

Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Luz Rivas, Chair

AB 72 (Petrie-Norris) – As Introduced December 7, 2020

SUBJECT: Environmental protection: Natural Resources Agency: coastal adaptation projects: sea level rise: regulatory review and permitting: report

SUMMARY: Establishes the Coastal Adaptation Permitting Act of 2021.

EXISTING LAW:

- 1) Requires the Natural Resources Agency (NRA) to update the state's plan for climate adaptation, 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.
- 2) Establishes the Integrated Climate Adaptation and Resiliency Program (ICARP) within the Office of Planning and Research to coordinate regional, local, and state efforts to adapt to climate change. Requires ICARP to:
 - a) Pursue an emphasis on climate equity across sectors and strategies that benefit both greenhouse gas (GHG) emissions reductions and adaptation efforts;
 - b) Require program efforts including, but not limited to, working with and coordinating local and regional efforts for climate adaptation and resilience; and,
 - c) Maintain a continued data clearinghouse on climate change and climate adaptation for the purposes of facilitating educated state and local policy decisions.

THIS BILL establishes the Coastal Adaptation Permitting Act of 2021, which:

- 1) Requires the NRA to explore, and authorizes it to implement, options within its jurisdiction to establish a more coordinated and efficient regulatory review and permitting process for coastal adaptation projects.
- 2) By July 1, 2023, requires the NRA to report to the Legislature on suggestions and recommendations for improving and expediting the regulatory review and permitting process for coastal adaptation projects.
- 3) Defines "coastal adaptation projects" as activities intended or designated to address, mitigate, or prevent the adverse social and economic effects of sea level rise.

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement:**

The California coast is 840 miles of breathtaking beauty, home to 70% of Californians and a major engine of our State's economy. All of which is under

profound threat from SLR. Over the course of this century, sea levels are expected to rise by seven feet. In California's coastal communities, millions of people and billions of dollars are at risk. Scientists have determined that coastal adaptation initiatives are one of the most promising strategies to combat sea level rise. However, coastal adaptation efforts in California face many challenges; including high cost, lack of available resources and a highly complicated approval process for coastal adaptation projects. We need this bill in order to cut unproductive Green Tape.

- 2) **Climate adaptation/resilience.** 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 previous 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, extreme storm and weather events, changes in precipitation that increase the risk of both drought and flooding, and increases in temperatures that can affect public health, air quality, and habitat.

Extreme storm and weather events are changing the coast of California, which is exacerbated by sea level rise, causing increased flooding and inundation, coastal erosion, changes in sediment supply and movement, and saltwater intrusion to water supplies. The degree of impact and rate of change sea level rise has on coastal communities and ecosystems varies widely along the state's 1,200-mile coastline. The sea level along the state's coastline is currently predicted to rise by as much as six inches by 2030 and up to seven feet by 2100.

A significant challenge in understanding and addressing the impacts of climate change is California's natural and historic cycles of drought, flooding, wildfires, and heat waves. Climate change exacerbates California's historic climate issues. This creates confusion about what solutions are truly addressing climate impacts versus historic issues caused by poor water management, bad land use decisions, and low-severity fire exclusion.

California is a leader in reducing GHG emissions. However, climate change is a global problem, and many other states and counties, including the United States, have not taken the actions necessary to curb GHG emissions. The level of climate impacts California will experience in the future will depend on the global level of GHG emissions.

In addition to controlling GHG emissions, California has been planning for the impacts of climate change for over a decade. In 2009, the NRA described adaptation as a relatively new concept in California policy and stated the term means, “efforts that respond to the impacts of climate change – adjustments in natural or human systems to actual or expected climate changes to minimize harm or take advantage of beneficial opportunities.”

California’s adaptation efforts can be traced back to 2008, when Governor Schwarzenegger ordered the NRA, through the Climate Action Team, to coordinate with local, regional, state, federal, public, and private entities to develop, by 2009, the state’s Climate Adaptation Strategy (Strategy). Governor Schwarzenegger’s Executive Order S-13-08 required the Strategy to summarize the best-known science on climate change impacts for California, assess California’s vulnerability to the identified impacts, and outline solutions that can be implemented within and across state agencies to promote resiliency. As a result, NRA developed *The 2009 California Climate Adaptation Strategy*. The Strategy represents the work of seven sector-specific working groups led by 12 state agencies, boards, and commissions and numerous stakeholders. The Strategy proposes a comprehensive set of recommendations designed to inform and guide California decision makers as they develop policies that will protect the state, its residents, and its resources from a range of climate change impacts.

In July of 2014, NRA released an update to the Strategy, the Safeguarding California Plan: Reducing Climate Risk (Plan). AB 1482 (Gordon), Chapter 603, Statutes of 2015, required updates to the Plan every three years, which was last completed in 2018. According to the Plan, the climate impacts facing California are accelerated warming across the state, sea level rise, more severe storms and extreme weather, more intense and frequent heat waves, more intense and frequent drought, shrinking snowpack and reduced precipitation, greater riverine flows, more severe and frequent wildfires, and ocean acidification, hypoxia, and warming. The Plan identifies seven principles to safeguard California from climate change and associated recommendations: 1) Consider climate change in all functions of government; 2) Partner with California’s most vulnerable populations to increase equity and resilience through investments, planning, research, and education; 3) Support continued climate research and data tools; 4) Identify significant and sustainable funding sources to reduce climate risks, harm to people, and disaster spending; 5) Prioritize natural infrastructure solutions that build climate preparedness, reduce GHG emissions, and produce other benefits; 6) Promote collaborative adaptation processes with federal, local, tribal, and regional government partners; and, 7) Increase investment in climate change vulnerability assessments of critical built infrastructure systems.

In December of 2019, the Legislative Analyst’s Office published a report, *Preparing for Rising Seas: How the State Can Help Support Local Coastal Adaptation Efforts* in response to increasing legislative interest in determining how the state can best prepare for the impacts of climate change. The report notes that most of the work to prepare for and respond to climate change on the coast has to take place at the local level, because development is primarily owned by private entities or local governments. Additionally, most land use policies and decisions are made by local policymakers. However, the state can play a role in encouraging and supporting local efforts. The report makes several recommendations for potential legislative changes to support and enhance coastal adaptation efforts, including fostering regional-scale adaptation, supporting local planning and adaptation projects, providing information and support, and enhancing public awareness.

Last November, the NRA released a report developed in collaboration with the California Environmental Protection Agency, the Department of Food and Agriculture, and the State Water Resources Control Board entitled *Cutting Green Tape: Regulatory Efficiencies for a Resilient Environment*. The report is part of a larger initiative to increase the pace and scale of environmental restoration in California. Complex and overlapping permitting requirements can result in fewer and smaller actions, slower pace, and higher costs for projects. This effort is focused on improving regulatory processes and policies. The report identifies 12 recommendations ranging from improving efficiencies for smaller projects, larger projects, projects in the coastal zone, and projects to enhance streamflow and recharge groundwater. Recommendation 11 is focused on improving efficiencies in the coastal zone by authorizing the Coastal Commission to explore and implement efficiencies within their authority to advance restoration projects that are consistent with, or complementary to, existing and planned efficiencies authorized by other state entities.

California is responding to climate change risks through various efforts, including the parks bond (Proposition 68) and water bond (Proposition 1), which allocated significant resources to adaptation, the Coastal Conservancy's Climate Ready Program, and the Wildlife Conservation Board's Climate Adaptation and Resiliency Program. These programs provide funding for planning, preservation, and the creation of natural infrastructure. The use of natural infrastructure, such as wetland/estuary restoration, living shorelines, and dune restoration projects offer opportunities to make the coast more resilient, sequester more carbon, and provide important habitat and recreational benefits.

The state has required local governments to include climate impacts in their general planning. The state also provides local governments with resources and information to plan for climate impacts through the ICARP.

Related legislation.

AB 67 (Petrie-Norris) requires a state agency to take into account the current and future impacts of sea level rise when planning, designing, building, operating, maintaining, and investing in infrastructure located in the coastal zone or otherwise vulnerable to flooding from sea level rise or storm surges, or when otherwise approving the allocation of state funds for those purposes. The bill would require the Ocean Protection Council (OPC) to establish a multiagency working group, consisting of specified individuals, on sea level rise to provide recommended policies, resolutions, projects, and other actions to address sea level rise, the breadth of its impact, and the severity of its anticipated harm. This bill is also scheduled to be heard in this committee on April 14th.

AB 1384 (Gabriel) requires the Strategic Growth Council to develop and coordinate a strategic resiliency framework that makes recommendations to prepare the state for the most significant climate change impacts modeled for 2025, 2050, and beyond. This bill also requires specified state agencies to engage with regional entities to enhance policy and funding coordination and promote regional solutions and proactively engage with vulnerable communities. This bill is also scheduled to be heard in this committee on April 14th.

SB 1 (Atkins) establishes the California Sea Level Rise State and Regional Support Collaborative within 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.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Environmental Justice League
Surfrider Foundation

Opposition

None on file

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