

Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 1426 (Kalra) – As Amended March 10, 2025

**SUBJECT:** Diablo Range Conservation Program

**SUMMARY:** Requires the Wildlife Conservation Board (WCB) to establish the Diablo Range Conservation Program (Program). Specifically, **this bill**:

- 1) Requires WCB to establish the Program to:
  - a) Protect, preserve, and restore the Diablo Range’s natural, cultural, and physical resources through the acquisition, restoration, and management of lands;
  - b) Promote the protection and restoration of the biological diversity of the Diablo Range including the recovery of threatened and endangered species;
  - c) Provide for resilience within the Diablo Range to climate change, including, but not limited to, reducing the risk of natural disasters such as wildfires, controlling invasive species, protecting and improving habitat connectivity, and protecting soil carbon stores by limiting ground disturbance;
  - d) Protect and improve air quality and water resources within the Diablo Range; and
  - e) Undertake efforts to enhance public use and enjoyment of lands owned by the public, with an emphasis on expanding opportunities for education and access to public lands for communities that currently lack access.
- 2) Requires WCB to approve projects to acquire, preserve, restore, and enhance habitat within the Diablo Range consistent Department of Fish and Wildlife’s (CDFW) approved conservation strategies and in coordination with other resource protection activities of the state.
- 3) Determines that preservation and restoration of the Diablo Range landscape habitat should be the primary concern of WCB and CDFW.
- 4) Allows WCB to provide grants for:
  - a) The acquisition, restoration, enhancement, and maintenance of fish and wildlife habitat and other natural resources, including resources impacted by wildfire, within and adjacent to the Diablo Range;
  - b) The improvement and expansion of public access, recreational areas, and recreational facilities, including trails;
  - c) The enhancement of interpretive and educational facilities related to the Diablo Range and its natural, cultural, and historic resources; and
  - d) The control and removal of invasive species and the propagation of native species.

- 5) Requires WCB to give preference to projects that use the services of the California Conservation Corp or Community Conservation Corps.
- 6) Prevents WCB from funding or implementing projects on lands without the written consent of the landowner, controlling the use of another entities land except as provided pursuant to a written agreement, levy any tax or special assessment or own or acquire land.
- 7) Allows for the establishment of an ad hoc advisory committee, as specified.
- 8) Creates the Diablo Range Conservation Fund.
- 9) Defines terms for the purposes of the Program.
- 10) Makes findings and declarations regarding the value of conserving the Diablo Range.

**EXISTING LAW:**

- 1) Establishes WCB in CDFW and describes board membership [Fish and Game Code (FGC) § 1320].
- 2) Authorizes the WCB to acquire property, water, or water rights as deemed necessary to carry out WCB's program objectives (FGC § 1348).
- 3) Permits CDFW to apply for and accept federal grants, receive gifts, donations, and other financial support from private sources to be deposited in the Wildlife Restoration Fund or the Fish and Game Preservation Fund for fish and wildlife habitat enhancement (FGC § 1348).
- 4) Specifies that upon acquisition of property, WCB shall notify all owners of adjacent parcels of land of the intent to purchase (FGC § 1348.1).
- 5) Permits CDFW to enter into agreements with any other department, agency, or nonprofit for construction, management, or maintenance of the facilities (FGC § 1350.1).

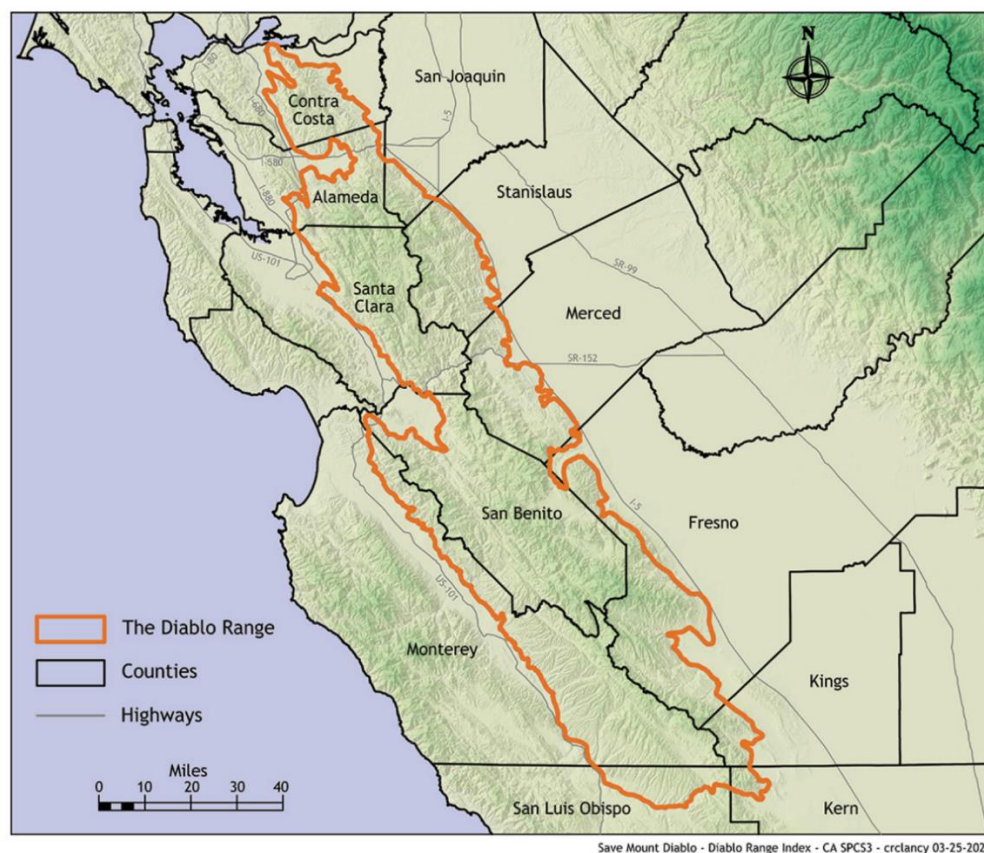
**FISCAL EFFECT:** Unknown. This bill is keyed fiscal.

**COMMENTS:**

- 1) **Purpose of this bill.** According to the author, "The Diablo Mountain Range is one of California's most precious ecological treasures, providing access to pristine natural land to hundreds of rare and culturally important species and millions of Californians that live in nearby towns and urban centers. It also serves as a critical wildlife corridor, allowing plants and animals to safely spread and migrate into other regional ecosystems. Yet, despite its innumerable benefits, we have only afforded protections to approximately a quarter of the Range, leaving the other three quarters at risk of irreversible damage. [This bill] will help to address this shortfall by establishing the [Program] within the [WCB], giving the [WCB] the ability to approve and provide grants for projects that preserve and enhance the Range. With a centralized hub to coordinate and sustain work in the Diablo Range, California will be in a better position than ever before to meet this critical conservation need."

- 2) **Background.** California's Diablo Mountain Range sits within the Central California Foothills and Coastal Mountains ecoregion, which has a Mediterranean climate and associated vegetation communities of grassland, chaparral, and oak woodlands. The Diablo Range stretches from the eastern San Francisco Bay area to State Route 46, passing through Contra Costa, Alameda, San Joaquin, Santa Clara, Stanislaus, Merced, San Benito, Fresno, Monterey, Kings, San Luis Obispo, and Kern counties. The range is named after Mount Diablo in Contra Costa County. According to the Save Mount Diablo (SMD) website, the Diablo Range covers 5,400 square miles and has many peaks, some of which are taller than Mount Diablo with the tallest peak being San Benito Mountain at 5,241 feet.

The SMD website states that the range is extremely important for wildlife and it is crossed only by two major highways at Altamont and Pacheco Passes. It is core habitat for wildlife in California is responsible for providing California with a stable golden eagle population, despite that species' decline in the rest of western North America. Tule elk, nearly hunted to extinction in the 1970s, have recovered quickly in the Diablo Range. Bay checkerspot butterflies have their last stronghold along Coyote Ridge just above San Jose. SMD also indicates that the Diablo Range offers great habitat for California condors to expand into as they recover from the brink of extinction and could also be the source for replenishing the genetic diversity of mountain lion populations in the Santa Cruz Mountains.



*Boundary of the Diablo Range from SMD. This range includes Pinnacles National Park, Mount Diablo State Park, Henry W. Coe State Park, and Pacheco State Park. A more detailed map of land holdings is available in SMD's 2023–2024 annual report.*

SMD also indicates that the Diablo Range is threatened by energy development (both alternative and fossil fuel-based energy), suburban sprawl, and proposed dams and reservoirs.

Wind turbines endanger golden eagles and other birds. The Panoche Valley, part of the Diablo Range, now has a 4,800-acre solar farm.

WCB. Created by the Wildlife Conservation Law of 1947, WCB is a state grant-making agency dedicated to safeguarding California's spectacular biological diversity and wild spaces by working in partnership with tribes, conservation organizations, and government agencies to acquire lands and design and implement habitat restoration and public access projects statewide. The Habitat Enhancement and Restoration Program (HERP) was WCB's first program. HERP encompassed all restoration projects until other WCB programs were initiated in 1990. Today WCB administers 17 programs that support projects in every corner of the state and in each one of California's terrestrial ecosystems. These programs may be based on geography or habitat type and include Riparian Habitat Conservation Program, Oak Woodlands Conservation Program, San Joaquin River Conservancy Program, and the Lower American River Conservancy Program, to name a few. HERP continues to support a wide variety of restoration projects that do not fall within WCB's other mandated programs, as these projects are distributed throughout California and across all habitat types.

As a result of numerous programs, budget lines, and propositions, WCB is currently tracking 76 unique funds, each with its own prescriptive use. This number will increase to 82 after voters approved Proposition 4. Funds received through Proposition 4 are mostly for existing programs within WCB except for \$22 million for the southern Ballona Creek Watershed and \$180 million for projects to improve habitat connectivity and establish wildlife crossings and corridors, which includes \$80 million for establishing a San Andreas Corridor Program (SACP). There may be significant geographic overlap between SACP and the program established in this bill, however, according to the sponsors, the goal of establishing this Diablo Range Conservation program is to better support conservation on the Mount Diablo Range and be competitive for non-earmarked WCB funds.

As noted above, some programs support certain habitat types, while HERP supports projects distributed throughout the state. Within the boundary described, WCB has funded 75 projects. Most recently, WCB funded a property acquisition by Santa Clara Valley Habitat Agency in Santa Clara near Coyote Ridge Open Space Preserve, and a property acquisition in Contra Costa County by SMD near Mount Diablo State Park.

- 3) **Proposed committee amendments.** To reduce redundancy with existing statute, simplify the program, and make other conforming changes, the Committee may wish the author to consider the following amendments:

Amendment 1 – clarify boundary and definitions

**1462.** For purposes of this chapter, the following definitions apply:

**~~(a) “Advisory committee” means the ad hoc advisory committee authorized to be established pursuant to Section 1467.~~**

**(b) “Board” means the Wildlife Conservation Board established pursuant to Section 1320.**

**(c) “Diablo Range” means all areas extending from Carquinez Strait and Mount Diablo in the north to Orchard Peak, Polonio Pass, and ~~Antelope Valley and~~ State Route 46 in the south. The Diablo Range is bounded on the west by the San Francisco Bay, the Santa Clara Valley, State**

Route 101, and the Salinas Valley, and on the east by the San Joaquin River and Valley, and State Route 5.

(d) “Fund” means the Diablo Range Conservation Fund established pursuant to Section 1468.

(e) “Program” means the Diablo Range Conservation Program established pursuant to Section 1463.

(f) “California Native American Tribe” has the same definition as Section 21073 of the Public Resources Code. ~~means any federally recognized Native American tribe or a nonfederally recognized Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission.~~

Amendment 2 – make clarifying and technical changes

**1465.** (a) In order to accomplish the purposes of *this chapter* ~~the program~~, the board may provide grants to local public agencies, nonprofit organizations, and **California Native American Tribes** ~~tribes~~ to be used for one or more of the following purposes:

(1) The acquisition, restoration, *and* ~~enhancement, and maintenance~~ of fish and wildlife habitat and other natural resources, including resources impacted by wildfire, within and adjacent to the Diablo Range.

Amendment 3 – remove redundancy with existing statute

**1466.** ~~In administering the program, the board shall not do any of the following:~~

~~(a) Fund or implement projects on lands without the written consent of the landowner.~~

~~(b) Manage, regulate, or control the use of any land owned or leased by another public agency or private party, except as provided pursuant to a written agreement between that public agency or private party.~~

~~(c) Levy any tax or special assessment.~~

~~(d) Own or acquire land.~~

Amendment 4 – remove ad hoc advisory committee

**1467.** ~~(a) The board may establish an ad hoc advisory committee that may consist of the following members:~~

~~(1) Members from boards of supervisors or their representatives representing counties located within the boundaries of the Diablo Range.~~

~~(2) Members from city councils or their representatives representing incorporated jurisdictions located within the boundaries of the Diablo Range.~~

~~(3) Representatives from the Natural Resources Agency, the Department of Finance, and the State Lands Commission.~~

~~(4) Members of the public at large who have a demonstrated knowledge of, and expertise in, the landscape within the Diablo Range.~~

~~(b) A person shall not continue as a member of the advisory committee if that person ceases to hold the office that qualifies that person for membership. In that event, the person's membership on the advisory committee shall automatically terminate.~~

~~(c) Members of the advisory committee shall serve without compensation.~~

~~(d) Meetings of the advisory committee shall be open to the public and subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).~~

4) **Arguments in support.** SMD (sponsors) write in support of this bill and claim that the Diablo Range will be key for the state to achieve its 30x30 goals. They note that only 25% of the lands within the range are currently protected and the Diablo Range has rich biodiversity and recreational opportunities. SMD shares that creating the program is an important runway for creating a Diablo Range National Monument.

5) **Double referral.** This bill is also referred to the Assembly Natural Resources Committee.

6) **Related legislation.** AB 1183 (Ramos), Chapter 380, Statutes of 2021, establishes the California Desert Conservation Program in WCB.

AB 2421 (Stone), Chapter 760, Statutes of 2018, establishes the Monarch Butterfly and Pollinator Rescue Pollinator Rescue Program in WCB.

AB 109 (Ting), Chapter 249, Statutes of 2017, establishes the Climate Adaptation and Resiliency Program in WCB.

AB 1716 (McCarty, Cooley), Chapter 375, Statutes of 2016, establishes the Lower American River Conservancy Program in WCB.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Save Mount Diablo

### **Opposition**

None on file

**Analysis Prepared by:** Stephanie Mitchell / W., P., & W. / (916) 319-2096