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Senator Brian Dahle
Senator Mike McGuire
Senator Henry I. Stern



Thursday, March 3, 2022
Upon Adjournment of Floor Session
State Capitol - Room 3191

Consultant: Joanne Roy

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VOTE-ONLY

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3875 SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY

Issue 1: CNRA Bond and Technical Proposals

Governor's Proposal. The Governor's budget requests for appropriations and reappropriations from various bonds, reversions, reversions with associated new appropriations, and other non-bond technical adjustments to continue implementation of existing authorized program.

Staff Recommendation. Approve as budgeted.

3980 OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT (OEHHA)

Issue 2: Air Quality (AB 619)

Governor's Proposal. The Governor's budget requests \$137,000 General Fund in 2022-23 and ongoing and 0.5 Public Health Medical Officer (PHMO) position to support the implementation of AB 619 (Calderon), Chapter 412, Statutes of 2021.

AB 619 requires the California Department of Public Health (CDPH), in consultation with OEHHA and other specified entities, to prepare a plan with recommendations and guidelines for counties in the event of a wildfire or other significant air quality event. The requested position will: (i) contribute to the development of CDPH's significant air quality events plan for counties; (ii) establish respiratory protection guidance; and (iii) communicate risks to the public.

AB 619 (Calderon). AB 619 requires CDPH to develop a plan which includes recommendations and guidelines for counties to use in the case of a significant air quality event caused by wildfires or other sources. AB 619 also requires (1) CDPH to consult with specified stakeholders in developing the plan, (2) counties to use the CDPH air quality plan in advance of their next emergency plan update, and (3) counties to develop a specific plan that addresses all of the recommendations and guidelines of the CDPH's air quality plan. Prior to AB 619, no other statute required information, services, or recommendations to be provided to the public on respiratory health during state emergencies.

The plan, to be developed under the leadership of CDPH, would be required to address respiratory protection, as well as possible stockpiling and provisioning of protective equipment to affected individuals. It would also be required to provide guidance to counties related to informing residents about unhealthy air quality, the health effects of air pollution, and how to use protective equipment or take other necessary actions when the Air Quality Index hits a significant threshold.

AB 619 also includes specific provisions requiring consideration of the needs of vulnerable populations including "children, seniors, the disabled, the homebound, the homeless, those working outdoors, tourists, visitors, non-English speakers, and any others who may have difficulty obtaining or using masks or other protective equipment without assistance." Pregnant women and infants are also a particular concern for exposures to wildfire smoke. Counties would also be required to use the state plan to develop their own county-specific plans. In developing the statewide plan, CDPH would be required to consult with several specified entities, including OEHHA.

OEHHA expects to be a significant consultant in the development of CDPH's plan for counties to use in the case of air quality events caused by wildfires or other sources.

Background. OEHHA's mission is to protect and enhance the health of Californians and our state's environment through scientific evaluations that inform, support, and guide regulatory and other actions. Its health assessments are used as the scientific bases to develop the state's drinking water and ambient air quality standards, and guide the regulation of pesticides, toxic air contaminants, and the cleanup of hazardous waste sites and groundwater contamination. In the context of this BCP, OEHHA's role at the state level is exemplified by the following examples:

- During the 2018 Camp Fire that impacted air quality in much of Northern California, several entities gave unclear and conflicting advice to the public over whether individuals, and particularly children, should wear N95 masks or other kinds of respiratory protection when outdoors. School districts expressed at that time, and continue to currently express, a need for timely and consistent advice as to whether classes should be canceled. OEHHA responded to these concerns in part by preparing guidance for schools relating to wildfire events.
- In collaboration with the US Environmental Protection Agency (US EPA) and others, OEHHA contributed to the preparation of Wildfire Smoke: A Guide for Public Health Officials, first published in 2002 and widely used throughout the nation and worldwide by health professionals. OEHHA contributed to all updates including the most recent version by US EPA in 2019.
- OEHHA recommends health based ambient air quality standards and develops health-based values for use by the California Air Resources Board and air districts; and, OEHHA conducts studies of air pollution and health including studies of the health effects of wildfire smoke. A health study focusing on the 2017 Napa/Sonoma wildfires was recently published, and there are several ongoing wildfire and air pollution/heat exposure ongoing studies being conducted at OEHHA.
- OEHHA maintains preparedness to support Emergency Support Function 10 for responding to emergency events involving the release and potential exposure to hazardous materials under the State of California Emergency Plan.
- In the development of CDPH's significant air quality events plan for counties, OEHHA can contribute unique expertise, including characterizing the effects of wildfire smoke and other air pollutants on health (especially on vulnerable populations), communicating risks to the public, and establishing guidance on actions to take regarding respiratory protection.

Staff Recommendation. Approve as budgeted.

Issue 3: Evaluating Unassessed Chemicals Using Precision Prevention Methodologies

Governor's Proposal. The Governor's budget requests \$6.034 million General Fund in 2022-23, including \$1.034 million and five positions in 2022-23 and ongoing, and \$5 million one-time in 2022-23, to develop and implement rapid computational and molecular toxicology approaches for identifying toxic chemicals and safer alternatives. The \$5 million will be used for interagency contracts with the University of California (UC) to develop these approaches, while the five positions will apply UC research to advance scientific assessments of currently unevaluated chemicals that support California Environmental Protection Agency's (CalEPA) regulatory programs.

These resources will support regulatory programs within CalEPA and other state agencies by providing information on the hazards and risks posed by chemicals in the environment and consumer products, as well as new scientifically valid approaches for understanding chemical hazards. Types of chemicals covered include those used in the petroleum industry and those subject to evaluation under the Department of Toxic Substances Control's (DTSC) Safer Consumer Products Program. These evaluations would also be used in the establishment of public health goals for drinking water, reference exposure levels and cancer potency values for air contaminants, consumption advisories for contaminants in sport fish, and advisory levels that guide emergency response actions. Therefore, OEHHA's proposed work would provide important state guidance for regulators, policymakers, and emergency responders on harmful chemicals that would otherwise remain unassessed.

Staff Recommendation. Approve as budgeted.

DISCUSSION

3970 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

Issue 4: Department Oversight: CalRecycle

Background. Department Overview. CalRecycle is the state department responsible for implementing statewide recycling policies and programs. The department's mission is to protect the state's environment and climate for the health and prosperity of future generations through the reduction, reuse, and recycling of California resources, environmental education, disaster recovery, and the transition from a disposable to circular economy.

CalRecycle's expenditures total approximately \$1.6 billion in the Governor's budget. (This amount does not include federal funds, certain non-governmental cost funds, or reimbursements.)

Below is a summary of CalRecycle's proposed 3-year expenditures and positions.

3-Year Expenditures and Positions

		Positions			Expenditures		
		2020-21	2021-22	2022-23	2020-21*	2021-22*	2022-23*
3700	Waste Reduction and Management	402.9	452.0	465.3	\$2,385,142	\$765,657	\$290,098
3705	Loan Repayments	-	-	-	-8,780	-6,556	-7,400
3710	Education and Environment Initiative	3.4	9.6	9.6	1,109	2,906	2,908
3715	Beverage Container Recycling and Litter Reduction	221.4	266.2	267.2	1,416,620	1,387,346	1,354,326
9900100	Administration	108.6	124.6	124.6	17,271	19,829	19,867
9900200	Administration - Distributed	-	-	-	-17,271	-19,829	-19,867
TOTALS, POSITIONS AND EXPENDITURES (All Programs)		736.3	852.4	866.7	\$3,794,091	\$2,149,353	\$1,639,932

The department receives some General Fund support as well as funding from other revenue sources such as recycling fees on new electronics, beverage containers, tires, and used oil; disposal fees charged by landfills; and other special funds such as the Cost of Implementation Account and Greenhouse Gas Reduction Fund. A portion of this funding is returned to the economy through payments and grants to industry and local jurisdictions in support of waste reduction, recycling and safe disposal efforts, and the remainder covers CalRecycle's annual operating budget.

Beverage Container Recycling Program (BCRP). According to the Legislative Analyst's Office (LAO), the BCRP promotes beverage container recycling and reduced litter by using the California Refund Value (CRV) deposit and return system.

- Consumers pay the CRV — 5 cents or 10 cents per container — when purchasing beverages in containers subject to the program. The CRV deposit is returned to consumers when they redeem the empty beverage container at a certified recycling center.

- State law requires CalRecycle to designate “convenience zones” located within a half-mile radius from most supermarkets. Each convenience zone must be serviced by at least one certified recycling center in order to provide consumers convenient opportunities to redeem beverage containers near places where beverages are purchased.
- If there is no recycle center within the convenience zone, it is considered unserved. Beverage dealers in unserved zones must either redeem containers in-store or pay a daily \$100 fee.

Market changes have reduced the number of recycling centers. Over the last several years, changes in global markets — including a decrease in prices for recyclable materials — has reduced recycler profitability. This, in turn, has led to a substantial decrease in the number of recycling centers operating in the state. As a result, there are a large number of unserved zones. In February 2021, 42 percent (over 1,600) of statewide convenience zones were unserved. These unserved zones included over 6,300 beverage retailers.

Recent Legislation Authorized Pilot Programs to Test Different Redemption Options. SB 458 (Wiener), Chapter 648, Statutes of 2017, authorized CalRecycle to develop a Beverage Container Recycle Pilot Program, which allowed up to five pilot projects to provide new approaches to providing convenient beverage container redemption options in areas that lack recycling opportunities. Subsequently, AB 54 (Ting), Chapter 793, Statutes of 2019, allowed for greater flexibility for where pilot projects could operate — specifically allowing pilots to operate outside of convenience zones — and extended the sunset date from January 1, 2022 to July 1, 2022. The Legislature also appropriated \$5 million on a one-time basis from the Beverage Container Recycling Fund (BCRF) to support the pilots.

The 2020 Budget Act appropriated \$126,000 BCRF in 2020-21 and \$124,000 annually for two years to develop, implement, and provide oversight of the pilot project grant program.

The 2021 Budget Act appropriated \$10 million BCRF to provide grants for the Beverage Container Recycling Pilot Project Program. The budget included trailer bill language to extend the sunset date for the recycling pilot program from January 1, 2023 to January 1, 2027. This trailer bill language also increased the number of pilot projects from five to ten and the maximum number of operating years from three to five.

The 2021 Budget Act also included one position and appropriates \$129,000 BCRF in 2021-22, an additional five positions and \$805,000 BCRF in 2023-24, and an additional three positions and \$1.2 million BCRF in 2024-25 and ongoing, for a contracted biennial study. The funds will be used to implement AB 793 (Ting), Chapter 115, Statutes of 2020, which requires beverage manufacturers to include a minimum amount of postconsumer recycled plastic in all plastic beverage containers subject to the California Refund Value (CRV).

The following chart is the Fund Condition Statement for BCRF in the Governor’s Budget:

	2020-21	2021-22	2023-23
0133 California Beverage Container Recycling Fund^s			
BEGINNING BALANCE	\$274,320	\$529,228	\$387,585
Prior Year Adjustments	124,831	-	-
Adjusted Beginning Balance	<u>\$399,151</u>	<u>\$529,228</u>	<u>\$387,585</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4120000 Beverage Container Redemption Fees	1,491,585	1,266,289	1,266,289
4163000 Investment Income - Surplus Money Investments	1,650	1,067	1,067
4171400 Escheat - Unclaimed Checks, Warrants, Bonds, and Coupons	227	32	32
4172500 Miscellaneous Revenue	13,199	3,229	3,229
4173000 Penalty Assessments - Other	185	61	61
4173500 Settlements and Judgments - Other	331	82	82
Transfers and Other Adjustments			
Revenue Transfer from Beverage Container Recycling Fund (0133) to Glass Processing Fee Account, California Beverage Container Recycling Fund (0269) per Public Resources Code Section 14580	-57,908	-66,874	-61,567
Revenue Transfer from the California Beverage Container Recycling Fund (0133) to the PET Processing Fee Account, California Beverage Container Recycling Fund (0278) per Public Resources Code Section 14580	-72,721	-87,071	-87,779
Total Revenues, Transfers, and Other Adjustments	<u>\$1,376,548</u>	<u>\$1,116,815</u>	<u>\$1,121,414</u>
Total Resources	<u>\$1,775,699</u>	<u>\$1,646,043</u>	<u>\$1,508,999</u>
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
3970 Department of Resources Recycling and Recovery (State Operations)	49,197	59,367	60,847
3970 Department of Resources Recycling and Recovery (Local Assistance)	1,195,876	1,197,996	1,165,496
9892 Supplemental Pension Payments (State Operations)	1,095	1,095	1,095
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	303	-	-
Total Expenditures and Expenditure Adjustments	<u>\$1,246,471</u>	<u>\$1,258,458</u>	<u>\$1,227,438</u>
FUND BALANCE	<u>\$529,228</u>	<u>\$387,585</u>	<u>\$281,561</u>
Reserve for economic uncertainties	529,228	387,585	281,561

BCRF Surplus and Reporting. The *San Francisco Chronicle* article, “California bottle deposit program sitting on at least \$100 million more than it told lawmakers,” (Dustin Gardiner, January 30, 2022), calls attention to CalRecycle’s reporting discrepancies of the BCRF reserve, stating:

“The program is now sitting on a surplus of more than \$529 million, money that comes from the nickel and dime deposits consumers pay every time they buy a can of soda or bottle of beer in the state.

CalRecycle, the state department that runs the deposit program, said the amount of the surplus jumped because of an accounting backlog that delayed actual totals during the pandemic. But some recycling advocates say the department has in the past downplayed the scope of its flush coffers to distract from its plummeting bottle recycling rate...

...[T]he size of its reported balance has fluctuated widely: About a year ago, the department projected it would begin the current year, which started on July 1, with a \$369 million surplus. Then, CalRecycle estimated the surplus was about \$428 million in a report to the Legislature last fall. CalRecycle later filed a memo with the state Department of Finance stating the surplus was actually over \$529 million.

CalRecycle Director Rachel Machi Wagoner, who took the department's helm in December 2020, said the jump was in part the result of a 'massive hiccup' that occurred when its accounting staff was suddenly forced to work remotely during the pandemic. Several employees quit around the same time, she said, and the department got far behind in tracking the money coming into its account...

...Two other factors also caused the surplus to grow faster during the pandemic: Beverage sales skyrocketed as people spent more time at home. Meanwhile, more recycling centers continued to close...

Machi Wagoner said it's also not unusual for the program's surplus to fluctuate by large amounts because the department can't predict exactly how many containers will be returned. She said, however, that the department doesn't plan to go back and revise any of the prior estimates because the fund balance it reported in the governor's proposed budget released this month is correct.

But some recycling advocates say they are troubled by the situation. They contend CalRecycle has a long history of providing low estimates about its surplus to legislatures. Susan Collins, president of the Container Recycling Institute advocacy group, said she's baffled that CalRecycle won't go back and fix its flawed projections...It's ridiculous that people in government can't just manage this the way it's supposed to be managed and produce an accurate and timely report...We can't improve the recycling program when there's misinformation.'...

...Machi Wagoner said CalRecycle has traditionally been conservative with its estimates because if it runs out of money in the fund, it would be forced to cut the subsidies it pays to help recycling centers cover their costs.

But she acknowledged that the program has more money than it needs to cover its operations — cash that could be used to try to improve recycling rates."

As noted in the article, the program has been in a downward spiral for about five years as recycling centers closed en masse because of factors such as global tumult in the recycling market and soaring real estate prices. Only about 68 percent of bottles and cans bought in California are recycled today, down from about 85 percent at the program's peak in 2013.

Organic Waste. Methane is a potent greenhouse gas (GHG) —25-28 times greater than carbon dioxide — is the primary GHG driving climate change in California. It is the second largest source of global GHG emissions and is responsible for 20 percent of current global warming. Among the various ways methane is emitted into the atmosphere is by the decay of organic waste in municipal solid waste landfills. CalRecycle is responsible for the implementation of state climate policies including landfill methane emissions reduction, waste-to-energy production, and composting requirements.

SB 1383 (Lara), Chapter 395, Statutes of 2016, established methane remissions reduction targets in a statewide effort to reduce short-lived climate pollutants (SLCP) in various sectors of California's

economy. SB 1383 established targets to achieve a 50 percent reduction in the statewide disposal of organic waste by 2020 based on the 2014 level, and a 75 percent reduction by 2025. SB 1383 also established a target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025. Lastly, the law provided CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets. CalRecycle estimates the state will need to divert an additional 27 million tons of organics by 2025 to meet the goals.

There are about 3,000 regulated entities subject to SB 1383 regulations such as solid waste facilities, schools, school districts, and non-local entities such as state agencies, public universities, and federal facilities. The edible food recovery target adds regulated entities such as commercial edible food generators, food recovery services, and food recovery organizations. SB 1383 regulations took effect January 1, 2022.

The 2021 Budget Act included five permanent, full-time positions and \$782,000 Cost of Implementation Account (COIA) in 2021-22, an additional four permanent, full-time positions and \$1.388 million COIA in 2022-23, and \$1.38 million COIA ongoing for purposes of SB 1383 implementation. This action also included redirecting 38 positions from the Local Assistance and Market Development Branch to Waste Permitting, Compliance and Mitigation Division. The redirected and newly requested positions will focus on compliance and enforcement oversight to implement the regulations adopted by SB 1383.

Circular Economy Package. The 2021 Budget Act included \$205 million in 2021-22, which is part of a two-year, total package of \$270 million (\$130 million General Fund) to support a circular economy that recognizes waste as a resource, with the purpose of shifting the state's focus to a more resilient and renewable economy. These funds will support implementation of goals to reduce short-lived climate pollutants, including advancing organic waste infrastructure, edible food recovery, and composting opportunities; and support other non-organic recycling opportunities. The figure below details the total allocations in the Circular Economy Package:

Circular Economy Package
(Dollars in Millions)

Investment Category	Department	Program	2021-22	2022-23	Total
Organic Waste Infrastructure and Implementation	Cal Recycle	Edible Food Recovery	\$3	\$2	\$5
		Composting Opportunities	\$5	\$0	\$5
		Organic Infrastructure Grants	\$90	\$15	\$105
		Co-Digestion Capacity	\$10	\$10	\$20
		SB 1383 Local Jurisdiction Implementation Grants	\$60	\$0	\$60
Non-Organic Waste	Cal Recycle	Recycling Feasibility Grants	\$2	\$13	\$15
		Recycling Market Development Zone Loan Program	\$25	\$25	\$50
		Quality Incentive Payments for PET Thermoform-Free Beverage Container Loads	\$10	\$0	\$10
		Total	\$205	\$65	\$270

The two main categories of this package are: (1) organic waste; and (2) non-organic waste. Organic waste investments for 2021-22 total \$168 million. Investments to address non-organic waste issues total \$37 million for 2021-22. All funding for this package is through CalRecycle. Among the various components, the package includes:

- Recycling Market Development Zone (RMDZ) Program. Trailer bill language authorizes CalRecycle to expend moneys in the Recycling Market Development Revolving Loan Subaccount in the Integrated Waste Management Account within areas outside of RMDZs where making the loan will benefit jurisdiction or assist a local jurisdiction, as specified.
- CalRecycle Greenhouse Gas Revolving Loan Program: Grant Program. Trailer bill language, upon appropriation by the Legislature in the annual Budget Act, requires CalRecycle to administer the grant program to provide financial assistance to promote in-state development of infrastructure food waste prevention, or other projects to reduce organic waste or process organic and other recyclable materials into new, value-added products.

Wildfire Debris Cleanup. Wildfire debris removal programs are implemented under the leadership of the Governor's Office of Emergency Services (Cal OES) and local governments. CalRecycle is often tasked with overseeing and managing contractors and consultants to conduct debris removal operations on private properties, at no out-of-pocket cost to property owners.

Funding for disaster debris cleanup initially occurs through transfers to the Disaster Response-Emergency Operations Account within the Reserve for Economic Uncertainties. The account was created for reimbursement of extraordinary emergency or disaster response operations costs incurred by state agencies and state-requested local agencies as a result of a state of emergency proclamation by the Governor. Historically, a significant portion of these costs has eventually been reimbursed by the federal government. In addition, where applicable, insurance proceeds specially dedicated for debris removal may offset costs.

The state-managed debris removal program has two phases: (1) removal of household hazardous waste, and (2) removal of other fire-related debris.

For Phase 1, the Department of Toxic Substances Control (DTSC) or another dedicated agency is responsible for:

- Clearing properties of household hazardous waste, including propane tanks, compressed gas cylinders, and solvents.
- Assess properties for asbestos and removal of bulk asbestos material.

For Phase 2, CalRecycle is responsible for:

- Site assessment and documentation
 - Measure and record foundation, structures, debris, utility infrastructure, and property-specified hazards.
 - Obtain and evaluate soil samples to establish cleanup goals for the project; identify and remove remaining asbestos-containing materials.
- Debris removal
 - Remove all burnt debris, foundations, dangerous trees, and contaminated soil.
 - Conduct confirmation sampling.
 - Sample and analyze soil and compare results to cleanup goals.

- Erosion control measures
 - Implement stormwater best management practices to control sediment runoff and promote vegetation growth.
- Final inspection
 - Provide property owners with certification that verifies the lot is clean and eligible to receive a building permit.

The 2021 Budget Act appropriated \$891,000 General Fund and six permanent, full-time positions in 2021-22 and \$880,000 General Fund ongoing to manage the workload for debris removal operations. The additional positions will manage contracts, hold contractors responsible, fully reconcile funds, and coordinate federal reimbursements.

According to CalRecycle, for the 2021 wildfire season, mobilization has begun for structural debris and hazard tree removal operations including the Dixie, Caldor, Monument, Tamarack, Lava, Antelope, River, River Complex, Hopkins, French, Washington, and Cache Fires.

Conclusion. The programs highlighted above are just a few of the non-hazardous waste handling and recycling programs that CalRecycle administers and provides oversight. CalRecycle is also responsible for electronic waste recycling, used tires, used motor oil, carpet, paint, mattresses, rigid plastic containers, newsprint, construction and demolition debris, medical sharps waste, household hazardous waste, and food-scrap composting.

0540 CALIFORNIA NATURAL RESOURCES AGENCY (CNRA)

Issue 5: Wildfire and Forest Resilience Task Force (SB 456)

Governor's Proposal. The Governor's budget requests \$2.483 million in General Fund for 2022-23 and \$1.477 million ongoing, and four positions (two at CNRA and two at CalFire) to support the operations of the Task Force and to fulfill the goals of SB 456 (Laird), Chapter 387, Statutes of 2021, which codifies the Governor's Wildfire and Forest Resilience Action Plan in statute.

These positions will 1) manage and facilitate the work of more than a dozen work groups and related committees, quarterly regional forums, an interagency team, a Science Advisory Panel; 2) track the 99 deliverables in the Action Plan; 3) coordinate the work of more than 50 federal, state, local, and tribal agencies involved in the Task Force; and 4) develop and implement a comprehensive communications strategy, including development of the annual reports required by SB 456.

Background. The California Forest Management Task Force (Task Force) was originally established in 2018 to introduce a more holistic, integrated approach toward effective forest management. The Task Force's purpose is to develop and implement a framework for establishing healthy and resilient forests and communities that can withstand and adapt to wildfire, drought, and a changing climate.

The Task Force issued the Wildfire and Forest Resilience Action Plan (Action Plan) on January 8, 2021. The Action Plan is a broadly supported strategy to reduce wildfire risk for vulnerable communities, improve the health of forests and wildlands and accelerate action to combat climate change. The plan calls for achieving these goals largely through regional strategies tailored to the environmental conditions, risks and priorities in each area.

In the spring of 2021, the Task Force was renamed the Wildfire and Forest Resilience Task Force and relaunched with an Executive Committee of federal, state, local, and tribal members. In September 2021, SB 456 was enacted to implement a comprehensive strategy related to the state's Action Plan.

SB 456 requires CalFire, along with CNRA, the California Environmental Protection Agency, the Office of Planning and Research, and other members of the Task Force, to develop a comprehensive implementation strategy to track and ensure the achievement of the goals and key actions identified in the Action Plan. SB 456 requires the implementation strategy to address specified actions, including increasing the pace and scale of wildfire and forest resilience activities, as provided.

SB 456 requires the Task Force, on or before January 1, 2023, and annually thereafter until January 1, 2048, to submit a report containing specified information, including progress made in achieving the goals and key actions identified in the Action Plan, to the appropriate policy and budget committees of the Legislature.

SB 456 requires the Task Force, on or before January 1, 2026, and every five years thereafter, to update the Action Plan, as provided. The bill requires the Task Force to invite the participation of specified federal entities in the creation, alignment, and coordination of joint efforts related to the above-described provisions.

Staff Recommendation. Hold open.

3340 CALIFORNIA CONSERVATION CORPS (CCC)

Issue 6: Rightsizing Fire Crew Resources

Governor's Proposal. The Governor's budget requests \$1.769 million in 2022-23, \$1.708 million in 2023-24, and \$1.994 million ongoing General Fund for 11 positions and 13 full-time equivalent Corpsmembers positions to adequately support CalFire/CCC fire crews.

CCC is requesting position authority and funding for the following:

Magalia-Butte Fire Center

- Conservationist II (CII) (1.0): This position works with the Conservationist Supervisor to coordinate crew work, staff training, relief supervision and Corpsmember development, and will mirror all other center staffing patterns. Responsibilities include district safety officer, project coordinator, provides logistical support and training for Corpsmembers and staff.

Camarillo Fire Center

- Conservationist I – Fire Relief (CI) (1.0): This position provides direct supervision of firefighting crews and will provide for relief for Camarillo's four fire crews and ensure consistent coverage. The addition of this position will right size the current staffing pattern for Type 1 fire crews and provide a 2:1 ratio for fire crew relief. It will mirror the fire relief CI positions added recently at Placer, Tahoe, Los Pinos, Delta, Los Padres, Ukiah/Willits, and Magalia-Butte.
- Corpsmember (13.0 FTE): The addition of these Corpsmember positions will provide fire trained and qualified backup Corpsmembers who are prepared to backfill vacant fire crew positions to keep Camarillo's four fire crews ready to respond, per CCC/CalFire agreement. The addition of these Corpsmember positions will also free up resources to assist with providing adequate Corpsmembers coverage of other center needs (fire crews, resource crew, culinary, facility maintenance, etc.)

Los Pinos Center

- Maintenance Mechanic (1.0): This position provides necessary facility maintenance and repairs at the Los Pinos Residential Center. This will match the staffing pattern at all residential locations.

Headquarters Support Staff

- Associate Governmental Program Analyst (AGPA) (1.0): This position will support Human Resources' Health & Safety unit with filing and tracking increased injuries due to nature of fire related work.
- Staff Services Analyst (SSA) (1.0): This SSA will work within the three CCC regions and Emergency Services Unit to ensure that expenditures are allocated correctly by providing the accounting and budget units with labor expenditures and financial report adjustments.
- Associate Construction Analyst (1.0): This position will support Capital Outlay and Facility Management Unit on upcoming capital outlay projects and deferred maintenance, with an emphasis on facilities with fire crews.
- Associate Personnel Analyst (APA) HR C&P (1.0): This position will support the Human Resources' Classification & Pay (C&P) Unit to address the increased workload as a result of changes and updates in C&P, as well as increased Request for Personnel Action (RPA) volume.
- Associate Governmental Program Analyst (AGPA) (1.0): This position will support the Training

Unit with the increased workload of training additional staff and Corpsmembers.

- Senior/Accounting Officer (3.0): Currently funded by SB 901 in support of Los Pinos Center and Fire Crew centers overall, these positions will support the additional accounts payable workload related to fire crew purchases.

Background. When not assigned to emergency incidents, these crews perform fire prevention work in the form of community fuel breaks, vegetation management, forest health projects, and prescribed fires.

In 2016, CalFire and CCC partnered to staff Fire Crews at the Magalia-Butte Fire Center, adding two crews at the Placer Fire Center in 2018, adding an additional five fire crews in 2019 to the Magalia-Butte, Camarillo, and Toro (Los Padres) Fire Center and six additional crews in 2021 to Delta, Tahoe, and Los Pinos.

Currently, CalFire and CCC have 18 year-round fire crews statewide with two proposed to be added to Ukiah/Willits in 2022.

CCC has identified personnel deficiencies throughout its CCC/CalFire Centers. In some cases, current staffing does not align with established staffing allocations. Consequently, this is impacting daily operations, as a result of increased fire activity, for which this proposal, if approved, will address.

Staff Recommendation. Approve as budgeted.

3540 DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CALFIRE)

Issue 7: Agricultural Lands: Livestock Producers: Managerial Employees: Livestock Pass Program: Disaster

Governor's Proposal. The Governor's budget requests \$493,000 General Fund in 2022-23, \$181,000 General Fund in 2023-24, and one position for two years to implement the training curriculum for livestock producers eligible for the livestock pass program to comply with the requirements of AB 1103 (M. Dahle), Chapter 609, Statutes of 2021.

Background. AB 1103 (M. Dahle). AB 1103 establishes a county livestock pass (Livestock Pass) program for the purpose of issuing identification documents granting a livestock producer, or a managerial employee of the producer, access to the producer's farm or ranch property during or following a flood, storm, fire, storm, earthquake, or other disaster.

AB 1103 requires the Office of the State Fire Marshal to create a curriculum for training livestock producers, as defined, on or before January 1, 2023. The curriculum would be developed in collaboration with the Statewide Training and Education Advisory Committee (STEAC), and would include basic fire behavior, communications during a disaster or emergency, and training on the incident command structure. Continuing education and recertification courses would also be developed. The bill also includes intent language that the initial training curriculum should be limited to four hours.

The purpose of a county-based Livestock Pass program is to identify owner-operators of commercial ranches to firefighting personnel, California Highway Patrol officers, sheriff's deputies, and other emergency personnel. Possession of a Livestock Pass during a wildfire or similar disaster allows the individual access to areas that may otherwise be restricted to the public so that the agriculturalist can: (1) protect or care for livestock assets (such as feeding, watering, and transporting livestock); or (2) provide auxiliary support to emergency personnel (such as identification of access roads and water points).

Staff Recommendation. Hold open.

3600 DEPARTMENT OF FISH AND WILDLIFE (DFW)

Issue 8: Commercial Fishing Inspection: Crab Traps (SB 80)

Governor's Proposal. The Governor's budget requests three permanent positions and \$573,000 General Fund ongoing to address the workload associated with the implementation of SB 80 (McGuire), Chapter 757, Statutes of 2021.

SB 80 authorizes DFW to develop and implement an evisceration program for the commercial Dungeness and rock crab fisheries, to expand biotoxin sampling in California fisheries, and to establish a consistent statewide presoak period for Dungeness crab gear.

Background. SB 80 institutes numerous changes to the commercial Dungeness and rock crab fisheries, including the establishment of eviscerated crab fisheries among other provisions. SB 80 alleviates some of the uncertainty in the opening dates of the commercial Dungeness and rock crab fisheries by providing an alternative to closures or delays when domoic acid levels are above allowable limits.

Under existing law, Fish and Game Code Section 5523 authorizes the Director of Fish and Wildlife to close or otherwise restrict the take of species in state waters to reduce the human health risk upon a recommendation from the Office of Environmental Health Hazard Assessment in consultation with the California Department of Public Health (CDPH). This process relies on the unique roles of each State department and requires close coordination to close and re-open areas due to public health concerns.

Each year, prior to the opening of the commercial Dungeness crab season, DFW staff coordinate with CDPH to collect samples in the commercial Dungeness crab fishery prior to the fishery opening to determine if they contain unhealthy levels of domoic acid, ensuring that it is safe for consumption. DFW staff are tasked with soliciting volunteer fishermen to collect samples and coordinating transport of samples to the CDPH testing facility. For other key invertebrate fisheries such as lobster and rock crab, samples have been collected opportunistically and sporadically from volunteer fishermen. This results in an incomplete understanding of the extent of domoic acid in these fisheries across locations and through time.

Domoic acid has become more prevalent in the commercial Dungeness crab and rock crab fisheries in recent years, prompting fishery closures and delays. During the 2015-2016 fishing season, a persistent domoic acid bloom caused by an unprecedented large marine heat wave, severely curtailed the length of the Dungeness crab fishing season in the central and northern management areas by approximately 58 and 72 percent, respectively. The 2015-2016 Dungeness and rock crab fisheries were subsequently declared a federal fishery disaster due to the significant economic losses resulting from the protracted closures due to domoic acid. The delay in the 2015-2016 fishing season also likely contributed to the large increase in number of entangled endangered humpback whales that season.

SB 80 establishes the legislative authority for DFW to adopt regulations governing take of Dungeness and rock crab in areas subject to evisceration requirements by CDPH. An evisceration program allows commercial Dungeness crab and rock crab fisheries to catch, land and sell crab that have been eviscerated (intestinal tract removed prior to cooking) under certain circumstances. A key component of any evisceration program is knowing when and where a vessel fishes to definitively safeguard that crab landed are either from an area under an evisceration order or not. This information can be easily obtained by requiring vessels to carry an electronic device that transmits the vessel's location at a regular

frequency. Starting in late 2023, the commercial Dungeness crab fleet will be required to have an electronic tracking device onboard during fishing activities. No equivalent monitoring requirement currently exists for other commercial invertebrate fisheries.

Staff Recommendation. Hold open.

Issue 9: Wildlife Connectivity Actions: Compensatory Mitigation Credits (SB 790)

Governor's Proposal. The Governor's budget requests three permanent positions and \$717,000 General Fund 2022-23, and two additional permanent positions and \$1.1 million in 2023-24 and ongoing to address the workload associated with the implementation of SB 790 (Stern and Cortese), Chapter 738, Statutes of 2021.

SB 790 authorizes DFW to approve compensatory mitigation credits for certain wildlife connectivity actions that measurably improve habitat connectivity or wildlife migration, such as adding an overpass or underpass for a roadway.

Background. SB 790 adds new provisions to the Fish and Game Code to clarify DFW's authority to use Conservation and Mitigation Banking and Regional Conservation Investment Strategies to provide advance mitigation credits for projects that improve habitat connectivity and migration. Advance mitigation is a science-based approach to identify mitigation opportunities. By considering mitigation development early in the planning process, prior to design and permitting phases, project proponents can identify higher-quality mitigation opportunities that support species and habitat needs on a regional and landscape scale, result in higher ecological function, and help reduce project approval and permitting timelines. Historically, these programs have not been used to create credits for projects that improve habitat connectivity, but this bill clarifies that they could do so under the current statutory schemes. This change will support public and private entities in developing such projects and improving wildlife connectivity throughout the state.

Staff Recommendation. Hold open.

3790 DEPARTMENT OF PARKS AND RECREATION (PARKS)

Issue 10: Natural Resources Bonds and Technical Proposals: Proposition 68

Governor's Proposal. The Governor's budget requests to revert \$15.805 million of the amount appropriated to support critical deferred maintenance projects in 2020-21 from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Fund (Proposition 68).

Background. A total of \$73 million has been appropriated from the General Fund for deferred maintenance projects between 2016-17 and 2019-20. In 2020-21, due to the economic uncertainties, \$44.343 million was reverted from these General Fund appropriations, and \$55.843 million was appropriated using Proposition 68 bond funds. As a result, Parks generated General Fund savings, moving many deferred maintenance projects from General Fund to Proposition 68. Most recently, in 2021-22, \$185 million General Fund was appropriated to address deferred maintenance projects representing critical infrastructure deficiencies. With this proposal, some of those projects will move back to General Fund, using a portion of the funds that were appropriated in 2021-22. The Administration states that the reversion in this proposal is imperative in order to have available funding for the completion of Proposition 68's continuing capital outlay projects.

PRC Section 80070 authorizes \$130 million for restoration, preservation, and protection of existing state park facilities and units. Proposition 68 currently funds five capital outlay projects that have outyear phases under PRC Section 80070. This proposal will revert enough funds to ensure affordability for outyear phases of these capital outlay projects. This proposal will also make further progress towards meeting the regional funding targets specified by PRC Section 80077, since four of these five projects are located in the designated regions.

This proposal provides the needed funding for outyear phases of continuing Proposition 68 capital outlay projects. The reverted funds will ensure completion of the following capital outlay projects:

- *Candlestick Point SRA: Initial Build-Out of Park.* This project will allow for the build-out of the Department's "first urban park" to provide core improvements, public access, and recreation enhancements.
- *Colonel Allensworth State Historic Park: Visitor Center.* This project will result in construction of a new visitor center building to include a reception area, conference/multipurpose room, cultural/interpretive room, theater room, staff offices, restrooms, and kitchen/break room.
- *Lake Perris State Recreation Area: Replace Lifeguard Headquarters.* This project will result in demolition of the existing 45-year old lifeguard headquarters and construction of a new, multi-purpose lifeguard headquarters. The new building will be larger and provide functionalities not currently available in the existing structure such as separate male and female locker rooms for lifeguard staff, a storage room for dive team, and medical equipment.
- *Old Sacramento State Historic Park: Riverfront Improvements.* This project will create a space that complements the natural riverbank environment and forms a strong connection to Sacramento's Waterfront. The improvements will result in an inviting space for visitors that provides opportunities for special events, a four-season river viewing experience, and a complementary space to the Sacramento Waterfront.

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- *Picacho State Recreation Area: Park Power System Upgrade.* This project will evaluate the park's current and future electrical power needs, including redundant backup, and determine sustainable options for providing reliable and cost-effective electrical power at this remote location.

Staff Recommendation. Hold open.