

Date of Hearing: April 26, 2021

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Eduardo Garcia, Chair

AB 30 (Kalra) – As Amended March 22, 2021

SUBJECT: Outdoor access to nature: environmental equity

SUMMARY: Declares that it is the established policy of the state that access to nature and access to the benefits of nature is a human right. Specifically, **this bill:**

- 1) Declares the following to be the established policy of the state:
 - a. That access to nature and access to the benefits of nature is a human right.
 - b. That every human has the right to safe and affordable outdoor access and that the benefits of nature are an essential part of the public health and well-being, identity, culture, and economic prosperity of the people of the State of California.
- 2) Requires, when implementing this policy, that the state prioritize the voices, needs, and priorities of communities of color, indigenous communities, and economically disadvantaged communities.
- 3) Requires all relevant state agencies, including the Natural Resources Agency, state departments, including the Department of Transportation, and their respective departments, boards, and commissions, to incorporate this state policy when revising, adopting, or establishing policies, regulations, and grant criteria, or making expenditures, pertinent to the uses of outdoor access to nature.
- 4) Makes findings and declarations related to the importance of nature and access to nature.

EXISTING LAW:

- 1) Declares that it is the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Water Code § 106.3)
- 2) Establishes that every Californian should enjoy the same degree of protection from environmental and health hazards and that every community should be a healthy one in which to live, work, play, and learn. [Health and Safety Code (HSC) § 116765(a)]
- 3) Declares that no single group of people should bear a disproportionate share of negative consequences or adverse health impacts from industrial, governmental, or commercial operations or policies. [HSC § 116765(b)]

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this Bill.** According to the author,
Access to public land, nature, and a healthy environment should be a right for all

Californians. Being able to access the many benefits of nature is necessary for the mental and physical health, and overall well-being of people, but studies have shown that people of color are less likely to have access to nature and indigenous communities living in rural areas have likewise suffered disproportionately from environmental degradation and displacement. As the destruction of nature accelerates at unprecedented rates due to climate change, marginalized communities will continue to bear more of the negative consequences of the climate crisis. By adopting AB 30, California would become the first state to declare that access to nature is a human right, setting an important example for the rest of the nation that our most vulnerable communities can benefit equitably in our efforts to protect nature.

2) Background.

Access. “Access” embodies both physical (e.g., distance to a park) and social (e.g., safety) aspects and varies widely throughout California. According to the Trust for Public Land (TPL), two California cities rank among the top 10 in the nation with parks access [Irvine and San Francisco] while many California cities also rank among the bottom third. TPL’s 2020 ParkScore® index found that one in three Californians do not live within a 10 minute walk to a quality park. According to a recent Hispanic Access Foundation report, fifty-five percent of Latinos in California lack access to open space, and significantly fewer acres of green space are present in many Black and Latino neighborhoods when compared to predominantly white neighborhoods.

Historical and continuing inequities, intersecting roadways, less acreage, 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. 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.

Benefits. 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.

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.”

Parks and open spaces also provide environmental benefits as they can remove pollution and 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, 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.

Relevant Executive Orders. Executive Order N-82-20, issued by Governor Newsom in October 2020, establishes the goal of protecting thirty percent of California's lands and waters by 2030. To further this goal, the Executive Order directed the California Natural Resources Agency and other relevant state agencies, in consultation with the California Biodiversity Collaborative, to develop and report strategies to the Governor no later than February 1, 2022. The executive order requires that these strategies protect and restore biodiversity and enable enduring conservation measures on a broad range of landscapes, among other things.

President Biden's issued an Executive Order on Tackling the Climate Crisis at Home and Abroad (January 27, 2021), that included tasking the Secretary of the Interior, in consultation with the Secretary of Agriculture, the Secretary of Commerce, the Chair of the Council on Environmental Quality, and the heads of other relevant agencies, to submit a report recommending steps that the United States should take, working with State, local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of U.S. lands and waters by 2030.

Human Right to Water. AB 685 (Eng), Chapter 524, Statutes of 2012, declares that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This made California the first state in the nation to legislatively recognize the human right to water. The implementation of the human right to water is instructive for how state agencies might implement the human right to nature proposed by this bill.

On February 16, 2016, the State Water Resources Control Board (SWRCB) adopted a resolution identifying the human right to water as a top priority and core value of the State Water Board and Regional Water Quality Control Boards (collectively the Water Boards). The resolution stated the Water Boards will work "to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations." The human right to water will be considered in actions taken by the Water Boards that pertain to sources of drinking water. These actions may include: revising or establishing water quality control plans, policies, and grant criteria; permitting; site remediation and monitoring; and water right administration.

Under the resolution, Water Board staff will work with relevant stakeholders, as resources allow, to develop new systems or enhance existing systems to collect data and identify and track communities that do not have, or are at risk of not having, safe, clean, affordable, and accessible water for drinking, cooking, and sanitary purposes. Water Board staff will also work with relevant groups to develop performance measures to evaluate the Water Boards' progress toward making the human right to water a reality, and such information will be made available to the public.

- 3) **Arguments in Support.** Those in support argue that acknowledging that access to nature is a fundamental human right is a necessary first step to close the nature gap for many nature-

deprived communities and will help advance and promote the state's goals to protect biodiversity and support the state's climate goals.

4) Prior and Related Legislation.

AB 1500 (E. Garcia, 2021), places a \$6.955 billion bond entitled the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022 on the June 7, 2022 ballot. Among other provisions, the bond includes funding for investments in outdoor access, including parks, urban green infrastructure, and community forestry projects. AB 1500 is pending in the Assembly Natural Resources Committee

SB 45 (Portantino, 2021), places a \$5.595 billion bond entitled the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022 on the November 8, 2022 ballot. Up to 5 percent of the funds available to each agency may be used for community access projects. SB 45 is pending in the Senate Appropriations Committee.

AB 3030 (Kalra, 2020) would have established new land, water, and ocean protection goals, including to protect thirty percent of the state's land areas and water by 2030. The bill was held in Senate Appropriations Committee.

AB 209 (Limón), Chapter 675, Statutes of 2019, requires the Director of the State Parks to establish the Outdoor Equity Grants Program, with the purpose of leveraging both public and private funds to target outdoor access programs for underserved and at-risk youth.

SB 5 (De León), Chapter 852, Statutes of 2017, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68 at the June 5, 2018, statewide primary direct election, authorizes the issuance of bonds in the amount of \$4.1 billion, including funding for outdoor access programs.

AB 685 (Eng), Chapter 524, Statutes of 2012, declares that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

REGISTERED SUPPORT / OPPOSITION:

Support

Akoma Unity Center
Alliance of Nurses for Healthy Environments
Audubon California
Azul
California Association of Recreation and Park Districts
California Coastal Protection Network
California Coastkeeper Alliance
California League of Conservation Voters
California Native Plant Society
California Releaf
California State Parks Foundation

California Trout
Carbon Cycle Institute
Center for Biological Diversity
Chicano Indigenous Community for Culturally Conscious Advocacy & Action
Community Nature Connection
Defenders of Wildlife
Environmental Defense Fund
Latino Outdoors
Los Angeles Conservation Corps
Los Angeles Neighborhood Land Trust
Midpeninsula Regional Open Space District
Mono Lake Committee
Native American Community Council of San Bernardino and Riverside Counties
Nature for All
NRDC
Pacific Forest Trust
Planning and Conservation League
S.F. Bay Physicians for Social Responsibility
San Jose Conservation Corps & Charter School
Surfrider Foundation
Trout Unlimited
Yes Nature to Neighborhoods
Yoots

Opposition

None on file

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