



PLANNING AND CONSERVATION LEAGUE

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## PCL's 2022 Legislative Recap

Another Californian legislative session is in the books, and it was a doozy, with major legislation on the full range of issues PCL is engaged in—water, wildlife, housing, transportation, and wildfire... wrapped up by a last minute, precedent-setting climate package. On balance, we had a very good year, with most bills PCL supported having passed, and most that we opposed having failed. But we had some losses too, including at the Governor's desk.

### **AB 2438 (Support) - VETOED**

PCL has worked tirelessly with Assembly Member Freidman, sponsor ClimatePlan, and many other partners in support of AB 2438, which will require that the guidelines of the State's major transportation funding programs be updated to incorporate the principles and strategies of the [Climate Action Plan for Transportation Infrastructure \(CAPTI\)](#). Further, the bill will require for the first time that the California Transportation Plan (CTP) include a financial element that will help identify alignment and prioritization of state investments with that of our Regional Transportation Plans and Sustainable Communities Strategies. The Governor vetoed 2438 stating that CAPTI is already being implemented successfully by the relevant agencies without further legislative direction needed. PCL would disagree.

### **SB 1205 (Support) – Signed**

PCL sponsored this bill with Senator Allen, which was one of the top priorities of [PCL's Water Law Reform report](#) published earlier this year. SB 1205 would direct the State Water Resources Control Board to develop regulations that govern consideration of climate change in water availability analyses used in the Board's review of applications

## Facing California's Once-In-A-Generation Water Crisis

2022 has been another harsh year for California's water supplies. With 87% of California's counties in severe drought, experts expect widespread shortages of water, loss of arable land, and an increased risk of fires. Nearly all Californians will be affected by the drought, some areas of California are running out of water already, and there's not end to the drought expected soon.

Knowing the urgent and desperate condition of our state's water resources, PCL is focused on developing ideas to make our current water system drought resistant and adaptable to the looming concern of climate change. Over the past two years, PCL has been meeting with a group of water experts to brainstorm ideas on what reforms California needs to make to address this emergency. Our group released 11 possible recommendations, designed to meet California's water needs for the 21st Century, during PCL's Assembly webinar on [Updating California Water Laws to Address Drought and Climate Change](#). The full report can be viewed [here](#).

PCL understands that making recommendations without action won't help the average Californian during this drought, and we

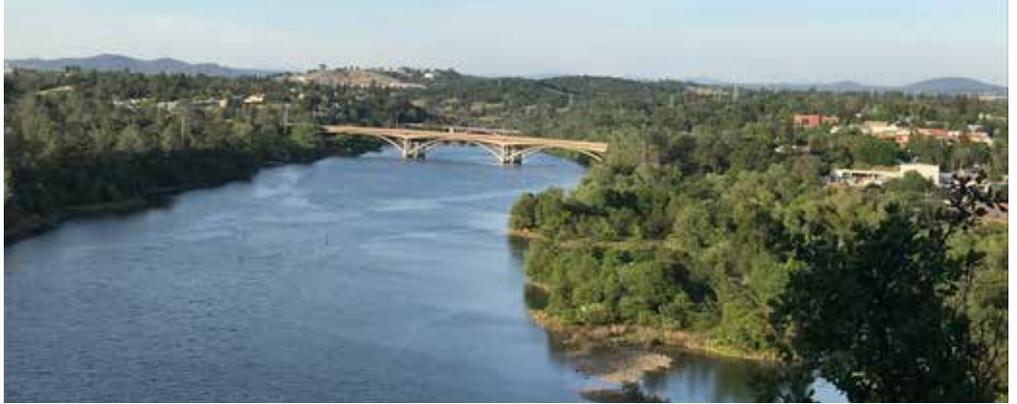
## Dear Members,

What a great year! 2022 was a busy and successful legislative year — read more at our legislative recap article included in this newsletter. The article covers much of our year's work, but I want to highlight one of our [Water Law Reform Report](#) recommendations that made it into law this year — [SB 1205 \(Allen\)](#). This was a significant amendment to current water law to consider climate change as part of water supply analysis. We have a team of water attorneys and advisors from across the state to thank and most importantly Sen. Allen for authoring the bill, and our Senior Water Policy Advisor, [Jonas Minton \(read more about Jonas here\)](#), who we suddenly lost this year due to complications from heart surgery.

We were also successful at several other legislative and policy efforts and attribute that success to our strong team — staff, advisors, partners and allies. Each fall we analyze the successes and challenges of the past year, and plan future strategies for the next year. Recently defined policy objectives for 2023 include additional water reform legislation, transportation and land use legislation, and continued work on climate change policy. We will keep you posted and informed as those objectives are rolled out.

Because the climate crisis is still our existential threat, it is more important than ever now to remove climate impacts as quickly as possible. Our annual assembly

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for water rights permits. This is an overdue and essential step towards ensuring the long-term resilience of California's water supply.

Two other bills that came from PCL's report had different fates:

#### [AB 2108 \(Support\)](#) – Signed

Sponsored by CA Coast Keeper, has been signed, requiring environmental justice, tribal, and racial equity impact analysis, findings and reporting on policy decisions and permit processing. Unfortunately, the requirement for environmental justice experience and representation on the SWRCB and regional boards was cut from the final bill.

#### [AB 2639 \(Support\)](#) - Failed

This bill would have required the State Board to adopt a final update of the Bay-Delta Water Quality Control Plan before approving any new water right permits or extensions.

#### [SB 1410 \(oppose\)](#) – Failed

PCL led the opposition of more than 50 organizations to this bill that would have eliminated the new vehicle-miles-traveled (VMT) methodology for analyzing transportation impacts under CEQA. Under pressure of this opposition the bill was largely gutted in its first committee, and eventually failed to pass Assembly Appropriations, in one of our biggest wins of the season.

### [The Governor's Climate Package:](#)

The full historic package of bills signed into law at the end of the session can be found [here](#), but here are some key bills PCL was engaged in.

#### [SB 1314 \(Support\)](#) – Signed

Prohibits Carbon Capture Utilization and Storage (CCUS) technologies for the purposes of Enhanced Oil Recovery (EOR).

#### [SB 1137 \(Support\)](#) – Signed

Would impose 3,200 ft. set back rule from oil wells from residential and public uses. Almost three million people live within 3,200 feet of an oil well in California, the vast majority of which are low-income people of color. This is a huge win for the communities and environmental justice advocates that have been fighting for this for years.

#### [AB 1757 \(Support\)](#) – Signed

Would mandate development of a methodology and targets for natural and working land landscape-carbon values for integration into Air Resources Board's GHG Reduction Scoping Plan.

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### **SB 905 (Opposed) – Signed**

Establishes a guidelines development program for carbon capture, use and storage (CCUS) practices. The efficacy of CCUS strategies is questionable at best, and PCL does not think the state should be relying on these dangerous technologies to meet our climate mandates.

### **SB 867 (Support) - VETOED**

Would kick-start and enhance planning requirements for considering sea-level rise.

### **Housing:**

#### **AB 2011 (Support If Amended) and SB 6 (Oppose unless Amended) – Both Signed**

These bills offer differing approaches to by-right approval of infill housing projects on underutilized commercial office, retail, and parking parcels, that meet various criteria. The basic concept is something PCL strongly supports, but, as with all CEQA streamlining bills for housing, PCL's position on these bills is very nuanced. We were able to help strengthen these bills in multiple ways, but ultimately feel that streamlining incentives of this magnitude should be further targeted to low-VMT, more location efficient areas.

#### **AB 2334 (Support) - Signed**

Would expand “density bonus” incentives for 100% affordable housing projects to low-VMT areas, which marks the first time the low-VMT area has been encoded in law outside of the CEQA guidelines.

#### **SB 886 (Neutral) - Signed**

A CEQA exemption for on-campus student housing meeting various strict conditions. PCL could not get to Support on this bill, but we did help to improve it and ensure that campuses have to do much better long-range planning for housing if they are to receive these incentives.

### **Wildlife:**

#### **AB 2344 (Support) - Signed**

Building upon the PCL's work on the Liberty Canyon wildlife crossing that broke ground this year. This bill greatly expands wildlife passage requirements and programs for the CA highway system.

#### **AB 30 (Support) - Signed**

This bill establishes access to nature as a human right, and mandates state agencies to consider this

right in decision-making and policy adoption, with particular regard to the needs of disadvantaged communities.

### **Transportation:**

#### **AB 1713 (Failed)**

Would allow stop signs to be yield signs for bikes.

#### **AB 2147 (Support) - Signed**

Decriminalizes jaywalking. This bill, and the above bike-stop bill, were both vetoed by the Governor last year.

#### **AB 1919 (Support) – Vetoed**

Would have established a free-youth-transit pass program, a win-win for both students and transit, and we have no idea why the Governor has vetoed it.

### **Water:**

#### **SB 222 (Support) - VETOED**

A “Safe and Affordable Drinking Water Act” bill, establishing a robust and equitable Water Rate Assistance Program.

#### **SB 1157 (Support) - Signed**

Updates indoor water use efficiency standards.

### **Wildfire:**

#### **AB 1154 (Oppose Unless Amended) – Failed**

A CEQA exemption for emergency egress routes in high fire risk areas. PCL was working very hard with the sponsors on how to do this right before it failed. There was still a long way to go, but California, does need to figure out a way to provide safe egress to our communities at risk, without compromising the environment and climate, and without inadvertently paving a path for more people to be in harm's way.

#### **SB 396 (Opposed) – Failed**

Very problematic maintenance and forestry management provisions for electrical lines.

#### **AB 2705 (Opposed) – Failed**

The problematic CEQA exemption was cut from the original bill, but the final bill would have still sent a statutory green light for building in high-risk fire areas under current building standards, which simply aren't strong enough—there is much more thinking to be done on how we plan appropriately for these communities.



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this year will again tackle the climate crisis and related topics that help mitigate and adapt to climate changes. See [PCL.org/Assembly](https://pcl.org/Assembly) for more information.

In this newsletter, you will find a compilation of past and current articles about our statewide policy work. We are not lacking in topics to cover and have selected the most relevant articles to publish for those not on our email distribution list (please sign-up on our website at [pcl.org/newslettersignup](https://pcl.org/newslettersignup)). We have also included some new articles about current issues at the legislature we hope you will find educational.

Also, your support is greatly appreciated and because much of our work is complicated, time consuming, and performed over years, your donations are critical to the success of our efforts.

Be well, and happy holidays from the PCL staff.

**Howard Penn**  
Executive Director

## Remembering a Peaceful Water Warrior

Jonas Minton directed PCL's water program for nearly 20 years before his sudden and unexpected death on June 22, 2022. He seemed ageless in life and omnipresent in the world of water politics. He had a kayaker's joy of feeling at one with the energy of water in motion, and he had a policymaker's understanding of the forces that tugged at each drop of water as it wound from our highest peaks, through our rivers, cities, farms, and then to the Pacific Ocean.

Perhaps Jonas' most remarkable talent was his ability to communicate with everyone across the entire spectrum of water policy and politics. He constantly sought ways, both big and small, to solve problems and make the world a better place. When polarization drove people apart, he brought stakeholders together to identify small steps that were in everyone's best interests.

Jonas preferred to work out of the spotlight and give others credit. He provided knowledge, insight, and a lot of space for people to come to their own conclusions. It's hard to find someone who didn't enjoy working with Jonas. Now we are all learning what it is like to live without him.

In his honor, PCL is setting up a Jonas Minton Water Warrior Fund. Money donated to this fund will be dedicated to continuing Jonas' work at PCL on his grand vision of creating sustainable water resources for all Californians, protecting the threatened resources that are disappearing all too quickly, and building a resilient water future in the midst of the climate crisis. Please designate your donations to this fund if you want to support Jonas' vision for the future. To donate [click here](#).

To read more about Jonas please [click here](#).

[Click here](#) to visit Jonas' memorial website.

For a compilation of Jonas's work please [click here](#). (This is a large file – 50+MB – please be patient).



## Donation Information

PCL's success has been due to your unwavering support. You can visit [PCL.org/donate](https://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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sponsored two bills in 2022 based on the recommendations, SB 1205 (signed) and AB2369 (failed).

PCL worked closely with Senator Ben Allen's office on SB 1205 that will ensure that climate change effects and impacts are considered when making agency decisions regarding water availability. Currently, the State Water Board is required to prepare a Water Availability Analysis (WAA) to determine how much water is available for appropriation. The Analysis is required to review historical data of past water availability and estimate how much water will be available in the future. However, with climate change becoming more intense each year, it is no longer feasible to use historical data to estimate future availability. Senate Bill 1205, signed by the Governor in September, will now fix that by requiring the State Water Board to consider climate change impacts on hydrology when developing the Water Availability Analysis.

PCL also sponsored Assembly Bill 2639 focused on protecting the waters of the Sacramento-San Joaquin Bay-Delta watershed. Under the Clean Water Act, the State Water Board is required to develop and implement a Water Quality Control Plan once every few years. This Plan is used to determine how much water is available in the watershed, which then calculates how much is available for diversion and how much is left for the environment. However, the Bay-Delta Water Quality Control Plan has not been significantly updated since 1995. For years, water diverters have stalled the process by saying they will develop "voluntary agreements" for the management of the watershed. Unfortunately, these "agreements" tend to put the needs of the water users before environmental considerations.

Assembly Bill 2639 would have required the State Water Board to complete the update for the Bay-Delta Water Quality Control Board by December 31, 2023, and would have prohibited approval of any new permits or extensions resulting in increased diversions to surface water storage from the Sacramento/San Joaquin watershed until updated Plan is adopted. Unfortunately, the bill narrowly failed a vote on the Assembly floor.

Additionally, PCL worked with its allies at the California Coastkeeper Alliance in support of Assembly Bill 2108 to require more environmental justice and tribal representation on the state's water boards. AB2108 passed with some worthy improvements to environmental justice analysis and community outreach in agency operations, but the representation requirements were opposed by the administration and dropped from the final bill.

PCL is also continuously involved in stopping bad water bills or initiatives from reaching the Governor's desk or the ballot. We were instrumental in stopping the More Water Now initiative which PCL and our allies demonstrated would go mostly towards funding

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more dams and other wasteful water projects that would harm the aquatic ecology and generate more revenue for powerful special interests. PCL joined forces with many other allies to successfully stop Senate Bill 1219, which would have dissolved the State Water Resources Control Board by 2025 transferring all of the responsibilities of the State Board to the Department of Water Resources. The bill would have been a tremendous step backwards and PCL is committed to preventing bills like this from moving forward.

PCL understands that the way California manages water is inadequate, and this year we've spent countless hours working to fix it. Next year, PCL plans to dive even deeper into California's water policy. We will continue to work with our allies and experts to refine our remaining water law reform recommendations, as well as new ideas, and we are currently discussing legislation with potential authors to further more of these recommendations in 2023.

However, we can't do it without your support. [Donate today](#) to support PCL in promoting sustainable and modernized water policy for Californians.



## PCL's 2023 Environmental Assembly | Extreme Measures for Extreme Times

We are excited to announce the 2023 California Environmental Assembly! Come join us online for exciting panels on how we can inspire action for tackling some of the greatest challenges California is currently facing.

Over the last two years, PCL has hosted our assembly virtually, and offered our panels once a week spanning the course of an entire month. This virtual format was met with huge success as our attendance rose by over 50%! People who previously couldn't attend due to time commitments and travel were now able to view and participate in our weekly sessions. Due to the overwhelming success of this format, we are planning to continue the virtual format again this year.

The title of the 2023 Assembly is Extreme Measures for Extreme Times: What We Need to do Now. PCL strongly believes that we are falling short of enacting measures that will curb the climate crisis fast enough to avoid catastrophic impacts. Thus, we are designing our panels this year to focus on both immediate short-term solutions and strategies for the future. The sessions will focus on the topics of water, land use, transportation, CEQA/ environmental litigation, habitat connectivity, and wildfire. The 2023 PCL Assembly will have a total of eight sessions held each Thursday starting January 19th and running through February 9th. There will be two sessions a day with one starting at 9 am the other starting at 10:45 am.

To learn more or to register for the 2023 Assembly please visit [pcl.org/assembly](https://pcl.org/assembly).