

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 1889 (Friedman) – As Amended April 15, 2024

SUBJECT: Conservation element: wildlife and habitat connectivity

SUMMARY: Requires a city, county, or city and county to consider the impact of development on the movement of wildlife and habitat connectivity as part of the conservation element of its general plan. Specifically, **this bill**:

- 1) Creates the Room to Roam Act and requires the conservation element to consider the effect of development within a city's or county's jurisdiction on the movement of wildlife and habitat connectivity.
- 2) Requires that upon the adoption or next revision of one or more elements of a general plan on or after January 1, 2026, the conservation element shall be updated to:
 - a) Identify and analyze connectivity areas, permeability, and natural landscape area within the jurisdiction, as defined;
 - b) Identify and analyze existing or planned wildlife passage features to ensure that planned development does not undermine the effectiveness of existing and potential wildlife passage features;
 - c) Consider the impacts of development and the barriers caused by development to wildlife and habitat connectivity;
 - d) Avoid, minimize, and mitigate impacts and barriers to wildlife movement; and
 - e) Analyze and consider opportunities to remediate existing barriers to wildlife connectivity and restore degraded habitat and open space.
- 3) Allows a city, county, or city and county that has already included policies in existing plans that meet the requirements of #2, above, to incorporate the plan by reference into the general plan to comply with the requirements of this bill.
- 4) Provides a city, county, or city and county, in preparation to update a conservation element, may:
 - a) Consider incorporating standards, policies, and implementation programs such as wildlife-friendly fencing and lighting, buffer from sensitive resources, prohibitions on invasive plants, habitat connectivity overlay zones, and compact development standards or consider whether adoption of ordinances is necessary to fully implement these standards, policies, and implementation programs, and include goals to adopt any necessary ordinances;
 - b) Consult with the Department of Fish and Wildlife (DFW), any California Native American tribe that is on the contact list maintained by Native American Heritage Commission and that has traditional lands located within the city, county, or city and

county jurisdiction, and any open-space district that owns lands designated for conservation within the city, county or city and county's jurisdiction; and

- c) Consider relevant best available science, as appropriate, and other relevant plans, policies, and ordinances adopted by neighboring jurisdiction and regional wildlife connectivity assessments.
- 5) Allows a city, county, or city and county to consult with other appropriate local, state, or federal agencies, or academic institutions, as deemed appropriate by the city or county, in preparing to update the conservation element.
- 6) Allows a city, county, or city and county to include the information required by this bill to be in a separate component or section of the general plan entitled a wildlife connectivity element.
- 7) Contains findings and declarations regarding the purpose and intent of this bill.

EXISTING LAW:

- 1) Requires every city and county to prepare and periodically update a comprehensive, long-range general plan to guide future planning decisions. Requires the general plan to contain seven mandatory elements: land use, circulation, housing, conservation, open-space, noise, and safety [Government Code (GOV) § 65302].
- 2) Requires the general plan to include a conservation element that considers the effect of development within the jurisdiction for the conservation, development, and utilization of natural resources (GOV § 65302).
- 3) Requires the general plan to include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements (GOV § 65302).
- 4) Vests DFW with jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species [Fish and Game Code (FGC) § 1802].
- 5) Requires DFW to investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages, as well as the impacts to those wildlife corridors from climate change, as provided (FGC §1930.5).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** The author states, "California is one of the richest biodiversity hotspots in the world and the most populous state in the nation. Developments degrade and fragment habitats, the leading threat to species imperilment. Animals need room to roam between different habitats to find food, shelter, and unrelated mates. Continued development without consideration of connected landscapes could jeopardize California's biodiversity."

The author argues this bill will help protect biodiversity because "wildlife connectivity planning will help ensure that wildlife can move across the landscape and find food, shelter,

and unrelated mates, while also adapting to increasing extremes due to climate change, like increases in wildfire, flooding, extreme heat, or drought. Preserving wildlife connectivity and restoring degraded habitat and open space also helps ensure that all Californians have equitable opportunities to experience the physical and mental health benefits of nature.”

- 2) **Background.** State law provides powers and duties for cities and counties regarding land use. Each city and county must prepare and periodically update a comprehensive, long-range general plan to guide future planning decisions. The general plan has seven mandatory elements: land use, circulation, housing, conservation, open-space, noise, and safety. General plans must also either include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements. Cities and counties may adopt optional elements that address issues of their choosing, and once adopted, those elements have the same legal force as the mandatory elements. The general plan must be “internally consistent,” which means the various elements cannot have conflicting information or assumptions.

Although state law spells out the general plans’ minimum contents, it also says local officials can address these topics to the extent to which they exist in their cities and counties, and with a specificity and level of detail reflecting local circumstances. Similarly, state law doesn’t require cities and counties to regularly revise their general plans (except for the housing element, which must generally be revised every eight years).

General plan conservation element. The conservation element is one of the seven elements a local government is required to include in its long range general plan. This element must address the identification, conservation, development, and use of natural resources including water, forests, soils, waterways, wildlife, and mineral deposits. A local government may also consider issues related to flood control, water and air pollution, erosion, farmland conversion, endangered species, and timing and impact of logging and mining activities.

Wildlife Connectivity. In 2020, DFW conducted an initial assessment of priority barriers to wildlife movement throughout the state. The assessment identified a total of 61 barriers that were considered high priorities for remediation. Of the 61 highest priority segments identified, 58 were part of the state highway system. AB 2344 (Friedman), Chapter 964, Statutes of 2022, required the California Department of Transportation (Caltrans), in consultation with the DFW, to establish an inventory of connectivity needs on the state highway systems where the implementation of wildlife passage features could reduce wildlife-vehicle collision or enhance wildlife connectivity.

DFW updated their assessment in 2022 in a report entitled *Restoring California’s Wildlife Connectivity 2022*. As of June 2022, approximately 150 segments of linear infrastructure have been identified as wildlife barriers, including 18 new segments added in 2022. Of those barrier segments, 62 were identified as priority wildlife barriers in 2022 and 12 were included on the statewide top priority list. Nearly all the known barriers are associated with the State Highway System, but railroads, canals, high-speed rail alignments, and local roads are also represented. Some segments may be impacted by more than one infrastructure type (i.e., a high-speed rail alignment along a highway).

- 3) **Arguments in support.** The Center for Biological Diversity and Wildlands Network write in support, “The Room to Roam Act would help protect California wildlife and strengthen

climate resilience by requiring local governments to incorporate wildlife connectivity into the conservation element of their general plan in consultation with state and local agencies. This legislation is necessary to safeguard California's imperiled biodiversity and limit the death by a thousand cuts caused by habitat loss and fragmentation..."

These organizations further assert that "lack of connectivity is the primary threat for many imperiled species and populations, including Southern California and Central Coast mountain lion populations, which are provisionally listed as threatened under the state Endangered Species Act.... No policy exists that requires local governments to designate areas necessary to keep landscapes intact for wildlife connectivity within and adjacent to their jurisdictions. In addition, none of the other general plan elements set forth in the Government Code require the jurisdiction to identify connectivity areas, permeability, and natural landscape areas and include plans and measures to avoid, minimize, and mitigate impacts and barriers to wildlife movement."

- 4) **Arguments in opposition.** The California Building Industry Association (CBIA) writes in opposition, "[This bill] seeks to mandate every local government to adopt a new element to its general plan focused specifically on wildlife connectivity issues without concern to the impacts such an element will have on that jurisdiction's ability to meet its housing needs. This one-sided approach to the issue creates the foundation upon which certain local governments will build exclusionary policies like the Town of Woodside did by using mountain lion habitat as a reason it could not approve duplexes or fourplexes authorized by SB 9." CBIA maintains that "California is in a massive housing crisis due to numerous state legislation and regulations that cause delays, significant cost increases, and add complexity to the homebuilding industry's ability to produce new housing. [This bill] would only add to this vexing and nearly insurmountable problem facing all Californians."
- 5) **Double referral.** This bill is double-referred to the Assembly Local Government Committee. It passed that committee by a vote of 8-1 on April 10, 2024.
- 6) **Related legislation.** AB 2320 (Irwin) declares it is the state's policy to increase connectivity between habitat areas in order to protect wildlife and requires the Natural Resources Agency in their annual 30x30 report to outline progress in protecting wildlife corridors. This bill is double-referred and passed out of this Committee by a vote of 12-2 on April 9, 2024. It will be heard in Assembly Natural Resources Committee on April 22, 2024.

AB 2344 (Friedman), Chapter 964, Statutes of 2022, required Caltrans in consultation with the DFW and other appropriate agencies, to take actions to address wildlife connectivity needs related to the state highway system.

SB 932 (Portantino), Chapter 710, Statues of 2022, required a local agency to incorporate the principle of the Federal Highway Administration's Safe System Approach and to develop bicycle plans, pedestrian plans, and traffic calming plans based on the policies and goals in the circulation element.

SB 790 (Stern), Chapter 738, Statutes of 2021, authorized the DFW to approve compensatory mitigation credits for certain wildlife connectivity actions that measurably improve habitat connectivity or wildlife migration, such as adding an overpass or underpass for a roadway, as provided.

SB 395 (Archuleta), Chapter 869, Statutes of 2019, authorized the Fish and Game Commission, upon appropriation, to establish a pilot wildlife salvage permit program authorizing the roadkill of certain game species to be taken for human consumption, and, upon appropriation, authorizes the DFW to take certain actions to support the salvage pilot program.

SB 99 (Nielsen), Chapter 202, Statutes 2019, requires the city or county to review and update the safety element to include information identifying residential development in hazard areas that do not have at least 2 emergency evacuations routes.

SB 1035 (Jackson), Chapter 733, Statutes 2018, required the safety element to be reviewed and revised upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years.

SB 1000 (Leyva), Chapter 587, Statutes of 2016, required local governments to consider environmental justice as part of the general plan.

REGISTERED SUPPORT / OPPOSITION:

Support

Center for Biological Diversity (co-sponsor)
Wildlands Network (co-sponsor)
Animal Legal Defense Fund
Animazonia Wildlife Foundation
Arroyos & Foothills Conservancy
Brentwood Alliance of Canyons & Hillsides
California Chaparral Institute
California Environmental Voters
California Native Plant Society
California Trout
California Wildlife Center
Canyon Back Alliance
City of Agoura Hills
Climate Reality Project, Los Angeles Chapter
Climate Reality Project, San Fernando Valley
Coastal Ranches Conservancy
Cougar Fund, The
County of Santa Clara
Defenders of Wildlife
Endangered Habitats League
Escondido Creek Conservancy, The
Felidae Conservation Fund
Friends of Plumas Wilderness
Grassland Water District
Green Foothills
Greenspace - The Cambria Land Trust
Happy Hen Animal Sanctuary
Hills for Everyone
Humane Society of The United States

Humane Wildlife Control
In Defense of Animals
Klamath Siskiyou Connectivity Project
Los Padres Forest Watch
Midpeninsula Regional Open Space District
Mojave Desert Land Trust
Mountain Lion Foundation
Nature of Wildworks, The
Ojai Raptor Center
Old Agoura Homeowners
Pathways for Wildlife
Planning and Conservation League
Poison Free Agoura
Poison Free Conejo Valley
Poison Free Malibu
Preserve Wild Santee
Project Coyote
Raptors are The Solution
River Otter Ecology Project, The
San Bernardino Valley Audubon Society
San Diego Humane Society
San Diego River Park Foundation
Santa Monica Mountains Conservancy
Santa Susana Mountain Park Association
Save Joshua Tree Wildlife
SC Wildlands
Sierra Forest Legacy
So Cal 350 Climate Action
Social Compassion in Legislation
Sonoma Land Trust
Teranga Ranch Wildlife
Unchainedtv
United Neighborhoods for Los Angeles (UN4LA)
Urban Wildlife Research Project
Ventura Land Trust
Voters for Animal Rights
Wild Earth Guardians
Wildlands Conservancy, The
Wildlife Emergency Services
Wishtoyo Foundation
Women United for Animal Welfare

Opposition

California Chamber of Commerce
California Building Industry Association
Los Angeles County Business Federation

Oppose Unless Amended

League of California Cities

Analysis Prepared by: Pablo Garza / W., P., & W. / (916) 319-2096