

AGENDA

ASSEMBLY BUDGET SUBCOMMITTEE NO. 3
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Assemblymember Fran Pavley, Chair

WEDNESDAY, MAY 19, 2004

STATE CAPITOL, ROOM 444

UPON ADJOURNMENT OF APPROPRIATIONS COMMITTEE

SCHEDULED HEARING ITEMS

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0540 – SECRETARY FOR RESOURCES

The Resources Agency, through its various departments, boards, commissions, and conservancies, administers programs that conserve, preserve, restore and enhance the rich and diverse natural resources of California. The Secretary for Resources, a member of the Governor's Cabinet, is responsible for administering programs and policies governing the acquisition, development and use of the State's resources to attain these objectives.

- | | | |
|--|-------------------------------------|---|
| - Department of Conservation | - Department of Boating & Waterways | - Rivers and Mountains Conservancy |
| - Wildlife Conservation Board | - California Coastal Commission | - San Francisco Bay Conservation and Development Commission |
| - Department of Fish and Game | - Department of Water Resources | - Santa Monica Mountains Conservancy |
| - State Coastal Conservancy | - State Lands Commission | - California Bay-Delta Authority |
| - Department of Forestry and Fire Protection | - Baldwin Hills Conservancy | - Delta Protection Commission |
| - San Joaquin River Conservancy | - Special Resources Programs | - Coachella Valley Mountains Conservancy |
| - Department of Parks & Recreation | - California Conservation Corps | |
| - California Tahoe Conservancy | - San Diego River Conservancy | |
| | - California Energy Commission | |

ISSUE 1: MAY REVISE – REORGANIZATION PROPOSAL

The Governor's January budget indicated there would be additional information relating to a reorganization proposal of the Secretary's Office. The May Revise proposes continued funding from the Environmental License Plate Fund (ELPF) for core activities, and the elimination of the California Legacy Project (and 2 positions) to provide the necessary ELPF.

BACKGROUND: In the 2003 Budget Act, the Legislature eliminated all General Fund support for the Secretary for Resources. As a result, the Secretary's office was forced into internally shifting staff and available funds to maintain its core activities.

COMMENTS: This proposal makes permanent the shift, as was directed by the Legislature when General Fund support was eliminated.

STAFF RECOMMENDATION: Approve the May Revise letter.

ISSUE 2: RIVER PARKWAYS / SIERRA NEVADA CASCADES PROGRAMS

The Governor's 2004-05 Budget proposes \$48.1 million in funding for the River Parkways and the Sierra Nevada Cascade Grant Programs. Specifically, this proposal includes:

- \$38.35 million (\$30.5 million Prop. 50 and \$7.85 Prop. 40) for River Parkway Program grants; and,
- \$9.15 million (Prop. 50) for Sierra Nevada Cascade Program grants.

This request proposes that \$27.6 million of the \$48.1 million (56 percent) be available to the Secretary for Resources for opportunity grants.

BACKGROUND: The Budget proposed for the 2003-04 Fiscal Year included \$40.3 million from Propositions 40 and 50 for these programs.

Under the recommendation of the Legislative Analyst's Office (LAO), the Legislature sought legislation to provide direction and guidelines for the allocation of grants under these

programs. Ultimately, no agreement was reached between the two houses of the Legislature and the Administration regarding funding and criteria for these programs, and therefore no appropriation was made for the 2003-04 Fiscal Year.

COMMENTS: Staff has been working with the Agency to develop trailer bill language that would provide the necessary direction and guidance of the Legislature for the implementation of this program. Additionally, discussions have taken place to evaluate the appropriate mix of opportunity grants and competitive grants. The following proposal is recommended by Committee staff:

1. Adopt trailer bill language creating the River Parkways Program, to provide a framework for the award of grants under this program (trailer bill language provided).
2. Appropriate, in the trailer bill, the \$38.35 million from Propositions 40 and 50 for the River Parkways Program.
3. Require a report by the Agency on the geographic distribution and types of projects, as well as other details.
4. Adopt trailer bill language creating the Sierra Nevada-Cascades Program, to provide a framework for the award of grants under this program (trailer bill language provided).
5. Appropriate, in the trailer bill, the \$9.15 million from Proposition 50 for the Sierra Nevada-Cascades Program

STAFF RECOMMENDATION: Approve the trailer bill language and delete the funding for these items from the budget.

0555 – SECRETARY FOR ENVIRONMENTAL PROTECTION

The Secretary for Environmental Protection manages the State's environmental protection programs and heads the California Environmental Protection Agency (CalEPA). As a member of the Governor's Cabinet, the Secretary advises the Governor on environmental policy.

The following organizations are under the purview of the Secretary:

- Air Resources Board
- Integrated Waste Management Board
- Department of Pesticide Regulation
- State Water Resources Control Board
- Department of Toxic Substances Control
- Office of Environmental Health Hazard Assessment.

ISSUE 1: CERTIFIED UNIFIED PROGRAM AGENCIES – METAL PLATING

To ensure that sufficient efforts are being undertaken to assist the metal plating industry in its compliance with regulations and efforts to further prevent hazardous pollutants, this item would increase funding to CalEPA by \$462,000 (General Fund) to support activities of the Certified Unified Program Agencies.

BACKGROUND: In 1993, the Legislature consolidated six hazardous waste and materials programs into one program to be administered by local Certified Unified Program Agencies (CUPAs) under state oversight. This consolidation was done in order to improve the overall effectiveness of the programs. The six programs are

- Hazardous waste generators and on-site treatment operations
- Underground storage tanks
- Aboveground storage tanks
- Hazardous materials accident prevention
- Hazardous materials emergency response planning and inventories
- Hazardous materials management plans and inventories

COMMENTS: These funds shall be used for environmental management purposes, including, but not limited to, inspections, on-site environmental audits, pollution prevention activities, purchase of environmental technology, demonstration projects, and/or clean-up activities.

Programs supported by these funds will be conducted in partnership with other regulatory agencies, including, but not limited to, the Department of Toxic Substances Control, the State Water Resources Control Board, Regional Water Control Boards, Publicly Owned Treatment Works (POTWs), the Air Resources Board, Regional Air Quality Management Districts, and Cal OSHA.

STAFF RECOMMENDATION: Approve the \$462,000 augmentation.

3360 – ENERGY RESOURCES CONSERVATION & DEVELOPMENT COMMISSION

The Energy Resources Conservation and Development Commission works to ensure a reliable supply of energy to meet California's needs, while complying with environmental, safety and land use goals. The Commission processes applications for siting new power facilities, encourages measures to reduce wasteful and inefficient use of energy, and monitors alternative ways to conserve, generate and supply energy.

ISSUE 1: CLIMATE ACTION REGISTRY

The California Climate Action Registry is a non-profit voluntary registry for greenhouse gas (GHG) emissions. The purpose of the Registry is to help companies and organizations with operations in the state to establish GHG emissions baselines against which any future GHG emission reduction requirements may be applied. The registry is also responsible for adopting standards for verifying emissions reductions, establishing emissions reduction goals, designing and implementing efficiency improvement plans, and maintaining a record of emissions reductions as measured against the baseline established by the registry.

BACKGROUND: In 2002, legislation was enacted to reduce GHG emissions from cars and light trucks and provides an opportunity for automobile manufacturers to take advantage of incentives from early action. The law will regulate GHG emissions in 2009, and encourages earlier reductions through the registry.

This year, the registry has written to the subcommittee requesting \$200,000 to support the registry's activities in 2004-05. The funding will be used to develop new software capabilities for recording GHG emissions and to recruit more power industry participants to the registry. Approximately \$200,000 from CEC's Public Interest Energy Research Development and Demonstration (PIER) Fund was provided to support the registry in the current year.

STAFF RECOMMENDATION: The subcommittee may wish to adopt the following budget bill language to provide \$200,000 from the PIER fund to support the registry.

3360-001-0381—Of the amount appropriated in this item, \$200,000 shall be made available for grants to support the California Climate Action Registry program activities.

3540 – DEPARTMENT OF FORESTRY AND FIRE PROTECTION

The California Department of Forestry and Fire Protection (CDF) provides fire protection services for timberlands, rangelands, and brushlands. In addition, CDF regulates timber harvesting on forestland owned privately or by the state and provides a variety of resource management services for landowners.

ISSUE 1: DEPARTMENTAL FUNDING – STATE RESPONSIBILITY AREA FEE / TIMBER HARVEST PLAN FEE

CDF's budget is balanced, in part, on assumed revenues from two fees; namely \$105 million from the existing State Responsibility Area Fire Protection Benefit Fee, and \$10 million from fees proposed to be assessed on timber harvesters to fund departmental review of timber harvest plans (THP). The following is a brief description of these fees.

State Responsibility Area Fire Protection Benefit Fees

2003-04 Fiscal Year Actions. In an attempt to find significant General Fund savings, the Legislature imposed the State Responsibility Area Fire Protection Benefit Fees (SRA) in the 2003-04 Fiscal Year. This set a \$35 dollar per parcel fee on properties in SRA for each of the Fiscal Years 2003-04 and 04-05, to partially cover CDF's costs of emergency response. The intent was to take in \$105 million in revenues in the two fiscal years.

The Problem. The \$35 dollar per parcel fee was based on the early assumption of 1.5 million billable parcels in SRA. Updated estimates indicate that the billable parcels now number between 800,000 and 900,000, leaving a potential shortfall of approximately \$40 million over the two-year span.

One option for a 'fix' to this shortfall would be to increase the one-time cost to landowners in SRA, to somewhere between \$115 and \$130 dollars per parcel. This is not proposed by the Administration, which has remained silent on the issue, indicating that the SRA fee was a legislative proposal, therefore the Administration is looking to the Legislature for a fix. Unless further corrections are enacted, the Department will be faced with significant funding shortfall in the Budget Year.

Timber Harvest Plan Fees

The 2003 Budget Act reduced CDF's budget by \$10 million (General Fund) in anticipation of a new fee for timber harvest plan review to partially cover the costs of these reviews. The THP fees, however, were never enacted, which created a \$10 million shortfall.

January Proposal. The Governor's January budget proposed to partially support CDF's timber harvest plan review activities, through \$10 million in fees on the gross yield of timber harvested in the State.

The proposal provided in January is almost identical to the version before the Legislature last year, which piggy-backs a fee on the existing timber yield tax and deposits the revenue into

a special fund for the purposes of timber harvest plan review. Questions have been raised as to whether or not such a 'fee' could withstand a legal challenge as to whether or not it is a tax. The fee revenues are dedicated for the specific purposes of timber harvest plan review, however a fee based entirely on an existing tax has caused some concern.

May Revise Proposal. The Governor's May Revise has indicated that, "the Administration proposes to balance the impact of new THP fees by streamlining California's overly burdensome timber harvest regulations." At the time that this agenda was drafted, no detail had been provided, however the Governor's May Revise document references policy changes including 1) extending the effective period of a THP, 2) allowing plans to cover entire watersheds, and 3) reducing the paperwork that must be completed by landowners. Any amendment to forest practice regulations would likely raise concerns about potentially adverse environmental impacts, which has significant policy questions that may overshadow any positive fiscal gains.

COMMENTS: As no proposal has yet been received by the Administration, clearly no thoughtful review can have taken place prior to this hearing. This issue will need additional time and review, and therefore the Subcommittee may wish to take an action to ensure this item is sent to Conference Committee for additional work.

STAFF RECOMMENDATION: Delete the budget bill items relating to these two fees and provide (as a placeholder) \$1.0 million in General Fund.

3540-001-3032--For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001, payable from the State Responsibility Area Fire Protection Fund	10,000,000
3540-001-3063--For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001, payable from the State Responsibility Area Fire Protection Fund	52,500,000
3540-001-0001--For support of Department of Forestry and Fire Protection	294,139,000 295,139,000

ISSUE 2: CAPITAL OUTLAY PROPOSALS

Department of Forestry and Fire Protection
2004-05 Capital Outlay Proposals

	10-Jan	1-Apr	1-May	May Revise	Total	GF	LR	Fed.
1. Bautista Conservation Camp - Building Replacement	0	779	0	0	779	0	779	0
2. Cuyamaca Forest Fire Station Relocation	3,131	0	208	0	3,339	0	3,339	0
3. Hemet Ryan AAB Replacement	0	834	0	0	834	0	834	0
4. Mendocino Headquarters - Replace Autoshop	1,000	0	0	0	1,000	1,000	0	0
5. Mount Saint Helena Facility Renovation	500	0	0	0	500	500	0	0
6. Owens Valley Cons. Camp - Utilities Upgrades	1,856	0	0	0	1,856	1,856	0	0
7. Sonora FFS - Relocation	0	0	0	626	626	0	626	0
8. South Operations Area Headquarters - Relocation	0	4,771	0	0	4,771	0	3,062	1,709
9. Ukiah FFS - Replace Facility	0	551	0	0	551	0	551	0
10. Various Reappropriations	0	0	0	0	0	0	0	0
Total	6,487	6,935	208	626	14,256	3,356	9,191	1,709

COMMENTS: Staff has raised no issues with these proposals. The LAO has requested budget bill language for proposal #8. The Department of Finance is in agreement with this language.

Notwithstanding Government Code section 13332.11, the State Public Works Board shall not augment the amount provided for the South Operations Area Headquarters: Relocate Facility project, as set forth in Schedule (X) of this Item, in order to replace federal funds that are identified in Item 3540-301-0890, Budget Act of 2004. If an authorized federal entity determines that the funds identified in Item 3540-301-0890, Budget Act of 2004, are only available as payments over time, the State Public Works Board may authorize an increase in Item 3540-301-0660, Schedule (X), Budget Act of 2004, by the amount necessary to cover the federal governments' share of the project only after the appropriate federal entity enters into a signed agreement to completely reimburse the State of California for the increased lease payments attributed to the federal share of the project over a specified period of time. The term of the federal payments shall not exceed the term of the bonds and the agreement shall be subject to State Public Works Board approval.

STAFF RECOMMENDATION: Approve the requested capital outlay items and the recommended language.

ISSUE 3: ADDITIONAL DEPARTMENTAL PROPOSALS

The Administration proposes three additional items as part of CDF's budget. These include: **Emergency Fire Shelters.** \$740,000 (General Fund) for deployable emergency shelters for its firefighters to protect against injury from out of control fires.

Elimination of Aircraft Lease. Elimination of the \$400,000 (General Fund) lease on CDF's King Air turboprop aircraft.

State Fire Marshall Reimbursement Authority. Trailer bill language to allow the Fire Marshall to seek reimbursement for its inspection activities for other State agencies.

COMMENTS: Staff has raised no issue with these proposals.

STAFF RECOMMENDATION: Approve the three items.

3640 – WILDLIFE CONSERVATION BOARD

The Wildlife Conservation Board was established within the Department of Fish and Game (DFG) to administer a capital outlay program for wildlife conservation and related public access pursuant to the Wildlife Conservation Act of 1947.

The Board conducts or oversees investigations and studies to determine the areas within the State considered most essential for wildlife production and preservation, and which will provide compatible recreational opportunities. The Board develops fishing piers and fishing access sites at lakes, on the ocean, and along the State's waterways and aqueducts, and provides a long-term funding mechanism to provide for the preservation and enhancement of California's diverse wildlife and habitats.

ISSUE 1: TIDELAND OIL REVENUE BUDGET CONTROL LANGUAGE

The Governor's Budget includes budget bill language that would transfer all revenues received from tideland oil revenues to be transferred to the General Fund.

BACKGROUND: Current law requires that after specified amounts are deposited in the Housing Trust Fund and in the General Fund, the remaining tidelands revenues are deposited into the Resources Trust Fund (RTF) created by Chapter 293, Statutes of 1997 (SB 271, Thompson). The RTF in turn funds various resource programs.

Since 2002, the Governor's budget has proposed suspending these statutory requirements and transferring all revenues to the General Fund. During this time, both Administrations have proposed back-filling part of this funding with bond funds. The Governor's 2004 budget proposes a transfer to the General Fund of \$111.0 million, and the May Revise estimates and additional \$45.5 million available for transfer to the General Fund.

COMMENTS: Staff recommends a change to the budget control language to 1) provide \$35,000 in funding to the State Lands Commission for transfer to the Department of General Services to study the relocation of its Huntington Beach laboratory facility, and 2) \$800,000 to the Marine Life & Marine Reserve Management Account for the State's involvement in the activities of the Marine Life Protection Act. The budget language on the following page is recommended:

Wildlife Conservation Board.

3640-401--Notwithstanding any other provision of law, *1) the first \$35,000 of the balance of revenues that would have been deposited in the Resources Trust Fund, pursuant to Section 6217 of the Public Resources Code, shall be transferred to Item 3560-301-0001, for transfer by the State Lands Commission to the Department of General Services for a relocation study of the State Lands Commission's Huntington Beach laboratory. 2) The next \$500,000 shall be transferred into the Marine Life and Marine Reserve Management Account for activities of the Department of Fish and Game relating to the Marine Life Protection Act, and the balance of revenues shall be deposited into the General Fund for the 2004-05 fiscal year.*

State Lands Commission.

3560-301-0001 -- For capital outlay, State Lands Commission, payable from the General Fund. \$35,000

Department of Fish and Game.

3600-001-0647 -- For support of the Department of Fish and Game, for payment to Item 3600-001-0001, payable from the Marine Life and Marine Reserve Management Account \$500,000
Provisions: 1. The funds appropriated in this item shall be available to match private funds for expenditure for activities in support of protection and management of marine resources including: (a) facilitated regional workshops to identify potential sites for marine reserves, parks, and other candidate protected areas, (b) ecological and socioeconomic studies and data compilation pursuant to the Marine Life Protection Act, and (c) research, monitoring, and planning efforts necessary to meet the goals of the Marine Life Protection Program.

STAFF RECOMMENDATION: Approve the recommended changes to the Budget Act to provide funding to the Marine Life Protection Act and to study the State Lands Commission's laboratory relocation.

3810 – SANTA MONICA MOUNTAINS CONSERVANCY

The Santa Monica Mountains Conservancy acquires, restores and consolidates lands in the Santa Monica Mountains Zone for park, recreation or conservation purposes. The powers of the Conservancy include authority to:

1. Lease, rent, sell, transfer or exchange these lands for park purposes;
2. Award grants or interest free loans to state and local agencies for purchase or restoration of park, recreation, conservation or buffer-zone purposes to ensure that the character and intensity of development on these lands is generally compatible with and does not adversely impact the zone;
3. Implement programs to improve access from the inner city areas surrounding the zone, thereby providing recreational opportunities for all residents;
4. Execute projects consistent with Division 23 of the Public Resources Code within the Rim of the Valley Trail Corridor to provide a recreational trail corridor; and
5. Work to implement measures to help achieve Conservancy’s objectives.

ISSUE 1: BOND APPROPRIATION – CONTROL LANGUAGE

The Governor's budget includes no Budget Year capital outlay funding of the Santa Monica Mountains Conservancy. Propositions 40 and 50 both include dedicated funding for the Conservancy's conservation, preservation, and development activities.

This item would appropriate \$21.9 million from these dedicated bond funds for the Conservancy's continuing activities.

COMMENTS: The following appropriations and budget control language are recommended to ensure that the activities of the Santa Monica Mountains Conservancy are continued in a manner consistent with requirements of bond appropriations, as well as pursuant to direction from the Department of Finance and the State Attorney General.

3810-001-0941--For support of the Santa Monica Mountains Conservancy, payable from the Santa Monica Mountains Conservancy Fund 118,000

3810-301-0005 For capital outlay, Santa Monica Mountains Conservancy, payable from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Fund. 2,705,052

3810-301-6029 -- For capital outlay, Santa Monica Mountains Conservancy, payable from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund 9,500,000

3810-301-6031 -- For capital outlay, Santa Monica Mountains Conservancy, payable from the Water Security, Clean Drinking Water, Coastal and Brach Protection Fund of 2002 12,400,000

(same provisional language in all items)

Provisions:

- (1) It is the intent of the Legislature that the Santa Monica Mountains Conservancy continue to work with local government agencies and to use the mutual exchange of services and cooperation between the conservancy and local joint powers authorities to extent allowed by state law to assist the conservancy in

carrying out its responsibilities more effectively and efficiently while reducing the need for additional state employees.

(2) To ensure appropriate segregation of fiscal responsibilities while achieving the maximum efficiencies in administration and operations of the conservancy and joint powers authorities of which it is a member, the conservancy shall do all of the following:

(a) The Conservancy shall provide services of the conservancy's executive director and of other conservancy staff to the Mountains Recreation and Conservation Authority only to the extent such sharing of services is permitted by law, as determined by the Office of the Attorney General.

(b) Develop and implement procedures in response to the Final Management Letter from the Department of Finance, dated May 4, 2004, that assure separation of functions with respect to fiscal operations of joint powers authorities. This shall include procedures whereby all financial transactions of the joint powers authority are supervised by officers and employees who are separate from the conservancy and do not report to any officers or employees of the conservancy in any capacity. The conservancy shall provide a report on those procedures and their implementation to the chairs of the fiscal committees and appropriate subcommittees of each house of the Legislature by April 1, 2005.

3. The conservancy shall make grants to the Mountains Recreation and Conservation Authority from bond funds only in accordance with advice it has received from the Office of the Attorney General respecting the permissible use of bond funds available to the conservancy. The conservancy shall report annually to the chairs of the fiscal committees and appropriate subcommittees of the each house of the Legislature on the number and description of the grant awarded, including a summary of the project, the dollar award of the grant, and its applicability to the grant funding, program, and criteria.

4. It is the intent of the Legislature that the Department of Personnel Administration and the Department of Finance shall approve the reclassification of one or more of the conservancy's authorized positions to improve fiscal and contracts management.

STAFF RECOMMENDATION: Approve the requested appropriations and language.

VARIOUS REAPPROPRIATIONS AND EXTENSIONS

The Subcommittee has had brought to its attention, several items from previous budget acts requiring reappropriations or extensions of their liquidation periods. These are as follows:

Secretary for Resources.

0540-490 -- Extension of Liquidation Period, Resources Agency. Notwithstanding any other provision of law, funds appropriated in the following citations shall be available for liquidation until June 30, 2005:

0001:

- (1) Item 0540-101-0001, Budget Act of 1999 (Ch. 50 Stats. of 1999)*
- (2) Item 0540-101-0001, Budget Act of 2000 (Ch. 52 Stats. of 2000), Schedule (1) Grants*
- (3) Item 0540-101-0001, Budget Act of 2001 (Ch. 106 Stats. of 2001), Schedule (1) Grants*

6015:

- (4) Item 0540-101-6015, Budget Act of 2000 (Ch. 52, Stats. 2000) Schedule (a) Los Angeles River Parkway*

State Coastal Conservancy.

3760-490--Reappropriation, State Coastal Conservancy. The balance of the appropriations provided in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in those appropriations, and shall be available for expenditure until June 2006. 0005--Safe Neighborhood Parks, Clean Water, and Coastal Protection Bond Fund

- (1) Item 3760-302-0005, Budget Act of 2000 (Ch. 52, Stats. 2000)*
- (2) 80.97.030-Conservancy Programs (B) Ballona Wetlands*
- (3) Item 3760-301-0005, Budget Act of 2001, (Ch. 106, Stats. of 2001)*
- (7) 80.01.030-Laguna Coast Wilderness Park*

Department of Parks and Recreation.

3790-490 -- Extension of Liquidation Period, Department of Parks and recreation. Notwithstanding any other provision of law, funds appropriated in the following citations shall be available for liquidation until June 30, 2005:

0005:

- (5) Item 3790-302-0005, Budget Act of 2001 (Ch. 106 Stats. of 2001)*

Department of Water Resources.

3860-490 -- Extension of Liquidation Period, Department of Water Resources. Notwithstanding any other provision of law, funds appropriated in the following citations shall be available for liquidation until June 30, 2005:

6007:

- (1) Item 3860-101-6007, Budget Act of 2001 (Ch. 106 Stats. of 2001)*

STAFF RECOMMENDATION: Approve the recommended reappropriations and extensions.

