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**Transmitted via electronic transmission**

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August 25, 2023

The Honorable Cecilia Aguiar-Curry  
State Capitol, Room 6350

Sacramento, CA 95814

**RE: Assembly Bill 338 (Aguiar-Curry) - OPPOSE (UPDATED)**

Dear Assembly Member Aguiar-Curry:

On behalf of the Mountain Counties Water Resources Association (MCWRA), we write to respectfully maintain our opposition to Assembly Bill 338 relating to public works. While recent amendments to the bill are a step in the right direction, they are insufficient to address MCWRA's concerns. The proposed bill would inhibit the growth, pace and scale of forest management work that needs to be conducted in California and interfere with small communities' ability to complete timely fire mitigation projects to safeguard residents and infrastructure or retain local workforce. We support policies that would bring high-quality, good paying jobs to rural areas; however, without meaningful and dedicated resources from the state, the financial impacts the legislation imposes will significantly reduce the ability to achieve our shared goals of effectively managing forested lands and preventing wildfire. We believe this legislative approach is premature, and that at a minimum a robust wage data survey must be completed before advancing this legislation. In addition, we would strongly encourage further increasing the exemption threshold to a minimum of \$5 million (e.g., 2,000-acre project size at \$2,500/acre average cost) to facilitate the pace and scale necessary to achieve effective fuels management. We believe that an alternative solution is needed that will not threaten lives, homes, and livelihoods in California's rural communities.

MCWRA advocates for the water interests of its 55 members in 12 of the mountain counties within the Wildland-Urban Interface (WUI) of woodland and forested lands in the Sierra Nevada. These foothill and mountain areas contain the headwaters for 40% of the state's developed water supply, which also provides for hydropower production, irrigation, recreation, water recycling, tourism, and instream flows that fuel the engine of our State's economy. Megafires continue to threaten MCWRA communities, water resources, and the state's overall water supply. Increasing the pace and scale of forest management projects on these lands is critical to protecting California's forested watersheds and communities.

As previously discussed, AB 338 runs contrary to the goals and objectives outlined in California's Wildfire and Forest Resilience Action Plan, which state "bolder action is required to address the key drivers of catastrophic fires, significantly increase the pace and scale of forest management, and improve the resilience of increasingly threatened communities." Instead, AB 338 would slow and substantially increase the costs of fuel reduction projects – particularly for rural and disadvantaged communities with limited workforces. Fire mitigation projects are critical to creating defensible space and supporting efforts to keep rural communities safe from the ever-increasing fire risks.

Moreover, this legislation is extremely detrimental to restarting the forest products industry, a necessary step to properly addressing vegetation management and its byproducts. This progression into the labor market would set a concerning precedent, promoting the same approach and results toward rising labor costs to be taken in other forest and related industry sectors. Enacting this type of legislation will have the unintended consequences of stifling innovation, economic investment, and competition in a developing industry that needs flexibility and fewer restrictions to promote advancement – further impacting California's rural and disadvantaged communities.

In addition, MCWRA is concerned that treating this type of fire mitigation work as "public works" will subject this important work to a regulatory regime that may act as barrier to local and small businesses competing for, and performing, these projects. The various requirements associated with being a "public works" contractor, such as registration with the Department of Industrial Relations and maintaining and submitting certified payroll records, may effectively preclude the local mountain counties workforce from being considered qualified to perform fire mitigation projects moving forward. This will in turn further impact rural and disadvantaged communities and reduce the pool of businesses that are available to perform these projects.

It remains premature and counter-productive to introduce additional barriers to implementation of fire mitigation projects in communities that desperately need these projects to advance at an accelerated pace and scale. It is for these reasons that the MCWRA opposes AB 338. Should you have any questions about our position, please feel free to contact Justin Caporusso, Executive Director at (916) 412-0571. Thank you for your time and consideration.

Sincerely,



Scott Ratterman, President

Mountain Counties Water Resources Association

Cc: Wade Crowfoot, Secretary, California Natural Resources Agency  
Senator Portantino, Chair Senate Appropriations Committee  
Board of Directors, Mountain Counties Water Resources Association  
Legislative Committee, Mountain Counties Water Resources Association