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Sonoma County Multijurisdictional Hazard Mitigation Plan Update 2021

## **Appendix B. Summary of Federal and State Agencies, Programs and Regulations**

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## **B. SUMMARY OF FEDERAL AND STATE AGENCIES, PROGRAMS AND REGULATIONS**

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Existing laws, ordinances, plans and programs at the federal and state level can support or impact hazard mitigation actions identified in this plan. Hazard mitigation plans are required to include a review and incorporation, if appropriate, of existing plans, studies, reports, and technical information as part of the planning process (44 CFR, Section 201.6(b)(3)). The following federal and state programs have been identified as programs that may interface with the actions identified in this plan. Each program enhances capabilities to implement mitigation actions or has a nexus with a mitigation action in this plan. Information presented in this section can be used to review local capabilities to implement the actions found in the jurisdictional annexes of Volume 2. Each planning partner has individually reviewed existing local plans, studies, reports, and technical information in its jurisdictional annex, presented in Volume 2.

### **FEDERAL**

#### **Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) seeks to prevent discrimination against people with disabilities in employment, transportation, public accommodation, communications, and government activities. Title II of the ADA deals with compliance with the Act in emergency management and disaster-related programs, services, and activities. It applies to state and local governments as well as third parties, including religious entities and private nonprofit organizations.

The ADA has implications for sheltering requirements and public notifications. During an emergency alert, officials must use a combination of warning methods to ensure that all residents have all necessary information. Those with hearing impairments may not hear radio, television, sirens, or other audible alerts, while those with visual impairments may not see flashing lights or other visual alerts. Two technical documents for shelter operators address physical accessibility needs of people with disabilities, as well as medical needs and service animals.

The ADA intersects with disaster preparedness programs in regards to transportation, social services, temporary housing, and rebuilding. Persons with disabilities may require additional assistance in evacuation and transit (e.g., vehicles with wheelchair lifts or paratransit buses). Evacuation and other response plans should address the unique needs of residents. Local governments may be interested in implementing a special-needs registry to identify the home addresses, contact information, and needs for residents who may require more assistance.

FEMA hazard mitigation project grant applications require full compliance with applicable federal acts. Any action identified in this plan that falls within the scope of this act will need to meet its requirements.

## **Bureau of Land Management**

The U.S. Bureau of Land Management (BLM) funds and coordinates wildfire management programs and structural fire management and prevention on BLM lands. BLM works closely with the Forest Service and state and local governments to coordinate fire safety activities. The Interagency Fire Coordination Center in Boise, Idaho serves as the center for this effort.

## **Civil Rights Act of 1964**

The Civil Rights Act of 1964 prohibits discrimination based on race, color, religion, sex or nation origin and requires equal access to public places and employment. The Act is relevant to emergency management and hazard mitigation in that it prohibits local governments from favoring the needs of one population group over another. Local government and emergency response must ensure the continued safety and well-being of all residents equally, to the extent possible. FEMA hazard mitigation project grant applications require full compliance with applicable federal acts. Any action identified in this plan that falls within the scope of this act will need to meet its requirements.

## **Clean Water Act**

The federal Clean Water Act (CWA) employs regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. These tools are employed to achieve the broader goal of restoring and maintaining the chemical, physical, and biological integrity of the nation’s surface waters so that they can support “the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water.”

Evolution of CWA programs over the last decade has included a shift from a program-by-program, source-by-source, and pollutant-by-pollutant approach to more holistic watershed-based strategies. Under the watershed approach, equal emphasis is placed on protecting healthy waters and restoring impaired ones. Numerous issues are addressed, not just those subject to CWA regulatory authority. Involvement of stakeholder groups in the development and implementation of strategies for achieving and maintaining water quality and other environmental goals is a hallmark of this approach.

The CWA is important to hazard mitigation in several ways. There are often permitting requirements for any construction within 200 feet of water of the United States, which may have implications for mitigation projects identified by a local jurisdiction. Additionally, CWA requirements apply to wetlands, which serve important functions related to preserving and protecting the natural and beneficial functions of floodplains and are linked with a community’s floodplain management program. Finally, the National Pollutant Discharge Elimination System is part of the CWA and addresses local stormwater management programs. Stormwater management plays a critical role in hazard mitigation by addressing urban drainage or localized flooding issues within jurisdictions.

FEMA hazard mitigation project grant applications require full compliance with applicable federal acts. Any action identified in this plan that falls within the scope of this act will need to meet its requirements.

## **Community Development Block Grant Disaster Resilience Program**

In response to disasters, Congress may appropriate additional funding for the U.S. Department of Housing and Urban Development Community Development Block Grant programs to be distributed as Disaster Recovery

grants (CDBG-DR). These grants can be used to rebuild affected areas and provide seed money to start the recovery process. CDBG-DR assistance may fund a broad range of recovery activities, helping communities and neighborhoods that otherwise might not recover due to limited resources. CDBG-DR grants often supplement disaster programs of FEMA, the Small Business Administration, and the U.S. Army Corps of Engineers. Housing and Urban Development generally awards noncompetitive, nonrecurring CDBG-DR grants by a formula that considers disaster recovery needs unmet by other federal disaster assistance programs. To be eligible for CDBG-DR funds, projects must meet the following criteria:

- Address a disaster-related impact (direct or indirect) in a presidentially declared county for the covered disaster
- Be a CDBG-eligible activity (according to regulations and waivers)
- Meet a national objective.

Incorporating preparedness and mitigation into these actions is encouraged, as the goal is to rebuild in ways that are safer and stronger. CDBG-DR funding is a potential alternative source of funding for actions identified in this plan.

## Community Rating System

The CRS is a voluntary program within the NFIP that encourages floodplain management activities that exceed the minimum NFIP requirements. Flood insurance premiums are discounted to reflect the reduced flood risk resulting from community actions meeting the following three goals of the CRS:

- Reduce flood losses.
- Facilitate accurate insurance rating.
- Promote awareness of flood insurance.

For participating communities, flood insurance premium rates are discounted in increments of 5 percent. For example, a Class 1 community would receive a 45 percent premium discount, and a Class 9 community would receive a 5 percent discount. (Class 10 communities are those that do not participate in the CRS; they receive no discount.) The discount partially depends on location of the property. Properties outside the special flood hazard area receive smaller discounts: a 10-percent discount if the community is at Class 1 to 6 and a 5-percent discount if the community is at Class 7 to 9. The CRS classes for local communities are based on 18 creditable activities in the following categories:

- Public information
- Mapping and regulations
- Flood damage reduction
- Flood preparedness.

CRS activities can help to save lives and reduce property damage. Communities participating in the CRS represent a significant portion of the nation's flood risk; over 66 percent of the NFIP's policy base is located in these communities. Communities receiving premium discounts through the CRS range from small to large and represent a broad mixture of flood risks, including both coastal and riverine flood risks.

## **Disaster Mitigation Act**

The DMA is the current federal legislation addressing hazard mitigation planning. It emphasizes planning for disasters before they occur. It specifically addresses planning at the local level, requiring plans to be in place before Hazard Mitigation Assistance grant funds are available to communities. This plan is designed to meet the requirements of DMA, improving eligibility for future hazard mitigation funds.

## **Emergency Relief for Federally Owned Roads Program**

The U.S. Forest Service’s Emergency Relief for Federally Owned Roads Program was established to assist federal agencies with repair or reconstruction of tribal transportation facilities, federal lands transportation facilities, and other federally owned roads that are open to public travel and have suffered serious damage by a natural disaster over a wide area or by a catastrophic failure. The program funds both emergency and permanent repairs. Eligible activities under this program meet some of the goals and objectives for this plan and the program is a possible funding source for actions identified in this plan.

## **Emergency Watershed Program**

The USDA Natural Resources Conservation Service administers the Emergency Watershed Protection (EWP) Program, which responds to emergencies created by natural disasters. Eligibility for assistance is not dependent on a national emergency declaration. The program is designed to help people and conserve natural resources by relieving imminent hazards to life and property caused by floods, fires, windstorms, and other natural occurrences. EWP is an emergency recovery program. Financial and technical assistance are available for the following activities:

- Remove debris from stream channels, road culverts, and bridges
- Reshape and protect eroded banks
- Correct damaged drainage facilities
- Establish cover on critically eroding lands
- Repair levees and structures
- Repair conservation practices.

This federal program could be a possible funding source for actions identified in this plan.

## **Endangered Species Act**

The federal Endangered Species Act (ESA) was enacted in 1973 to conserve species facing depletion or extinction and the ecosystems that support them. The act sets forth a process for determining which species are threatened and endangered and requires the conservation of the critical habitat in which those species live. The ESA provides broad protection for species of fish, wildlife and plants that are listed as threatened or endangered. Provisions are made for listing species, as well as for recovery plans and the designation of critical habitat for listed species. The ESA outlines procedures for federal agencies to follow when taking actions that may jeopardize listed species and contains exceptions and exemptions. It is the enabling legislation for the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Criminal and civil penalties are provided for violations of the ESA and the Convention.

Federal agencies must seek to conserve endangered and threatened species and use their authorities in furtherance of the ESA's purposes. The ESA defines three fundamental terms:

- Endangered means that a species of fish, animal or plant is “in danger of extinction throughout all or a significant portion of its range.” (For salmon and other vertebrate species, this may include subspecies and distinct population segments.)
- Threatened means that a species “is likely to become endangered within the foreseeable future.” Regulations may be less restrictive for threatened species than for endangered species.
- Critical habitat means “specific geographical areas that are...essential for the conservation and management of a listed species, whether occupied by the species or not.”

Five sections of the ESA are of critical importance to understanding it:

- Section 4: Listing of a Species—The National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) is responsible for listing marine species; the U.S. Fish and Wildlife Service is responsible for listing terrestrial and freshwater aquatic species. The agencies may initiate reviews for listings, or citizens may petition for them. A listing must be made “solely on the basis of the best scientific and commercial data available.” After a listing has been proposed, agencies receive comment and conduct further scientific reviews for 12 to 18 months, after which they must decide if the listing is warranted. Economic impacts cannot be considered in this decision, but it may include an evaluation of the adequacy of local and state protections. Critical habitat for the species may be designated at the time of listing.
- Section 7: Consultation—Federal agencies must ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed or proposed species or adversely modify its critical habitat. This includes private and public actions that require a federal permit. Once a final listing is made, non-federal actions are subject to the same review, termed a “consultation.” If the listing agency finds that an action will “take” a species, it must propose mitigations or “reasonable and prudent” alternatives to the action; if the proponent rejects these, the action cannot proceed.
- Section 9: Prohibition of Take—It is unlawful to “take” an endangered species, including killing or injuring it or modifying its habitat in a way that interferes with essential behavioral patterns, including breeding, feeding or sheltering.
- Section 10: Permitted Take—Through voluntary agreements with the federal government that provide protections to an endangered species, a non-federal applicant may commit a take that would otherwise be prohibited as long as it is incidental to an otherwise lawful activity (such as developing land or building a road). These agreements often take the form of a “Habitat Conservation Plan.”
- Section 11: Citizen Lawsuits—Civil actions initiated by any citizen can require the listing agency to enforce the ESA's prohibition of taking or to meet the requirements of the consultation process.

FEMA hazard mitigation project grant applications require full compliance with applicable federal acts. Any action identified in this plan that falls within the scope of this act will need to meet its requirements.

## **Federal Energy Regulatory Commission Dam Safety Program**

The Federal Energy Regulatory Commission (FERC) cooperates with a large number of federal and state agencies to ensure and promote dam safety. More than 3,000 dams are part of regulated hydroelectric projects in the FERC program. Two-thirds of these are more than 50 years old. As dams age, concern about their safety and integrity

grows, so oversight and regular inspection are important. FERC inspects hydroelectric projects on an unscheduled basis to investigate the following:

- Potential dam safety problems
- Complaints about constructing and operating a project
- Safety concerns related to natural disasters
- Issues concerning compliance with the terms and conditions of a license.

Every five years, an independent engineer approved by the FERC must inspect and evaluate projects with dams higher than 32.8 feet (10 meters), or with a total storage capacity of more than 2,000 acre-feet.

FERC monitors seismic research and applies it in performing structural analyses of hydroelectric projects. FERC also evaluates the effects of potential and actual large floods on the safety of dams. During and following floods, FERC visits dams and licensed projects, determines the extent of damage, if any, and directs any necessary studies or remedial measures the licensee must undertake. The FERC publication *Engineering Guidelines for the Evaluation of Hydropower Projects* guides the FERC engineering staff and licensees in evaluating dam safety. The publication is frequently revised to reflect current information and methodologies.

FERC requires licensees to prepare emergency action plans and conducts training sessions on how to develop and test these plans. The plans outline an early warning system if there is an actual or potential sudden release of water from a dam due to failure. The plans include operational procedures that may be used, such as reducing reservoir levels and reducing downstream flows, as well as procedures for notifying affected residents and agencies responsible for emergency management. These plans are frequently updated and tested to ensure that everyone knows what to do in emergency situations.

## **Federal Wildfire Management Policy and Healthy Forests Restoration Act**

Federal Wildfire Management Policy and Healthy Forests Restoration Act (2003). These documents call for a single comprehensive federal fire policy for the Interior and Agriculture Departments (the agencies using federal fire management resources). They mandate community-based collaboration to reduce risks from wildfire.

## **National Dam Safety Act**

Potential for catastrophic flooding due to dam failures led to passage of the National Dam Inspection Act in 1972, creation of the National Dam Safety Program in 1996, and reauthorization of the program through the Dam Safety Act in 2006. National Dam Safety Program, administered by FEMA requires a periodic engineering analysis of the majority of dams in the country; exceptions include the following:

- Dams under jurisdiction of the Bureau of Reclamation, Tennessee Valley Authority, or International Boundary and Water Commission
- Dams constructed pursuant to licenses issued under the Federal Power Act
- Dams that the Secretary of the Army determines do not pose any threat to human life or property.

The goal of this FEMA-monitored effort is to identify and mitigate the risk of dam failure so as to protect lives and property of the public. The National Dam Safety Program is a partnership among the states, federal agencies, and other stakeholders that encourages individual and community responsibility for dam safety. Under FEMA's

leadership, state assistance funds have allowed all participating states to improve their programs through increased inspections, emergency action planning, and purchases of needed equipment. FEMA has also expanded existing and initiated new training programs. Grant assistance from FEMA provides support for improvement of dam safety programs that regulate most of the dams in the United States.

## **National Environmental Policy Act**

The National Environmental Policy Act requires federal agencies to consider the environmental impacts of proposed actions and reasonable alternatives to those actions, alongside technical and economic considerations. The National Environmental Policy Act established the Council on Environmental Quality, whose regulations (40 CFR Parts 1500-1508) set standards for compliance. Consideration and decision-making regarding environmental impacts must be documented in an environmental impact statement or environmental assessment. Environmental impact assessment requires the evaluation of reasonable alternatives to a proposed action, solicitation of input from organizations and individuals that could be affected, and an unbiased presentation of direct, indirect, and cumulative environmental impacts. FEMA hazard mitigation project grant applications require full compliance with applicable federal acts. Any action identified in this plan that falls within the scope of this act will need to meet its requirements.

## **National Fire Plan (2001)**

The 2001 National Fire Plan was developed based on the National Fire Policy. A major aspect of the National Fire Plan is joint risk reduction planning and implementation carried out by federal, state and local agencies and communities. The National Fire Plan presented a comprehensive strategy in five key initiatives:

- Firefighting—Be adequately prepared to fight fires each fire season.
- Rehabilitation and Restoration—Restore landscapes and rebuild communities damaged by wildfires.
- Hazardous Fuel Reduction—Invest in projects to reduce fire risk.
- Community Assistance—Work directly with communities to ensure adequate protection.
- Accountability—Be accountable and establish adequate oversight, coordination, program development, and monitoring for performance.

## **National Flood Insurance Program**

The National Flood Insurance Program (NFIP) makes federally backed flood insurance available to homeowners, renters, and business owners in participating communities that enact floodplain regulations. Participation and good standing under NFIP are prerequisites to grant funding eligibility under the Robert T. Stafford Act.

For most participating communities, FEMA has prepared a detailed Flood Insurance Study. The study presents water surface elevations for floods of various magnitudes, including the 1-percent-annual-chance flood and the 0.2-percent-annual-chance flood. Base flood elevations and the boundaries of the flood hazard areas are shown on Flood Insurance Rate Maps, which are the principle tool for identifying the extent and location of the flood hazard. Flood Insurance Rate Maps are the most detailed and consistent data source available, and for many communities they represent the minimum area of oversight under the local floodplain management program. In recent years, Flood Insurance Rate Maps have been digitized as Digital Flood Insurance Rate Maps, which are more accessible to residents, local governments and stakeholders.

NFIP participants must, at a minimum, regulate development in floodplain areas in accordance with NFIP criteria. Before issuing a permit to build in a floodplain, participating jurisdictions must ensure that three criteria are met:

- New buildings and those undergoing substantial improvements must, at a minimum, be elevated to protect against damage by the 1-percent-annual-chance flood.
- New floodplain development must not aggravate existing flood problems or increase damage to other properties.
- New floodplain development must exercise a reasonable and prudent effort to reduce its adverse impacts on threatened salmonid species.

NFIP participation is limited to local governments that possess permit authority and have the ability to adopt and enforce regulations that govern land use. This does not typically apply to special purpose districts. None of the special purpose district planning partners covered by this plan are eligible to participate in the NFIP, so their action plans do not address NFIP participation.

## **National Incident Management System**

The National Incident Management System (NIMS) is a systematic approach for government, nongovernmental organizations, and the private sector to work together to manage incidents involving hazards. The NIMS provides a flexible but standardized set of incident management practices. Incidents typically begin and end locally, and they are managed at the lowest possible geographical, organizational, and jurisdictional level. In some cases, success depends on the involvement of multiple jurisdictions, levels of government, functional agencies, and emergency responder disciplines. These cases necessitate coordination across a spectrum of organizations. Communities using NIMS follow a comprehensive national approach that improves the effectiveness of emergency management and response personnel across the full spectrum of potential hazards (including natural hazards, technological hazards, and human-caused hazards) regardless of size or complexity.

Although participation is voluntary, federal departments and agencies are required to make adoption of NIMS by local and state jurisdictions a condition to receive federal preparedness grants and awards. The content of this plan is considered to be a viable support tool for any phase of emergency management. The NIMS program is considered as a response function, and information in this hazard mitigation plan can support the implementation and update of all NIMS-compliant plans within the planning area.

## **Presidential Executive Order 11988, Floodplain Management**

Executive Order 11988 requires federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. It requires federal agencies to provide leadership and take action to reduce the risk of flood loss, minimize the impact of floods on human safety, health, and welfare, and restore and preserve the natural and beneficial values of floodplains. The requirements apply to the following activities:

- Acquiring, managing, and disposing of federal lands and facilities
- Providing federally undertaken, financed, or assisted construction and improvements
- Conducting federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing.

## Presidential Executive Order 11990, Protection of Wetlands

Executive Order 11990 requires federal agencies to provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands. The requirements apply to the following activities:

- Acquiring, managing, and disposing of federal lands and facilities
- Providing federally undertaken, financed, or assisted construction and improvements
- Conducting federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing.

All actions identified in this plan will seek full compliance with all applicable presidential executive orders.

## U.S. Army Corps of Engineers Dam Safety Program

The U.S. Army Corps of Engineers operates and maintains approximately 700 dams nationwide. It is also responsible for safety inspections of some federal and non-federal dams in the United States that meet the size and storage limitations specified in the National Dam Safety Act. The Corps has inventoried dams; surveyed each state and federal agency's capabilities, practices and regulations regarding design, construction, operation and maintenance of the dams; and developed guidelines for inspection and evaluation of dam safety. The Corps maintains the National Inventory of Dams, which contains information about a dam's location, size, purpose, type, last inspection and regulatory status.

## U.S. Army Corps of Engineers Flood Hazard Management

The following U.S. Army Corps of Engineers authorities and programs related to flood hazard management:

- The Floodplain Management Services program offers 100-percent federally funded technical services such as development and interpretation of site-specific data related to the extent, duration and frequency of flooding. Special studies may be conducted to help a community understand and respond to flood risk. These may include flood hazard evaluation, flood warning and preparedness, or flood modeling.
- For more extensive studies, the Corps of Engineers offers a cost-shared program called Planning Assistance to States and Tribes. Studies under this program generally range from \$25,000 to \$100,000 with the local jurisdiction providing 50 percent of the cost.
- The Corps of Engineers has several cost-shared programs (typically 65 percent federal and 35 percent non-federal) aimed at developing, evaluating and implementing structural and non-structural capital projects to address flood risks at specific locations or within a specific watershed:
  - The Continuing Authorities Program for smaller-scale projects includes Section 205 for Flood Control, with a \$7 million federal limit and Section 14 for Emergency Streambank Protection with a \$1.5 million federal limit. These can be implemented without specific authorization from Congress.
  - Larger scale studies, referred to as General Investigations, and projects for flood risk management, for ecosystem restoration or to address other water resource issues, can be pursued through a specific authorization from Congress and are cost-shared, typically at 65 percent federal and 35 percent non-federal.
  - Watershed management planning studies can be specifically authorized and are cost-shared at 50 percent federal and 50 percent non-federal.

- The Corps of Engineers provides emergency response assistance during and following natural disasters. Public Law 84-99 enables the Corps to assist state and local authorities in flood fight activities and cost share in the repair of flood protective structures. Assistance is provided in the following categories:
  - Preparedness—The Flood Control and Coastal Emergency Act establishes an emergency fund for preparedness for emergency response to natural disasters; for flood fighting and rescue operations; for rehabilitation of flood control and hurricane protection structures. Funding for Corps of Engineers emergency response under this authority is provided by Congress through the annual Energy and Water Development Appropriation Act. Disaster preparedness activities include coordination, planning, training and conduct of response exercises with local, state and federal agencies.
  - Response Activities—Public Law 84-99 allows the Corps of Engineers to supplement state and local entities in flood fighting urban and other non-agricultural areas under certain conditions (Engineering Regulation 500-1-1 provides specific details). All flood fight efforts require a project cooperation agreement signed by the public sponsor and the sponsor must remove all flood fight material after the flood has receded. Public Law 84-99 also authorizes emergency water support and drought assistance in certain situations and allows for “advance measures” assistance to prevent or reduce flood damage conditions of imminent threat of unusual flooding.
  - Rehabilitation—Under Public Law 84-99, an eligible flood protection system can be rehabilitated if damaged by a flood event. The flood system would be restored to its pre-disaster status at no cost to the federal system owner, and at 20-percent cost to the eligible non-federal system owner. All systems considered eligible for Public Law 84-99 rehabilitation assistance have to be in the Rehabilitation and Inspection Program prior to the flood event. Acceptable operation and maintenance by the public levee sponsor are verified by levee inspections conducted by the Corps on a regular basis. The Corps has the responsibility to coordinate levee repair issues with interested federal, state, and local agencies following natural disaster events where flood control works are damaged.

These authorities and programs are all available to the planning partners to support any related mitigation actions.

## **U.S. Fire Administration**

There are federal agencies that provide technical support to fire agencies/organizations. For example, the U.S. Fire Administration, which is a part of FEMA, provides leadership, advocacy, coordination, and support for fire agencies and organizations.

## **U.S. Fish and Wildlife Service**

The U.S. Fish and Wildlife Service fire management strategy uses prescribed fire to maintain early successional fire-adapted grasslands and other ecological communities throughout the National Wildlife Refuge system.

## **STATE**

### **AB 9: Fire safety: wildfires: fire adapted communities.**

Establishes the Regional Forest and Fire Capacity Program to support regional leadership, build local and regional capacity, and develop, prioritize, and implement strategies and projects that create fire-adapted communities by improving watershed health, forest health, community wildfire preparedness, and fire resilience.

## **AB 32: The California Global Warming Solutions Act**

This bill identifies the following potential adverse impacts of global warming:

“... the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.”

AB 32 establishes a state goal of reducing greenhouse gas emissions to 1990 levels by 2020 (a reduction of approximately 25 percent from forecast emission levels), with further reductions to follow. The law requires the state Air Resources Board to do the following:

- Establish a program to track and report greenhouse gas emissions.
- Approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions from sources of greenhouse gas emissions.
- Adopt early reduction measures to begin moving forward.
- Adopt, implement and enforce regulations—including market mechanisms such as “cap and-trade” programs—to ensure that the required reductions occur.

The Air Resources Board has adopted a statewide greenhouse gas emissions limit and an emissions inventory, along with requirements to measure, track, and report greenhouse gas emissions by the industries it determined to be significant sources of greenhouse gas emissions.

## **AB 38: Fire safety: Low-Cost Retrofits: Regional Capacity Review: Wildfire Mitigation**

Requires the seller of any real property located in a high or very fire hazard severity zone to provide a disclosure notice, as specified, to the buyer with information relating to fire hardening improvements on the property.

Requires the California Natural Resources Agency, in consultation with the State Fire Marshal and the Forest Management Task Force, to review the regional capacity of each county that contains a very high fire hazard severity zone to improve forest health, fire resilience, and safety.

Requires the California Office of Emergency Services to enter into a joint powers agreement with the Department of Forestry and Fire Protection to administer a comprehensive wildfire mitigation and assistance program to encourage cost-effective structure hardening and facilitate vegetation management, contingent upon appropriation by the Legislature.

## **AB 70: Flood Liability**

This bill provides that a city or county may be required to contribute a fair and reasonable share to compensate for property damage caused by a flood to the extent that it has increased the state’s exposure to liability for property damage by unreasonably approving new development in a previously undeveloped area that is protected by a state flood control project, unless the city or county meets specified requirements.

## **AB 162: Flood Planning**

This California State Assembly Bill passed in 2007 requires cities and counties to address flood-related matters in the land use, conservation, and safety and housing elements of their general plans. The land use element must identify and annually review the areas covered by the general plan that are subject to flooding as identified in floodplain mapping by either FEMA or the state Department of Water Resources (DWR). During the next revision of the housing element on or after January 1, 2009, the conservation element of the general plan must identify rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for the purpose of groundwater recharge and stormwater management. The safety element must identify information regarding flood hazards, including:

- Flood hazard zones
- Maps published by FEMA, DWR, the U.S. Army Corps of Engineers, the Central Valley Flood Protection Board, and the Governor’s Office of Emergency Services (Cal OES)
- Historical data on flooding
- Existing and planned development in flood hazard zones.

The general plan must establish goals, policies and objectives related to flooding risks, including:

- Avoiding or minimizing the risks of flooding new development
- Evaluating whether new development should be located in flood hazard zones
- Identifying construction methods to minimize damage.

AB 162 establishes goals, policies and objectives related to flooding risks. It establishes procedures for the determination of available land suitable for urban development, which may exclude lands where FEMA or DWR has concluded that the flood management infrastructure is not adequate to avoid the risk of flooding.

## **AB 267: California Environmental Quality Act: Exemption: Prescribed Fire, Thinning, and Fuel Reduction Projects**

Current law, until January 1, 2023, exempts from the requirements of CEQA prescribed fire, thinning, or fuel reduction projects undertaken on federal lands to reduce the risk of high-severity wildfire that have been reviewed under the federal National Environmental Policy Act of 1969. Current law requires the Department of Forestry and Fire Protection, beginning December 31, 2019, and annually thereafter until January 1, 2023, to report to the relevant policy committees of the Legislature the number of times the exemption was used. This extends the exemption from CEQA and the requirement on the department to report to the relevant policy committees of the Legislature to January 1, 2026.

## **AB 380: Forestry: Priority Fuel Reduction Projects**

On March 22, 2019, the Governor issued a proclamation of a state of emergency directing the Department of Forestry and Fire Protection to implement fuel reduction projects for communities at greatest risk of wildfire to reduce the risk of catastrophic wildfire. The proclamation of a state of emergency exempts the identified fuel reduction projects from various legal requirements, including, among others, requirements regarding public contracting for those projects, requirements for environmental review under the California Environmental Quality Act for those projects, and licensure requirements for individuals conducting certain activities for those projects.

This bill requires the department, before December 31, 2022, and before December 31 of each year thereafter, to identify priority fuel reduction projects, as provided. The bill exempts the identified priority fuel reduction projects from legal requirements in a similar manner as provided in the proclamation of a state of emergency described above.

### **AB 431: Forestry: Timber Harvesting Plans: Defensible Space: Exemptions**

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to, and approved by, the Department of Forestry and Fire Protection. The act authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaging in specified forest management activities, as prescribed, including, only until January 1, 2022, the cutting or removal of trees on the person's property in compliance with specified defensible space requirements. This bill extends to January 1, 2026, the board's authorization to exempt a person engaging in the cutting or removal of trees on the person's property in compliance with the specified defensible space requirements.

### **AB 497: Forestry and Fire Protection: Local Assistance Grant Program: Fire Prevention Activities: Street and Road Vegetation Management**

Under existing law, the Department of Forestry and Fire Protection is required to develop, implement, and administer forest improvement and fire prevention programs in the state. Existing law requires the department to establish a local assistance grant program for fire prevention activities in California. Existing law requires the department to prioritize, to the extent feasible, projects that are multiyear efforts and to prioritize grant applications from specified local agencies.

This bill appropriated \$25,000,000 to provide the local assistance grants. It requires the department to prioritize projects that manage vegetation along streets and roads to prevent the ignition of wildfire and that require the funds for purposes of purchasing equipment necessary for the project.

### **AB 575: Civil Liability: Prescribed Burning Activities: Gross Negligence**

This bill provides that a private entity engaging in a prescribed burning activity that is supervised by a person certified as burn boss is liable for damages to a third party only if the prescribed burning activity was carried out in a grossly negligent manner.

### **AB 642: Wildfires**

This omnibus fire prevention bill makes changes to support cultural and prescribed fire, including the creation of a Cultural Burning Liaison at the Department of Forestry and Fire Protection, and requires a proposal for creating a prescribed fire training center in California. The Act requires the Director of Forestry and Fire Protection to identify areas in the state as moderate and high fire hazard severity zones and to classify areas into fire hazard severity zones based on additional factors including possible lightning caused ignition. The bill requires a local agency, within 30 days of receiving a transmittal from the director that identifies fire hazard severity zones, to make the information available for public comment.

## **AB 747: Required Information for General Plan Safety Elements**

This bill requires California communities with general plans to address evacuation routes in the safety element of the general plan. Information on the evacuation routes and their capacity, safety and viability under a range of emergency scenarios must be provided. For communities that have not adopted a local hazard mitigation plan, the safety element must be updated with this information by January 1, 2022. For those with a local hazard mitigation plan, the requirement applies upon the next revision of the hazard mitigation plan on or after January 1, 2022. Communities that have adopted a local hazard mitigation plan, emergency operations plan, or other document that fulfills the goals and objectives of this law may comply with this requirement by summarizing and incorporating by reference the other plan or document in the safety element.

In subsequent revisions to the safety element, communities also will be required to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element. These subsequent updates must occur upon each revision of the general plan housing element or local hazard mitigation plan and not less than once every eight years.

## **AB 800: Wildfires: Local General Plans: Safety Elements: Fire Hazard Severity Zones**

Existing law requires the Director of Forestry and Fire Protection to identify areas of the state as very high fire hazard severity zones, and requires each planning agency to prepare, and the legislative body of each county and city to adopt, a comprehensive, long-term general plan, including a safety element, for the physical development of the county or city. Existing law requires each city or county that contains a very high fire hazard severity zone to submit the draft element of, or draft amendment to the safety element its general plan to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory in the city or county at least 90 days before adoption or amendment.

This requires the director to also identify areas of the state as moderate and high fire hazard severity zones. It requires the draft element of, or draft amendment to, the safety element of a county or city's general plan to be submitted to the state board and to every local agency that provides fire protection to territory in the city or county at least 90 days before the adoption or amendment to the safety element of its general plan for each city or county that contains a moderate or high fire hazard severity zone.

Existing law requires the state board and authorizes a local agency to review the draft or an existing safety element and recommend changes to the planning agency regarding uses of land and policies in state responsibility areas and very high fire hazard severity zones and regarding methods and strategies for wildland fire risk reduction and prevention within state responsibility areas and very high fire hazard severity zones.

This bill also requires the state board and authorizes a local agency to review the draft or an existing safety element and recommend changes to the planning agency regarding uses of land and policies in moderate and high fire hazard severity zones and regarding methods and strategies for wildland fire risk reduction and prevention within moderate and high fire hazard severity zones.

The existing Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency, and sets forth procedures governing the local agency's processing, approval, conditional approval, or disapproval, and filing of tentative, final, and parcel maps, and the

modification thereof. The act generally requires a subdivider to file a tentative map or vesting tentative map with the local agency, and requires the local agency to approve, conditionally approve, or disapprove the map within a specified time period. Before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in a state responsibility area or a very high fire hazard severity zone, existing law requires a legislative body of a county to make specified findings. Existing law requires a legislative body of a county to transmit these findings to the State Board of Forestry and Fire Protection.

This requires a legislative body of a county to make specified findings before approving a tentative map, or a parcel map for which a tentative map was not required, for areas located in moderate and high fire hazard severity zones, and requires these findings to be transmitted to the state board.

By requiring new duties on a county, the bill imposes a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to statutory provisions.

### **AB 1255: Fire Prevention: Fire Risk Reduction Guidance: Local Assistance Grants**

This bill requires the Department of Forestry and Fire Protection, in coordination with the Secretary of the Natural Resources Agency, to facilitate regional, habitat-specific, and area-specific approaches to fire risk reduction, prevention, and restoration of projects that improve community safety, protect sites and structures, restore burned habitat, reduce catastrophic wildfires, and protect natural resources. It requires the department to develop policies, funding programs for which the funding shall be contingent upon subsequent appropriation in the annual Budget Act or a similar statute for this purpose, and relevant program guidelines that promote specified objectives. The bill requires various state entities to establish grant programs, for which funding shall be contingent upon subsequent appropriation, to fulfill the specified objectives.

### **AB 1295: Residential Development Agreements: Very High Fire Risk Areas**

Current law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on the severity of fire hazard that is expected to prevail in those areas and requires each local agency to designate, by ordinance, the very high fire hazard severity zones in its jurisdiction. Current law additionally requires the director to classify lands within state responsibility areas into fire hazard severity zones. This bill, prohibits the legislative body of a city or county from entering into a residential development agreement for property in a very high fire risk area. The bill defines “very high fire risk area” for these purposes to mean a very high fire hazard severity zone designated by a local agency or a fire hazard severity zone classified by the director.

### **AB 1439: Property Insurance Discounts**

This bill requires a residential property insurance policy to include a discount if a local government of the jurisdiction where the insured property is located funds a local wildfire protection or mitigation program. Because the bill mandates discounts for specified residential property insurance policies, thus affecting the Insurance Commissioner’s consideration of a rate, the bill would amend Proposition 103.

## **AB 1500: Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022**

If approved by the voters, this bill would authorize the issuance of bonds in the amount of \$6,700,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.

## **AB 2140: General Plans—Safety Element**

This bill provides that the state may allow for more than 75 percent of public assistance funding under the California Disaster Assistance Act only if the local agency is in a jurisdiction that has adopted a local hazard mitigation plan as part of the safety element of its general plan. The local hazard mitigation plan needs to include elements specified in this legislation. In addition, this bill requires Cal OES to give preference for federal mitigation funding to cities and counties that have adopted local hazard mitigation plans. The intent of the bill is to encourage cities and counties to create and adopt hazard mitigation plans.

## **AB 2800: Climate Change—Infrastructure Planning**

This California State Assembly bill passed in 2016 and until July 1, 2020, requires state agencies to take into account the current and future impacts of climate change when planning, designing, building, operating, maintaining, and investing in state infrastructure. The bill, by July 1, 2017, and until July 1, 2020, requires an agency to establish a Climate-Safe Infrastructure Working Group to examine how to integrate scientific data concerning projected climate change impacts into state infrastructure engineering.

## **Alquist-Priolo Earthquake Fault Zoning Act**

The Alquist-Priolo Earthquake Fault Zoning Act was enacted in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent construction of buildings used for human occupancy on the surface trace of active faults. Before a new project is permitted, cities and counties require a geologic investigation to demonstrate that proposed buildings will not be constructed on active faults. The act addresses only the hazard of surface fault rupture and is not directed toward other earthquake hazards, such as liquefaction or seismically induced landslides. The law requires the State of California Geologist to establish regulatory zones around the surface traces of active faults and to issue appropriate maps. The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Local agencies must regulate most development projects within the zones. Projects include all land divisions and most structures for human occupancy. All seismic hazard mitigation actions identified in this plan will seek full compliance with the Alquist-Priolo Earthquake Fault Zoning Act.

## **Board of Forestry and Fire Protection Fire Safe Regulations**

California's Board of Forestry and Fire Protection is authorized to adopt regulations to implement specified programs. To become effective, the Office of Administrative Law must approve these regulations. Once adopted, Board regulations are placed in Title 14 of the California Code of Regulations. The Department of Forestry and Fire Protection then implements the regulations.

Since 1991, the Board's Fire Safe Regulations have set the floor for fire safety standards for perimeters and access to all residential, commercial, and industrial building construction in state responsibility areas. They address road standards for fire equipment access, standards for road and building signs, minimum private water supplies for emergency fire use, and fuel breaks and greenbelts. Starting on July 1, 2021, these requirements will also apply in the local responsibility areas and will address construction on ridgelines.

## **California Coastal Management Program**

The California Coastal Management Program under the California Coastal Act requires each city or county lying wholly or partly within the coastal zone to prepare a local coastal plan. The specific contents of such plans are not specified by state law, but they must be certified by the Coastal Commission as consistent with policies of the Coastal Act (Public Resources Code, Division 20). The Coastal Act has provisions relating to geologic hazards, but does not mention tsunamis specifically. Section 30253(1) of the Coastal Act states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development should be prevented or limited in high hazard areas whenever possible. However, where development cannot be prevented or limited, land use density, building value, and occupancy should be kept at a minimum. Any mitigation project identified in this plan that intersects the mapped coastal zone will be consistent with the recommendations of the local coastal plan.

## **California Department of Forestry and Fire Protection**

CAL FIRE has responsibility for wildfires in areas that are not under the jurisdiction of the Forest Service or a local fire organization, including lands designated as State Responsibility Areas. CAL FIRE also has fire protection responsibilities by contract and mutual aid agreements. For example, CAL FIRE provides year-round fire protection under Amador Plan agreements with certain local government agencies (Public Resources Code §4144). Through these agreements, CAL FIRE provides local structural and wildfire protection or dispatch services to a community and maintains a staffing level that otherwise would be available only during the fire season. The local entity pays the additional cost of the service.

## **California Department of Parks and Recreation (State Parks)**

State Parks manages portions of the California coastline including coastal wetlands, estuaries, beaches, and dune systems. The State Parks Resources Management Division has limited wildfire protection resources available to suppress fires on State Park lands.

## **California Department of Water Resources**

In California, the DWR is the coordinating agency for floodplain management. The DWR works with FEMA and local governments by providing grants and technical assistance, evaluating community floodplain management programs, reviewing local floodplain ordinances, participating in statewide flood hazard mitigation planning, and facilitating annual statewide workshops. Compliance is monitored by FEMA regional staff and by the DWR.

## **California Division of Safety of Dams**

California's Division of Safety of Dams (a division of the DWR) monitors the dam safety program at the state level and maintains a working list of dams in the state. When a new dam is proposed, Division engineers and geologists inspect the site and the subsurface. Upon submittal of an application, the Division reviews the plans

and specifications prepared by the owner to ensure that the dam is designed to meet minimum requirements and that the design is appropriate for the known geologic conditions. After approval of the application, the Division inspects all aspects of the construction to ensure that the work is done in accordance with the approved plans and specifications. After construction, the Division inspects each dam to ensure that it is performing as intended and is not developing problems. The Division periodically reviews the stability of dams and their major appurtenances in light of improved design approaches and requirements, as well as new findings regarding earthquake hazards and hydrologic estimates in California. Over 1,200 dams are inspected by Division engineers on a yearly schedule to ensure performance and maintenance of dams.

## **California Environmental Quality Act**

The California Environmental Quality Act (CEQA) was passed in 1970, shortly after the federal government enacted the National Environmental Policy Act, to institute a statewide policy of environmental protection. CEQA requires state and local agencies in California to follow a protocol of analysis and public disclosure of the potential environmental impacts of development projects. CEQA makes environmental protection a mandatory part of every California state and local agency's decision-making process.

CEQA establishes a statewide environmental policy and mandates actions all state and local agencies must take to advance the policy. Jurisdictions conduct analysis of the project to determine if there are potentially significant environmental impacts, identify mitigation measures, and possible project alternatives by preparing environmental reports for projects that requires CEQA review. This environmental review is required before an agency takes action on any policy, program, or project. Any project action identified in this plan will seek full CEQA compliance upon implementation.

## **California Fire Alliance**

The California Fire Alliance (CFA) was established in response to directives from the 2001 National Fire Plan. The CFA pursues four strategies to deal with the National Fire Plan's community assistance initiative:

- Work with communities at risk from wildfires to develop community-based planning leadership and facilitate the development of community fire loss mitigation plans, which transcend jurisdiction and ownership boundaries.
- Assist communities in development of fire loss mitigation planning, education and projects to reduce the threat of wildfire losses on public and private lands.
- Develop an information and education outreach plan to increase awareness of wildfire protection program opportunities available to communities at risk.
- Work collaboratively to develop, modify and maintain a comprehensive list of communities at risk.

## **California Fire Plan**

The State Board of Forestry and CAL FIRE have prepared a comprehensive update of the California Fire Plan for wildfire protection. The planning process included defining a level of service measurement; considering assets at risk; incorporating the cooperative interdependent relationships of wildfire protection providers; providing for public stakeholder involvement; and creating a fiscal framework for policy analysis. The California Fire Plan's overall goal is to reduce costs and losses from wildfire in the state by protecting assets at risk through pre-fire management and by reducing the spread of fire through more successful initial response.

## California Fire Safe Council

In 1993, the statewide Fire Safe Council, consisting of private and public membership, was formed to educate and encourage Californians to plan and prepare for wildfires by reducing the risk of fire to property, communities, and natural/structural resources. In 2002, this group created a nonprofit organization and board of directors, called the California Fire Safe Council. The Council works with the California Fire Alliance to facilitate the distribution of National Fire Plan grants for wildfire risk reduction and education ([www.grants.firesafecouncil.org](http://www.grants.firesafecouncil.org)). The Council also provides assistance to local Fire Safe Councils through its website ([www.firesafecouncil.org](http://www.firesafecouncil.org)), the distribution of educational materials, and technical assistance, primarily through regional representatives. More than 130 local Fire Safe Councils have formed in California to plan, coordinate, and implement fire prevention activities.

## California Fire Service and Rescue Emergency Mutual Aid Plan

The Governor's Office of Emergency Services Fire and Rescue Branch administers the California Fire Service and Rescue Emergency Mutual Aid Plan. The agency provides guidance and procedures for agencies developing emergency operations plans, as well as training and technical support, primarily to overall emergency service organizations and urban search and rescue teams.

## California General Planning Law

California state law requires that every county and city prepare and adopt a comprehensive long-range plan to serve as a guide for community development. The general plan expresses the community's goals, visions, and policies relative to future land uses, both public and private. The general plan is mandated and prescribed by state law (Cal. Gov. Code §65300 et seq.), and forms the basis for most local government land use decision-making.

The plan must consist of an integrated, internally consistent set of goals, policies, and implementation measures. In addition, the plan must focus on issues of the greatest concern to the community and be written in a clear and concise manner. City and county actions, such as those relating to land use allocations, annexations, zoning, subdivision and design review, redevelopment, and capital improvements, must be consistent with the plan.

## California Multi-Hazard Mitigation Plan

Under the DMA, California must adopt a federally approved state multi-hazard mitigation plan to be eligible for certain disaster assistance and mitigation funding. The intent of the State of California Multi-Hazard Mitigation Plan is to reduce or prevent injury and damage from hazards in the state through the following:

- Documenting statewide hazard mitigation planning in California
- Describing strategies and priorities for future mitigation activities
- Facilitating the integration of local and tribal hazard mitigation planning activities into statewide efforts
- Meeting state and federal statutory and regulatory requirements.

The plan is an annex to the State Emergency Plan, and it identifies past and present mitigation activities, current policies and programs, and mitigation strategies for the future. It also establishes hazard mitigation goals and objectives. The plan will be reviewed and updated annually to reflect changing conditions and new information, especially information on local planning activities. Under 44 CFR Section 201.6, local hazard mitigation plans must be consistent with their state's hazard mitigation plan.

## California Residential Mitigation Program

The California Residential Mitigation Program was established in 2011 to help Californians strengthen their homes against damage from earthquakes. The program is a joint powers authority created by Cal OES and the California Earthquake Authority, which is a not-for-profit, publicly managed, privately funded provider of home earthquake insurance to California homeowners and renters.

Earthquake Brace + Bolt was developed to help homeowners lessen the potential for damage to their houses during an earthquake. A residential seismic retrofit strengthens an existing older house, making it more resistant to earthquake activity such as ground shaking and soil failure. The seismic retrofitting involves bolting the house to its foundation and adding bracing around the perimeter of the crawl space. Most homeowners hire a contractor to do the retrofit work, and owners of houses in ZIP Codes with house characteristics suitable for this type of retrofit are eligible for up to \$3,000 toward the cost. A typical retrofit by a contractor may cost between \$3,000 and \$7,000, depending on the location and size of the house, contractor fees, and the amount of materials and work involved. If the homeowner is an experienced do-it-yourselfer, a retrofit can cost less than \$3,000.

## California State Building Code

California Code of Regulations Title 24 (CCR Title 24), also known as the California Building Standards Code, is a compilation of building standards from three sources:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions
- Building standards authorized by the California legislature that constitute extensive additions not covered by the model codes adopted to address particular California concerns.

The state Building Standards Commission is authorized by California Building Standards Law (Health and Safety Code Sections 18901 through 18949.6) to administer the processes related to the adoption, approval, publication, and implementation of California's building codes. These building codes serve as the basis for the design and construction of buildings in California. The national model code standards adopted into Title 24 apply to all occupancies in California, except for modifications adopted by state agencies and local governing bodies. Since 1989, the Building Standards Commission has published new editions of Title 24 every three years.

On January 1, 2014, California Building Code Accessibility Standards found in Chapter 11B incorporated the 2010 Americans with Disabilities Act (ADA) Standards as the model accessibility code for California. The purpose was to ensure consistency with federal guidelines. As a result of this incorporation, the California standards will fully implement and include 2010 ADA Standards within the California Building Code while maintaining enhanced levels of accessibility already provided by existing California accessibility regulations. All planning partners that have building code and permit authority have adopted building codes that are in full compliance with the California State Building Code.

## Disadvantaged and Low-income Communities Investments

Senate Bill (SB) 535 directs state and local agencies to make investments that benefit California's disadvantaged communities. It also directs the California Environmental Protection Agency to identify disadvantaged

communities for the purposes of these investments based on geographic, socio-economic, public health, and environmental hazard criteria. Assembly Bill (AB) 1550 increased the percent of funds for projects located in disadvantaged communities from 10 to 25 percent and added a focus on investments in low-income communities and households. This program is a potential alternative source of funding for actions identified in this plan.

## **Division of the State Architect's AB 300 List of Seismically At-Risk Schools**

In 2002, California's Division of the State Architect completed an inventory of public school buildings built before 1978 that identifies buildings with characteristics that might make them unsafe in future earthquakes. This inventory provides a list of potentially at-risk schools known as the AB 300 list (the inventory was authorized by Assembly Bill 300 in 1999). Using available information on school buildings' dates of construction, seismic retrofits, and structural systems (wood-frame, concrete shear wall, or steel moment frame, etc.), the inventory categorized California public school buildings into one of two categories: those expected to perform well in future earthquakes; and those that are not expected to perform well and require more detailed seismic evaluation.

The Division of the State Architect recommends that public schools on this list undergo detailed seismic evaluations to determine if they pose life safety risks, but the state has neither required nor funded school districts to do this.

## **Governor's Executive Order S-13-08**

Governor's Executive Order S-13-08 enhances the state's management of climate impacts from sea level rise, increased temperatures, shifting precipitation and extreme weather events. There are four key actions in the executive order:

- Initiate California's first statewide climate change adaptation strategy to assess expected climate change impacts, identify where California is most vulnerable, and recommend adaptation policies. This effort will improve coordination within state government so that better planning can more effectively address climate impacts on human health, the environment, the state's water supply and the economy.
- Request that the National Academy of Science establish an expert panel to report on sea level rise impacts in California, to inform state planning and development efforts.
- Issue interim guidance to state agencies for how to plan for sea level rise in designated coastal and floodplain areas for new projects.
- Initiate a report on critical infrastructure projects vulnerable to sea level rise.

## **Office of the State Fire Marshal**

The Office of the State Fire Marshal is a division of CAL FIRE that has a wide variety of fire safety and training responsibilities and provides technical support to fire agencies/organizations.

## **Senate Bill 12: Local government: planning and zoning: wildfires.**

This bill imposes new planning requirements on local governments, as follows:

- Defines "very high fire risk areas" to be the VHFHSZ in both the SRA and the Local Responsibility Area.

- Requires each city or county, upon the next revision of the housing element or local hazard mitigation plan on or after July 1, 2024, whichever occurs first, to review and update its safety element to include a comprehensive retrofit strategy that includes specified contents.
- Requires a city or county with VHFHSZ within its jurisdiction to amend the land use element of its general plan upon the next revision of the housing element on or after July 1, 2024. This amendment of the land use element must include the locations of all VHFHSZ within the city or county, the data and analysis described in the Office of Planning and Research’s publication *Fire Hazard Planning—General Plan Technical Advice Series*, and other specified goals, objectives, and implementation measures.
- Requires, after the initial amendment to the land use element, that a city or county review upon each revision of the housing element the implementation of the wildfire risk reduction standards within the jurisdiction and the designation of VHFHSZ.
- Provides for review and comment on draft findings by the Board and local fire agencies on whether the city or county has implemented the standards or made adequate progress, as defined.
- Requires, on or before January 1, 2023, to develop and post on its web site a clearinghouse of local ordinances, policies, and best practices relating to land use planning in VHFHSZ, wildfire risk reduction, and wildfire preparedness. The Office of Planning and Research must also regularly update the clearinghouse.

## **Senate Bill 92: Dam Emergency Action Plans; Public Resources Portion of Biennial Budget Bill**

The State of California updated its requirements regarding emergency action plans (EAPs) via Senate Bill 92, which became effective in June 2017 as part of the state Legislature’s biennial budget process. The bill required dam owners to submit EAPs to Cal OES and the Department of Water Resources for approval by January 1, 2018 (for extremely high hazard dams), January 1, 2019 (for high-hazard dams), and January 1, 2021 (for significant hazard dams). The EAPs were to include the following:

- Emergency notification flow charts
- Information on a four-step response process
- Description of agencies’ roles and actions in response to an emergency incident
- Description of actions to be taken in advance of an emergency
- Inundation maps
- Additional information such as revision records and distribution lists.

After the EAPs are approved by the state, the law requires dam owners to send the approved EAPs to relevant stakeholders. Local public agencies can then adopt emergency procedures that incorporate the information in the EAP in a manner that conforms to local needs and includes methods and procedures for alerting and warning the public and other response and preparedness related items.

SB 92 also requires dams other than low-risk dams to have current inundation mapping, which must be updated every 10 years, or sooner if specific circumstances change. EAPs also must be updated every 10 years. It provides DWR with enforcement tools, including fines and operational restrictions for failure to comply. Cal OES is required by the law to work with state and federal agencies, dam owners, planners, and the public to make dam inundation maps available to citizens interested in learning their dam failure inundation risk.

## **Senate Bill 97: Guidelines for Greenhouse Gas Emissions**

Senate Bill 97, enacted in 2007, amends CEQA to clearly establish that greenhouse gas emissions and the effects of greenhouse gas emissions are appropriate subjects for CEQA analysis. It directs the Governor's Office of Planning and Research to develop draft CEQA guidelines for the mitigation of greenhouse gas emissions or their effects by July 1, 2009 and directs the California Natural Resources Agency to certify and adopt the CEQA Guidelines by January 1, 2010.

## **Senate Bill 99: Evacuation Route Planning**

Senate Bill 99, enacted in 2019, requires that cities' and counties' general plans address evacuation routes from any hazard area identified in the safety element. Under this law, the safety element must include information to identify residential developments in hazard areas that do not have at least two emergency evacuation routes. Each city or county must update its safety element with the new information upon the next revision of its housing element on or after January 1, 2020.

## **Senate Bill 182 Local Government: Planning and Zoning: Wildfires**

California Senate Bill 182 made a number of changes to state law regarding planning for and permitting development in areas designated as very high fire risk areas. The bill requires a local jurisdiction to do the following:

- Include a comprehensive retrofit strategy in its safety element to reduce the risk of property loss and damage during wildfires.
- Amend its land use element to identify all very high fire risk areas and to establish measures to protect lives and property from unreasonable risk of wildfire.
- Adopt a very high fire risk overlay zone for its zoning ordinance.
- Allocate a lower portion of projected future housing to very high fire hazard severity zones

This bill prohibits local governments from entering into a development agreement for property in a very high fire risk area, approving a permit for a project in a very high fire risk area, or approving a tentative map for a subdivision in a very high fire risk area, unless the jurisdiction makes specified findings based on substantial evidence.

## **Senate Bill 379: General Plans: Safety Element—Climate Adaptation**

Senate Bill 379 builds upon the flood planning inclusions into the safety and housing elements and the hazard mitigation planning safety element inclusions in general plans outlined in AB 162 and AB 2140, respectively. SB 379 focuses on a new requirement that cities and counties include climate adaptation and resiliency strategies in the safety element of their general plans beginning January 1, 2017. In addition, this bill requires general plans to include a set of goals, policies and objectives, and specified implementation measures based on the conclusions drawn from climate adaptation research and recommendations.

## **Senate Bill 1000: General Plan Amendments—Safety and Environmental Justice Elements**

In 2016, Senate Bill 1000 amended California’s Planning and Zoning Law in two ways:

- The original law established requirements for initial revisions of general plan safety elements to address flooding, fire, and climate adaptation and resilience. It also required subsequent review and revision as necessary based on new information. Senate Bill 1000 specifies that the subsequent reviews and revision based on new information are required to address only flooding and fires (not climate adaptation and resilience).
- Senate Bill 1000 adds a requirement that, upon adoption or revision of any two other general plan elements on or after January 1, 2018, an environmental justice element be adopted for the general plan or environmental justice goals, policies and objectives be incorporated into other elements of the plan.

## **Senate Bill 1241: General Plans: Safety Element—Fire Hazard Impacts**

In 2012, Senate Bill 1241 passed requiring that the safety elements of all future general plans address fire risk in state responsibility areas and very high fire hazard severity zones. The bill requires cities and counties to make findings regarding available fire protection and suppression services before approving a tentative map or parcel map.

## **Standardized Emergency Management System**

CCR Title 19 establishes the Standardized Emergency Management System (SEMS) to standardize the response to emergencies involving multiple jurisdictions. SEMS is intended to be flexible and adaptable to the needs of all emergency responders in California. It requires emergency response agencies to use basic principles and components of emergency management. Local governments must use SEMS by December 1, 1996, to be eligible for state funding of response-related personnel costs under CCR Title 19 (Sections 2920, 2925 and 2930). The roles and responsibilities of Individual agencies contained in existing laws or the state emergency plan are not superseded by these regulations. This hazard mitigation plan is considered to be a support document for all phases of emergency management, including those associated with SEMS.

## **Western Governors Association Ten-Year Comprehensive Strategy**

The *Western Governors Association Ten-Year Comprehensive Strategy: A Collaborative Approach for Reducing Wildfire Risks to Communities and the Environment* (August 2001) is strategy implementation plan prepared by federal and Western state agencies that outlines measures to restore fire-adapted ecosystems and reduce hazardous fuels.