PLANNING AND CONSERVATION LEAGUE

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California Wildlife Threatened by Climate Change

With threats to species survival and the decimation of wildlife habitat being of increased concern, the adoption of more expansive conservation and mitigation efforts is crucial to the health of our state. The recent passage of SB 337 (Min) codified the state's 30x30 goal, and implementation presents opportunities to address wildlife needs directly tied to climate change impacts. We are taking a deeper dive into two policy areas that are critical to California's wildlife being able to adapt to climate change: wildfire and connectivity. PCL will continue to examine current policies and efforts to determine gaps and opportunities for action.

Wildfire – Recent wildfire events have been catastrophic for wildlife and their habitats, and these impacts will only get worse given current climate change patterns. According to a study done by UCLA and the La Brea Tar Pits and Museum, wildfires have caused mass extinction long before today. About 13,000 years ago, Southern California witnessed the extinction of large mammals, otherwise known as megafauna. Past studies have concluded that this extinction was due to hunting. However, new evidence from the UCLA study suggests that the 300-year period when the megafauna disappeared was characterized by "unprecedented fire activity occurring with the changing climate, along with people coming into the area," according to UCLA graduate student Lisa Martinez.

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Budget Trailer Bill Policy: The New Normal?

Trailer bills are becoming a routine part of California's budget process. Making wide-ranging policy changes behind closed doors in the mad rush to pass the state's annual spending plan by the constitutional deadline can be undemocratic and a pathway to bad policy.

The 2023-24 budget and the flood of trailer bills that came out in mid-May were unique. The budget itself saw a massive delay in projected revenues due to disaster proclamations postponing CA's tax filing deadline this winter and spring, as well as a shortfall in personal income taxes due to changes in the stock market and the impacts on high-income residents' tax bills. Beyond the revenue drop, something else stood out: the sheer number and breadth of the Governor's proposed budget trailer bills – things the Governor wanted to be passed as a package with the budget and within the budget deadlines.

Of particular concern to PCL were bills that encompassed substantial changes in water policy, CEQA processes, endangered species protections, and substantially rolled back CEQA as it would apply

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Dear Members,

I want to take this moment to thank all our member organizations and allies who were instrumental in helping us pass or stop the numerous bills we worked on this past legislative year. It was a monumental feat to have so many coalition members working on water, climate change, and transportation issues. We did it together, and it shows. Congrats to everyone.

As you can see from the legislative article in this edition of California Today, we were extremely busy this year on a wide variety of issue areas. The highlights include advancing equitable water rights by passing SB 389 and advancing AB 460 and AB 1337, protecting 30% of our lands by 2030 by helping pass SB 337, holding back multiple attempts to weaken CEQA in legislation like SB 768 and AB 978 and in the Governor's budget trailer bills, and growing new movements to modernize water management and promote CEQA.

We are also excited to announce that the 2024 California Environmental Assembly - Life Beyond 1.5 Degrees: Hard Truths and Solutions- will be live and in person at UC Davis School of Law's King Hall. Recent Assemblies have led to countless advances in environmental policy; in the last two years, almost a dozen bills, including this year's SB 571 on wildfire evacuation and SB 781

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The current climate crisis poses a myriad issues for the health and wellness of our entire planet, and the heightened risk of wildfires can no longer be avoided. Following the results of the UCLA study, major wildfires today carry the potential to cause mass extinction in our natural world. The loss of biodiversity and natural habitats will prove to be detrimental to ecosystems on both local and global scales.

Right now, community-based citizen efforts lead the way. California is home to many rescue and rehabilitation centers dedicated to the health and wellness of wildlife species of all kinds. This work is often volunteer-based and is characterized by care and compassion for the animals in need of help. Many of these centers also emphasize the need for public education on the importance of species conservation and the impacts of wildfires on species at risk. California wildlife rescue and rehabilitation centers are highly impactful, but there is plenty of room for help from statewide wildfire policies and legislation.

Corridors & Connectivity – Wildlife corridors are a vital tool for conservationists and land managers, and an asset to human communities as well. By supplying safe passage for animals, corridors can help to ensure the long-term survival of many California species, as well as provide immense benefits to nearby communities, including improved air and water quality.

Wildlife corridors are strips of land (or water, in the case of riparian corridors) that connect wildlife habitats. They provide safe passage for animals to move between their home ranges. Benefits of corridors for wildlife include:

- Conserving habitat. Wildlife corridors provide important habitat for a variety of wildlife species, including those that are threatened or endangered.
- Protecting biodiversity. Corridors help to connect fragmented habitats, which prevents inbreeding and genetic isolation of populations, ensuring wildlife health and survival.
- Reducing human impact. Corridors provide safe passage for animals to move between their home ranges, reducing roadkill and other impacts of human activities.

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- Improving resiliency. Corridors can help to improve the resilience of ecosystems by allowing for the movement of species in response to climate change or other disturbances. This is especially important as extreme weather events in California become more frequent and intense.

In addition to protecting wildlife, corridors can greatly improve the health and quality of life of people who live in surrounding communities. Community benefits include:

- Improving air quality and reducing noise pollution. Flora in wildlife corridors can help to filter pollutants from the air, which improves air quality in surrounding communities. Natural corridors can also help to reduce noise pollution by providing buffers between busy roads and residential areas.
- Promoting groundwater recharge. Wildlife corridors, whether riparian or terrestrial, can reduce runoff by capturing water in natural vegetation, preventing soil erosion, removing pollutants, and increasing groundwater recharge.
- Providing access to green space. Corridors can provide access to green space for people who live in urban areas, which can have significant health benefits. Green space can help to reduce stress, improve mental health, and boost physical activity.
- Supporting sustainable transportation. Corridors can provide safe passage for people to walk, bike, or access public transportation. Maintaining these green spaces can further help to reduce traffic congestion and air pollution.
- Enhancing cultural heritage. Corridors can help to connect people with the natural world and provide opportunities for education and recreation.

2023 Legislative Recap

The 2023 legislative session was jam-packed for the Planning & Conservation League. We directly sponsored or co-sponsored six bills and were crucially involved in furthering many other essential pieces of legislation covering water, housing, CEQA, wildlife, energy, and infrastructure. Of our six bills – all taking bold steps to tackle difficult issues –the Governor has already signed one, and four are still alive to continue on to next year. Here are some highlights of this exciting year:

Water Progress:

Much of PCL's efforts are directed toward our push for meaningful, common-sense water law reforms, which give the State the tools necessary to manage our water and generate benefits for all users.

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on methane emissions, have emerged from the Assembly's panels and conversations, and your support makes it possible.

PCL is growing our efforts in 2024 to defend and improve CEQA and advance our uphill battle to modernize water management in California, setting the stage for the next decade. We have added new staff and the capacity to host a series of summits this next year, building on the new movements around water and CEQA. PCL will also examine problems like adapting to wildfires, capturing and mitigating methane emissions, and creating greater connectivity for wildlife and their habitats, all with an eye toward building a better future for all Californians.

Be well, and happy holidays from the PCL staff.

Howard Penn
Executive Director

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to transportation, water, and other unidentified projects to be "named later." One bill would have sped up the approval and ultimate construction of the delta conveyance project to ship more water south. You can see the full list of the Governor's proposals at: **https://esd.dof.ca.gov/trailer-bill/trailerBill.html**

PCL joined with more than 100 organizations to sign a joint letter expressing concerns over many of the Governor's proposed trailer bills. In addition to the concerns with the use of the trailer bill process to enact sweeping changes to important laws that protect the environment and public health, we called for substantial changes to a number of these trailer bill proposals.

In a deal struck over the remaining days before the budget deadline, legislative leaders were able to improve on the proposals from the Governor, including protecting the completeness of administrative records in CEQA cases, dropping the delta tunnel/conveyance from the package, restoring funding for many important environmental and

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In a significant step toward this goal, SB 389 (Allen), sponsored by PCL, was signed by the Governor. SB 389 gives the State Water Resources Control Board (SWRCB) the explicit authority to investigate pre-1914 and riparian rights. These two groups – who hold 45% of rights and 35% of California's water by volume – are finally subject to the SWRCB oversight we rely on to prevent unchecked water theft.

SB 389 was a heavy lift, requiring careful negotiation with right-holders who were initially opposed. We hope that these efforts will build collaboration on our two related bills, AB 460 (co-sponsors: California Trout & Trout Unlimited) and AB 1337 (co-sponsor: California Coast Keeper Alliance), which will continue as priorities for PCL in 2024.

We supported AB 809 to create a salmonids monitoring program and SB 3 to extend protections against residential discontinuation of service for small community water systems left vulnerable under existing law.

Finally, we supported Senator Eggman's proposal to mandate the completion of the Bay-Delta Plan (SB 687), which would codify a top priority for PCL.

Preparing for Wildfire:

PCL sponsored SB 571 to mandate new development projects in high-risk fire areas have an evacuation plan meeting specified standards. The bill does not prescribe where and where not to build; it mandates that safe evacuation is planned for ahead of time. PCL will work to move this bill in 2024.

Responsible Methane Governance:

PCL also sponsored SB 781, seeking to minimize methane leakage in production and delivery processes. The bill stalled in the Assembly but spurred a worthwhile debate about the best policy mechanism for accomplishing this goal. This necessary conversation will continue into next year.

VMT Reduction:

PCL sponsored SB 670 to initiate the development of a statewide Vehicle Miles Traveled (VMT) performance-mapping database. The implementation of California's climate laws and housing incentives are impeded by the utter lack of sufficient VMT mapping. Though this bill was held in Appropriations, widespread interest remains in tackling this roadblock to effective policy.

PCL was part of a broad alliance supporting AB 6 and AB 7 (this session's iteration of Friedman's AB 2237 and AB 2438 from 2022) to improve the enforcement of climate laws in land use and transportation planning by compelling greater local and state compliance.

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CEQA:

PCL remained front and center in debates over CEQA. We, alongside many others, opposed AB 1633. This bill, among other things, makes project disapprovals or demands for further environmental review a potential violation under the Housing Accountability Act. The implications of this provision are broad, and we believe the overall bill is, simply put, bad policy.

Another two-year bill of concern is SB 393, which would require the disclosure of contributors to CEQA litigation, and, as written, could reduce or eliminate project-level environmental review.

On a positive note, we celebrate the passage of SB 69 to strengthen noticing requirements under CEQA, clarifying a problematic court decision that would have relaxed obligations and reduced community involvement in this vital process.

The most significant and complex environmental conversation in 2023 revolved around the infrastructure package the Governor pushed through via budget trailer bill. You can read more about those efforts in the Trailer Bill article on page one, but, in short, the environmental and environmental justice community stood together against this effort to reduce environmental review and community access to the development process. This collaboration significantly improved the end product, but the question still remains: How do we safely and equitably accelerate the next generation of needed infrastructure? PCL does not believe that gutting front-end environmental review and good community planning is the right way to…but we and our partners are indeed pondering what viable alternatives could be.

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wildlife programs, retaining the "fully protected species" status in California law, and more.

The agreement reached between the Legislature and Governor includes support for the associated budget trailer and the following policy bills:

AB 122 – Joshua Tree (Committee on Budget)

AB 124 – Green Bank and Energy (Committee on Budget)

AB 126 – Clean transportation (Reyes)

SB 145 – Caltrans Advanced Mitigation and I-15 Wildlife Crossings (Newman)

SB 146 – Progressive Design Build, Job Order Contracting, NEPA Assignment (Gonzalez and Friedman)

SB 147 – Fully Protected Species (Ashby)

SB 149 – Expedited Judicial Review, Administrative Record Reform (Caballero and Becker)

SB 150 – Equity (Durazo, Smallwood Cuevas, Gonzalez, Cortese, and L. Rivas)

PCL was engaged all along the way with many other partners to try to make the ensuing budget deal the best it could be and make sure the most concerning of the proposals were eliminated. We feel this was largely accomplished, and we give our great thanks to the many legislators and advocates who helped make it happen… but we still object to trying to rush policies of this scope and importance through the budget process.

PCL's New Staff Members

The PCL team is growing! We have been fortunate to be able to add three new dynamic policy advocates and associates to help protect and advance a better California for us all. You can read more and meet the rest of PCL's staff at pcl.org/about/our-staff.

Natalie Brown, Environmental Policy Advocate

Natalie is a dedicated environmental policy advocate hailing from Sacramento. With dual degrees in History (B.A.) and a self-designed B.S. in Environmental Policy & Planning, Natalie's academic work centered on the intersection of people, the environment, and social justice. During her undergraduate years at UCLA, Natalie fostered an interest and expertise in environmental governance, completing intensive individual research on critical issues like the Colorado River crisis and the inequities at play in the construction of the Los Angeles Aqueduct.

Now, as part of the PCL team, Natalie applies this insight to her policy work, working to improve California's water systems and correct environmental inequities across the state. Her passion and knowledge are dedicated to making California a more sustainable, equitable, and climate-resilient state.

Kelly Glascoff, Policy Associate

Kelly has worked on policy and advocacy campaigns with various

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PCL & Allies Advance Water Reforms | SB 389, AB 460, & AB 1337

It has been a remarkable year for water reform in California, and PCL, with our allies, has been out in front leading the charge. Building on the momentum from our win on SB 1205 last year, a movement is beginning to coalesce around the need to reform key water laws in a direction that advances the needs of people and the environment while helping us adapt to the impacts of climate change. Mobilizing around a trio of bills (SB 389, AB 460, and AB 1337), over 70 groups, including California tribes, environmental justice organizations, commercial and sport fishing groups, and a wide range of conservation organizations, joined to support one or more of the measures with 16 groups supporting the entire package. Organizing openly and collaboratively and allowing groups to join in support of the reforms that fit their mission, PCL and our allies are advancing reforms that matter and will help us all adapt and thrive.

The Problem – The fact is, California has nineteenth-century rules and tools to address twenty-first-century challenges with the management of our water. Additionally, those inherited rules and tools are at best inequitable and, at worst, deprive hundreds of thousands of Californians of access to safe, reliable, and affordable drinking water. We are now facing the ever-growing impacts of climate change, with summers getting hotter, average rain and snowfall levels decreasing, and our water reserves shrinking.

Understanding and managing water flows, quality, diversions, beneficial uses, and discharges are essential given California's limited and potentially dwindling water supply under the twin challenges of climate change and prolonged droughts.

Today, California lacks the fundamental ability to truly assess how much water is available and how much is used across all diverters. Water managers, planners, and regulators in the state lack the tools to address critical shortages, which endangers downstream users and the environment. This combined lack of knowledge and essential tools leads to uncertainty for all – unknown and unregulated use by just one diverter can devastate ecosystems and other senior water users dependent on downstream diversions.

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The Reforms – These three bills focus on a fair, balanced, equitable, and timely tool set for the State Water Resources Control Board (SWRCB) and water rights holders. With these new tools, we will be able to more quickly address critical shortages in coming droughts and work towards ensuring the most senior water users provide critical information on historical and current use.

Surface Water Rights Verification | SB 389 by Senator Ben Allen PASSED & SIGNED!

With the Governor's signature, the SWRCB gains a tool for promptly investigating and determining whether senior water right claims are inflated or represent the amounts the claimants have the right to divert and use. SB 389 grants the SWRCB the authority to review, verify, and issue decisions on senior water rights claims not granted via the Water Commission Act of 1913, namely pre-1914 appropriative and riparian water rights. Now, these two groups – who hold 45% of rights and 35% of California's water by volume – are finally subject to the SWRCB oversight we rely on to prevent unchecked water theft. The Water Code amendments in SB 389 help address a gap in Water Board authority by allowing the Water Board to selectively investigate and determine whether a water right claimant, diverter, or user is diverting or using water under a defensible claim of right. With this authority, the Water Board will have the ability to better manage the system for the benefit of all users and the ecology of California's many beautiful streams.

Interim Relief – AB 460 by Assemblymember Rebecca Bauer-Kahan & Assemblymember Laura Friedman (2-year bill)

AB 460 gives the SWRCB clear authority to temporarily limit water diversions from all rights holders in times of shortage when harm is occurring, both during drought emergency and non-drought emergency years, and increases fines for unauthorized diversions. The authors held the bill over to spring 2024, and we will engage in grassroots organizing to ensure AB 460 advances.

Fair Regulation of Water Rights – AB 1337 by Assemblymember Buffy Wicks (2-year bill)

This legislation grants the SWRCB authority to curtail any diverter, regardless of the basis for their right, when water is unavailable under the diverter's priority of right. Even though about a third of all surface water is diverted under a pre-1914 water right, the water code, which authorizes the Water Board to curtail rights during non-emergency water shortages, only applies to post-1914 rights. Therefore, even when there is not enough water to satisfy all pre-1914 right holders, the SWRCB lacks the authority to regulate, and these right holders are left to police themselves. The legislation is now a two-year bill, and PCL and our allies will work to pass AB 1337 in 2024 to close this loophole.

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organizations, including in the Washington, DC, offices of the Sierra Club and the American Society for the Prevention of Cruelty to Animals. Most recently, Kelly spent her law school summer externing with the California Department of Fish and Wildlife, where she focused on issues under the California Endangered Species Act. Her passions include running grassroots campaigns to advance state and federal policy to protect wildlife and ensure clean air, water, and green spaces for all communities. Kelly has her wildlife rehabilitation license in her home state of New York and enjoys working hands-on with wildlife in addition to working on policy to address systemic environmental issues.

Leah Rice, Policy Associate

After growing up near the coast and redwoods of the San Francisco Bay Area, Leah moved to sunny SoCal for college, where she earned her degree with highest honors from the UC Santa Barbara Environmental Studies Program, with a Concentration in Applied Ethics. Leah's passion for environmental conservation and education drew her to PCL, and she is excited to be working toward protecting species and habitats, creating sustainable communities, and safeguarding natural resources for future generations. Leah lives in San Diego and spends her free time running, surfing, and attending concerts.

2024 Environmental Assembly

Live & In-Person Saturday, Jan. 27th

Life Beyond 1.5 Degrees: Hard Truths and Solutions

PCL is excited to announce the 2024 California Environmental Assembly will be held live and in person on January 27th, 2024, at UC Davis School of Law's King Hall. Our return to an in-person event is made possible by the California Environmental Law & Policy Center's generous offer to host the gathering!

PCL's Assembly features insightful and impactful panels on the critical issues we must tackle if we are to face climate change head-on. Recent Assemblies have led to countless advances in environmental policy; in the last two years, almost a dozen bills have emerged from the Assembly's panels and conversations.

The theme for the assembly is Life Beyond 1.5 Degrees: Hard Truths and Solutions. PCL strongly believes that we are falling short of enacting measures that will curb the climate crisis fast enough to avoid catastrophic impacts. We design our panels to focus on both immediate short-term solutions and strategies for the future. The sessions will focus on the topics of water law modernization, green infrastructure, wildfire, methane capture, CEQA, groundwater, and housing.

To learn more or to register now, visit: **pcl.org/assembly**

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We must build support and momentum for these modest but essential reforms to address climate change and water equity. These bills protect due process rights for water rights holders and ensure greater protections for all beneficial uses, including housing and farming. The bills seek to protect the rights and access of legal water users against illegal diversions, allowing our water system to work as intended.

These bills are part of California's larger strategy for climate change adaptation. Other efforts include water management planning, recharge projects, urban storm-water capture, water use reduction, reuse, and recycling across all sectors.

Water, just like air, is a public resource – essential to each and every one of us every day of our lives. We changed how we manage our air starting in the 1960s, and we have all benefited in the decades since. In the face of climate change, PCL and our allies are sponsoring groundbreaking legislation to adapt how we manage our water for the benefit of all.

PCL Donation Information

PCL's success has been due to your unwavering support. You can visit **PCL.org/donate** to learn about the many donation options available. Please consider contributing today to help ensure our environment is protected for humans, plants, and wildlife forever.

You can also mail your donation to the address listed below. Please contact PCL at 916.822.5631 if you have any questions. Thank you.

Contact PCL

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