

**Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC Legislation Committee and ABAG Legislation Committee**

June 12, 2020

Agenda Item 6a

Assembly Bill 2621 (Mullin): Regional Climate Adaptation Planning

- Subject:** Requires the Strategic Growth Council to establish guidelines for regional climate adaptation action plans and sets forth how regional climate networks can be established.
- Overview:** Assembly Bill 2621 (Mullin) provides legislative intent to develop guidance for investment in regional priority climate adaptation projects and to foster collaboration among local, regional and state agencies to “promote highly cost-effective regional climate adaptation solutions.” The bill was originally introduced to complement a potential bond measure to fund climate adaptation projects in recognition that further work needs to be done to identify those projects that can best mitigate climate risks. Many communities have begun to understand and identify their most pressing climate threats, but few have defined or prioritized projects needed to mitigate climate hazards—a key step necessary before communities are ready to effectively invest new capital funding.
- Recommendation:** Support if Amended
- Discussion:** We agree that state guidance related to climate adaptation planning and investments would be very helpful and is an area where the Legislature can make progress on climate adaptation even in the absence of new capital investment. However, we are concerned that as drafted the bill will not deliver its intended results and could inadvertently undermine effective climate adaptation planning. Below we summarize our concerns and suggest amendments to address them.

Definition of “Region” Could Result in a Patchwork Approach

We are concerned that the bill’s definition of “region” could result in individual counties or small groupings of counties within the S.F. Bay Area forming subregional networks, rather than ensuring that the region’s nine-county geography is the basis for the Bay Area’s regional climate adaptation planning work. The bill provides that a “regional climate network” can be established by two or more local governments whose jurisdictions cover at least one county. While reference is made to California’s Fourth Climate Change Assessment (Assessment)—which defines the Bay Area region as the nine counties—the bill also states that “nothing in this section limits the number of regional climate networks that may be established within each region identified” in that Assessment. This could result in a patchwork approach to regional climate adaptation planning that would not only be an inefficient use of increasingly scarce taxpayer funds, but would also undermine nine-county coordination and further disadvantage communities with the least capacity to form a network.

When it comes to climate adaptation planning, at least for the Bay Area, “region” should mirror the geography of the sustainable communities strategy, the state-required plan to reduce greenhouse gas emissions from transportation. Effective climate adaptation planning requires a regional framework to help knit together local efforts under a common set of goals and strategies and it makes common sense that our greenhouse gas reduction strategy and our climate adaptation strategy should be based on a shared geography. Where the state can be most helpful is in setting statewide guidance about climate adaptation, defining the roles and responsibilities of local and regional agencies, and eventually providing resources to help *implement* adaptation projects.

In the Bay Area, climate adaptation planning work has been underway at the nine-county level for years, including work facilitated by the Bay Area Regional Collaborative as well as the Bay Conservation and Development Commission. In addition, local jurisdictions have partnered with nonprofits to voluntarily form the [Bay Area Climate Adaptation Network](#) (BayCAN) for the nine-county region, which serves as a forum for information sharing on the latest science and best practices, but is not a governing body that could assume (or should be assigned) responsibility for regional climate adaptation planning and project prioritization. Outside the Bay Area, councils of government and metropolitan planning organizations that are responsible for sustainable communities strategies have been conducting this work. And similar to BayCAN, voluntary climate collaboratives have cropped up across the state at the multi-county regional scale, including the six-county Sacramento region, the six-county central coast, the Los Angeles region and San Diego.

In summary, regions across the state have initiated regional climate adaptation planning on a scale that makes sense and the state's policies should reinforce those efforts. Without settling on the question of *which* Bay Area agency should be responsible for developing a regional climate adaptation strategy, we would like to request amendments to AB 2621 to ensure that for the Bay Area, the appropriate *geography* is the nine counties. Additional consultation with BARC is planned over the next month to reach consensus on which public entity should assume the primary responsibility for administering climate adaptation planning *funding* given the region's unique multi-regional agency environment, recognizing that climate adaptation planning work involves a host of organizations and agencies working together to accomplish shared regional goals.

Regional Climate Adaptation Plan Requirements

Our second concern relates to the bill's requirements for the components of a regional climate adaptation action plan. Specifically, the bill requires that the Office of Planning and Research develop guidelines for such plans on or before January 1, 2022 and lists numerous elements of such plans, including:

- A description and prioritization of projects necessary to respond to climate vulnerabilities
- Identification of the and goals the projects are designed to achieve
- A financial strategy and a schedule.

While these elements make sense for a project-level planning document, much *project-level* climate adaptation planning work should be conducted by local jurisdictions who have authority over land use, as *informed* by a regional climate adaptation planning framework that helps ensure that local jurisdictions are approaching climate adaptation planning in a regionally-consistent way, with a common set of assumptions and goals. For instance, a draft regional adaptation guidance produced by the San Francisco Bay Conservation and Development Commission—sets forth evaluation criteria that should be used when comparing adaptation strategies.

We would like to see AB 2621 amended to 1) provide that regional climate adaptation plans incorporate a regional-level strategies and guiding principles and not necessarily specific projects; and 2) strengthen the relationship between regional and local climate adaptation planning efforts so that there is more clarity about each level of governments' roles and responsibilities. In our view, regional agencies are best

positioned to set guidance and develop measurable goals and performance measures. They are also best positioned to provide targeted grants and resources to meet local needs while ensuring individual investments and activities add up to regional resilience. Local jurisdictions are best positioned to engage in inclusive, community-based planning and problem solving that leads to decisions about which adaptation projects will work best to address local hazards, vulnerabilities, needs and priorities.

No OPR Approval

Finally, we are concerned that as drafted, the plan requires approval by OPR. Since the plans are voluntary, this requirement could deter regional agencies from undertaking the plans in the first place, particularly since no state funding accompanies the bill.

In summary, staff recommends a “support if amended” position on the bill to address the following concerns:

- Ensure that for the Bay Area, the term “region” is limited to the nine counties
- Modify the components of the regional climate adaptation plan guidelines to focus less on projects and instead provide clarity about the key strategic-level components that should be included in a regional climate adaptation plan and the relationship between regional and local adaptation plans
- Remove the OPR approval requirement

Bill Positions:

Support


California Association of Resource Conservation Districts
California Climate & Agriculture Network (CALCAN)
California Tahoe Alliance
Peninsula Open Space Trust (POST)
San Francisco Public Utilities Commission
Sierra Business Council
Sierra Club
Silicon Valley Leadership Group
Valley Vision, Inc.

Oppose

None on file

Attachment:

None


Therese W. McMillan