

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT

Rhodesia Ransom, Chair

AB 372 (Bennett) – As Introduced February 3, 2025

SUBJECT: Office of Emergency Services: state matching funds: water system infrastructure improvements

SUMMARY: Would, contingent on funding being appropriated pursuant to a bond act, establish the Rural Water Infrastructure for Wildfire Resilience Program within the California Office of Emergency Services (Cal OES) for the distribution of state matching funds to communities within the Wildland Urban Interface in designated high fire severity zones or very high fire hazard severity zones to improve water system infrastructure. Specifically, **this bill:**

- 1) Establishes the Rural Water Infrastructure for Wildfire Resilience Program within Cal OES for the distribution of state matching funds to communities within the Wildland Urban Interface in designated high fire severity zones or very high fire hazard severity zones to improve water system infrastructure by the following:
 - (a) upgrading and upsizing water lines;
 - (b) installing additional fire hydrants connected to water systems;
 - (c) enhancing water system delivery and distribution capacity to ensure adequate water flow for community fire prevention and fire suppression activities;
 - (d) creating interconnections between water systems for the purpose of improving water delivery and distribution capacity for fire suppression activities; and/or
 - (e) backup power generation.
- 2) Requires funds distributed to communities under the Rural Water Infrastructure for Wildfire Resilience Program be consistent with Government Code Section 53750.5, which describes the distinctions between the fire service and water service with respect to hydrants, as specified.
- 3) Requires Cal OES to work in coordination with the Department of Water Resources (DWR), the State Water Resources Control Board, the Office of the State Fire Marshal, and others as specified for the purposes of the Rural and Small Community Fire Resilience Program.
- 4) Requires Cal OES to develop scoring criteria and a scoring methodology to prioritize the distribution of state matching funds provided under the program to:
 - (a) community water systems that maintain 15,000 water service connections or fewer;
 - (b) water infrastructure improvements to aid fire suppression for properties located near outstanding national resource waters or headwaters, as specified; and
 - (c) water infrastructure improvements to aid in fire suppression that are consistent with community wildfire protection and water system plans, as specified.
- 5) Provides the establishment of the Rural Water Infrastructure for Wildfire Resilience Program is contingent upon funding being appropriated by the Legislature to Cal OES pursuant to a bond act approved by the voters on or after the statewide general election scheduled for November 5, 2024, as specified.

- 6) Makes legislative findings and declarations related to devastating fires in rural landscapes and communities, the vulnerability of aging water infrastructure to fires in rural communities, the vast number of California households located in high or very high fire hazard severity zones, postfire costs in the tens of billions of dollars inflicted upon the communities of Grizzly Flats, Paradise, and Greenville, recent Congressional action to improve water delivery system improvements, and how local governments need state support for necessary water infrastructure investments to prepare for fire suppression capacity.

EXISTING LAW:

- 1) Establishes the California Office of Emergency Services (Cal OES) within the office of the Governor and makes Cal OES responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. (Government Code Section 8550)
- 2) Authorizes the Governor to proclaim a state of emergency and local officials and local governments to proclaim a local emergency, when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor or the appropriate local government to exercise certain powers in response to that emergency. (Government Code Section 8558)
- 3) Establishes DWR within the Natural Resources Agency and sets forth its powers and duties relating to water resources (Water Code Section 120)
- 4) Requires the State Fire Marshal to classify lands within state responsibility areas into fire hazard severity zones and requires that local agencies also designate fire hazard severity zones in their jurisdiction after receiving recommendations from the State Fire Marshal. These classifications shall be based on fuel loading, slope, fire weather, and other relevant factors (Public Resource Code Section 4204, Government Code Sections 51178)
- 5) Directs a city or county, upon the next revision of the housing element of a general plan on or after January 1, 2014, to include a set of feasible implementation measures designed to carry out specified goals, policies, and objectives, including designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including water supplies for structural fire suppression (Government Code Section 65302).
- 6) Defines "hydrants" as hydrants and other infrastructure used to distribute water that aids in the protection of property from fire, as specified, and makes legislative finding and declarations of existing laws describing the purposes of hydrants and how hydrants are used by fire and water services. (Government Code Section 53750.5)

FISCAL EFFECT: Unknown. This bill has not been analyzed by a fiscal committee.

COMMENTS:

Purpose of the bill: According to the author, “California has experienced a growing number of wildfires with ten of the largest twenty fires occurring since 2020. Our water systems were designed to provide safe drinking water, however the prevalence of fires in this state demands us to re-examine how we prepare for fires. The voters of California made clear with their support of Proposition 4 that they want this state to invest in fire suppression and prevention. AB 372 creates the Rural Water Infrastructure for Wildfire Resilience Program so that small water suppliers, many of which serve disadvantaged communities, can invest in upgrading waterlines, installing additional fire hydrants, enhancing water delivery, and backup power generation. These are the types of intelligent, forward-thinking, actions and investments that we need to make in order to reduce loss and save lives.”

Equity impact: According to the author’s staff, “California fires disproportionately put at risk vulnerable communities, especially given the lack of insurance coverage in many parts of the state. Of particular concern is when conflagrations destroy major parts of communities. Media coverage of the Southern California fires often focused attention at the destruction of Pacific Palisades however the Eaton Canyon fire razed a historically Black community, harming decades of built up generational wealth for many California residents. 61% of homes lost in Altadena were Black households. A University of California Los Angeles data brief highlighted the disproportionate impact that the Eaton Canyon fire had on Black residents. Of particular concern is that lack of insurance coverage and rising home prices, mean that unless these residents are able to rebuild and keep their homes, it is unlikely that their children will be able to inherit these properties, or otherwise keep this generational wealth – further exacerbating a growing income divide. Given the loss of structures in Altadena, it seems like moving towards a policy where home owners and communities take comprehensive measures to harden their homes could have reduce both the loss of lives and the loss of property.”

“The counties most affected by the 10 largest fires – Butte, Tehama, and Trinity counties each have poverty rates above the national average. For context, the national poverty rate, as of 2023, was 11.1%, and California’s poverty rate was reported to be 18.9%. Trinity County (20.8% poverty rate) and Butte County (19.9% poverty rate) both have poverty rates higher than either the state or national average, while Tehama’s poverty rate (15%) remains higher than the national average, but lower than the state average. Ultimately, the communities most in need of public funding to upgrade their water system, are also among our most financially disadvantaged,” concludes the author’s staff.

Climate change and wildfires in California: Climate change, especially rising temperatures and periodic droughts, have made substantial contributions to the area burned in wildfires in California. According to most climatologists, the planet is starting to experience shifts in climate patterns and an increased frequency of extreme weather events. Wildfires that threaten thousands of homes are now an annual occurrence, as autumn days with severe fire-weather prone weather have more than doubled in California since the 1980s. Over the last four decades, the wildfires have increased in size and intensity with five of the eight largest fires in California history occurring in 2020 alone. California’s Fourth Climate Change Assessment projects that by 2100, if climate change continues on this trajectory, the frequency of extreme wildfires would increase, and the average area burned statewide would increase by 77 percent.

Wildfires are a severe and growing threat to lives, property, and infrastructure in California. The confluence of a changing climate, urbanization, and constraints on forest management has added urgency to the need to enhance our strategy to address this threat. The 2021 and 2022 Budget Acts committed \$2.8 billion over four years to continue strengthening forest and wildfire resilience statewide to mitigate the ongoing impact of climate change on California's wildlands continues to drive critically dry fuel conditions and longer, more severe fire seasons. In Cal FIRE's 2020 Fire Siege Report, the Director states, "at the end of 2020, we closed the book on, arguably, the worst fire year ever experienced on the west coast, and specifically in California. Since 2015, the term "unprecedented" has been used year over year as conditions have worsened, and the operational reality of a changing climate sets in. In California, the 2020 Fire Siege claimed the lives of 28 civilians and three firefighters, destroyed 9,248 structures and consumed 4.2 million acres.

Palisades and Eaton Fires: At its height, the fires placed an estimated 331,335 people on an evacuation advisory, with nearly 192,000 residents facing mandatory evacuation and roughly 140,000 subject to warnings. The blazes burned a combined 37,469 acres and leveled entire communities in the Pacific Palisades and Altadena neighborhoods of LA County.

The Eaton Fire became the second most destructive fire in California history after destroying 9,418 buildings. The Palisades Fire is the third most destructive fire in state history with 6,837 structures destroyed. As firefighters were battling the largest conflagrations, additional fires broke out in the Los Angeles area. Crews were able to stop the forward spread and contain the blazes. These fires included the Lidia, Archer, Woodley, Sunset, Kenneth, Hurst and Auto fires, which burned close to 2,400 acres between them.

Two weeks after the initial fires, the Hughes Fire began near Castaic Lake in northern Los Angeles County on January 22 and quickly grew to over 10,000 acres. It was fully contained on January 30 after covering 10,425 acres.

Small water suppliers and rural communities: Pursuant to AB 1668 (Friedman, Chapter 15, Statutes of 2018), DWR issued the Small Water Systems and Rural Communities Drought and Water Shortage Contingency Planning and Risk Assessment in 2021. This report, released in two parts, identified small water systems and rural communities at risk of drought and water shortage vulnerability (Part II) and made recommendations for improving drought contingency planning for those areas (Part I).

DWR examined the relative risk of drought and water shortage for 2,419 small water suppliers in the report. The results show that a vast majority of the state's counties (47 of the 58 counties) have small water suppliers in the top 10% of risk scores (240 suppliers) for water shortage. Of those in the top 10%, over half (61% or 149 suppliers) are located in high or very high fire hazard severity zones. In other words, there are many small and rural communities across the state that are at high risk of running out of water during a drought or other disaster. Also, many communities located in areas with a high risk for wildfire are at high risk of water shortage, which could impact their capacity to suppress fires when they occur.

The report recommended that the state support small community water systems to install additional infrastructure to improve drought and water shortage preparedness and response. The report noted that most water systems under 1,000 connections have difficulty ensuring water supplies during natural disaster events, regardless of the development of planning materials, due

to their inherent lack of economies of scale to finance needed infrastructure improvements and the high cost of emergency response activities.

According to CAL FIRE, water delivery infrastructure does pose a challenge for some of the communities in CAL FIRE service areas, as some hydrant systems cannot support fire operations at the required flow rate and volume. In some cases, using an older hydrant has caused water pipes to collapse, which can cutoff water delivery to that specific neighborhood in the aftermath of an incident.

Proposition 4: In July 2024, the Legislature approved Chapter 83 (SB 867, Allen), authorizing a \$10 billion bond measure entitled the “Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024.” Largely designed to increase the state’s resilience to the impacts of climate change, the measure was placed on the statewide ballot as Proposition 4 and subsequently approved by voters in November. This bond measure builds on significant funding for state funded climate-related programs. The bond measure includes a number of requirements to guide how funds are administered and overseen by about 30 different state agencies, departments, boards, commissions, conservancies, and offices. Much of the funding is to be provided as grants for eligible applicants including local agencies, nonprofit organizations, tribes, and utilities. Remaining funding will support state-led activities, such as addressing deferred maintenance and wildfire resilience activities at state parks and projects at the Salton Sea.

Arguments in support: The Association of California Water Agencies (ACWA) writes in support, “ACWA is writing to express our support for AB 372, which would, contingent on funding being appropriated pursuant to Proposition 4, establish the Rural Water Infrastructure for Wildfire Resilience Program (Program) within the California Office of Emergency Services. This Program would distribute state matching funds to communities within the Wildland Urban Interface (WUI) in designated high fire hazard severity zones or very high fire hazard severity zones to improve water system infrastructure. AB 372 would provide funding to communities within the WUI to improve their water system infrastructure, for purposes consistent with the services and improvements to aid in the protection of property from fire, as specified.”

The League of California Cities adds in support, “AB 372 would require the OES to develop criteria and a scoring methodology to prioritize the distribution of state matching funds provided under the program to rural communities. Communities with less than 15,000 connections would benefit from this program to help improve back up power generation, upgrade and upsize waterlines, install additional fire hydrants, enhance water system delivery and distribution capacity, and create interconnections between water systems. These investments are necessary to protecting communities and structures from catastrophic wildfire.”

Related legislation: SB 746 (Alvarado-Gil) of this Session. Would requires the Department of Water Resources to establish in the department the Urban Water Community Drought Relief program and the Small Community Drought Relief program to provide grants for similar interim or immediate drought relief. These programs, upon a specified appropriation, would authorize funding for benefits in addition to drought relief, including, among other projects, projects that reduce the risk of wildfire for entire neighborhoods and communities through water delivery system improvements for fire suppression purposes in high fire hazard severity zone communities or very high fire hazard severity zone communities, as designated by the State Fire Marshal or by a local agency.

Prior legislation: SB 1088 (Alvarado-Gil) of the 2023-24 Session. Would have established the Rural Water Infrastructure for Community Wildfire Protection Program within the OES for the distribution of state matching funds to communities within the Wildland Urban Interface in designated high fire hazard severity zones or very high fire hazard severity zones to improve water system infrastructure, as prescribed. (Died in the Assembly Committee on Appropriations)

SB 867 (Allen) of the 2023-24 Session, Chapter 83, Statutes of 2024. Authorized the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$10,000,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate-smart, sustainable, and resilient farms, ranches, and working lands, park creation and outdoor access, and clean air programs.

REGISTERED SUPPORT / OPPOSITION:

Support

Tahoe Water for Fire Suppression Partnership (sponsor)
Association of California Water Agencies (ACWA)
League of California Cities

Opposition

None on file.

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