
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Monique Limón, Chair

2025 - 2026 Regular

Bill No:	AB 1139	Hearing Date:	July 16, 2025
Author:	Rogers		
Version:	July 7, 2025 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Edith Hannigan		

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

SUMMARY

This bill would expand an existing California Environmental Quality Act (CEQA) exemption for a change in use to allow public access on nonmotorized, pre-existing trails to include a county park agency as an agency that can use the exemption, provide more specifics regarding when the exemption can be used, and require an agency using this exemption to adopt a natural resource plan that includes the identification of resources and management strategies for the affected areas.

BACKGROUND AND EXISTING LAW

CEQA. The Senate Environmental Quality Committee summarizes CEQA as follows:

CEQA was enacted by the Legislature and signed into law by Governor Ronald Reagan in 1970. While it has evolved into a very complex Act over the past 55 years, at its core the basic principles of CEQA are relatively simple. It 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 self-executing statute that is enforced by civil lawsuits that can challenge any project's environmental review. Public agencies, as well as private individuals and organizations, can file lawsuits under CEQA.

CEQA statutes are found in Division 13 of the Public Resources Code (PRC), and the California Natural Resources Agency (CNRA) adopts regulations known as the CEQA Guidelines.

Outdoors for All Initiative. The Administration of Governor Gavin Newsom established the Outdoors for All Initiative to enable equitable access to nature and the outdoors in order to advance the Governor's commitment to building a California for All. The Outdoors for All strategy calls for a future where everyone can experience and benefit from California's incredible outdoor spaces.

The Outdoors for All strategy, released in November 2023, reports progress on equitable outdoor access, summarizes work underway, and identifies priorities and actions to achieve the goals of the initiative. The strategy notes that regional conservancies, the Department of Forestry and Fire Protection, and CNRA are deploying grants to create multi-modal, accessible, and multi-benefit green trails,

allowing residents to walk, run, and roll to get to work and school – or simply just for fun. There are numerous actions related to trails, including:

- 1.1.2. Creating priorities for park-poor communities and disability accessibility within existing funding sources for open space acquisition, development, enhancement, and/or maintenance, including trails and community infrastructure that support healthy, safe, frequent, and culturally relevant recreation for all ages and abilities.
- 1.4.1. Seeking opportunities to leverage available funding to acquire and/or restore land which creates access to nature for underserved communities, preserves biodiversity, protects waterways, and provides nature-based solutions for climate resilience. For example, construct trails and other features that integrate best with natural environments and locate them to minimize wildlife impacts.
- 1.7.1. Supporting local, regional, and federal planning efforts to improve various types of trail connections, including greenways with distance markers and seating, between outdoor spaces to encourage depth of experience and different activities for users who range from limited mobility to intensive physical recreation.

30x30 Strategy. In October 2020, Governor Gavin Newsom signed Executive Order N-82-20, establishing a state goal of conserving 30% of California lands and coastal waters by 2030, known as 30x30 (“thirty-by-thirty”). The Governor enumerated three objectives: conserve and restore biodiversity, expand access to nature, and mitigate and build resilience to climate change. The 30x30 strategy also includes a priority to increase access points and trails within existing natural areas.

Existing Law:

- 1) Establishes the maintenance of a quality environment for the people of the state now and in the future as a matter of statewide concern (PRC §21000).
- 2) Declares that it is the policy of the state that public agencies should not approve projects without feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects (PRC §21002).
- 3) Exempts from CEQA a change in use approved by certain lead agencies to allow public access to pre-existing trails or disturbed areas in an area used exclusively for nonmotorized recreation (PRC §21080.28.5).

PROPOSED LAW

This bill would:

- 1) Expand the types of agencies that may use this CEQA exemption to include county park agencies.

- 2) Specify that a change in use to allow public access on pre-existing trails in an area used for nonmotorized recreation shall involve minimal improvements to the affected area.
- 3) Require the lead agency to adopt a natural resources management plan or similar document that includes appropriate identification of resources and management strategy for the affected area.
 - a) The lead agency shall make a finding that there is sufficient funding to implement the plan.
- 4) Specify that this exemption is inapplicable when it is reasonably foreseeable that public access would cause a significant or cumulatively considerable effect on the environment.

ARGUMENTS IN SUPPORT

According to the author's office, "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."

ARGUMENTS IN OPPOSITION

Previous opposition to this bill was removed after amendments taken in the Senate Environmental Quality Committee.

COMMENTS

Dual referral. This bill was heard in the Senate Environmental Quality Committee on July 2, 2025. The bill passed the Committee with a vote of 8-0. Comments regarding issues under the jurisdiction of the Senate Environmental Quality Committee are included here for context and thoroughness only.

A less-than-one-year-old CEQA exemption. AB 2091 (Grayson, Chapter 377, Statutes of 2024) was effective on January 1, 2025. It included a special statute provision related to the Great Redwood Trail Agency:

The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the need to streamline environmental review in order to expedite public access to the Great Redwood Trail, a unique nonmotorized trail that is being developed by the Great Redwood Trail Agency within an existing rail right-of-way.

AB 2091 was primarily driven to address concerns raised by the sponsor of the bill, East Bay Regional Parks District, although multiple organizations signed on in support. The opposition argued that the Legislature should not change policy for the entire state to address one entity's concerns.

This bill was introduced to address concerns raised by Sonoma County. According to the author's fact sheet on the bill, "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."

It may be premature to amend a CEQA exemption less than one year after its enactment.

Recent CEQA Exemptions for Trails. SB 131 (Committee on Budget and Fiscal Review), Chapter 24, Statutes of 2025, is a budget trailer bill with numerous CEQA exemptions. Notably, the bill exempts from CEQA the incidental to planning, design, site acquisition, construction, operation, or maintenance of public park or nonmotorized recreational trail facilities funded in whole or in part by the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 (Division 50 (commencing with Section 90000)).

Expanding availability but establishing limitations. The bill, as introduced, would have expanded the types of public agencies that could use this exemption to include county departments. Amendments in the Assembly further specified it is county park agencies that would be eligible for this exemption.

The Senate Environmental Quality Committee amended the bill to include conditions on the exemption requiring the establishment of public access only be minimal improvements and physical alterations to the affected area. The Environmental Quality Committee also removed the requirement that the change in use be consistent with a plan adopted by the lead agency, but instead requires a resource management plan that identifies and establishes management strategies for:

- Sensitive species and habitats;
- Soil and erosion;
- Coastal resources;
- Hydrology;
- Fire hazard; and
- Tribal, historical, and other cultural resources.

While the bill proposes to increase the availability of this exemption for certain public agencies, amendments throughout the Legislative process have established additional protective measures to consider resources that may be impacted by this change of use.

Related legislation.

SB 131 (Committee on Budget and Fiscal Review, Chapter 24, Statutes of 2025) exempts from CEQA certain trail activities funded by Proposition 4.

AB 2091 (Grayson, Chapter 377, Statutes of 2024) created a CEQA exemption for park districts and the Great Redwood Trail Agency, allowing them to change trail use in areas used for nonmotorized recreation without completing a CEQA analysis.

AB 782 (Berman, Chapter 181, Statutes of 2019) codified a categorical exemption from CEQA to create a statutory exemption for the acquisition, sale, or other transfer of land by a public agency for specified purposes, including preservation of open space or lands for park purposes.

SUGGESTED AMENDMENTS: none**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

None Received

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