minor repairs of existing infrastructure within areas vulnerable to sea level rise to be exempt from the specified sea level rise vulnerability requirements under specified conditions.
- 4) Requires, on or before March 1, 2022, the OPC, in consultation with the Office of Planning and Research (OPR), to establish a multiagency working group on sea level rise to provide recommended policies, resolutions, projects, and other actions to address sea level rise.
- 5) Requires the working group to consist of all of the following:
 - a) The executive director of the OPC as the chair;
 - b) One or more representatives from the OPR;
 - c) One or more representatives from the Strategic Growth Council (SGC);
 - d) One or more representatives from the CCC;
 - e) One or more representatives from the SCC;
 - f) One or more representatives from the State Water Resources Control Board;
 - g) One person, appointed by the Governor, from an academic institution who has expertise in climate change projections and impacts across California;
 - h) One or more representatives from BCDC; and
 - i) One or more representatives from the SLC.
- 6) Requires the OPC, in consultation with the working group, to do all of the following:

- a) On or before January 1, 2023, develop a standard methodology and template for conducting economic analyses of risks and adaptation strategies associated with sea level rise, including the risk of taking no action, to be shared with the NRA, the California Environmental Protection Agency, the State Controller, and local governments. Requires the methodology and template to be reviewed every two years and updated as needed.
 - b) On or before January 1, 2024, develop and publish a class-specific infrastructure resilience plan, which includes recommendations and is focused on specified infrastructure. Requires the class-specific infrastructure resilience plan to be submitted to the working group and the SGC.
 - c) Identify actions to advance climate-safe infrastructure in frontline and low-income communities from the impacts of sea level rise and coastal flooding.
 - d) Integrate various Sea-Level documents into ICARP.
 - e) Requires a state agency to conduct a sea level rise analysis for any state-funded infrastructure project located in the coastal zone, within the jurisdiction of the BCDC or otherwise vulnerable to flooding from sea level rise or storm surges, as specified.
- 7) Authorizes the State Controller to conduct audits of state agencies and consult with working group member agencies to verify and ensure compliance with specified portions of this bill.

FISCAL EFFECT: Unknown

COMMENTS:

1) Author's statement:

It is in our best interest as a state to address sea level rise in a systemic way. Local governments are struggling to develop and implement strategies to prepare for sea level rise, and they need tools to help make these decisions. To support local sea level rise efforts, the state must provide additional information, assistance and support. Delaying sea level rise preparations and continuing to build in sea-level flood zones will result in lost opportunities and higher costs. California must act now.

- 2) **Sea Level Rise.** According to the Fourth Climate Change Assessment, California is one of the most "climate-challenged" regions of North America and must actively plan and implement strategies to prepare for and adapt to extreme events and shifts in previously "normal" averages. The report stated that climate change impacts are here, including the following:

- a) Temperatures are warming, heat waves are more frequent, and precipitation has become increasingly variable.
- b) Glaciers in the Sierra Nevada have lost an average of 70% of their area since the start of the 20th century.

- c) The sea level along the central and southern California coast has risen more than 5.9 inches over the 20th century. Recently, even moderate tides and storms have produced extremely high sea levels—La Jolla’s all time highest sea level occurred in November 2015 under a high astronomical tide and a moderate storm.

Climate risks in California include sea level rise, changes in precipitation that increase the risk of both drought and flooding, and increases in temperatures that can affect air quality and habitat.

While Climate scientists have developed a consensus that one of the effects of a warming planet is that global sea levels will rise. The degree and timing of sea level rise, however, is still uncertain, and depends in part, upon whether global greenhouse gas emissions and temperatures continue to increase. The magnitude of sea level rise is projected to be about half of 1 foot in 2030 and as much as 7 feet by 2100.

The potential changes in sea levels and coastal storms will impact both human and natural resources along the coast. These events will increase the risk of flooding and inundation of buildings, infrastructure, wetlands, and groundwater basins. A 2015 economic assessment by the Risky Business Project estimated that if current global greenhouse gas emission trends continue, between \$8 billion and \$10 billion of existing property in California is likely to be underwater by 2050, with an additional \$6 billion to \$10 billion at risk during high tide. A recent study by researchers from the U.S. Geological Survey (USGS) estimates that by 2100, roughly 6 feet of sea level rise and recurring annual storms could impact over 480,000 California residents (based on 2010 census data) and \$119 billion in property value (in 2010 dollars). When adding the potential impacts of a 100- year storm, these estimates increase to 600,000 people and over \$150 billion of property value.

Rising seas will also erode coastal cliffs, dunes, and beaches—affecting shorefront infrastructure, houses, businesses, and recreation. The state’s Safeguarding California Plan cites that for every foot of sea level rise, 50 to 100 feet of beach width could be lost. Moreover, a recent scientific study by USGS researchers predicted that under scenarios of 3 to 6 feet of sea level rise—and absent actions to mitigate such impacts—up to two- thirds of Southern California beaches may become completely eroded by the year 2100.

In December 2019, The Legislative Analyst Office released a report entitled “Preparing for Rising Seas: How the State Can Help Support Local Coastal Adaptation Efforts” which outlined the impacts and issues facing state, regional, and local government related to sea level rise. The report stated that “coastal adaptation activities can help lessen sea level rise impacts” and made several policy recommendations to plan and reduce sea level rise impacts.

Sea Level Rise also threatens the state’s infrastructure, such as water and transportation infrastructure, located within and near the coastal zone and in the BCDC’s jurisdiction. The OPC’s State of California Sea-Level Rise Guidance and the CCC’s Sea Level Rise Policy Guidance recommend evaluating the expected impacts to infrastructure caused by approximately 10 feet of sea level rise over the next 80 years, using what is known as the H++ scenario, along with other sea level rise

scenarios. In addition, in May 2020, the CCC adopted “Making California’s Coast Resilient to Sea Level Rise: Principles for Aligned State Action” which recommends addressing a minimum of 3.5 feet of sea level rise in the next 30 years.

3) **Related/prior legislation.**

SB 1 (Atkins) establishes the California Sea Level Rise State and Regional Support Collaborative within the Ocean Protection Council (OPC) to provide state and regional information to the public and support to local, regional, and other state agencies for the identification, assessment, planning, and, where feasible, the mitigation of the adverse environmental, social, and economic effects of sea level rise within the coastal zone and the area under the jurisdiction of the San Francisco Bay Conservation and Development Commission. This bill is awaiting hearing in the Senate Environmental Quality Committee.

SB 45 (Portantino) would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, subject to approval by the voters in the November 8, 2022 general election, would authorize the issuance of \$5.51 billion in general obligation bonds to finance projects for wildfire prevention, safe drinking water, sea level rise, drought preparation, and flood protection. This bill is awaiting hearing in the Senate Governance and Finance Committee.

AB 1500 (E. Garcia) would, subject to approval by the voters in the November 8, 2022 general election, authorize a \$6.7 billion general obligation bond to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, sea level rise, and workforce development programs. This bill passed out of the the Assembly Water, Parks, and Wildlife Committee on a 9-0 vote.

SB 576 (Umberg), Chapter 374, Statutes of 2019, establishes the Climate Ready Program to be administered by the SCC. This bill requires the OPC to develop and implement a coastal climate change adaptation, infrastructure, and readiness program to recommend best practices and strategies to improve the climate change resiliency of the state’s coastal communities, infrastructure, and habitat.

REGISTERED SUPPORT / OPPOSITION:

Support

California Coastkeeper Alliance (sponsor)
 California Coastal Protection Network
 California State Parks Foundation
 California Watershed Network
 Coachella Valley Waterkeeper
 Defenders of Wildlife
 Friends of Harbors, Beaches and Parks
 Greenbelt Alliance
 Humboldt Baykeeper
 Inland Empire Waterkeeper
 League of Women Voters of California
 Los Angeles Waterkeeper
 Monterey Coastkeeper

Orange County Coastkeeper
Russian Riverkeeper
San Diego Coastkeeper
Santa Barbara Channelkeeper
Sierra Club
Surfrider Foundation
The Trust for Public Land
Union of Concerned Scientists
Yuba River Waterkeeper

Opposition

None on file

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