



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

July 6, 2016

Mr. Richard Corey, Executive Officer
California Air Resources Board
1001 I St.
Sacramento, CA 95812

RE: 2030 Target Scoping Plan Update Concept Paper

Dear Mr. Corey:

The Rural County Representatives of California (RCRC) is an association of thirty-five California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties. RCRC member counties are tasked with a variety of decision-making responsibilities related to land use and development in rural California communities and are challenged with environmental stewardship, economic vitality and social equity at the local level. We appreciate this opportunity to comment on the 2030 Target Scoping Plan Update Concept Paper (Concept Paper).

Natural and Working Lands

Much of California's forested lands are located within RCRC member counties including more than 70 percent of the lands managed by the USDA Forest Service (USFS). RCRC has long urged the State to address the escalating wildfire problem, particularly as temperatures rise and amplify the need for better forest management practices on both state and federal lands. Now, many rural forested counties are also grappling with the compounded risk of high severity wildfire due to the 66 million dead trees resulting from drought-induced tree mortality since 2010, 26 million of which have died since October 2015 when Governor Brown issued his Emergency Proclamation on Tree Mortality.

RCRC acknowledges the good work the State is doing on the Forest Carbon Plan to address the long term carbon storage and emission goals from California's natural and working lands. However, we are confused at the omission of federal lands from the restoration and management goals discussed in the Concept Paper. State and private land managers generally do a much better job of addressing forest health and restoration projects than their federal counterparts, as federal forest lands are overstocked and therefore more susceptible to high severity wildfire, and remain in desperate need of a more robust management and restoration program. With a full 20 percent of California's

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100 million acres of land managed by the USFS, and the budgeting practice of “fire borrowing” effectively halting the ability of the USFS to increase the pace and scale of its management and restoration activities, it is bewildering that the Air Resources Board (ARB) does not mention working with California’s federal partners to develop strategies to overcome those barriers.

Federal forest acreage must be part of ARB’s 2030 plans for natural and working lands if the State truly hopes to preserve the carbon sequestration ability in our forests, prevent black carbon emissions from wildfire, and protect the health of our forested watersheds. RCRC hopes to see a more vigorous discussion of federal land management, restoration, and fuels treatment in the Draft Scoping Plan later this year including working with the USFS through programs such as Good Neighbor Authority agreements, which allow state agencies to perform restoration projects on federal lands.

Reducing Methane Emissions

Reducing methane emissions from landfills has been the subject of greenhouse gas (GHG) emissions reductions since ARB’s Landfill Methane Control Measure, which was an early action measure from Assembly Bill 32. More recently, with the adoption of Assembly Bill 1826 (Chesbro, 2014), a commitment has been made to divert commercial organics from landfills beginning in 2016, phasing implementation through 2019, with the goal of reaching 50 percent organic diversion from landfills in 2020. RCRC worked with the author’s office, CalRecycle, and stakeholders to craft legislation that was feasible and realistic and supported the legislation. This legislation was enacted to help the state meet the statewide goal of 75 percent diversion of solid waste from landfills and would also serve to decrease additional methane emissions from landfills.

The Draft Short Lived Climate Pollutant Strategy proposes to require 90 percent diversion of organics from landfills by 2025. We believe this to be overkill to reach the 40 percent reduction goal of methane emissions by 2030 from this sector. RCRC requests the Draft 2030 Target Scoping Plan reinforce the goal in AB 1826 for the 50 percent of commercial organic diversion from landfills and maintains the ultimate goal of 40 percent reduction in methane emissions from the solid waste sector by 2030.

Cap-and-Trade Program

Finally, while RCRC does not have official policy on the continuation of the Cap-and-Trade Program to achieve future GHG emissions reductions goals, we do encourage ARB to remain thoughtful about whether the Program has been implemented in an equitable, valuable, and cost-effective manner to this point. We recognize that ARB has little influence over how Greenhouse Gas Reduction Fund (GGRF) dollars are spent once auction proceeds are collected. However, since the Cap-and-Trade Program funds were first made available in the 2014-15 Budget year, the State has been utilizing the majority of funds for projects that focus more on co-benefits than on actual GHG emissions reductions, and has been hesitant to fund the very program types that have been shown

to be the most cost effective such as waste diversion and forest health projects. In fact, the Legislature did not allocate the 40 percent in discretionary GGRF funds at all in 2015-16, and are considering the same course of action for 2016-17, effectively wasting an entire year that those funds could have been utilized for real GHG emissions reductions.

Furthermore, GGRF spending policies have disproportionately impacted rural communities in the wake of Senate Bill 535 (De León) due to what we believe is an erroneous interpretation of the bill by CalEPA. SB 535 clearly states (bold and underline added for emphasis):

“The California Environmental Protection Agency shall identify disadvantaged communities for investment opportunities related to this chapter. These communities shall be identified based on geographic, socioeconomic, public health, and environmental hazard criteria, and may include, but are not limited to, **either** of the following:

(a) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation.

(b) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment.”

Instead of following the letter of the law, CalEPA has instead adopted a methodology that necessitates both categories and inequitably weighs factors that favor urban areas. The mandated use of the CalEnviroScreen tool to identify disadvantaged communities (DACs) entirely excludes half of all California counties from receiving any of those earmarked funds. Most of the twenty-nine excluded counties are RCRC members, many of which have among the lowest median household incomes (MHIs) and highest unemployment rates in the State. For example, both Lake County and Modoc County have countywide MHIs that are less than 60 percent of the statewide MHI, yet neither county has any communities that are considered disadvantaged under CalEPA’s current methodology. Without qualifying as DACs, it is extremely difficult for most rural communities to compete with urban and suburban communities for the remaining funds due to the higher cost of completing projects in remote, rural areas. The result has been rural citizens indirectly paying into the program, but receiving little to no actual benefit from the proceeds. While we appreciate discussion in the Cap-and-Trade Investment Plan of increasing rural participation in the Program, we have seen little progress and heard little discussion in the months that have followed. If the Cap-and-Trade program does continue, RCRC would recommend a review and modification of the way DACs are defined that is faithful to the letter of SB 535 so that disadvantaged rural communities can also benefit from the funds.

Mr. Richard Corey
2030 Target Scoping Plan Update Concept Paper
July 6, 2016
Page 4

RCRC appreciates your consideration of our comments. If you should have any questions or would like to discuss our comments further, please contact me at (916) 447-4806 or sheaton@rcrcnet.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Staci Heaton", written in a cursive style.

STACI HEATON
Regulatory Affairs Advocate

cc: Mary Nichols, Chair, California Air Resources Board
Edie Chang, Deputy Executive Officer, California Air Resources Board
Matthew Rodriguez, Secretary, California Environmental Protection Agency
RCRC Board of Directors