

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 2038 (Quirk-Silva) – As Amended April 8, 2024

SUBJECT: State parks: outdoor equity programs

SUMMARY: Requires the Department of Parks and Recreation (State Parks) to treat the use of a park by an eligible entity the same as general public use of the state park. Specifically, **this bill:**

- 1) Requires that the use of a state park by an eligible entity be treated the same as the use by the general public by State Parks or the managing entity if:
 - a) An eligible entity is providing outdoor equity programs;
 - b) There will be less than 30 participating park visitors; and
 - c) State Parks does not confer any additional benefit to the eligible entity that is not conferred on the general public.
- 2) Does not prevent State Parks from providing additional benefits to an eligible entity pursuant to community access agreements.
- 3) Defines “eligible entity” as a qualified nonprofit public benefit corporation, a federally recognized Native American tribe, a California Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission, or a certified community conservation corps, as defined.
- 4) Defines “outdoor equity programs” as noncommercial activities organized by an eligible entity that provide underserved park users with outdoor experiences at state parks and other public lands and waters of the state.
- 5) Defines “underserved park users” as populations who face barriers in accessing and using park services, and includes, populations underserved because of geographic location, socioeconomic status, religion, special needs, such as language barriers, disabilities, immigration status, or age, sexual orientation, gender identity, and any other population determined to be underserved by the director.

EXISTING LAW:

- 1) Authorized State Parks to enter into community access agreements with eligible entities to provide interpretive services and visitor services at units of the state parks system to underserved park users and allows the department to provide additional services and free or reduced costs [Public Resources Code (PRC) § 5009.5].
- 2) Authorizes State Parks to enter into various agreements, including agreements with private, nonprofit public benefit corporations or other private entities, as may be appropriate, to assist State Parks in its efforts to secure long-term private funding sources for any and all units of the state park system and to ensure that they are preserved and open for public use and enjoyment. Provides that the authority to enter into those agreements shall include, but not be

limited to, securing donations, memberships, corporate and individual sponsorships, and marketing and licensing agreements (PRC § 5009.3; § 5080.44).

- 3) Authorizes State Parks, as a means of furthering the interpretive and educational functions of the state park system, to enter into an agreement to act cooperatively with a nonprofit cooperating association engaged in educational or interpretive work in a state park system unit, as the Director of State Parks may designate, whereby the cooperating association would furnish educational and interpretive materials, or educational and interpretive materials and services, for sale to the public (PRC § 513).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** This bill requires State Parks to treat the use of a park by an eligible entity the same as general public use of the state park. According to the author, “California is known around the world for its iconic and beautiful public state parks and beaches. Our outdoor spaces offer numerous benefits like better public health, recreational opportunities, youth development, and cultural connections. [This bill] ensures that community-based nonprofits and tribes offering outdoor programs can access state lands without extra fees or permits. This supports our commitment to inclusive outdoor access, supporting underserved communities, and follows the state’s Outdoors for All Strategy.”
- 2) **Background.** Access to parks and open/green spaces provides numerous benefits to the community, environment, and economy. The American Public Health Association’s policy statement on Improving Health and Wellness through Access to Nature states: “People of all ages and abilities enjoy higher levels of health and well-being when they have nature nearby in parks, gardens, greenways, naturalized schoolyards and playgrounds, and natural landscaping around homes and workplaces. Access to nature has been related to lower levels of mortality and illness, higher levels of outdoor physical activity, restoration from stress, a greater sense of well-being, and greater social capital.”¹

Inequitable access to parks. Historical and continuing inequities, lack of access to transportation, lack of safety, and physical condition/maintenance of spaces are just some of the barriers to parks and open space access. “Access” embodies both physical (e.g., distance to a park) and social (e.g., safety) aspects and varies widely throughout California. The Trust for Public Land’s (TPL) 2022 ParkScore index found that one in three Americans do not live within a 10 minute walk to a quality park. According to TPL, two California cities rank among the top 10 in the nation with parks access (San Francisco #7 and Irvine #8] while California cities like Riverside, Stockton, Los Angeles, Chula Vista, Bakersfield, Santa Ana, and Fresno rank among the bottom quarter for parks access of the 100 most populated cities in the United States.²

According to *The Nature Gap: Confronting Racial and Economic Disparities in the Destruction and Protection of Nature in America*, a 2020 Hispanic Access Foundation and

¹ <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/08/09/18/improving-health-and-wellness-through-access-to-nature>

² <https://www.tpl.org/parkscore>

Center for American Progress report, 55% of Hispanic or Latino populations in California lack access to open space, and significantly fewer acres of green space are present in many Black, Hispanic, and Latino neighborhoods when compared to predominantly white neighborhoods.³ The COVID-19 pandemic also appears to have exacerbated existing inequities in access to parks and open spaces with lower income and underserved communities experiencing an even greater lack of access.

Recent access initiatives. Numerous efforts have been made in recent years to increase access to parks and open spaces. Many of these efforts rely on grants to nonprofit organizations and other qualified entities that offer outdoor experiences to underserved populations. For example, the Outdoor Equity Grants Program at State Parks is intended to increase the ability of underserved and at-risk populations to participate in outdoor environmental educational experiences at state parks and other public lands where outdoor environmental education programs take place. State Parks announced \$57 million in grant funding to 125 communities in May 2022, and made \$50 million for a second round of funding available in December 2023.⁴ In November 2023, the Youth Community Access Program at the California Natural Resources Agency (CNRA), funded by Proposition 64, and provided \$18 million in funding to support 71 projects that expand access to parks, nature, and places of cultural and historic significance for youth in underserved communities.⁵

Parks Forward report. In 2015, the Parks Forward Commission, established under Governor Brown, issued a report that made a number of recommendations to modernize and improve the state park system by 2025.⁶ This included recommendations to expand park access to underserved communities and seek partnerships with organizations to help State Parks advance its mission.

The report stated that State Parks should implement a sustainable structure for working closely with a broad spectrum of partners, not only within the state park system, but across the landscape of local, state, tribal, and federal parks and protected lands. Some of the recommendations around partnerships included:

- Improving the organizational structure and capacity within State Parks to work closely with public agencies, California Indian tribes, nonprofit organizations, businesses, volunteers, civic leaders, and other partners and provide the resources necessary to facilitate, develop, and manage partnerships;
- Create incentives to reward innovation and partnerships, and provide flexibility and support to encourage State Parks to work effectively with partners; and
- Enhance State Parks' ability to accept services, temporary staffing, resources, and projects developed by partners

Current permit process. Currently, community-based nonprofit organizations seeking to provide programming on State Parks property must typically apply for a Special Event

³ <https://hispanicaccess.org/news-resources/research-library/item/978-the-nature-gap-confronting-racial-and-economic-disparities-in-the-destruction-and-protection-of-nature-in-america>

⁴ See https://www.parks.ca.gov/?page_id=30443 for more information.

⁵ See <https://resources.ca.gov/grants/youth> for more information.

⁶ A New Vision for California State Parks – Recommendations of the Parks Forward Initiative

permit. Utilizing this existing mechanism imposes administrative costs on both State Parks and community partners and often limits the frequency of activities, which, in turn, can limit the impact of programs.

Community Access Agreements. Just last year, AB 1150 created a process by which eligible entities, similarly defined by this bill, may enter into community access agreements with State Parks to provide interpretive services (activities and programs that help park users connect with the natural, cultural, and historical resources of the park system) to underserved park users. These community access agreements are a mechanism by which State Parks can coordinate with eligible entities to potentially provide personnel services, space, equipment, and free or reduced-cost access to the participants. The community access agreements are currently in the pilot stage with one being conducted in northern California and another in southern California.

- 3) **Policy considerations.** With community access agreements being a relatively new initiative, it is possible to view this bill as redundant. According to the sponsor, this bill is needed to allow outdoor equity programs, which would not otherwise need additional support from State Parks, to enter state parks without requiring a Special Event permit. They argue that if several family groups were to enter at state park to recreate, the families would not need a special event permit; however, an organized group using resources in a similar manner would be required to obtain a permit. This argument has merit, although there are practical benefits Special Event permits grant an entity. For example, outdoor equity programs that would enable 30 participants to arrive *en mass* may trigger additional staffing needs for State Parks and, without advanced notice, would prevent State Parks from communicating with an eligible entity about park closures, other special events occurring on that day, or other considerations. Additionally advanced notice provides the eligible entity to communicate its intention and clarify its qualifications as an eligible entity *before* entering a park. Finally, there has been some confusion regarding the distinction between the community access agreements and this bill and the additional services State Parks may need to provide.
- 4) **Proposed committee amendments.** To ensure access for these groups and clarify the distinction between benefits provided through this bill and the established community access agreements, the committee may wish to ask the author to accept the following amendments:

(a) Use of a state park by an eligible entity to provide outdoor equity programs to no more than 30 participating park visitors at once shall be considered an allowable public use of a unit of the state park system, and shall be treated by the department or an entity managing a unit of the state park system in the same manner as general public use of the state park, provided that the department or an entity managing a unit of the state park system does not confer on the eligible entity any benefit not conferred on the general public, ~~except as described in subdivision (b).~~ ***For planning purposes, the eligible entity shall notify the department or entity managing a unit of the state park system at least 15 calendar days in advance of the planned activity and communicate any consequential changes to activity or location prior the start of the outdoor equity program.***

(b) Nothing in this section shall prevent the department from ***entering into a community access agreements with an eligible entity pursuant to Section 5009.5.*** ~~providing additional benefits to an eligible entity pursuant to Section 5009.5 relating to community access agreements.~~

- 5) **Arguments in support.** Numerous environmental and recreation organizations write in support saying that this bill would “create a framework for more equitable access to support organizations that serve as trusted connectors to the outdoors for disadvantaged communities. This legislation strengthens California’s commitment to expanding equitable access outlined in the state’s 30x30 Initiative, the [CNRA’s] Outdoors for All Strategy, and California State Parks’ Path Forward 5-Year Strategic Plan.”
- 6) **Related legislation.** AB 1150 (Assembly Water, Parks, and Wildlife Committee), Chapter 831, Statutes of 2023, authorized State Parks to enter into community access agreements with eligible entities to provide interpretive services and visitor services at units of the state parks system to underserved park users.

AB 209 (Limon), Chapter 675, Statutes of 2019, creates the Outdoor Equity Grant Program, which focuses on outdoor access programs at state parks and other public lands for underserved and at-risk youth.

AB 556 (Carrillo) of 2019 would have required the CNRA to develop and implement a community access program and authorized the CNRA to develop a transportation-based grant program. AB 556 was vetoed by the Governor.

AB 2614 (Carrillo) of 2018 would have required the CNRA to implement a program to increase participation in outdoor recreational activities, especially for people living in disadvantaged communities. AB 2614 was vetoed by the Governor.

SB 204 (Pavley), Chapter 573, Statutes of 2015, among other provisions, authorizes State Parks to accept donations from public or private sources to fund programs to benefit youth, and to enter into cooperative agreements with public or nonprofit organizations to provide service and learning opportunities for youth.

AB 988 (Mark Stone) of 2015 would have created the Outdoor Environmental Education and Recreation Grants Program at State Parks to increase the ability of underserved and at-risk populations to participate in outdoor recreation and educational experiences. AB 988 was held in the Senate Appropriations Committee.

AB 2150 (Rendon) of 2014, among other provisions, proposed to create a new division of Community Initiatives and Park Access within State Parks, and called for the development of a strategic action plan for improving park access and relevancy for underserved populations. AB 2150 was vetoed by the Governor.

REGISTERED SUPPORT / OPPOSITION:

Support

Outdoor Outreach (Sponsor)
Azul
Black surfers
California Association of Local Conservation Corps
California Coastal Protection Network
California Mountain Biking Coalition (CAMTB)
California Outdoors Recreation Partnership (CORP)

Camp Ocean Pines, INC
Casa De Amistad
Center for Biological Diversity
Central Coast State Parks Association
City Surf Project
Earthroots Field School
Environmental Action Committee of West Marin
Environmental Protection Information Center
Environmental Traveling Companions (ETC)
Exploring New Horizons Outdoor Schools
Friends of Friendship Park
Groundswell Community Project
Hipcamp, INC.
Institute for Public Strategies
Intersectional Environmentalist
Jewish Family Service of San Diego
Justice Outside
Latino Outdoors
Lily of The Valley Emmanuel Church of Jesus Christ
Los Angeles Neighborhood Land Trust
Los Padres Forestwatch
Native Like Water - One World Bridge
Nature Collective
Nature for All
O'neill Sea Odyssey
Oakland Parks and Recreation Foundation
OC Habitats
One Cool Earth
Outdoor Afro
Outward Bound Adventures
Pathloom
Refuge Armona
REI
Resource Renewal Institute
Salted Roots
San Diego Audubon Society
San Diego Coastkeeper
San Diego for Every Child
San Dieguito River Conservancy
Santa Barbara County Trails Council
Santa Barbara Maritime Museum
Surfrider Foundation
Ten Strands
The Wilderness Society
Trust for Public Land
UC Berkeley Student Environmental Resource Center
Un Mar De Colores
Urban Surf 4 Kids
VF Corporation

Wildcoast
Yes Nature to Neighborhoods
YMCA of San Diego County
YMCA of San Francisco

Opposition

None on file

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