



Midpeninsula Regional
Open Space District

Memorandum

DATE: October 27, 2021
MEMO TO: MROSD Board of Directors
THROUGH: Ana M. Ruiz, General Manager *AMR*
FROM: Joshua Hugg, Governmental Affairs Specialist
SUBJECT: State and Federal Legislative Update

SUMMARY

Periodically, the Midpeninsula Regional Open Space District (District) Board of Directors (Board) receives State of California legislative session briefings regarding recent legislative developments. District staff and the state legislative consultants, Environment and Energy Consultants (EEC) and Public Policy Advocates (PPA), last provided a legislative update to the Board on July 14, 2021, during the 2021 legislative session recess. Since then, the state legislature reconvened to conclude the 2021 session and provided bills to the Governor for his signature. This legislative year, the District is also working with the Ferguson Group (TFG) on federal legislative activities.

District staff and the legislative consultants continue to utilize the Board-approved 2021 Legislative Program to communicate District positions on bills, budget recommendations, and other legislative items to the respective authors and/or legislative committees as appropriate. In addition, staff fields time-sensitive requests from partners, and monitors evolving pieces of legislation in accordance with Board Policy 1.11 (Attachment 1). Please refer to Attachment 2 for a summary status of priority bills as of October 11, 2021 and the *Discussion* section below for details.

DISCUSSION

This memo provides updates from EEC, PPA, and The Ferguson Group on key legislative items of District interest as of **October 11, 2021**.

State updates from Environment and Energy Consulting (EEC):

California Budget

This year, California experienced a large budget surplus that provided the opportunity to enact several budget-related bills. The surplus allowed the state to make immediate and early action investments in addition to the annual budget bill investments.

On April 13, 2021, Governor Gavin Newsom signed [SB 85](#), which contains a \$536 million wildfire package enabling the state to take urgent, early action on projects that support wildfire suppression, improve forest health, and build resilience in communities to help protect residents and property from catastrophic wildfires.

In June, Governor Newsom signed [AB 128](#) (the main Fiscal Year 2021-22 budget bill), which built upon priorities put forward in the Assembly’s “A Budget of Opportunity” blueprint, the Senate’s “Build Back Boldly” plan, and the Governor’s May Revision.

In addition to the main budget bill, Governor Newsom signed several Budget Bill Juniors. Included in this are [SB 129](#), with investments for the Cloverdale Ranch and Highway 17 projects, and [AB 161](#), which authorized the Department of Finance to expend up to \$500M more to support wildfire investments “if the Department determines additional funding is needed.”

In September, Governor Newsom signed an additional Budget Bill Junior ([SB 170](#)), which amended SB 129.

The following is a summary of the final budget actions of interest to the District:

- \$100M in a one-time general fund appropriation to independent special districts to mitigate the effects of revenue losses or unanticipated costs incurred due to the COVID-19 public health emergency.
- Up to \$500M more to support wildfire investments, should additional funding be needed.
- \$8M for Cloverdale Ranch, administered through the Department of Parks and Recreation.
- \$2M to complete the plans, specifications, and estimates phase of the Highway 17 Wildlife and Trail Crossing Project, administered through the Department of Parks and Recreation.
- \$258M from the general fund on a one-time basis for wildfire prevention and forest resilience, with up to an additional \$500M to be allocated if needed, contingent upon future legislation.
- \$31M to Wildlife Conservation Board for protection of fish and wildlife resources from climate impacts.
- \$5M to State Coastal Conservancy for the San Francisco Bay Program.
- \$25M to Office of Planning and Research for regional climate resilience planning.

Governor Newsom also signed a Resources Trailer Bill ([SB 155](#)). This bill includes a CEQA exemption for native fish and wildlife recovery and habitat restoration projects until January 1, 2025. SB 155 is unique because it also forecasts how the legislature plans to spend natural resources investments in future fiscal years. See the projections below.

SB 155: Public Resources Trailer Bill

- \$200M Greenhouse Gas Reduction Fund (GGRF) (beginning in FY22-23 through FY28-29), to be continuously appropriated to Cal Fire for forest health projects and prescribed burn activities.
- \$593M in FY22-23 and \$175M in FY23-24 for the Natural Resources Agency and its departments, conservancies, and boards for programs and activities that advance multi-benefit and nature-based solutions.
 - Of this amount, at least \$60M in both FY22-23 and FY23-24 shall go to conservancies.
- \$350M in FY22-23 and \$150M in FY23-24 to the State Coastal Conservancy for sea-level rise.

While not explicitly stated in SB 155, EEC expects that the Administration may intend to fund the Wildlife Conservation Board according to the following schedule in the next two fiscal years:

- \$222M in FY22-23
- \$100M in FY23-24

Priority 1 Legislation

The District tracked 138 bills and took a formal position on 29 bills this year. Priority 1 bills include:

- **[AB 959 \(Mullin\) Park districts: ordinances: nuisances: abatement](#)**
This bill authorizes specified regional park and open-space districts to adopt ordinances for the purposes of abating nuisances.
 - **District Position:** Sponsor
 - **Status:** Signed by Governor
- **[SB 790 \(Stern\) Wildlife connectivity mitigation credits](#)**
This bill creates a new compensatory mitigation credit program at the California Department of Fish and Wildlife for projects conducted by the State Department of Transportation that improve wildlife connectivity, among other environmental improvements.
 - **District Position:** Sponsor
 - **Status:** Signed by Governor
- **[AB 1255 \(Bloom\) Fire prevention: fire risk reduction guidance: local assistance grants](#)**
Requires, on or before July 1, 2023, the Natural Resources Agency, in collaboration or consultation with specified state agencies, to develop a guidance document that describes goals, approaches, opportunities, and best practices in each region of the state for ecologically appropriate, habitat-specific fire risk reduction. Requires specified consultation with counties related to Cal Fire’s local fire prevention grant program.

The District took a support if amended position on the bill and requested language be included to prioritize ecologically sensitive vegetation management. The bill became a 2-year bill and EEC plans to work on amendments with Assemblyman Bloom’s office in the fall.
 - **District Position:** Support if amended
 - **Status:** 2-year bill
- **[AB 1500 \(E. Garcia\) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022](#)**. AB 1500 is a legislatively introduced bond that would allocate \$7,080,000,000 for projects that address safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.
 - **District Position:** Support if amended
 - **Status:** 2-year bill

- **[SB 45 \(Portantino\) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.](#)** SB 45 is a legislatively introduced bond that would allocate \$5,595,000,000 for projects that address wildfire prevention, safe drinking water, drought preparation, and flood protection program.
 - **District Position:** Support if amended
 - **Status:** 2-year bill
- **[SB 55 \(Stern\) Very high fire hazard severity zone: state responsibility area: development prohibition: supplemental height and density bonuses.](#)**
 - **District Position:** Watch
 - **Status:** 2-year bill.

Ecologically Sensitive Vegetation Management

The District talked with CalFire and legislators to popularize the concept of ecologically sensitive vegetation management (ESVM), which was also a featured topic in the Advocacy Day event in April. This included conversations about incorporating this concept into legislation and funding in the state budget.

With the help from EEC, the District developed a budget proposal that would provide funding to the Wildlife Conservation Board (WCB) for ESVM activities. The District also supported a different, but similar budget request that was spearheaded by the California Native Plant Society and Senator Stern. Unfortunately, neither request was included in the final budget packages.

This will be a high priority for 2022.

Under-Resourced Communities

The District worked primarily with Assemblymember Mullin to coordinate a signed support letter from the Bay Area Caucus in support of the under-resourced community (URC) definition. The definition was included in the Assembly's bond, AB 1500 (E. Garcia). The District also worked with Senator Cortese's staff, who requested the inclusion of URC in all relevant legislation that comes through their office.

This topic was included in the District's April Legislative Advocacy Day.

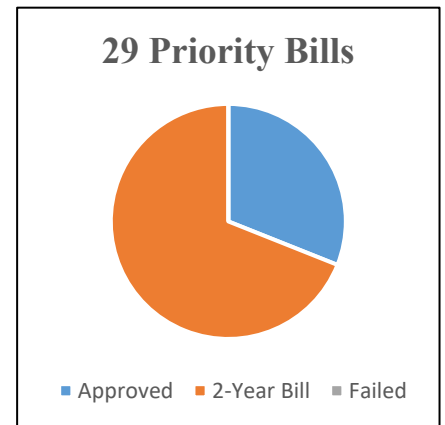
Equitable Access

District representatives have been participating in the statewide Community Access Coalition. This coalition aims to tackle the issue of equitable access through policy and funding. This year, the Coalition supported [SB 624 \(Hueso\)](#) that would establish the Environmental Equity and Outdoor Access Act, which sets forth the state's commitment to meaningful access to cultural and natural resources. This bill was made a 2-year bill.

The Coalition has also worked with Assemblywoman Carrillo and Senator Limon's office to submit a budget request for \$200M to support and expand the breadth, scope, and eligibility of the Youth Community Access Grant Program and Outdoor Equity Grant Program. These requests were not included in the final budget.

Legislative Tracking and Statistics

Governor Newsom signed his final bills on October 9, a day ahead of the October 10 deadline. Legislators were given a limit of 12 bills each that they could move to the second house. Of the 836 proposals state lawmakers sent to Governor's desk, he signed 770 (92%) and vetoed 66 (7.9%). The Legislative Tracking Matrix (Attachment 2) reflects final legislative results for bill on which the District took a position. Bills are labeled as “approved” if they were signed into law by the governor, “failed” if they were vetoed by the governor or did not make it to his desk, or “2-year bill” if the author wishes to continue to pursue the bill in the 2022 legislative session. At the conclusion of the session, of the 29 bills on which the District took a position, nine were approved by the governor, none failed or were vetoed by the governor, and 20 were continued to the next session. Of the five bills the District considered priority 1, the two bills sponsored by the District (AB 959 and SB 790) were signed by the Governor. The remaining three priority 1 bills, of which the District took a support if amended position, are now 2-year bills.



Federal Update from the Ferguson Group (TFG):

Congressional Meetings

In May 2021, TFG and the District held introductory meetings with the District’s congressional delegation, including staff from the offices of senators Dianne Feinstein (D-CA) and Alex Padilla (D-CA), and staff from the offices of representatives Jackie Speier (D-CA), Anna Eshoo (D-CA), and Ro Khanna (D-CA). The meetings centered around the Highway 17 Wildlife Crossing Project and the District’s interest in pursuing FY2023 appropriations funding for the project. The meetings also served to express District support for the inclusion of federal funding for wildlife crossings project in the upcoming surface transportation and infrastructure bills.

Federal Wildlife Crossings Program

TFG and the District submitted a letter to Congresswoman Anna Eshoo (D-CA) urging the inclusion of funding to support wildlife crossings and corridors in the House surface transportation bill. Congresswoman Eshoo was receptive to the request, and specifically identified the Highway 17 project as a good use of such funds in her letter to the committee during a House Transportation and Infrastructure [hearing](#) on April 14, 2021.

On July 1, and August 10, 2021, the House and Senate, respectively, both passed the *Infrastructure Investment and Jobs Act* ([HR 3684](#)), including provisions to establish a wildlife crossings and corridors program in the U.S. Department of Transportation. The legislation authorizes \$350 million for FY2022 through FY2026, with funds beginning at \$60 million and increasing each year. Eligible entities for the program include state highway agencies, metropolitan planning organizations, units of local government, regional transportation authorities, transportation special purpose districts, Native American tribes, and federal land management agencies. As it is written, the District would pursue funding through the Santa Clara Valley Transportation Authority (VTA). Now that both the House and Senate have passed their versions of the legislation, they are working to resolve their differences and produce a final conferenced bill.

Federal Funding

TFG compiled a federal grants calendar for the District that includes federal funding opportunities for priority areas. The calendar identifies eligible uses of the funding for wildfire mitigation and response, trail connections, conservation, species protection, and climate change. It also provides information on the funding amounts for each program, deadlines, and anticipated future solicitations. Staff is actively reviewing it for opportunities that may be pursued in 2022 and beyond.

Budget Reconciliation and Appropriations

One of the main priorities for Congress this year has been the surface transportation and infrastructure bill, and the budget and appropriations processes. As mentioned, the surface transportation and infrastructure bill has moved through both chambers with the District's priority provisions included and is being reconciled. Both the House and Senate Committees have been working to finalize the massive \$3.5 trillion budget reconciliation and economic package, that includes federal investments in childcare, immigration, and climate change programs. As committees have been working on the legislation, we have seen drafts of the provisions, however, the final text has not yet been released. Once the text is finalized, both the House and Senate will vote on identical versions of a final bill before sending it to the President's desk for signature. Following the passage of the budget reconciliation bill, Congress will move to pass the 12 FY2022 appropriations bills, which for the first time in 10 years, include earmark requests. Review of the requests will provide insight for the District in how to best submit and pursue future FY2023 earmarks for the Highway 17 Project and other priorities.

Legislation of Interest

- [H.R. 610 \(J. Speier\) San Francisco Bay Restoration Act](#)
This bill prioritizes funding for the San Francisco Bay. It includes \$250 million to restore the Bay's wetlands and estuaries, assist in the recovery of endangered species, and help alleviate the impacts of climate change.
 - **District Position:** Support
 - **Status:** The bill has passed through the House and has been referred to the Senate Committee on Environment and Public Works for consideration.

- [H.R. 4833 \(A. Lowenthal\) Migratory Bird Protection Act of 2021](#)
H.R. 4833 provides regulatory certainty for industries and helps ensure that the nation meets the conservation goals of the Migratory Bird Treaty Act, which is the foundation for the nation's migratory bird conservation efforts. The bill would uphold international treaty obligations regarding bird conservation; help minimize certain industrial hazards and incentivize best management practices; and allow for financial resources to recover from incidents that impact birds, such as oil spills.
 - **District Position:** Support
 - **Status:** The bill was referred to the House Committee on Natural Resources and is awaiting a hearing.

- [S. 1855 \(D. Feinstein\) Wildfire Emergency Act of 2021](#)
This bill directs the Secretary of Agriculture to select and implement landscape-scale forest restoration projects, assisting communities in increasing their resilience to wildfire. The bill authorizes \$250 million for this initiative and authorizes \$100 million for a new grant program to protect critical infrastructure and allow for greater energy flexibility.

