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## SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Blakespear, Chair

2025 - 2026 Regular

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**Bill No:** AB 1139

**Author:** Rogers

**Version:** 4/9/2025

**Hearing Date:** 7/2/2025

**Urgency:** No

**Fiscal:** Yes

**Consultant:** Brynn Cook

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

**DIGEST:** This bill expands an existing California Environmental Quality Act (CEQA) exemption for changes in use of preexisting roads and trails in parks, as specified, to apply to situations where the lead agency is a “county park agency.”

### ANALYSIS:

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)
- 3) Creates an exemption from CEQA for a change in use to provide public access to open space and park areas for nonmotorized recreation along preexisting trails, pathways, and roads; as well as use of disturbed areas for vehicle parking, and rail lines converted by the Great Redwood Trail Agency into trails known as the Great Redwood Trail. As part of this exemption, establishes criteria that:
  - a) The change in use is consistent with a plan adopted by the park district, as applicable.
  - b) The change in use does not involve a physical alteration of the affected area.

- c) The change in use is not likely to result in either significant adverse impacts to tribal cultural resources or to endangered, threatened, rare, or special status plant or animal species.
  - d) The lead agency must hold a post a written notice and hold a public meeting to consider and solicit public input on the project. (PRC § 21080.28.5)
- 4) Establishes numerous CEQA exemptions, including categorical exemptions developed in the California Code of Regulations (CEQA guidelines). This includes the Class 1 Categorical exemption for existing facilities which includes repair, maintenance, or minor alteration to pedestrian trails and similar facilities.
- 5) Establishes statutory exemptions from CEQA, including:
- i) The acquisition, sale, or other transfer of land by a public agency for specified purposes, including the preservation of open space or lands for park purposes. (PRC §21080.28)
  - ii) Until January 1, 2025, a project to restore or provide habitat for California native fish and wildlife. (PRC §21080.56.)
- 6) Authorizes the creation of regional park districts, regional park and open-space districts, and regional open-space districts, as specified. Generally, these districts may plan, develop, operate, and maintain a system of public parks, playgrounds, golf courses, beaches, trails, natural areas, ecological and open space preserves, parkways, scenic drives, boulevards, and other facilities for public recreation, as specified. (PRC §5501; PRC§5541)

This bill expands the CEQA exemption for changes in use of preexisting roads and trails in parks, as specified in PRC § 21080.28.5, to situations where the lead agency is a “county park agency.”

## Background

- 1) *The A, B, C's of CEQA*. CEQA is designed to (a) make government agencies and the public aware of the environmental impacts of a proposed project, (b) ensure the public can take part in the review process, and (c) identify and implement measures to mitigate or eliminate any negative impact the project may have on the environment. CEQA is enforced by civil lawsuits that can challenge any project's environmental review. Under CEQA, projects (unless they have a specific exemption) must undergo environmental analysis. This

process starts with an initial study which determines what level of further environmental review is needed for a given project.

If a project has no significant effects on the environment, or if those effects can be fully mitigated, the project can move forward with a negative declaration (ND) or mitigated negative declaration (MND). If the initial study finds that the project has potential significant effects on the environment, then a full EIR is conducted. An EIR provides thorough environmental review of a proposed project, analyzing the significant direct and indirect environmental impacts of a proposed project on water quality, transportation, air quality and greenhouse gas emissions, terrestrial and aquatic biological resources, surface and subsurface hydrology, land use and agricultural resources, aesthetics, geology and soils, recreation, public services and utilities such as water supply and wastewater disposal, and cultural resources, among other factors. The EIR also includes proposed mitigation measures for any significant effects that it identifies and considers alternatives to the proposed project.

- 2) *Access to parks is a state priority.* Use of parks and open spaces is correlated with a number of health benefits, including decreased risk of stress, anxiety, and depression, lessened symptoms of ADD/ADHD, and reduced risk of psychiatric illness for those with childhood exposure to open or green spaces. California has undertaken numerous efforts in recent years to increase access to parks and open spaces and to redress some of the historic inequities in access to parks. Some of these initiatives include:
  - a) The State Parks' Statewide Park Development and Community Revitalization Program has provided \$1.16 billion to California's communities in four grant rounds to create new parks and new recreation opportunities in underserved communities;
  - b) The Outdoor Equity Grants Program at State Parks is intended to increase the ability of underserved and at-risk populations to participate in outdoor environmental educational experiences at state parks and other public lands where outdoor environmental education programs take place;
  - c) The Youth Community Access Program at Natural Resources Agency provides grant awards to expand access to parks, nature, and places of cultural and historic significance for youth in underserved communities; and
  - d) The 2021-2022 budget included a \$9.1 million one-time General Fund investment was included in the budget to launch a state parks pilot to expand free parks pass distribution, especially for youth in disadvantaged communities. The pilot includes the California State Park Adventure Pass for fourth graders, placement of physical passes at every public library in

the state for checkout by library patrons, and a revamped Golden Bear Pass Program for families receiving CalWORKs.

- 3) *Park planning and permits.* A number of different, but interrelated and often overlapping environmental laws and regulations apply to increasing access in parks through the planning, construction, and operation of trails and roads. Land managers are tasked with analyzing the environmental impacts of activities in the parks, and getting the necessary environmental review and clearance before approving any actions that could have environmental impacts in the park. In general, specific trail projects in parks and adopting a trail plan can trigger CEQA and occasionally the federal National Environmental Policy Act (NEPA). Projects may also require permits from relevant state regulatory agencies.

According to a 2011 study on Narrow Natural Surface Trails, it is common for the agency managing the park to create management plans for the entire park trail systems prior to allowing any public access at new parks or making changes within existing parks. This approach allows the agency to fully plan and design facilities for the intended use, construct or improve new trails of all types specifically for intended use, and be able to properly dismantle routes recommended for closure or restoration.

- 4) *CEQA exemption for changing trail use in parks.* AB 2091 (Grayson, Chapter 377, Statutes of 2024), established a narrow CEQA exemption for 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. To be eligible for this exemption, the change in use had to meet numerous criteria, including, that the change does not involve a physical alteration of the affected area and is not likely to result in significant adverse impacts to tribal cultural resources or adverse impacts to endangered, threatened, rare, or special status plant or animal species. In addition, to be eligible for the exemption established in AB 2091, the lead agency, in this case the park district, must publicize and hold a public meeting to discuss the change in use.

## Comments

- 1) *Purpose of Bill.* According to the author, “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. This bill will increase access to recreational

opportunities and meets the Governor’s 30x30 initiative to get more residents outdoors. Communities need greater access and opportunities to parks and outdoor spaces – AB 1139 would enable greater public use of trails and hiking options”

- 2) *Expanding AB 2091.* AB 1139 builds on the narrow CEQA exemption created by AB 2091, which applied to changes in the use of existing roads and trails within parks—provided that the lead agency is a park district. AB 1139 preserves all of AB 2091’s environmental safeguards and public transparency requirements but broadens eligibility to include county park agencies as potential lead agencies.

While both park districts and county park agencies manage public parklands, they differ in structure, scale, and purpose. Park districts are special-purpose districts that are typically focused on a single park at the neighborhood or community level. Park districts have their own elected or appointed board of directors.

County park agencies, a term undefined in statute, may cover the entire county, not just one park. A county park agency might be a department of the county government or even the county itself. A county park agency may be tasked with managing regional parks and open spaces, but can also tasked with other services unrelated to park management. The county park agency is typically governed by the county board of supervisors.

Because park districts tend to focus exclusively on parkland and their immediate communities, they may put greater emphasis on considering environmental and ecological impacts and be more attuned to the specific community or neighborhood perspective on a specific park compared to broader county departments, whose mandates are more general.

One tool that cities and counties (or the departments or agencies within a city or county) can use to prioritize and plan for effective natural resource protection is through a natural resource management plan. A Natural Resource Management Plan provides science-based guidelines for managing ecosystems and protecting sensitive habitats.

***To address concerns that the county park agency may not bring the same natural-resource focused lens as the park district when acting as a lead agency under CEQA, the author and committee may wish to amend the bill to specify that the CEQA exemption only applies if the area where the change in use exemption applies has a natural resource management plan.***

*The author and committee may also wish to take clarifying language that the change in use may have minimal, not no, physical impacts, among other technical and clarifying amendments.*

- 3) *Committee amendments. Staff recommends the committee adopt the bolded amendments contained in comment 2 above.*

**DOUBLE REFERRAL:**

If this measure is approved by the Senate Environmental Quality Committee, the do pass motion must include the action to re-refer the bill to the Senate Natural Resources and Water Committee.

**Related/Prior Legislation**

AB 2091 (Grayson) Chapter 377, Statutes of 2024. This bill exempts from the California Environmental Quality Act (CEQA), until January 1, 2030, a change in use approved by a lead agency that is a park district to allow public access exclusively for nonmotorized recreation to preexisting roads, trails, pathways, and disturbed areas, as specified.

**SOURCE:** Sonoma County Regional Parks Department

**SUPPORT:**

Bay Area Ridge Trail Council  
Bicycle Trails Council of the East Bay  
Bike East Bay  
California Park & Recreation Society  
County of Santa Barbara  
County of Sonoma  
East Bay Regional Park District  
Hayward Area Recreation and Park District  
Marin County Bicycle Coalition  
Midpeninsula Regional Open Space District  
Napa County Bicycle Coalition (napa Bike)  
Peninsula Open Space Trust  
Rails to Trails Conservancy  
Sierra Consortium  
Sonoma County Bicycle Coalition  
Trails for Richmond Action Committee  
Zerow.org

**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

**-- END --**