

CONCURRENCE IN SENATE AMENDMENTS

AB 1139 (Rogers)

As Amended July 7, 2025

Majority vote

SUMMARY

Expands an exemption from the California Environmental Quality Act (CEQA) 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 allow the exemption in cases where the lead agency is a county park agency.

Senate Amendments

- 1) Permit the exemption to be used for changes in use involving only minimal physical alterations and minimal improvements, including signage, portable restrooms, sediment control, and other similar improvements that protect the environment in the context of public access.
- 2) Strike the requirement to offer remote participation at the required public meeting.
- 3) Require the lead agency to adopt a natural resource management plan, or equivalent document, as specified.
- 4) Require the lead agency to make a finding that there is sufficient funding to implement the natural resource management plan, and require all findings to be based on substantial evidence.
- 5) Provide the exemption does not apply where it is reasonably foreseeable that the provision of public access within a park or open-space area will have a significant or cumulatively considerable effect on the environment.

COMMENTS

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 the project would not have 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, the lead agency must prepare an EIR.

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. The source of AB 2091 were two Bay Area regional park districts – East Bay Regional Park District and Midpeninsula Regional Open Space District.

AB 2091 stemmed from the question whether CEQA applies in the first instance to a public agency action to provide public access to existing open space, where no other physical changes are involved in the agency's action. Though such an action seems insignificant, controversy and questions of environmental impacts could arise, e.g., from neighbors concerned about an increase

in traffic or the access introducing recreational activities that cause impacts on protected species or tribal cultural resources. AB 2091 established a relatively narrow exemption, confirming that minor actions to provide public access for non-motorized recreation are not subject to CEQA.

The source of AB 1139 is Sonoma County, who seeks to permit its park agency to use the AB 2091 exemption. As passed by the Assembly last year, AB 2091 would have permitted a county park agency to use the exemption. However, the bill was later amended in the Senate to limit its application to projects where a park district is the lead agency.

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.

Arguments in Support

According to Sonoma County, the 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. We need greater flexibility in law to allow the public to access existing trails and roads for recreational uses. We should consider every opportunity to expeditiously expand access to nature in manner that promotes sustainable recreation.

Arguments in Opposition

According to a coalition of environmental organizations, writing in opposition to a prior version, this bill would lead to negative and irreversible effects on California wildlife and sensitive lands. Following the July 7 Senate amendments, Planning and Conservation League, Endangered Habitats League, and Orange County Coastkeeper removed their opposition.

FISCAL COMMENTS

According to the Senate Appropriations Committee, negligible state costs pursuant to Senate Rule 28.8.

VOTES:**ASM NATURAL RESOURCES: 13-0-1**

YES: Bryan, Alanis, Connolly, Ellis, Flora, Garcia, Haney, Hoover, Kalra, Pellerin, Schultz, Wicks, Zbur

ABS, ABST OR NV: Muratsuchi

ASM WATER, PARKS, AND WILDLIFE: 12-0-1

YES: Papan, Jeff Gonzalez, Alvarez, Ávila Farías, Bains, Bennett, Boerner, Hart, Macedo, Celeste Rodriguez, Rogers, Tangipa

ABS, ABST OR NV: Caloza

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 70-0-9

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Rivas

ABS, ABST OR NV: Bryan, Caloza, Chen, Muratsuchi, Nguyen, Sanchez, Sharp-Collins, Wicks, Zbur

SENATE FLOOR: 37-0-3

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Alvarado-Gil, Hurtado, Rubio

UPDATED

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