



AB-30 Equitable Outdoor Access Act. (2021-2022)

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Assembly Bill No. 30

CHAPTER 939

An act to add Division 1.5 (commencing with Section 1000) to the Public Resources Code, relating to the environment.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 30, Kalra. Equitable Outdoor Access Act.

Existing law establishes the Natural Resources Agency, which consists of various departments, including the Department of Conservation, the Department of Fish and Wildlife, and the Department of Parks and Recreation. Existing law vests in the Natural Resources Agency various powers, including those related to conservation of lands.

This bill would establish the Equitable Outdoor Access Act, which sets forth the state's commitment to ensuring all Californians can benefit from, and have meaningful access to, the state's rich cultural and natural resources. The bill would declare that it is state policy, among other things, to ensure that all Californians have equitable opportunities to safe and affordable access to nature and access to the benefits of nature, and to prevent and minimize the intentional and unwarranted limitation of sustainable public access to public lands, where appropriate, including, but not limited to, local, regional, state, and federal parks, rivers, lakes, beaches, forests, mountain ranges, deserts, and other natural landscapes. The bill would require specified state agencies to consider and incorporate, as appropriate, the state policy when revising, adopting, or establishing policies, regulations, or grant criteria, or making expenditures, as specified. The bill would require all state agencies implementing the above-described state policy to do so in a manner consistent with the mission of their agency and that protects the health and safety of the public and conserves natural and cultural resources. The bill would require the state to encourage the types of access that promote, and are consistent with, specified conservation goals. The bill would require the Natural Resources Agency to prepare and submit a report to the Legislature with information related to the implementation of these provisions on or before January 1, 2024.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Division 1.5 (commencing with Section 1000) is added to the Public Resources Code, to read:

DIVISION 1.5. Equitable Outdoor Access Act

CHAPTER 1. General Provisions

1000. (a) This division shall be known, and may be cited, as the Equitable Outdoor Access Act.

(b) This division 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.

CHAPTER 2. Policy

1001. The Legislature finds and declares all of the following:

(a) The biodiversity of California is comprised of the plants, animals, including humans, and fungi that reside within the state, as well as its rivers, lakes, beaches, deserts, forests, mountain ranges, and other natural landscapes.

(b) The state's cultural and natural resources are a shared heritage that no single individual or entity is more entitled to access to, or benefit from, than another and must be stewarded for future generations.

(c) Countless Californians still face barriers to visiting and enjoying the state's natural resources and outdoor spaces, including local, regional, state, and federal parks and beaches, and other public lands and outdoor spaces. These barriers include, but are not limited to, the following:

(1) Lack of safe, reliable, and affordable routes to outdoor spaces, including transportation and pathways accessible for people with disabilities.

(2) Cost of admission, parking, and overnight accommodations at or near these spaces.

(3) Lack of accessible public information and exposure to the outdoors necessary to ensure familiarity and comfort with being in these spaces.

(4) Lack of culturally relevant and multilingual programming.

(5) Lack of local, quality outdoor spaces and amenities, including parks, pedestrian tree canopies, green streets, greenways, trails, community gardens, and other greenspaces.

(6) Lack of outdoor programming opportunities, including, but not limited to, recreational, cultural, and educational activities, in many communities.

(7) Local hostility towards visitors of these spaces and intentional efforts to restrict access.

(d) The state faces a biodiversity and nature crisis that scientists say we must address with urgency.

(e) Nature, like the climate, is nearing a tipping point where the continued loss and degradation of the natural environment will push many ecosystems and wildlife species past the point of no return, threaten the health and economic prosperity of California and the United States, and increase the costs of natural disasters.

(f) Before European contact with the American continents, tribal nations, Native American tribes, and tribal entities managed and stewarded the state's terrestrial and marine resources using traditional ecological knowledge and a wide array of traditional practices and techniques to maintain an environment capable of supporting large, thriving human, plant, and animal populations. Today, tribes continue to use these practices, which vary from tribe to tribe, but are generally focused on ecosystem interconnectivity, respecting the carrying capacity of the land, and viewing humans as an integral part of the environment. Tribal methods of protecting and managing the land are an essential and fundamental part of a concerted effort to successfully rebalance the climate and restore biodiversity.

(g) Access to, and the benefits of, nature are essential to the health, well-being, identity, culture, and economic prosperity of the state.

(h) Accessing and connecting with the state's prized cultural and natural resources and experiencing the public

and mental health, cultural, economic, and other benefits outdoor recreation can provide is essential to cultivating an appreciation and respect for nature that motivates conservation, biodiversity protection, and other actions to protect our climate and planet.

(i) The loss of nature and lack of access to nature negatively affects people of color disproportionately, especially people of color living in disadvantaged communities. Research shows that communities of color are three times more likely than White communities to live in nature-deprived areas and that 70 percent of low-income communities live in nature-deprived areas.

(j) The loss of habitat for fish and wildlife, inadequate water supplies, pollution in the air and water, the loss of pollinators, uncontrollable wildfires, and climate change are of increasing concern to many communities across California but especially to communities of color and disadvantaged communities.

(k) The state has a responsibility to conserve land, air, water, ocean, and wildlife resources in the state as necessary to prevent the further decline of nature and to address barriers to access, especially for low-income and disadvantaged communities disproportionately affected by them, to ensure that all Californians have access to nature and a healthy environment.

1002. (a) It is hereby declared to be the established policy of the state to:

(1) Ensure that all Californians have equitable opportunities to safe and affordable access to nature and access to the benefits of nature.

(2) Maximize public access to public lands, including the state's cultural and natural resources, in a sustainable manner, where appropriate, with a special emphasis on creating and promoting opportunities for people and communities that face disproportionate barriers to access, including, but not limited to, communities of color, indigenous communities, and economically disadvantaged communities.

(3) Prevent and minimize the intentional and unwarranted limitation of sustainable public access to public lands, where appropriate, including, but not limited to, local, regional, state, and federal parks, rivers, lakes, beaches, forests, mountain ranges, deserts, and other natural landscapes.

(b) All relevant state agencies, including the Natural Resources Agency, and each department, board, office, conservancy, and commission within the agency, and state departments, including the Department of Transportation, shall consider and incorporate, as appropriate, this state policy when revising, adopting, or establishing policies, regulations, or grant criteria, or making expenditures, to the extent the policies, regulations, grant criteria, or expenditures are not in conflict with an appropriation.

(c) It is the intent of the Legislature that the state, in implementing this division, provide for the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, and solicit, account for, and respond to the voices, needs, and priorities of communities of color, indigenous communities, and economically disadvantaged communities.

1003. (a) Notwithstanding any other law, all state agencies implementing this state policy shall do so in a manner consistent with the mission of their agency that protects the health and safety of the public and that conserves natural and cultural resources. This section shall not prohibit an affected state agency, department, board, office, conservancy, or commission from enacting any policy, standard, or condition that is intended to preserve the public health and safety.

(b) The state shall encourage the types of access that promote, and are consistent with, the conservation goals described in subdivision (a).

(c) On or before January 1, 2024, the Natural Resources Agency shall prepare a report and submit it to the Legislature containing information related to the implementation of this division.

(d) (1) The requirement for submitting a report imposed under subdivision (c) is inoperative on January 1, 2026, pursuant to Section 10231.5 of the Government Code.

(2) A report to be submitted pursuant to subdivision (c) shall be submitted in compliance with Section 9795 of the Government Code.

