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November 1, 2013

Ms. Mary Nichols, Chair
California Air Resources Board
1001 I St.
Sacramento, CA 95814

RE: Updated AB 32 Scoping Plan Discussion Draft

Dear Chair Nichols:

The Rural County Representatives of California (RCRC) is an association of thirty-three rural California counties and the RCRC Board of Directors is comprised of elected supervisors from those member counties. Because of its far-reaching implications on the regulated community, including local governments and their constituents alike, RCRC has been actively involved in the implementation of AB 32 since it was signed into law in 2006 and appreciates this opportunity to provide input on the Updated AB 32 Scoping Plan Discussion Draft. We offer the following comments on the Discussion Draft:

Recycling and Waste Management Sector

We would like to commend ARB for recognizing “financial incentives to build adequate in-state infrastructure and incentivize activities to accomplish GHG and waste reduction goals are critical.” We also concur that collaboration with other agencies, districts, and jurisdictions is necessary to streamline the permitting process and address conflicting requirements. Without these two key components, the waste sector will not have the infrastructure capacity to support the reuse, recycling, and composting goal within California. Of the eight key recommended actions for the waste sector, RCRC supports all but one – consider regulatory actions to further reduce GHG emissions and remove organic wastes at landfills.

RCRC recognizes that organic materials in landfills are the major contributor to methane gas production and alternative treatment systems need to be pursued. However, any regulatory requirement needs to consider existing infrastructure and capacity, the economic feasibility of new facilities, and provide the flexibility for phasing-in various regions and areas of the state, especially in rural counties. RCRC believes the early action measures from the 2008 Scoping Plan were sufficient to reach the waste sector’s emission reduction goal for 2020. For the 2013 Scoping Plan update, all

efforts should be concentrated on the other key recommended actions and information and data collection. After thorough evaluation of the collected information and data, any additional regulatory actions should then be considered with the 2018 Scoping Plan update.

Water Sector

The Discussion Draft describes the status of the Water Public Goods Charge as having been evaluated but “not being implemented at this time.” RCRC would like to take this opportunity to once again convey our opposition to a state public goods charge on water which would hamper the ability of local agencies to raise funds on the local level for important local and/or regional projects and activities. RCRC does, however, strongly support Integrated Regional Water Management, as each region is in the best position to determine the proper mix of projects and activities appropriate for that region. There is a role for the state in financially incentivizing projects or activities that are not locally cost effective.

It is unclear to RCRC why ARB believes that the state needs to assume a greater role in developing “regulatory” incentives and employing “regulatory” oversight as it relates to, among other things, the sustainable management of groundwater. RCRC strongly believes that groundwater resources are best managed by local jurisdictions. RCRC opposes state interference with existing legal rights to groundwater and again suggests that the appropriate role of the state should be providing financial assistance to local jurisdictions.

Agricultural Sector

The Discussion Draft acknowledges the potential for natural and working lands to reduce GHGs and states that these lands will be critical to reaching long-term climate goals. Additionally, the Draft states that rangelands should be protected from conversion pressures, and that local and regional land use policies need to more fully incorporate and emphasize conservation and avoid conversion of natural and working lands.

RCRC appreciates this recognition of the importance of preserving agricultural lands. While RCRC is pleased to see mention of funding for the Williamson Act State subvention program, we are very disappointed to see that the ARB proposes limiting Williamson Act state subventions to “at-risk agricultural and rangelands on the urban/suburban edge.” This is, in our view, very short-sighted. In addition to preserving California’s vital food-producing farm and grazing land, the Williamson Act benefits the state in other important ways. It preserves open space, wildlife and wildlife habitat, including threatened and endangered species, and protects watersheds. The Williamson Act has also significantly reduced leap frog development through the preservation of contiguous areas of agricultural lands. The Williamson Act provided

reduction in property taxes has been instrumental in helping farmers and ranchers to keep their land in agriculture.

The Update acknowledges the potential for natural and working lands to reduce GHGs and states that these lands will be critical to reaching long-term climate goals. Additionally, the Update states that rangelands should be protected from conversion pressures, and also states that local and regional land use policies need to more fully incorporate and emphasize conservation and avoid conversion of natural and working lands. RCRC would suggest that this is just one more reason why the State should resume payment to counties of the State share of the Williamson Act subvention program. Defunding the Williamson Act subvention program is counter-productive to the stated aims of the ARB as it relates to GHGs. Defunding of the subvention program also makes it much more difficult for counties to assist in implementing State policy to avoid conversion of these lands.

RCRC urges the ARB to promote the resumption of state subvention funding to counties for all Williamson Act enrolled lands. The failure of the state to fund the state share over the past several years has negatively impacted county treasuries and places the future of the Williamson Act at risk.

Forests Sector

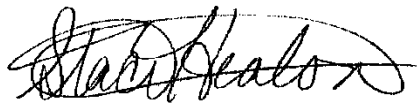
RCRC would like to express our disappointment at what we feel is a highly deficient short-term plan for the forest sector. Approximately one-third of California's land mass is forested, with a full one-fifth of the state's total acreage being land managed by the U.S. Forest Service (USFS). While we appreciate that the state is working on the emissions inventory for this sector and may do more after 2020, it seems that there has been very little progress in the seven years since AB 32 was enacted, and very limited communication between ARB, CalFIRE, and the USFS on the Scoping Plan. Recent catastrophic wildfires such as the Rim Fire demonstrate the need for the state to accelerate its efforts to not only engage in forest restoration projects, but also to help prevent such fires through fuels management projects that are stymied by lawsuits and lack of funding. The slow pace in which the state is moving in this sector is astounding, as forests burn and release greenhouse gases and particulates, while the carbon sequestration properties diminish significantly with each new fire.

In April 2013, RCRC supported a proposal submitted by the USFS for inclusion in the Cap-and-Trade Investment Plan (see attached). In their proposal, the USFS outlined possible projects for not only fuels treatment and restoration, but also forest biomass utilization and transportation. These projects would not only provide carbon sequestration and emissions reductions benefits, but aid in energy efficiency and job creation in some of California's most economically distressed communities. We recommend that ARB staff take another look at the USFS proposal and evaluate the benefits of such projects for the Scoping Plan and beyond. The state can't afford to

delay preserving carbon on forest lands until after 2020 and expect forests within California to continue sequestering carbon at a beneficial rate.

RCRC appreciates your consideration of our comments, and looks forward to working with ARB staff in the future as the Scoping Plan update progresses. Please feel free to contact me with any comments or questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Staci Heaton", with a stylized flourish at the end.

Staci Heaton
Regulatory Affairs Advocate

cc: Matthew Rodriguez, Secretary for Environmental Protection
Members of the California Air Resources Board
Richard W. Corey, California Air Resources Board
RCRC Board of Directors