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California State Assembly

NATURAL RESOURCES

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Martha Gutierrez

ISAAC G BRYAN
CHAIR

AGENDA

Monday, April 15, 2024
2:30 p.m. -- State Capitol, Room 447

BILLS HEARD IN SIGN-IN ORDER

** = Bills Proposed for Consent

1.	**AB 1921** (**)	Papan	Energy: renewable electrical generation facilities: linear generators.
2.	AB 2199	Berman	California Environmental Quality Act: exemption: residential or mixed-use housing projects.
3.	AB 2331	Gabriel	Voluntary carbon market disclosures.
4.	AB 3036	Rendon	Los Angeles River: river ranger program.
5.	**AB 3147** (**)	Garcia	California Trails Conservancy Program.
6.	**AB 3265** (**)	Bryan	California Environmental Quality Act: environmental leadership media campus projects: judicial streamlining.

Date of Hearing: April 15, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
AB 1921 (Papan) – As Amended April 8, 2024

SUBJECT: Energy: renewable electrical generation facilities: linear generators

SUMMARY: Clarifies that a linear generator is a renewable electrical generation facility for purposes of the Renewables Portfolio Standard (RPS), provided the linear generator uses specified RPS-eligible fuels.

EXISTING LAW:

1) Requires utilities and other retail sellers of electricity to procure 60% of their retail electricity sales from eligible renewable energy resources by 2030 and thereafter, including interim targets of 33% by 2020, 44% by 2024, and 52% by 2027. (Public Utilities Code 399.11 *et seq.*)

2) Defines "eligible renewable energy resource" as an electrical generating facility that uses biomass, solar thermal, photovoltaic, wind, geothermal, fuel cells using renewable fuels, small hydroelectric generation of 30 megawatts or less, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current, subject to multiple conditions. (Public Resources Code 25741)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Background**. The California RPS program began with a mandate to all retail sellers to provide 20% RPS-eligible generation by the end of 2017. The initial RPS statute sought to establish a market for renewables, by financially incentivizing long term contracting between electricity providers and above-market renewable generators. This mandate sought market stimulation, creation of a local economy, and a modicum of environmental benefits. Policies to directly address the impacts of climate change came after the first RPS bills. It was not until 2011 that the RPS program incorporated greenhouse gas (GHG) reduction into its purpose. In the past 15 years since the original RPS mandate was adopted, not only has the retail landscape of renewable energy changed dramatically, but so has the conversation to urge action to address climate change. The Legislature has modified the goals and details of the RPS program several times since the original enactment. The most recent major changes were made by SB 100 (De León), Chapter 312, Statutes of 2018, which set a new obligation of 60% of retail sales from RPS-eligible generation by 2030. SB 100 also added a new obligation that the remaining 40% of retail sales be from zero-carbon resources.

   The RPS program is statutorily prescriptive regarding which technologies and fuel types are eligible. Currently facilities that use biomass, solar thermal, photovoltaic, wind, geothermal, fuel cells using renewable fuels, small hydroelectric generation of 30 megawatts or less, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current are eligible. The new category of "zero-carbon" adopted under SB 100, however, is statutorily undefined.

Traditional energy production often relies on rotational motion; namely, the spinning of a turbine. Linear generators behave more like a car piston, using back-and-forth motion to create electricity. And like car pistons, that motion is initiated by a fuel-air mixture; sometimes with an ignition source (flame or spark), or sometimes by compressing the reaction chamber at high pressures.

According to the author, "distinct from an engine, microturbine, or fuel cell, a linear generator directly converts motion along a straight line into electricity. A linear generator is an integrated system that consists of oscillators, cylinders, electricity conversion equipment, and an associated balance of plant components…Linear generators are commercially available renewable technology that have more than 14 years of proven operational experience powering grocery stores, retailers, utility customers, companies, and other end users with renewable, on-site electricity."

Unlike solar panels and wind turbines, but similar to a combustion turbine or fuel cell, a linear generator is not inherently "renewable." Its classification as renewable (or zero-carbon) depends entirely on the fuel used to power the generator. A linear generator can switch between different types of renewable, fossil or other fuels, including biogas, ammonia, and hydrogen.

2) **Author's statement**:

> California continues to lead the way on ambitious climate goals. If we are to meet our 2030 and 2045 targets, it's imperative that we use every technology at our disposal. AB 1921 gives us another tool in the toolbox. This bill would include linear generators using renewable fuels in the list of "renewable electrical generation facilities." Linear generators play a vital role in providing clean, renewable back-up power generation and they need to be a part of our portfolio in order to meet our climate goals and ensure technology parity.

3) **Does it go without saying**? As noted above, the RPS recognizes multiple renewable fuels – including biomass, digester gas, and landfill gas – without specifying what method may be used to convert these fuels into electricity. It has been demonstrated over and over that combustion technologies using renewable fuels are eligible, without the RPS statute saying so. It's not clear why any non-combustion generation technology, including a linear generator, could not achieve RPS eligibility under current law, provided the facility demonstrates use of an RPS-eligible fuel to generate electricity.

4) **Double referral**. This bill was approved by the Utilities and Energy Committee on April 3 by a vote of 16-0.

REGISTERED SUPPORT / OPPOSITION:

Support

Bioenergy Association of California
Electrochaea Corporation
Green Hydrogen Coalition
Microgrid Resources Coalition
Prologis Management

Silicon Valley Leadership Group
TSS Consultants

Opposition

None on file

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /

Date of Hearing: April 15, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
AB 2199 (Berman) – As Amended March 18, 2024

SUBJECT: California Environmental Quality Act: exemption: residential or mixed-use housing projects

SUMMARY: Repeals the January 1, 2025 sunset on the California Environmental Quality Act (CEQA) exemption for multi-family residential and mixed-use housing projects on infill sites in unincorporated areas established by AB 1804 (Berman), Chapter 670, Statutes of 2018, extending the exemption indefinitely.

EXISTING LAW:

1) CEQA 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. (Public Resources Code (PRC) 21000 *et seq.*)

2) CEQA includes many statutory exemptions for housing projects, including AB 1804, which exempts multi-family residential and mixed-use housing projects on infill sites within cities and unincorporated areas that are within the boundaries of an urbanized area or urban cluster, subject to the following conditions:

   a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

   b) The public agency approving or carrying out the project determines, based upon substantial evidence, that the density of the residential portion of the project is not less than the greater of the following:

      i) The average density of the residential properties that adjoin, or are separated only by an improved public right-of-way from, the perimeter of the project site, if any.

      ii) The average density of the residential properties within 1,500 feet of the project site.

      iii) Six dwelling units per acre.

   c) The residential portion of the project is a multifamily housing development that contains six or more residential units.

   d) The proposed development occurs within an unincorporated area of a county on a project site of no more than five acres substantially surrounded by qualified urban uses.

   e) The project site has no value as habitat for endangered, rare, or threatened species.

f) Approval of the project would not result in any significant effects relating to transportation, noise, air quality, greenhouse gas emissions, or water quality.

g) The site can be adequately served by all required utilities and public services.

h) The project is located on a site that is a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

3) The AB 1804 exemption does not apply to a project if any of the following conditions exist:

a) The cumulative impact of successive projects of the same type in the same place over time is significant.

b) There is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.

c) The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

d) The project is located on a site which is included on the "Cortese" list (i.e., hazardous waste sites).

e) The project may cause a substantial adverse change in the significance of a historical resource.

4) AB 1804 requires a lead agency claiming the exemption to file a notice with the Office of Planning and Research and with the county clerk in the county in which the project will be located, as specified.

5) AB 1804 sunsets January 1, 2025.

(PRC 21159.25)

6) The CEQA Guidelines include a similar, long-standing exemption for infill development projects within cities, as follows:

a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;

b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;

c) The project site has no value as habitat for endangered, rare, or threatened species;

d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and,

e) The site can be adequately served by all required utilities and public services.

(CEQA Guidelines 15332)

FISCAL EFFECT: Unknown

COMMENTS:

1) **CEQA exemptions for housing**. CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines, for a wide range of residential projects. Since 1978, CEQA has included statutory exemptions for housing. There are now at least 15 distinct CEQA exemptions for housing projects. The majority of residential projects are approved via exemption or negative declaration under CEQA, or through ministerial permits where CEQA does not apply.

   A few existing CEQA exemptions are specific to projects with an affordable housing fraction, the rest are available to affordable and market-rate projects alike. Each exemption includes a range of conditions, including requirements for prior planning-level review, as well as limitations on the location and characteristics of the site. These conditions are intended to guard against the approval of projects with significant environmental impacts that go undisclosed and unmitigated – endangering workers, residents and the greater environment. More recently, bills such as SB 35 (Wiener) and AB 2011 (Wicks) have established ministerial approval for housing projects, where local discretionary review, including CEQA, is replaced with construction labor requirements and exclusion of specified sensitive sites.

   Section 15332 of the CEQA Guidelines was adopted in the 1990s. Its stated purpose is to promote infill development within urbanized areas. The class consists of environmentally benign infill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. The Section 15332 is well-known and widely used for infill housing projects in cities. Application of this exemption, as all categorical exemptions, is limited by the exceptions described in Section 15300.2 of the CEQA Guidelines.

   This bill is modeled on Section 15332, but applies in Census-designated urbanized areas and urban clusters, which is much broader than the definition of urbanized area in CEQA and includes unincorporated areas around cities as small as 2,500 population. While the bill expands the geographic scope of the of the long-standing categorical exemption, it limits projects that may qualify to multi-family projects of at least six units at a density at least equivalent to the surrounding area, and no less than six units per acre. According to State Clearinghouse data provided by the author, the exemption established by AB 1804 has been used for nine projects, ranging from 10 to 98 units, for a total of 378 units.

2) **Author's statement:**

   > CEQA provides a categorical exemption for infill development projects only in cities. As counties have urbanized, it made sense to utilize an exemption to promote infill development in counties as well. Existing law, until January 1, 2025, provides a statutory CEQA exemption for infill residential and mixed-use housing projects occurring within

an unincorporated area of a county. This infill housing exemption incorporated the same narrow conditions as the categorical exemption for projects in cities, as well as provided further limitations to promote infill while preventing sprawl.

As California continues to face a housing crisis, infill development is critical to accommodating housing needs in our communities, including in our counties. By removing the sunset date, AB 2199 would continue this existing tool to promote residential and mixed-use housing projects within urbanized areas in our counties and, as a result, help address California's housing crisis without adversely impacting the environment

3) **Old school CEQA streamlining**. Like AB 1804, this bill continues a time-tested approach to promoting infill housing projects that are unlikely to have significant environmental impacts: confirm that the project is consistent with local plans and that it does not have any unique environmental impacts. While this approach has a successful track record, it only works in jurisdictions that want to plan for and approve infill housing.

   The more recent genre of by-right housing bills address those jurisdiction that don't want to use the existing tools to plan for and streamline approval of housing projects. As noted above, the by-right approach eliminates all local discretionary review, including environmental review. These by-right bills attempt to avoid project environmental impacts by excluding environmentally sensitive sites. In addition, a common feature of virtually all CEQA streamlining bills since AB 1804 passed in 2018 is specific requirements governing wages and benefits for construction workers.

4) **Suggested amendments**. Since the categorical exemption that this bill is based on was established, tribal cultural resources has been added to the categories of environmental factors that must be considered in CEQA review, along with a tribal consultation process to determine the existence of cultural resources. However, when a project is exempt from CEQA, there is no tribal consultation specific to the project site. *The author and the committee may wish to consider* adding a provision requiring the lead agency to confirm no impacts to tribal cultural resources prior to applying this exemption.

   In addition, t*he author and the committee may wish to consider* extending, rather than repealing, the sunset to preserve legislative oversight.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of Environmental Professionals
Rural County Representatives of California
Urban Counties of California

Opposition

None on file

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /

Date of Hearing: April 15, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
AB 2331 (Gabriel) – As Amended March 21, 2024

SUBJECT: Voluntary carbon market disclosures

SUMMARY: Amends AB 1305 (Gabriel), Chapter 365, Statutes of 2023, to clarify that a voluntary carbon offset does not include a renewable energy certificate (REC) or a low carbon fuel standard (LCFS) credit, as specified. Requires offset disclosures required by AB 1305 to be posted January 1, 2025 and updated annually.

EXISTING LAW:

1) The California Global Warming Solutions Act requires the Air Resources Board (ARB) to adopt a statewide greenhouse gas (GHG) emissions limit equivalent to 1990 levels by 2020, to ensure that statewide GHG emissions are reduced to at least 40% below the 2020 statewide limit no later than December 31, 2030, and declares the policy of the state to achieve net zero greenhouse gas emissions by 2045. (Health and Safety Code (HSC) 38500 *et seq.*)

2) Requires ARB, among other things, to:

    a) Adopt rules and regulations to achieve maximum technologically feasible and cost-effective GHG emission reductions;

    b) Ensure any direct regulation or market-based compliance mechanism achieves GHG reductions that are real, permanent, quantifiable, verifiable, and enforceable by ARB;

    c) Limit offsets used in the cap and trade regulation to 4% of a covered entity's compliance obligation from 2021 to 2025 and 6% from 2026 to 2030, of which no more than one-half may be sourced from projects that do not provide direct environmental benefits in state; and,

    d) Adopt methodologies for the quantification of voluntary GHG emission reductions.

3) Generally prohibits the use of false or misleading statements in advertising, including any untruthful, deceptive, or misleading environmental marketing claim. Provides that a violation is a misdemeanor punishable by imprisonment in the county jail not to exceed six months, or by a fine not to exceed $2,500, or by both. Provides an affirmative defense when an environmental marketing claim conforms to voluntary guidelines published by the Federal Trade Commission (FTC). (Business and Professions Code 17580-17581)

4) AB 1305 requires disclosure of specified information by sellers and buyers of voluntary carbon offsets, and subjects violators to a civil penalty up to $2,500 per day for each violation. (HSC 44475 *et seq.*)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Background**. Individuals and corporations purchase carbon offsets to compensate for the GHG emissions they create or contribute to. As more people purchase these reductions to compensate for their carbon footprint, questions arise as to what is being done to ensure that they are purchasing genuine carbon offsets. There is growing concern about the validity of emission reductions from projects sold and the potential for fraud. Despite the growth of the voluntary offset market in supporting advertising claims and even legal requirements, such as mitigation of GHG emissions under the California Environmental Quality Act, the market remains fairly opaque, and is not regulated by the Air Resources Board (ARB) or any other state entity.

   The Federal Trade Commission's "Guides for the Use of Environmental Marketing Claims," which are intended to help marketers avoid making environmental marketing claims that are unfair or deceptive, includes the following brief guidance regarding carbon offsets:

   > 260.5 Carbon Offsets.
   >
   > (a) Given the complexities of carbon offsets, sellers should employ competent and reliable scientific and accounting methods to properly quantify claimed emission reductions and to ensure that they do not sell the same reduction more than one time.
   >
   > (b) It is deceptive to misrepresent, directly or by implication, that a carbon offset represents emission reductions that have already occurred or will occur in the immediate future. To avoid deception, marketers should clearly and prominently disclose if the carbon offset represents emission reductions that will not occur for two years or longer.
   >
   > (c) It is deceptive to claim, directly or by implication, that a carbon offset represents an emission reduction if the reduction, or the activity that caused the reduction, was required by law.

   This bill clarifies the author’s intent of AB 1305. First, the bill clarifies that RECs and LCFS credits, which have similarities to carbon offsets, but are not commonly regarded as carbon offsets, are not carbon offsets for purposes of the bill’s disclosure requirements. Second, the bill adds an initial compliance date of January 1, 2025. AB 1305 did not specify the date on which the first set of disclosures must be posted to a company’s Internet website, which created uncertainty among entities subject to disclosure. This bill confirms the author’s intent on this point, consistent with his January 3, 2024 letter to the Assembly Chief Clerk.

   Several parties have sought additional clarifications, filing “support if amended” or comment letters. The author has indicated he will consider and work on these additional clarifications in consultation with the committee.

2) **Author’s statement**:

   > AB 2331 will improve California's ability to crack down on corporate greenwashing and junk voluntary carbon offset credits by providing clarity around implementation and enforcement of existing law. These changes will help further ensure that voluntary offset projects are not over-credited and that consumers know exactly what they are purchasing.

REGISTERED SUPPORT / OPPOSITION:

Support

California Environmental Voters

Opposition

None on file

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /

Date of Hearing: April 15, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
AB 3036 (Rendon) – As Amended March 21, 2024

SUBJECT: Los Angeles River: river ranger program

SUMMARY: Requires the development of a permanent River Ranger Program to provide a network of river rangers who provide assistance to the public at sites along the Los Angeles (LA) River and its tributaries.

EXISTING LAW:

1) Establishes the San Gabriel and Lower LA Rivers and Mountains Conservancy (RMC) in the Natural Resources Agency (NRA) and prescribes the functions and duties of the RMC with regard to the protection, preservation, and enhancement of specified areas of the Counties of LA and Orange located along the San Gabriel River and the lower LA River and tributaries along those rivers. (Public Resources Code (PRC) 32602)

2) Establishes the Santa Monica Mountains Conservancy (SMMC) to acquire and protect lands within the Santa Monica Mountains Zone, which is an area of approximately 650,000 acres, generally encompassing the mountain areas of eastern Ventura County, western Los Angeles County, and the mountain areas surrounding the San Fernando, La Crescenta, and Santa Clarita Valleys. (PRC 33000-33215)

3) Requires RMC and SMMC to collaborate with the Department of Parks and Recreation (DPR), the California Conservation Corps (CCC), and the State Lands Commission (SLC) to develop a River Ranger Program to provide a network of river rangers who provide assistance to the public at sites along the LA River and its tributaries. (uncodified)

THIS BILL:

1) Establishes the “River Ranger Program” for the LA River.

2) Defines “conservancies” as the RMC and the SMMC.

3) Establishes the intent of the Legislature that the River Ranger Program include all of the following guiding principles:

   a) Resource management and maintenance to ensure that the natural, cultural, and built resources along the LA River are protected, maintained, enhanced, and interpreted for the public in order to ensure that the river is a safe and enjoyable place to visit;

   b) Recreational opportunities and interpretive or educational programs using the LA River as an outdoor classroom that can provide resources and experiences that build understanding and inspire appreciation of the river’s ecology, history, and community benefits, as well as an experiential landscape that offers active and passive recreational opportunities that respond to the varying physical conditions along the river;

c) Outreach and engagement that encourages visitors to use the LA River and provides information and resources to ensure safe and resource-sensitive use;

d) Public safety measures that ensure that access points, trails, parks, and open spaces along the LA River are inviting and safe for visitors to enjoy; and,

e) Administration and coordination with other agencies with jurisdiction over the LA River, organizations that provide services and programs, and members of the public to ensure the provision of dependable services that enhance the LA River as a natural and community resource. The river ranger program will act as a central conduit to bring together all parties involved.

4) Requires the conservancies to collaborate with DPR, CCC, and SLC to develop a river ranger program to provide a network of river rangers who provide assistance to the public at sites along the LA River and its tributaries.

5) Requires the conservancies to solicit the participation of representatives of local governments that have jurisdiction over segments of the LA River, including the City of LA and the County of LA.

6) Requires the River Ranger Program to accomplish all of the following objectives:

a) Establish an identity for the LA River as a place for its communities to enjoy recreational opportunities and learn about the river's history and environmental resources;

b) Improve public safety for visitors to the LA River;

c) Foster collaboration among state and local governmental entities and other public agencies with jurisdiction over the LA River, and coordinate the work of these entities and public agencies with regard to the development, maintenance, and enhancement of the river and its resources;

d) Protect the parks, open space, and other public places adjacent to the LA River;

e) Engage communities along the LA River in the protection and preservation of the LA River and its resources;

f) Promote equal access and equity among all communities along the LA River with regard to the development and placement of improvements along the river;

g) Monitor the physical conditions, environmental health, and development of green space along the LA River;

h) Provide a system for coordinating the work of river rangers with programs and services offered by local governments and conservation corps; and,

i) Incorporate the findings and principles expressed in the publication titled "Presidential Memorandum -- Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," dated January 12, 2017.

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement**:

> The Los Angeles River is not only an important ecosystem, but a critical resource for communities across LA County. It's important we continue to build on our mission of revitalizing the LA River, in order to protect vulnerable habitats and support this irreplaceable cultural resource. AB 3036 would work to further protect the river by establishing a River Ranger program, which would provide critical environmental protection and diverse educational resources in order to protect the River now, and into the future.

2) **LA River**. The LA River flows 51 miles through some the most diverse communities in Southern California. It stretches 32 miles within the City of LA alone, from Owensmouth in the upper reaches of the northwest San Fernando Valley, to the border with Vernon at the southern end of Downtown. The river is typically dry during summer months, and can become a river filled with racing waters during the rainy season.

   The LA River used to flow out of the San Gabriel Mountains as meandering streams carrying rocks and sand. The River stopped reaching the sea shortly after 18th century settlers arrived. Wildlands became farmland. And, then, 50 years later—after the railroad arrived—the rivers nearly disappeared beneath a wave of urban sprawl and, finally, industrialization.

   After flooding in the 1930s, the federal government and the LA County Flood Control District implemented a strategy to tame the river; by 1960, the LA River was encased in concrete. In 1989, a state legislator revisited an idea once proposed in the 1940s, to run a freeway down the river corridor, and it prompted the first serious thought in decades to "restoring" the river by focusing on natural systems and open space (the freeway was not developed). LA County adopted a master plan for the LA River in 1996 that recommended environmental restoration.

   For many years, community leaders, elected officials, concerned citizens, environmental groups, recreational groups, and local visionaries have been involved in exploring ways to return the splendor of the river to the people of LA while maintaining flood protection and safety. The LA River Revitalization Master Plan sprang from that collective interest, to enhance existing communities by creating a safe environment with more open space, parks, trails, recreation, environmental restoration, riverfront living and commerce, new jobs, neighborhood identity, economic development, tourism, and civic pride.

   Two state of California conservancies have leadership roles related to the LA River, including RMC and the SMMC.

3) **River Ranger Program**. In 2015, AB 530 (Rendon), Chapter 684, Statutes of 2015, established the Lower LA River Working Group (Working Group) composed of numerous stakeholders to develop revitalization plans for the River south of the City of LA. One idea raised through the Working Group process was to establish a "river rangers" program as part of a multi-team effort to provide maintenance, outreach and interpretation along the River and the San Gabriel River/Rio Hondo.

In 2018, the Legislature enacted AB 1558 (C. Garcia), Chapter 452, Statutes of 2017, to require the conservancies to collaborate with DPR, the CCC, and SLC to develop a river ranger program by June 30, 2018, to provide a network of river rangers who assist the public at sites along the LA River and its tributaries.

In 2019, the LA River Ranger Program Establishment Plan was completed, led by RMC and SMMC. As a result, there have been a couple pilot programs with the City of LA on the upper LA River and the Watershed Conservation Authority (WCA) on the lower LA River. WCA, RMC, and the Conservation Corps of Long Beach have completed three River Ambassador Programs since 2022, which provide six months of on the job training for young adults 18–26 years old and foster connections between communities and promote the stewardship of the LA River. The City of LA and the LA Conservation Corp also launched the LA River Ranger Program in 2022 to employ young residence to care for 18 miles of public space along the LA River.

AB 1558, the establishing statute, however, sunset the River Ranger Program on January 1, 2019. While RMC has maintained this program, it does not have a permanent mission.

This bill would codify the River Ranger Program (the provisions of AB 1558 were uncodified) and enact it in perpetuity.

4) **Double referral**. This bill was heard in the Assembly Water, Parks, and Wildlife Committee on April 9 and approved 12-1.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Paige Brokaw / NAT. RES. /

Date of Hearing: April 15, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
AB 3147 (Garcia) – As Amended March 21, 2024

SUBJECT: California Trails Conservancy Program

SUMMARY: Establishes the California Trails Conservancy Program.

EXISTING LAW:

1) Establishes the California Natural Resources Agency (NRA) and vests it with the responsibility to restore, protect, and manage the state's natural, historical, and cultural resources for current and future generations. (Government Code 12805)

2) Establishes the Equitable Outdoor Access Act and sets forth the state's commitment to ensuring all Californians can benefit from, and have meaningful and sustainable access to, the state's rich cultural and natural resources. (Public Resources Code (PRC) 1000)

3) Requires the director of the Department of Parks and Recreation (DPR) to prepare, and continuously maintain, a comprehensive plan for the development and operation of a statewide system of recreation trails, which is known as the California Recreational Trails System Plan (Trails Plan). Requires the Trails Plan to present and future demand for trail-oriented recreation uses, recommend an integrated and interconnecting system of trail routes, and recommend priorities for funding. (PRC 5070.7)

THIS BILL:

1) Establishes in NRA the California Trails Conservancy Program. Establishes the purposes of the program as all of the following:

   a) To promote enhanced and expanded environmentally sound greenways and trail networks;

   b) To promote equitable access and expand diverse trail-based recreational and mobility opportunities for all Californians; and,

   c) To promote policies, practices, and funding opportunities in order to optimize the continued growth and integrity of existing and prospective systems of nature-based and other human-powered mobility networks for the benefit of all Californians.

2) Authorizes NRA, if NRA determines that it would benefit the purposes of the program, to form an ad hoc working group. The working group may be composed of members from the hiking community, the equestrian community, the mountain biking community, the environmental justice community, the land trust and conservation community, and the tribal or the Native American community, members from a California-based outdoor enterprise or company, and representatives from the department, the Department of Fish and Wildlife, the Wildlife Conservation Board, the State Coastal Conservancy, the various state conservancies, the United States Fish and Wildlife Service, the federal Bureau of Reclamation, the United States National Parks Service, and the United States Forest Service.

3) Provides that this bill shall only become operative if Assembly Bill 1567 of the 2023–24 Regular Session takes effect on or before January 1, 2025.

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement**:

> California's trails are the intersection between human and nature interface, providing valuable exposure and engagement to the state's natural landscapes and parks, which are rich with unparalleled aesthetics. Trail demand is growing throughout the state and is an emerging economic driver in many California communities, which is helping rural California and elsewhere to both prop up the economy and reverse trends resulting from revenue losses rooted in transitions from natural resource-based economies (timber, mining et al). The growth of electric bicycles and other mobility devices have led to a recent acceleration of the degradation of natural and other surface type trails. AB 3147 will promote equitable access and create a forum to better advance policies, practices, and funding opportunities to optimize the continued growth of existing and prospective California trail systems.

2) **Outdoors for All.** The Outdoors for All initiative is intended to expand parks and nature access in communities with little outdoor space, supporting programs to connect people who lack access.

   Spending time outdoors directly benefits mental and physical health. It improves mood and happiness, lowers stress, and strengthens people's sense of meaning. Research shows that people who visit outdoor spaces for 30 minutes or more during a week have lower rates of depression and high blood pressure. Access to outdoor spaces also facilitates exercise, which improves long-term physical health. Many healthcare professionals recognize these benefits, and in some places have started to issue medical prescriptions to spend time in nature to improve health outcomes.

   NRA's Pathways to 30x30 Annual Progress Report (May 2023) notes that by increasing both the variety and accessibility of outdoor recreation, California is working to enable everyone in California to enjoy and connect with nature.

   Trails offer a direct conduit to Californians to access nature and exercise. DPR manages more than 3,000 miles of trails and its surveys have shown that the state's trails provide experiences that attract more users than any other type of recreational facility. Trails can be used for hiking, running, horse-back riding, mountain biking, bird watching, dog walking, backpacking, and more. Managing and maintaining trails and access to those trails is an investment in California's commitment to Outdoors for All.

3) **Funding for trails.** According to DPR's *Recreation Trails Plan* (2022), a successful statewide trails and greenways program requires continual, broad-based and expanding sources of funding that are regularly available in order to establish and maintain a balanced program for planning, acquisition, development, maintenance, and management of trails.

Additional funding is always needed to pay for deferred maintenance, for the relocation and rehabilitation of old trails and to address increasing trail use.

California's budget for Fiscal Year (FY) 2022-23 contained $35 million for DPR's trails program. The subsequent budget for FY 2023-24 reduced this allocation to $10 million. For FY 2024-25, the proposed allocation remains uncommitted and programmed.

The Parks, Environment, and Water Bond Act of 2018 (Proposition 68), included $35 million for trails, but that funding source has been oversubscribed at a margin greater than five-to-one.

4) **Climate bond.** AB 1567 (Garcia) proposes the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024, to authorize $15.105 billion in general obligation bonds for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.

   AB 1567 includes $25 million for the creation of a California Trails Conservancy, and $25 million for the creation of the Office of Outdoor Recreation and Equitable Access.

   According to the Legislative Analysist's Office, the state is facing a $70 billion deficit, and multi-billion dollar deficits over the next several future fiscal years. As a result, the Legislature is considering several environmental bond proposals, in addition to AB 1567, as potential funding options to both fill the gaps where budget cuts are likely to be made and augment funding where the authors want to prioritize spending.

   AB 3147 creates a framework for the establishment and allocation of funds pursuant to provisions in AB 1567, which calls for a California Trails Conservancy.

   The author may wish to consider adopting amendments to provide that, regardless of the bill that the Legislature approves for putting a climate bond before the voters on the November 2024 ballot, this bill shall only go into effect if funding for a California Trails Conservancy is approved in a statewide bond initiative.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Paige Brokaw / NAT. RES. /

Date of Hearing: April 15, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
AB 3265 (Bryan) – As Amended April 9, 2024

SUBJECT: California Environmental Quality Act: environmental leadership media campus projects: judicial streamlining

SUMMARY: Establishes expedited administrative and judicial review procedures under the California Environmental Quality Act (CEQA) for "environmental leadership media campus projects" (ELMCP) in Los Angeles, requiring the courts to resolve lawsuits within 365 days, to the extent feasible.

EXISTING LAW:

1) CEQA 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) Authorizes judicial review of CEQA actions taken by public agencies, following the agency's decision to carry out or approve the project. Challenges alleging improper determination that a project may have a significant effect on the environment, or alleging an EIR does not comply with CEQA, must be filed in the superior court within 30 days of filing of the notice of approval. The courts are required to give CEQA actions preference over all other civil actions. Requires the court to regulate the briefing schedule so that, to the extent feasible, hearings commence within one year of the filing of the appeal. Requires the plaintiff to request a hearing within 90 days of filing the petition. Requires the court to establish a briefing schedule and a hearing date, requires briefing to be completed within 90 days of the plaintiff's request for hearing, and requires the hearing, to the extent feasible, to be held within 30 days thereafter. (PRC 21167 *et seq.*)

3) Pursuant to AB 900 (Buchanan), Chapter 354, Statutes of 2011, as reenacted by SB 7 (Atkins), Chapter 19, Statutes of 2021, establishes procedures for expedited judicial review (i.e., requiring the courts to resolve lawsuits within 270 days, to the extent feasible) for "environmental leadership development projects" certified by the Governor and meeting specified conditions, including Leadership in Energy and Environmental Design (LEED) Gold-certified infill site projects achieving transportation efficiency 15% greater than comparable projects and zero net additional greenhouse gas (GHG) emissions, clean renewable energy projects, and clean energy manufacturing projects. SB 7 sunsets these provisions on January 1, 2026. (PRC 21178 *et seq.*)

THIS BILL:

1) Requires a city within Los Angeles County, that is the lead agency for an ELMCP, to certify the project for streamlining (i.e., expedited administrative and judicial review) if the agency finds the following conditions will be met:

a) The project will result in an investment of at least one billion dollars in California upon completion.

b) The project will obtain certification as LEED gold standard or better for all new construction that is eligible for LEED certification. Any new construction or major renovation of existing buildings that is not eligible for LEED certification will achieve comparable standards for energy and water efficiency.

c) The project does not result in any net additional GHG emissions, including, but not limited to, from employee transportation, as specified.

d) The project will generate at least 1,000 jobs during construction.

e) The project creates high-wage, highly skilled jobs that pay prevailing wages and living wages, employs a skilled and trained workforce, as defined, provides construction jobs and permanent jobs for Californians, and helps reduce unemployment. These requirements do not apply to a contractor or subcontractor performing work that is subject to a project labor agreement.

f) The project applicant demonstrates compliance with specified recycling requirements.

g) The project applicant agrees that all mitigation measures required pursuant to CEQA and any other environmental measures required by this bill shall be conditions of approval of the project, and those conditions will be fully enforceable by the lead agency.

h) The project applicant agrees to pay any additional costs incurred by the courts in hearing and deciding any case subject to this section, including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner specified by the Judicial Council.

i) The project applicant agrees to pay the costs of preparing the record of proceedings for the project concurrent with review and consideration of the project pursuant to this division, in a form and manner specified by the lead agency for the project.

2) Requires the Judicial Council to adopt a rule of court to establish procedures that require resolution, to the extent feasible, within 365 days, including any appeals, of a lawsuit challenging the certification of the EIR or any project approvals for a certified ELMCP.

3) Prohibits these procedures from applying if the applicant fails to notify a lead agency prior to the release of the draft EIR for public comment.

4) Requires the draft and final EIR to include a specified notice in no less than 12-point type regarding the draft and final EIR being subject to ELMCP procedures.

5) Makes related findings.

FISCAL EFFECT: Unknown

COMMENTS:

1) **Background**. CEQA provides a process for evaluating the environmental effects of applicable projects undertaken or approved by public agencies. If a project is not exempt from CEQA, an initial study is prepared to determine whether the project may have a significant effect on the environment. If the initial study shows that there would not be a significant effect on the environment, the lead agency must prepare a negative declaration. If the initial study shows that the project may have a significant effect on the environment, the lead agency must prepare an EIR.

   An EIR must accurately describe the proposed project, identify and analyze each significant environmental impact expected to result from the proposed project, identify mitigation measures to reduce those impacts to the extent feasible, and evaluate a range of reasonable alternatives to the proposed project. If mitigation measures are required or incorporated into a project, the agency must adopt a reporting or monitoring program to ensure compliance with those measures.

   Generally, CEQA actions taken by public agencies can be challenged in superior court once the agency approves or determines to carry out the project. CEQA appeals are subject to unusually short statutes of limitations. Under current law, court challenges of CEQA decisions generally must be filed within 30-35 days, depending on the type of decision. The courts are required to give CEQA actions preference over all other civil actions. However, the schedules for briefing, hearing, and decision are less definite. The petitioner must request a hearing within 90 days of filing the petition and, generally, briefing must be completed within 90 days of the request for hearing. There is no deadline specified for the court to render a decision.

   In 2011, AB 900 and SB 292 (Padilla), Chapter 353, Statutes of 2011, established expedited CEQA judicial review procedures for a limited number of projects. For AB 900, it was large-scale projects meeting extraordinary environmental standards and providing significant jobs and investment. For SB 292, it was a proposed downtown Los Angeles football stadium and convention center project achieving specified traffic and air quality mitigations. For these eligible projects, the bills provided for original jurisdiction by the Court of Appeal and a compressed schedule requiring the court to render a decision on any lawsuit within 175 days. This promised to reduce the existing judicial review timeline by 100 days or more, while creating new burdens for the courts and litigants to meet the compressed schedule. AB 900's provision granting original jurisdiction to the Court of Appeal was invalidated in 2013 by a decision in Alameda Superior Court in *Planning and Conservation League v. State of California*. AB 900 was subsequently revised to restore jurisdiction to superior courts and require resolution of lawsuits within 270 days, to the extent feasible.

   As part of their expedited judicial review procedures, these bills required the lead agency to prepare and certify the record of proceedings concurrently with the administrative process and required the applicant to pay for it. It was commonly agreed that this would expedite preparation of the record for trial. Since 2011, several additional bills have provided similar project-specific concurrent preparation procedures. In addition, SB 122 (Jackson), Chapter 476, Statutes of 2016, established an optional concurrent preparation procedure for any CEQA project, subject to the lead agency agreeing, and the applicant paying the agency's costs.

To date, approximately 30 projects have been eligible for expedited review under AB 900 and the several project-specific bills enacted since 2011. Many of these projects have not proceeded to final approval and construction, and only four projects have been challenged in court. Of those four cases, two were high-profile arena projects, one was a luxury condominium tower, and one is the reconstruction of the Capitol Annex. A review by the Senate Office of Research indicates the following timelines for final resolution of three of the cases:

a) Golden1 Center (Sacramento Kings arena): 243 business days/352 calendar days.

b) Chase Center (Golden State Warriors arena): 257 business days/376 calendar days.

c) 8150 Sunset Boulevard (Hollywood condo tower): 395 business days/578 calendar days.

Whether calendar days or business days, "to the extent feasible," as well as the inherent authority of the independent judicial branch, provides a court discretion, and no direct consequence, if it is unable to meet the 365-day deadline

2) **According to the author**:

> The construction of soundstages in California has not kept pace with the recent growth in the production of film, scripted television and streaming content which forces more production outside of California. The segment of entertainment production that has had the most detrimental effect on California's infrastructure is the loss of big-budget feature films which require the use of many large sound stages building complex sets.
>
> Adding to the need for updating the state's film and television production facilities is the arrival of digital technology. New cinematography, sound recording and editing tools have provided sophisticated visual and audio effects for filmmakers during production and post production. While technology has revolutionized the creative brilliance of the film and television industry, its deployment requires infrastructure improvements for high-speed internet connections and cloud-based storage solutions at California's media production campuses.
>
> These projects will generate thousands of full-time jobs during construction and thousands of additional permanent jobs once they are constructed and operating. AB 3265 will meet the highest environmental standards set in prior streamlined environmental bills that have been signed into law. In addition, the bill contains language that will assure the creation of high paying jobs throughout the construction of the project.

3) **Double referral**. This bill has been double-referred to the Judiciary Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Fox Corporation

Opposition

None on file

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /