

Date of Hearing: April 28, 2021

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 9 (Wood) – As Amended April 19, 2021

SUBJECT: Fire safety: wildfires: fire adapted communities.

SUMMARY: Establishes the Regional Forest and Fire Capacity Program (RFFCP) within the Department of Conservation (DOC), as specified. Specifically, **this bill:**

- 1) Defines the following terms to mean:
 - a) “Department” as the DOC;
 - b) “Program” as the RFFCP;
 - c) “Regional entities” as state conservancies, local and tribal governments, resource conservation districts (RCDs), joint powers authorities, or nongovernmental organizations with a history of implementing related projects, demonstrated capacity to work across regional partners, and ability to serve as fiscal administrators for the RFFCP;
 - d) “Eligible coordinating organizations” as local and tribal governments, RCDs, joint powers authorities, or nongovernmental organizations with a history of providing technical assistance and demonstrated capacity to coordinate regional partners across the state; and,
 - e) “Statewide implementation” as identifying and supporting regional entities in every part of the state that contains or is adjacent to a very high or high fire hazard severity zone identified by the Director of Forestry and Fire Protection in accordance with existing law.
- 2) Establishes in the DOC the RFFCP to support regional leadership to build local and regional capacity and develop, prioritize, and implement strategies and projects that create fire adapted communities and landscapes by improving watershed health, forest health, community wildfire preparedness, and fire resilience.
- 3) Requires the DOC to, upon appropriation by the Legislature for these purposes, do both of the following:
 - a) Provide block grants to regional entities to develop regional strategies that develop governance structures, identify wildfire risks, foster collaboration, and prioritize and implement projects within the region to achieve the goals of the RFFCP: and,
 - b) Ensure, to the extent feasible, there are regional entities to cover every part of the state that contains or is adjacent to a very high or high fire hazard severity zone identified by the Director of Forestry and Fire Protection in accordance with existing law.
- 4) Authorizes regional entities to implement RFFCP activities directly or provide subgrants or contracts, and collaborative planning efforts with local entities, including municipal and tribal government, nongovernmental organization, community organizations, fire safe councils, land trusts, RCDs, joint powers authorities, special districts, residents, private and

public forest landowners and managers, businesses, and others, to assist the regional entity in accomplishing all of the following objectives:

- a) Develop regional priority strategies that develop and support fire adapted communities and landscapes by improving forest health, watershed health, fire risk reduction, or fire resilience needed to achieve local, regional, or statewide public safety, climate resiliency, and ecosystem goals included in the “Agreement for Shared Stewardship of California’s Forest and Rangelands” and “California’s Wildfire and Forest Resilience Action Plan”;
 - b) Complete project development and permitting to generate implementation-ready projects that address regional landscape resilience and community fire protection priorities for funding consideration;
 - c) Implement forest management demonstration projects that showcase scalable models for management, funding, and achieving and quantifying multiple benefits;
 - d) Implement community fire preparedness demonstration projects that create durable risk reduction for structures and critical community infrastructure; and,
 - e) Develop outreach, education, and training as needed to facilitate and build capacity to implement the RFFCP.
- 5) Requires the DOC to, upon appropriation by the Legislature for these purposes, provide block grants to eligible coordinating organizations under the RFFCP to support the statewide implementation of the program through coordination of and technical assistance to regional entities, as well as to support forest health and resilience efforts across the regions and throughout the state.
- 6) Specifies that in order to maximize the benefits of the RFFCP, the DOC shall do all of the following:
- a) Facilitate peer-to-peer learning within and between regions to share information, experiences, and resources to build regional capacity;
 - b) Provide technical assistance to regions to enhance regional capacity and assist in the development and prioritization of projects;
 - c) Assist regions in identifying potential funding sources for regional priorities;
 - d) Encourage the development of local cost share opportunities; and,
 - e) Publish and update on the DOC’s internet website the following information related to implementation of the program:
 - i) A list of regional entities and eligible coordinating organizations;
 - ii) The outcomes of any block grant provided to a regional entity or eligible coordinating organization, and;
 - iii) A description of progress towards ensuring there are regional entities to cover every part of the state that contains or is adjacent to a very high or high fire severity zone

identified by the Director of Forestry and Fire Protection in accordance with existing law.

EXISTING LAW:

- 1) Establishes the DOC within the Natural Resources Agency (NRA) and grants powers and duties to the DOC with regards to forestry, mines and geology, oil and gas, and soil conservation.
- 2) Creates the Division of Resource Conservation (Division) within DOC and grants powers and duties to the Division with regard to resource conservation. Allows the Division to aid RCDs in developing plans for achieving their soil and water conservation objectives.
- 3) 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 very high fire severity zone (VHFHSZ).
- 4) Establishes at the Department of Forestry and Fire Protection (CAL FIRE) a local assistance grant program to improve fire prevention in California and ensure that fire prevention activities happen year round.
- 5) Requires the Board of Forestry and Fire Protection 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.
- 6) 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) \$165,000,000 for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires.
 - b) \$35,000,000 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.

FISCAL EFFECT: This bill is keyed fiscal.

COMMENTS:

- 1) **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 the next five years. The funds are meant to be used for 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 five years. This plan included \$85 million for the RFFCP.

- 2) **Fire Hazard Severity Zones.** CAL FIRE provides wildland fire protection on non-federal lands outside cities. To meet this duty, the State Board of Forestry and Fire Protection (Board) designates the State Responsibility Area (SRA) every five years. Within SRA lands, the Director of CAL FIRE designates moderate, high, and VHFHSZ. After the 1991 Oakland-Berkeley firestorm, the Legislature required CAL FIRE to designate the VHFHSZ in the Local Responsibility Area (LRA). These maps must be updated every five years.

Landowners in the SRA and the VHFHSZ must follow specified fire prevention practices and meet standards developed by the Board. These practices and standards include maintaining defensible space of 100 feet around structures, performing certain activities to reduce the amount of flammable material near and on structures, and meeting specific building standards developed by CAL FIRE and the Department of Housing and Community Development that help a structure withstand ignition and reduce fire risk. AB 2911 (Friedman), Chapter 641, Statutes of 2018 required the State Fire Marshal to update these building standards to provide for comprehensive site and structure fire risk reduction by January 1, 2020.

- 3) **Regional Forest and Fire Capacity Program.** The 2018-2019 state budget appropriated \$20 million from the GGRF to the NRA to develop a regional approach to the state's wildfire crisis, which became the RFFCP at DOC. The RFFCP aims to increase regional capacity to prioritize, develop, and implement projects to improve forest health and fire resilience and increase carbon sequestration in forests throughout California.

Six regional entities are using block grants to conduct regional planning, develop projects, conduct outreach, and implement landscape-level forest health projects consistent with the California Forest Carbon Plan and Executive Order B-52-18. Two statewide block grant recipients are using their grants to support a statewide forest health and fire resilience network, provide capacity building in underserved regions and provide technical assistance statewide. To date, grants have been given to the Inland Empire RCD, RCD of Greater San Diego, Santa Monica Mountains Conservancy, North Coast Resource Partnership, State Coastal Conservancy, Sierra Nevada Conservancy California Fire Safe Councils, and the Watershed and Training Center.

Broad and inclusive outreach and involvement in decision-making is a priority of the RFFCP. Regional block grantees are expected to partner extensively across their region to identify priorities and develop projects. Current block grantees partner heavily with state, federal, tribal, and local governments as well as water agencies, RCDs, fire safe councils, and other nonprofits. The program funds local partner capacity development to ensure equitable participation and representation in planning and project development.

On January 8, 2021, the Governor's Forest Management Task Force released a comprehensive action plan to reduce wildfire risk for vulnerable communities, improve the health of forests and wildlands, and accelerate action to combat climate change. In the action plan it recommends expanding the RFFCP, to all high-risk areas statewide and that the RFFCP develop a pipeline of local and regional shovel ready projects. The Governor's budget has included additional funding for the RFFCP and other pending bills mention the RFFCP. However, the RFFCP has not been codified. This bill would codify the RFFCP, making it a permanent fixture of California's fire resiliency efforts.

- 4) **Bill Summary and Author's Statement.** This bill statutorily establishes the RFFCP within the DOC and establishes parameters for the RFFCP goals, funding priorities, accountability and transparency measures, and other requirements. Funding for the RFFCP is based upon appropriation by the Legislature. The author is sponsor of this bill.

According to the author, "Wildfire in California is a diverse and complicated crisis that requires a different solution set in every corner of the state. The past six years in California have made it painfully clear that we need to change our approach. Wildfire is a natural part of California's ecology; we cannot and should not prevent every fire, but we must do more to adapt our communities to California's inevitable wildfires. There are many groups in California doing great work to prepare for the next wildfire; the RFFCP aims to support and connect these groups so that we have more consistent capacity throughout the state. The program provides crucial support to regional entities that will plan and develop a pipeline of priority projects that suit the unique needs of each community. Flexible block grant dollars delivered through the program bring the predictability and consistency that are required to make lasting change. There is no silver bullet that will solve the wildfire crisis, but the RFFCP is helping to build the foundation that will change our communities' ability to coexist with the wildfires that have always been a part of California."

- 5) **Related legislation.** SB 63 (Stern) makes multiple changes in state law to enhance fire prevention efforts by CAL FIRE, including, among other things, improved vegetation management and expanding the area where fire safety building standards apply. This bill is awaiting hearing in the Senate Housing Committee.
- 6) **Arguments in Support.** The California State Association of Counties, Rural County Representatives of California, and Urban Counties of California argue that, “California continues to experience devastating impacts of catastrophic wildfires that are increasing in intensity and frequency and breaking records almost every year in terms of acreage burned and buildings destroyed. California’s wildfire crisis is complex as wildfire is a natural part of the state’s ecology meaning we cannot eliminate fire, but instead must develop a series of solutions to create fire adapted communities. Developing fire-adapted communities throughout the state will require a decentralized approach, as California’s various regions face unique factors that drive wildfire risk in the region. Accordingly, the solutions to decrease wildfire risk need to be tailored to each region.

“To achieve these regionally focused strategies, communities need networks of experts to develop regional projects that reduce local fire risk. Many communities and regions lack the financial and personnel capacity to develop a coordinated strategy of projects that are planned, permitted and funded and the result has been a scattershot of projects that provide some reduction of wildfire risk but are not interconnected. The Regional Forest and Fire Capacity program is helping to fill the existing capacity gaps by granting funds to regional entities to work with local, state, and federal partners to develop Regional Priority Plans.

“Recognizing the need to increase regional collaboration to address the state’s wildfire crisis, the state appropriated \$20 million through the 2018-19 state budget to the California Natural Resources Agency (CNRA) to develop regional approaches that improve forest health and fire resiliency. The result of this appropriation is the Regional Forest and Fire Capacity Program, administered by the Department of Conservation (DOC) on behalf of CNRA, which is designed to increase regional capacity, support the development and implementation of regional priority plans, and prioritize, develop, and implement projects.

“AB 9 seeks to codify the RFFC and support DOC in creating new regional entities and sustaining the regional entities funded to date. AB 9 will provide statutory guidance to DOC in expanding the focus of RFFC to examine project development within communities in addition to projects on the landscape. The RFFC is creating an additional pathway for achieving wildfire resilience and AB 9 will push RFFC to additional success.”

- 7) **Arguments in Opposition.** None on file.
- 8) **Double referral.** This bill was heard in the Assembly Natural Resources Committee on April 14th and passed with a vote of 11-0.

REGISTERED SUPPORT / OPPOSITION:

Support

American Forest Foundation
California Association of Resource Conservation Districts
California Native Plant Society
California State Association of Counties
Claremont Canyon Conservancy
Coarsegold Resource Conservation District
Colusa County Resource Conservation District
Defenders of Wildlife
Feather River Resource Conservation District
Gold Ridge Resource Conservation District
Irvine Ranch Conservancy
Mendocino County Resource Conservation District
Nature Conservancy
North Coast Resource Partnership
Northern California Power Agency
Pacific Forest Trust
Resource Conservation District of Greater San Diego County
Resource Conservation District of Tehama County
Resource Conservation District of the Santa Monica Mountains
Rural County Representatives of California
San Mateo Resource Conservation District
Sierra Business Council
Sierra Forest Legacy
Tahoe Resource Conservation District
Upper Salinas-Las Tablas Resource Conservation District
Urban Counties of California
Watershed Research and Training Center
Western Shasta Resource Conservation District
Yolo County Resource Conservation District

Opposition

None on file.

Analysis Prepared by: Jimmy MacDonald / L. GOV. / (916) 319-3958