

Date of Hearing: April 29, 2025

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 1139 (Rogers) – As Amended April 9, 2025

SUBJECT: California Environmental Quality Act: exemption: public access: nonmotorized recreation

SUMMARY: Expands an existing exemption so that a change in use allowing public access for nonmotorized recreation on preexisting roads, trails, and pathways to areas acquired for open space or park purposes by a “county park agency” is not subject to the California Environmental Quality Act (CEQA).

EXISTING LAW:

- 1) Requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA. CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines [Public Resources Code (PRC) § 21000, *et seq.*].
- 2) Exempts from CEQA a change in use approved by a park district to allow public access for non-motorized recreation on preexisting roads, trails, and pathways owned or managed by the park district (PRC § 21080.28.5).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** The source of this bill is Sonoma County, who seeks to permit its park agency to use the AB 2091 exemption. As passed by this Committee last year, AB 2091 would have permitted a county park agency to use the exemption. However, AB 2091 was later amended in the Senate to limit its application to projects where a park district is the lead agency.

According to the author, “Counties across the state have experienced significant delays in the implementation of projects seeking to enhance and/or build upon existing public access opportunities. Sonoma County has recently acquired thousands of acres of open space parklands that border existing regional parks, open spaces, or regional trails. Most of these newly acquired parklands have roads or trails that connect to existing roads and trails sharing a border with existing public parks. We need greater flexibility in law to allow the public to access existing trails and roads for recreational uses. We should consider every opportunity to expeditiously expand access to nature in a manner that promotes sustainable recreation.”

- 2) **Background.** Parks and open/green spaces provide numerous benefits to the community, environment, and economy. Use of parks and open spaces is correlated with a number of mental and physical health benefits, including (but not limited to) decreased risk of stress,

anxiety, and depression, lessened symptoms of ADD/ADHD, as well as reduced risk of psychiatric illness for those with childhood exposure to open/green space.¹ Parks and open spaces also provide dual environmental and public health benefits in urban areas as they filter air, provide shade to reduce the urban heat island effect, attenuate noise, absorb water as an alternative to stormwater control systems, and replenish local groundwater reservoirs.

Parks and open space are also highly valued as economic drivers,² as they have been found to increase property values and subsequent tax revenues by as much as twenty percent, draw new businesses and visitors to cities, and are reported to be among the top amenities sought after for people choosing a place to live.

- 3) **Arguments in support.** Sonoma County is the sponsor of this bill and argues that it is a “modest addition to an existing exemption” from CEQA that will help to expand access to outdoor recreation. Sonoma County asserts this bill will “have no impact on existing land covenants such as grant agreements, conservation easements, or long-term management plans and if enacted these lands would see a higher standard of care through county enforcement and management practices that require protections of species, habitat, and tribal cultural resources.”
- 4) **Arguments in opposition.** The Planning and Conservation League (PCL) and several conservation organizations oppose this bill. PCL argues the passage of this bill “would lead to negative and irreversible effects on California wildlife and sensitive lands.... Requiring environmental review does not constitute a ban on public access, and the elimination of CEQA review as proposed by this bill is counterproductive to the goal of compatible recreational use.” PCL asserts that non-motorized recreation has impacts on wildlife that will not be reviewed if this bill passes and this bill allows an expansion of a recently created exemption before the impact of the new exemption has been assessed. PCL asserts that the existing exemption should only apply in very narrow instances where the lead agency has a plan for managing the property that access is granted to and sufficient resources to carry out that plan.
- 5) **Double referral.** This bill was also referred to the Assembly Natural Resources Committee where it passed 13-0 on April 7, 2025.
- 6) **Related legislation.** AB 2091 (Grayson), Chapter 377, Statutes of 2024, establishes the limited CEQA exemption that this bill expands.

AB 782 (Berman), Chapter 181, Statutes of 2019, codifies the CEQA categorical exemption for transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources, thereby eliminating the exceptions for project-specific effects which apply to a categorical exemption.

REGISTERED SUPPORT / OPPOSITION:

¹ Peter A. Coventry, Chris Neale, Alison Dyke, Rachel Pateman, and Steve Cinderby, “The mental health benefits of purposeful activities in public green spaces in urban and semi-urban neighbourhoods: A mixed-methods pilot and proof of concept study,” *International Journal of Environmental Research and Public Health*, 16(15), 2712 (2019). doi:10.3390/ijerph16152712.

² Kathleen McCormick, “Room to Roam,” *Lincoln Institute of Land Policy* (2020).

<https://www.lincolnst.edu/publications/articles/2020-10-room-roam-pandemic-urban-parks-what-comes-next>.

Support

County of Sonoma (sponsor)
California Mountain Biking Coalition
California Outdoor Recreation Partnership
Rails to Trails Conservancy
Sierra Consortium

Opposition

Arroyos & Foothills Conservancy
California Chaparral Institute
California Wildlife Foundation
Coastal Corridor Alliance
Endangered Habitats League
Environmental Center of San Diego
Friends of Harbors, Beaches and Parks
Inland Empire Waterkeeper
Los Angeles Audubon Society
Orange County Coastkeeper
Planning and Conservation League
Santa Clarita Organization for Planning and the Environment
Sea and Sage Audubon Society
Socal 350 Climate Action

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