

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

May 14, 2021

Agenda Item 3b

Assembly Bill 897 (Mullin): Regional Climate Networks

- Subject:** Authorizes the establishment of regional climate networks and adoption of regional climate adaptation action plans. Requires the Office of Planning and Research (OPR) to adopt guidelines as to how eligible entities may form such a network, its geographic boundaries, the content of plans, and governance.
- Overview:** AB 897 would formalize work already occurring in much of California related to regional climate adaptation planning by requiring OPR to provide guidance and technical assistance to regions interested in forming a state-sanctioned regional climate network. The bill would require that any network formed adopt a regional climate adaptation action plan that would be required to include content to be further specified by OPR in guidelines due by January 1, 2023. The Bay Area and many other parts of the state have already begun the critical work of climate adaptation planning, but AB 897 provides a valuable opportunity to formalize this work, identify key agency roles, and incentivizes those entities involved, whether public or nonprofit, to collaborate. Other pending legislation, AB 1500 (Garcia), includes references to regional climate networks and makes them eligible to receive state funds for climate adaptation.
- Recommendation:** Support and Seek Amendments
- Discussion:** AB 897 (Mullin) is very similar to AB 2927 (Mullin) on which MTC/ABAG took a “support if amended” position on last year. As most of our amendments were incorporated, we ultimately supported the bill. AB 897 incorporates most of the changes we sought to AB 2927, but there are a number of friendly amendments we are recommending to improve the bill and align it with our Regional Resilience/Climate Adaptation Advocacy Principles (Advocacy Principles, Attachment 1).

Regional Climate Networks: Membership, Geography AB 897 takes an inclusive and flexible approach to membership in a regional climate network, recognizing that not all regions are the same. Councils of government and metropolitan planning organizations are eligible members, and the bill encourages the inclusion of regional agencies with land use planning authority within a network. Additional eligible members include local jurisdictions, nonprofits, climate collaboratives, community-based organizations, as well as school districts and higher educational institutions.

The bill leaves it up to OPR to set guidelines as to how each network will govern itself but requires networks to identify the role of each entity within the network. We recommend an amendment requiring that the network also identify a public agency to serve as the lead convener of a multi-stakeholder process for development and adoption of the plan, consistent with Principle #1 of our Advocacy Principles.

Additionally, the bill does not prevent multiple regional climate networks from being formed in a given region. While its provisions do guarantee that for the Bay Area, “region” would include the nine counties, there could still be the potential for multiple regional climate networks to exist within the Bay Area. This would make planning and prioritization confusing and potentially result in *competing* rather than *coordinated* regional climate adaptation work across the Bay Area and statewide. We recommend an amendment to address this concern, consistent with Principle #1 of our Advocacy Principles.

Center Equity As adopted by MTC and ABAG in our Advocacy Principles, “equity must be centered as a factor for determining what stakeholders are included in the planning and prioritization process” for regional climate adaptation work. We recommend an amendment to emphasize the need to include community-based organizations focused on social equity in the OPR guideline process and for the networks’ governance procedures and policies to include public engagement strategies to incorporate and support input from underresourced communities.

Delegate Details to Adaptation Plan Guideline Process While the bill tasks OPR with developing guidelines for the content of the climate adaptation action plans, it includes very prescriptive language about what should be included in such plans, including “planning information from” 12 types of local and regional plans, including safety elements of general plans, local hazard mitigation plans, urban water management plans, coastal management programs and plans, etc. This comprehensive but not even exhaustive list could make the plans incredibly costly, time consuming and unwieldy, undermining their usefulness as *actionable* plans. We recommend instead the bill simply direct OPR to provide guidance on how the plans should consider and incorporate findings and recommendations from relevant local and regional plans.

OPR Plan Approval Requirement AB 897 requires that regional climate adaptation networks develop regional climate adaptation action plans and empowers OPR to approve the plans. Similar to our amendment requested to AB 2627, we recommend this provision be removed to avoid the concern that this could deter development of these plans in the first place and the risk of time-consuming back and forth with the state over the plans’ approval. If some form of approval requirement is necessary, it should be strictly limited to whether or not the plan has followed the OPR guidelines.

In summary, staff recommends a “support and seek amendments” position on the bill as follows:

- Require that regional climate networks designate a public agency to serve as the lead convener and adopter of the plan and require that there be no more than one regional climate network within each region.
- Add provisions to strengthen the bill’s equity provisions
- Delegate to OPR guideline process guidance on how existing plans should be incorporated into regional climate adaptation action plans
- Remove or revise the OPR approval requirement

Bill Positions: See Attachment B

Attachments: Attachment A: Regional Resilience/Climate Adaptation Advocacy Principles
Attachment B: Bill Positions


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MTC/ABAG Regional Resilience/Climate Adaptation Advocacy Principles

Adopted April 2021

1. **Build on Existing Regional Planning Processes and Authorities:** State law should ensure that regional climate adaptation plans are developed by a multi-stakeholder process managed and led by public agencies that are accustomed to tackling complex regional planning processes. Councils of government (COGs) and metropolitan planning organizations (MPOs) should be identified as potential agencies to serve in this role in partnership with other key stakeholders. Additionally, the geographic scope of regional climate adaptation networks should cover the entirety of a single region and there should not be multiple regional climate networks within a given region.
2. **Center Equity:** Equity should be a core consideration identified in legislation related to climate adaptation planning and any climate adaptation bond proposals. Many of the communities most vulnerable to the impacts of climate change lack the resources to engage in the critical planning work and local capacity building that is needed on the front end, not to mention the capital funds to construct the projects. To remedy this, equity must be centered as a factor for determining what stakeholders are included in the planning and prioritization process. Furthermore, a regional approach to climate adaptation planning and funding can help ensure that vulnerability assessments are conducted throughout the region, particularly in the most vulnerable communities often at the frontlines of risk.
3. **Define Appropriate Roles for Local, Regional and State Agencies:** Effective planning and implementation requires clarity about agency roles and responsibilities at all levels of government to avoid conflicts and duplication of effort while optimizing the use of taxpayer funds. The Legislature should provide clear direction regarding local, regional, and state government roles in adaptation planning, and build on areas where each level of government already has some level of authority and responsibility. At the same time, the Legislature should provide clear guidance for the important roles to be played by regional adaptation collaboratives, non-profits, community organizations, and academic institutions. Outside the legislative process, the Bay Area needs to identify the roles and responsibilities of the various local and regional agencies that have a stake in, and authority related to, climate adaptation.
4. **Support Engagement with and Provide Support for Nongovernmental Agencies Involved in Climate Adaptation:** Many nongovernmental entities in the Bay Area and statewide are making significant contributions to climate adaptation research, community engagement and planning. The establishment of regional climate networks in state law should encourage and support the public-private-nonprofit collaboration that is already underway in most regions of the state. While new planning responsibilities should reside with public agencies, nongovernmental organizations can make significant contributions to climate adaptation education, research and technological innovation, as well as convening stakeholders. Accordingly, nongovernmental agencies should be eligible to receive funding from new state or federal grant programs for these purposes and their work should be coordinated with that of local and regional agencies.

5. Support a Local/Regional/State Partnership Approach and Secure New Funding:

Successful climate adaptation planning and implementation will depend on action at both the local and regional levels with guidance – and where possible, funding – provided by the state and federal government. This is analogous to housing planning, where the state requires regions to develop an overarching methodology for growth that achieves specific goals but leaves it up to regions to work out the details of a regional strategy and to local jurisdictions to identify specific sites and make the zoning changes needed.

The following factors should be considered in the development of any new climate adaptation funding program(s):

- Funding is needed as soon as possible to begin the necessary local and regional planning work to identify, prioritize, and design a pipeline of climate adaptation projects that are ready to receive capital funding.
- Funding should be identified to support the entire lifecycle of a project: planning, design, engineering, permitting, construction, and monitoring. Where possible, funding program eligibility and timing guidelines should be designed to encourage projects to advance rapidly from one phase to the next.
- One-time funds can help jump start this effort in FY 2021-22, such as through a state climate resilience bond or federal stimulus funding, but to institutionalize resilience and fully integrate it into long-range local and regional planning, additional ongoing resources will be needed.
- To ensure that *all* regions and local jurisdictions statewide have adequate funding to conduct this work, the state should augment local and regional planning funding for this purpose. Additionally, a share of new climate adaptation capital funding should be distributed directly to regional climate networks to support cross-jurisdictional needs that are identified in regional climate adaptation plans.

AB 897 (Mullin) Bill Positions

Support:

Bay Area Council
Big Sur Land Trust
Bolsa Chica Land Trust
California Water Association
California Watershed Network
East Bay Regional Park District
Nature Conservancy, The
Professional Engineers in California Government
Save the Bay
Sierra Club
Sonoma Land Trust
Tree Care Industry Association
Trust for Public Land, The

Oppose:

None on file