



# California Legislature Rejects Radical Climate Bill, Governor Does It Anyway Via Executive Order

California continues to drift toward lawlessness as Governor Newsom ignores the will of the state legislature and the citizenry, and writes Executive Orders to achieve his ultra-radical green agenda. □ TN Editor  
Two bills would have established new land, water, and ocean protection goals, including to protect 30 percent of the state's land areas and water by 2030.

Assembly Bill 3030, by Assembly Member Ash Kalra (D-San Jose), as well as AB 2954, by Assembly Member Robert Rivas (D-San Benito), passed the State Assembly but was held on the Senate Appropriations Committee's Suspense File in mid-August and therefore failed passage in the recently-concluded 2020 Legislative Session. Nonetheless, on October 7, Governor Newsom issued EO-N-82-20 which sounds very similar to the provisions of AB 3030.

# Provisions of AB 3030

In Section 1 of the bill, there were 18 legislative findings and declarations, including that “access to public land, nature, and a healthy environment should be a right for all people...” Also, “the Natural Resources Agency has made environmental justice and tribal consultation a priority...” Moreover, “scientists are documenting a rapid loss of natural areas and wildlife in California.”

Also, “California should protect land, water, ocean, and wildlife in the state as necessary to prevent the further decline of nature. This act is not intended to undermine the Fish and Game Commission’s authority in managing the public trust resources of the state. Conserving and restoring nature is one of the most efficient and cost-effective strategies for fighting climate change. The implementation of this policy includes promoting voluntary cooperation with private land owners.”

Additional findings and declarations stated that, “as a step toward achieving that goal, scientists have recommended that all countries commit to conserving and protecting at least 30 percent of land areas and waters and 30 percent of the ocean in each country by 2030, with a long-term goal of conserving one-half of the planet. Implementation of a state policy to protect at least 30 percent of California’s land areas and waters within the state and 30 percent of the nation’s oceans by 2030 should be consistent with state housing and economic goals.”

In Section 2 of the bill, Section 9001.6 would have been added to the Public Resources Code. Subdivision (a) defined the terms “protect” and “protection.” Subdivision (b) provides that “it is the goal of the state to protect at least 30 percent of California’s land areas and waters and to help advance the protection of 30 percent of the nation’s oceans by 2030, inclusive of existing protections afforded by state and federal laws and regulations.”

Subdivision (c) specifies that it “is further the goal of the state to support regional, national, and international efforts to protect at least 30 percent of the world’s land areas and waters and 30 percent of the world’s ocean by 2030.” Subdivision (e) permits the state to “achieve the goals

established in this section through activities that include, but are not limited to, any of the following:

- Working with the federal government, local communities, Native American tribes and tribal entities, other countries, willing private landowners, and recreational and commercial stakeholders to conserve natural places and resources.
- Improving access to nature for all people in the state, with a specific emphasis on increasing access for communities of color and economically disadvantaged communities.
- Preventing extinction by recovering and restoring biodiversity, including species listed under the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).
- Enhancing climate resilience by protecting genetic diversity.
- Sequestering carbon and greenhouse gas emissions through natural measures in the land, waters, and ocean.
- Focusing work at a scale that is biologically and ecologically meaningful, including at a landscape or seascape scale, where appropriate.
- Collaborating with federal, tribal, regional, and international governments to support and advance protections for terrestrial and marine habitats that lie outside of the state's jurisdiction to ensure effective protections for California species that travel, are migratory, or have ranges that extend beyond the borders of the state.
- Considering how existing processes to evaluate or strengthen environmental conservation in California can contribute to the goals described in subdivisions (b) and (c) and leveraging those processes to identify, evaluate, and implement measures to meet the goals described in subdivisions (b) and (c).
- Stabilizing ecosystems and the services of ecosystems, restoring degraded ecosystems, and maintaining and enhancing ecological functions, including functional ecological connectivity in the face of human impact and climate change.
- Aligning the state's economic and purchasing power with efforts to protect ecosystems and threatened biodiversity within the

state, nationally, and internationally.

- Ensuring that protected areas within the state are effectively managed and enforced.
- Securing protections for habitat types that are underrepresented in protected areas.
- Consulting with Native American tribes when conservation efforts impact tribal ancestral homelands to help restore tribal access to those lands and maintain or restore tribal land management, stewardship, and ownership.
- Partnering with Native American tribes to learn from and apply traditional ecological knowledge and reintroduce and promote traditional practices to restore ecosystem interconnectivity and balance, including through cooperative management agreements and other related legal instruments.

Subdivision (f) requires the Natural Resources Agency to ensure that actions made in furtherance of this section are conducted in a manner that incorporates the agency's environmental justice and tribal consultation policies, including subsequent updates to those policies, into relevant program planning, development, and implementation decisions. Finally, subdivision (g) specifies that this section does not undermine, limit, contravene, or modify any other law or regulation in effect on January 1, 2021.

## **Provisions of AB 2954**

In Section 1 of the bill, there were over a dozen legislative findings and declarations, including that "climate change is causing historic droughts, devastating wildfires, torrential storms, extreme heat, the death of millions of trees, billions of dollars in property damage, and threats to human health and food supplies. The state's forests, agricultural and ranch lands, wetlands, oceans, and other natural and working landscapes define the beauty and well-being of our state, but tragically are suffering increasing degradation caused by a changing climate."

Moreover, "While the state's natural and working landscapes confront impacts from climate change, they continue to provide a valuable carbon sequestration service that can help the state meet its long-term climate,

public health, environmental, and economic goals.” It also noted that the state has taken a number of specific steps to reduce greenhouse gas emissions.

Section 2 of the bill, Section 38561.5 would have been added to the Health and Safety Code. Subdivision (a) would have added definitions for the terms “natural lands” and “working lands.” Subdivision (b) would have required, as part of the next update to the scoping plan prepared, the state board, in collaboration with the relevant state agencies and departments, to do all of the following:

- Identify by January 1, 2023, an overall climate goal for the state’s natural and working lands to sequester carbon and reduce atmospheric greenhouse gas emissions. The climate goal shall support the state’s efforts to achieve carbon neutrality and resilience to climate impacts.
- Identify practices, policy incentives, and potential reductions in barriers that would help achieve the climate goal established pursuant to paragraph (1).
- Integrate opportunities to enhance other important public benefits and needs, including, but not limited to, the enhancement of water and air quality, climate resilience, public health, biodiversity, jobs, species habitat, the production of food and fiber, public access to recreation, and the protection of vulnerable communities against climate impacts.
- Develop methods for state agencies to consistently track greenhouse gas emissions reductions, carbon sequestration, and cobenefits from natural and working lands over time.

## **Provisions of Executive Order N-82-20**

The Governor’s new Executive Order includes 11 “whereas” clauses. For example, “WHEREAS California’s natural and working lands – our forests, rangelands, farms, wetlands, coast, deserts, and urban greenspaces – sustain our economy, support our unique biodiversity, contribute to the global food supply, support outdoor heritage and provide clean water and air.”

In addition, “WHEREAS California’s rich biodiversity is increasingly threatened by loss of habitat, spread of invasive species, decreasing water supplies, and increasingly frequent and severe climate impacts.” Also, “WHEREAS as we work to mitigate greenhouse gas emissions, we must also accelerate actions to enable the State to adapt and become more resilient to the impacts of climate change, including expanding nature-based solutions - the use of sustainable land management practices to tackle environmental, social and economic challenges.”

Governor Newsom ordered, in order to “combat the biodiversity and climate crises, the California Natural Resources Agency, in consultation with the California Department of Food and Agriculture, the California Environmental Protection Agency and other state agencies, is directed to establish the California Biodiversity Collaborative (Collaborative) to bring together other governmental partners, California Native American tribes, experts, business and community leaders and other stakeholders from across California to protect and restore the State’s biodiversity.”

[Read full story here...](#)