

DATE: January 25, 2016
TO: RMC Governing Board
FROM: Mark Stanley, Executive Officer
SUBJECT: Item 7A: Executive Officer's Report- Legislation and Initiatives

For full text and history of bills and initiatives, visit these web sites:

Federal Bills: <https://www.congress.gov>

State Bills: <http://www.leginfo.ca.gov/>

STATE LEGISLATION Current as of 1/19/2016

The CA State Assembly adjourned for the winter holidays and did not reconvene until January 19, 2016. The following are legislative bills that were approved and signed by Governor Brown and took effect on January 1, 2016.

AB 530 (Rendon): Lower LA River Working Group

Existing law provides for the protection, enhancement, and restoration of rivers in this state. Existing law establishes the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy for the purpose of, among others, providing for the public's enjoyment and enhancement of recreational and education experiences on public lands in the San Gabriel Watershed and Lower Los Angeles River. This bill would require the Secretary of the Natural Resources Agency to appoint, in coordination with the Los Angeles County Board of Supervisors, a local working group to develop a revitalization plan for the Lower Los Angeles River, called the **Lower Los Angeles River Working Group**. The bill would specify a prescribed membership for the working group, including, among others, representatives from the County of Los Angeles, and elected officials of the cities riparian to the Los Angeles River. The bill would require, by March 1, 2017, the working group to develop, through watershed-based planning methods, a revitalization plan that addresses the unique and diverse needs of the Lower Los Angeles River, that is consistent with, enhances, and is incorporated into the County of Los Angeles's Master Plan, and that includes watershed education programs. By imposing additional duties on local officials, the bill would impose a state-mandated local program. The bill would require the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy to provide any necessary staffing to assist the working group.

LAST HIST. ACT. DATE: 10/9/2015

LAST HIST. ACTION: Signed by Governor Brown

AB 1251 (Gomez D) Greenway Development and Sustainment Act: Signed into Law by Governor Brown on October 8, 2015

Summary: Would enact the Greenway Development and Sustainment Act and would authorize specified tax-exempt nonprofit organizations to acquire and hold a greenway easement, similar to a conservation easement if the organizations have as their primary purpose the development

of a greenway, as defined. The bill would also include greenways in the definition of "open-space land" for local planning purposes. The bill would make findings with regard to the development of a greenway along the Los Angeles River and its tributaries and would declare that, by developing a greenway, a city, county, or city and county, may apply for funds from various sources.

The California Constitution provides that, unless otherwise provided in the Constitution or by federal law, all property in the state is taxable and is assessed at its fair market value. Existing law requires the county assessor to consider, when valuing real property for property taxation purposes, the effect of any enforceable restrictions, including recorded conservation easements, to which the use of the land may be subjected. This bill would provide that a recorded greenway easement constitutes an enforceable restriction for purposes of these tax provisions. By changing the manner in which county assessors assess property for property taxation purposes, this bill would impose a state-mandated local program. The bill would make findings with regard to the development of a greenway along the Los Angeles River and its tributaries. This bill would incorporate additional changes in Section 402.1 of the Revenue and Taxation Code, proposed by AB 668, to be operative only if AB 668 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.

LAST HIST. ACT. DATE: 10/8/2015
 LAST HIST. ACTION: Signed by Governor Brown

RMC BOARD COMPOSITION

SB 355. Senator Ricardo Lara. An act to amend Section 32605 of the Public Resources Code, relating to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, board composition: Signed into Law by Governor Brown on October 9, 2015

Existing law establishes the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, which is responsible for the preservation and protection of specified lands within the San Gabriel and Lower Los Angeles Rivers and Mountains area, as defined. Existing law prescribes the duties of the conservancy, and requires that its governing board be comprised of 13 voting members and 7 nonvoting members, as specified. Existing law requires that the voting members include, among other members, representatives of the San Gabriel Valley Council of Governments, the Gateway Cities Council of Governments, and the Orange County Division of the League of California Cities, as prescribed. This bill would increase to 15 the number of voting members of the governing board, by adding 2 members who are residents of a city not otherwise represented on the governing board at the time of the member's appointment, one bordering the Lower Los Angeles River and the other bordering the San Gabriel River, as prescribed. The bill would also increase the number of nonvoting members to 9, and would require that one Member of the Senate, appointed by the Senate Committee on Rules, and one Member of the Assembly, appointed by the Speaker of the Assembly, serve as nonvoting members. The bill would require that those legislators serving as nonvoting members participate in activities of the conservancy only to the extent that participation is compatible with his or her duties as a legislator.

LAST HIST. ACT. DATE: 10/9/2015
 LAST HIST. ACTION: Signed by the Governor

WATER

SB 208 (Lara). Integrated Regional Water Management Projects. Advance payment: Signed into Law by Governor Brown on October 8, 2015

\$810,000,000 is to be available from the water bond, Proposition 1, for expenditures on, and competitive grants and loans to projects that are included in and implemented in an adopted integrated regional water management plan and respond to climate change and contribute to regional water security. This bill would require a regional water management group within 90 days of notice that a grant has been awarded, to provide the Department of Water Resources with a list of projects to be funded by the grant funds where the project proponent is a nonprofit organization, as defined, or a disadvantaged community, as defined, or the project benefits a disadvantaged community. This bill would require the department, within 60 days of receiving the project information, to provide advance payment of 50 % of the grant award for those projects that satisfy specified criteria and would require the advanced funds to be handled, as prescribed.

LAST HIST. ACT. DATE: 10/8/2015
 LAST HIST. ACTION: Signed by the Governor

Cap & Trade Expenditure Plan

The California Global Warming Solutions Act of 2006 (AB 32) established California as a global leader in reducing greenhouse gas emissions (GHGs). To meet the goals of AB 32, the state has adopted a three-pronged approach to reducing emissions, including adopting standards and regulations, providing emission reduction incentives via grant programs, and establishing a market-based compliance mechanism known as Cap and Trade. The Cap and Trade program sets a statewide limit on the GHG sources responsible for 85 percent of California GHG emissions. Through an auction mechanism, it establishes a financial incentive for industries subject to the statewide cap to make long-term investments in cleaner fuels, more efficient energy use, and transformational technological and scientific innovations. The Cap and Trade program provides GHG emitters the flexibility to implement the most efficient options to reduce GHG emissions. Based on the first update to the Climate Change Scoping Plan, the Cap and Trade program will be responsible for approximately 30 percent of the required GHG emission reductions to meet the AB 32 goal of reducing GHG emissions to 1990 levels by 2020.

Chapter 830, Statutes of 2012 (SB 535), requires that the state invest at least 10 percent of the auction proceeds within the most disadvantaged communities and at least 25 percent of the proceeds be invested to benefit these communities. The California Environmental Protection Agency, directed by SB 535, will determine the list of disadvantaged communities using CalEnviroScreen, a tool developed by the Office of Environmental Health Hazard Assessment, in collaboration with stakeholders and an advisory group.

FEDERAL LEGISLATION & BILLS

Judy Chu: H.R. 3820, the San Gabriel Mountains Foothills and Rivers Protection Act 114th Congress (2015-16)

This bill, which has been referred to the House Committee on Natural Resources, includes two objectives: 1) Expansion of the National Monument and 2) Establishment of the San Gabriel National Recreation Area. The National Monument expansion would extend the recently designated San Gabriel Mountains National Monument boundary to include the western areas

the San Gabriel Mountains currently held within the Angeles National Forest. Establishment of the San Gabriel National Recreation Area would create a National Recreation Area (NRA) along the Foothills, San Gabriel River and Rio Hondo corridors, and the western Puente-Chino Hills.

Introduced: 10/23/15

Latest Action: 10/23/2015 Referred to the House Committee on Natural Resources

Land and Water Conservation Fund- 2016 Increases

State and local governments are evaluating the meaning of a doubling in the fiscal year 2016 appropriation for the state side of the Land and Water Conservation Fund (LWCF). The underlying law divides most of the \$110 million up by formula with two-fifths apportioned equally to each state and three-fifths apportioned by population/need.

The bottom line, says the National Recreation and Park Association (NRPA), is a doubling of each state's allocation. "The FY 2016 increase to \$110 million will give most states nearly twice as much money to fund the close-to-home projects that are critical components of this visionary law," said Kevin O'Hara, vice president of urban and government affairs for NRPA.

For instance in fiscal 2015 the State of California received the most money of any one state from the appropriation, just over \$3.5 million. For fiscal 2016 the state would be in line for more than \$7 million. At the other end of the scale Vermont received \$366,596 in fiscal 2015 and would now be in line for more than \$730,000.

And, of course, these are 50-50 federal-state matching grants, so California will have more than \$14 million for conservation purposes related to LWCF and Vermont almost \$1.5 million

The Land and Water Conservation Fund does not use any taxpayer money; it is funded entirely by oil extraction profits from offshore drilling. It is universally popular with the American people.

Even with the appropriations hike NRPA's O'Hara said his organization is working to secure full funding and permanence for LWCF. Although Congress increased the ante for both the federal and state sides of LWCF, it did not extend the program permanently, as conservationists and the Obama administration requested. The bill extends the program just for the next three years, and continues to subject annual allocations to the whims of appropriators.

From the Grand Canyon National park to the Appalachian national Scenic Trail, the LWCF has helped to protect some of America's most treasured places, conserving national parks and public recreation areas, lands by rivers, working forests, farms and ranches, fish and wildlife refuges, trails and state and local parks.

National Parks Service Bicentennial

This year is the 100th anniversary of the National Park System. To spruce up the system the Obama administration requested from Congress new authorization for various programs of \$500 million, plus increased appropriations of \$326.3 million. Appropriators gave the administration about one-third of that spending increase in a fiscal year 2016 spending law (PL 114-113 of December 18).

For the authorization half of the administration request House and Senate committees in 2015 laid the groundwork for new legislation. The proposal includes a Centennial Challenge Fund, a Second Century Infrastructure Investment program and a competitive Public Lands

Centennial Fund. However, no legislation has begun to move in committee, although House Natural Resources Committee Chairman Rob Bishop (R-Utah) did introduce a stripped-down discussion draft bill late last year. Now that Congress has appropriated at least an additional \$100 million for the Park Service Centennial this year, the next step is deciding how to spend the money.

That may not be a major problem, particularly for maintenance projects, because the agency has long had a priority system in place. That is, the highest-rated projects on the agency's master list come first. "We have a master list of all projects," said NPS spokesman Jeffrey Olson. "That master list sets priorities. If we have \$100, we do certain projects. If we have \$110, we move on to the next priority. Visitor and health protection receive the top priority."

Separately, in a multi-year surface transportation law (PL 114-94 of December 4) Congress approved a \$28 million increase in Park Service road construction, hiking it from \$240 million last year to \$268 million in fiscal 2016. Road construction contributes at least half of the \$11 billion maintenance backlog in the parks.

The Park Service said that as the Centennial approached last year, visitation to the parks was already on a steep incline. Unofficially, the service estimates 305.8 million visitors entered the parks in calendar 2015, a 4.5 percent increase over the 292.8 million in calendar 2014. Each year set new records.

NPS advises that the 2016 statistics, available at <https://irma.nps.gov/Stats/Reports/National>, are preliminary. "Parks are not required to have their December numbers recorded until (today, January 15) and it takes our visitation statistics office a month to verify and then certify official visitation figures," said spokesman Olson.

Fiscal year 2016 budget

HR 1314 (Meehan). President signed into law November 2 as PL 114-74. Increases overall domestic spending cap by \$20 billion.

Land and Water Conservation Fund

S 338 (Burr), S 890 (Cantwell), HR 1814 (Grijalva), S 2012 (Murkowski), S 1925 (Heinrich), S 2165 (Cantwell), unnumbered draft (Bishop), HR 4151 (Simpson), HR 2029 (Dent). Fiscal 2016 appropriations bill extends program as is for three years. Grijalva introduced April 15. Senate committee approved Murkowski bill July 30. Bishop posted draft November 5. Simpson introduced December 1. All but Bishop would extend program at \$900 million per year in perpetuity. Bishop would extend for seven years. S 890, HR 1814 and S 1925 would guarantee the money each year. Simpson would change allocation to 40 percent federal, 40 percent state and related initiatives and 20 percent flexible.

Urban park fund

HR 201 (Sires). Sires introduced January 7. Would authorize HUD grants and HUD loans to provide assistance to urban parks.

NPS Centennial

HR 3556 (Grijalva), S 2257 (Cantwell), unnumbered draft (Bishop). House hearing December 2. Senate hearing December 8. S 3556 and S 2557 are administration bills that would have Congress put up an additional \$800 million for the Park Service Centennial in 2016. Fiscal 2016 spending bill includes extra \$100 million for program.

Federal land recreation fees

HR 1991 (Bishop), HR 2822 (Calvert), S 1645 (Murkowski), HR 719. House committee approved April 29. Senate hearing September 17. President Obama signed into law an extension of the fee law through Sept. 30, 2017, as part of PL 114-53 of September 30.

Emergency fire spending

HR 167 (Simpson), S 235 (Wyden), S 508 (McCain), S 1645 (Murkowski), HR 2647 (Westerman). Simpson introduced January 6. Wyden introduced January 22. McCain introduced February 12. Senate committee approved S 1645 June 18. House approved HR 2647 July 9. All would shift emergency firefighting costs out of line appropriations and into disaster spending. McCain would also increase timber harvests. Appropriators did not include provision in fiscal 2016 spending bill above.

Monument restrictions

HR 330 (Young), HR 488 (Amodei), S 437 (Murkowski), HR 900 (Labrador), S 228 (Crapo), HR 3946 (Gosar). Young introduced January 13. Amodei introduced January 22. Murkowski introduced February 10. Labrador introduced February 11. Crapo introduced January 21. Gosar introduced November 5. All would require Congressional or state approval of national monuments.

Wetlands regulations

HR 594 (Gosar), HR 2028 (Simpson), S 1140 (Barrasso). House approved HR 2028 May 1. Barrasso introduced April 30. Would forbid completion by EPA of regulations expanding kinds of water bodies requiring wetlands protection permit. 141 cosponsors. Also included in House and Senate spending bills.

Surface transportation

S 1647 (Inhofe), HR 22 (Davis), HR 3763 (Shuster). Senate approved HR 22 (substitute for S 1647) July 30. House approved HR 3763 November 5. Inhofe and Shuster would revise law for next six years.

Federal lands open in government closure

S 146 (Flake). Flake introduced January 12. Would allow states to operate national parks, national refuges and national forests in a government shutdown.