
SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair

2025 - 2026 Regular

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Fiscal: Yes
Consultant: Vargas

COASTAL RESOURCES: MONARCH BUTTERFLY HABITAT

Require local governments with over-wintering habitats in the coastal zone to develop and implement enforceable site protection policies

Background

Local land use planning. Planning and approving new development is mainly a local responsibility. The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.

State law provides additional powers and duties for cities and counties regarding land use. The Planning and Zoning Law requires every county and city to adopt a general plan that sets out planned uses for all of the area covered by the plan. A general plan must include specified mandatory “elements,” including a housing element that establishes the locations and densities of housing, among other requirements. Cities’ and counties’ major land use decisions—including zoning ordinances and other aspects of development permitting—must be consistent with their general plans.

Coastal Act of 1972. The California Coastal Commission (Coastal Commission) was established by voter initiative in 1972 (Proposition 20). The Legislature later made the Coastal Commission permanent through the adoption of the California Coastal Act of 1976 (Coastal Act). The Coastal Commission plans for and regulates the use of land and water in the Coastal Zone. The Coastal Zone encompasses the land and water area along the entire California coast extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In areas with significant coastal resources, the Coastal Zone extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less. However, the Coastal Zone excludes the San Francisco Bay and certain related bodies of water. In developed urban areas, the Coastal Zone generally extends inland less than 1,000 yards.

The Coastal Commission is an independent, quasi-judicial state agency, and is composed of 12 voting members appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly (four each). Six members are public members, and six are locally elected officials from specified coastal areas. There are also three ex officio, non-voting members of the Coastal Commission.

The Coastal Act gives the state a unique role in planning and regulating the use of land and water along the coast. Specifically, within the coastal zone—unlike most other areas of California—the state possesses the authority to regulate development, which is broadly defined to include the construction of structures, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, among other projects.

The basic goals of the Coastal Act are to balance development along the coast with protecting the environment and public access. The Coastal Act includes specific policies that address issues such as shoreline public access and recreation, habitat protection, landform alteration, industrial uses, water quality, transportation, development design, ports, and public works. The Coastal Act tasks the Coastal Commission with implementing these laws and protecting coastal resources. As such, entities seeking to undertake development activities within the Coastal Zone must first attain a coastal development permit (CDP) from the Coastal Commission.

The Coastal Commission can delegate some permitting authority to the 76 cities and counties along the coast if they develop plans—known as Local Coastal Programs (LCPs)—to guide development in the coastal zone. Each LCP includes a land use plan (LUP), which contains policies, and an implementation plan, which includes accompanying measures to implement the land use plan, like zoning ordinances, zoning district maps, and other implementing actions. The LCPs specify the appropriate location, type, and scale of new or changed uses of land and water, as well as measures to implement land use policies (such as zoning ordinances). The Coastal Commission reviews and approves (“certifies”) these plans to ensure they protect coastal resources in ways that are consistent with the goals and policies of the Coastal Act.

Local governments have incentives to complete certified LCPs, as they can then handle development decisions themselves, although stakeholders can appeal such decisions to the Coastal Commission. In contrast, any project undertaken in the coastal zone in communities without certified LCPs must obtain a permit from the Coastal Commission, in addition to approval from the local government.

Monarch butterflies. In North America, monarch butterflies migrate both north and south on an annual basis traveling between 1,200 – 2,800 miles or more from Canada to the mountain forests of central Mexico. Central California is a stop-over on the way where they overwinter from November to mid-March. Since most monarch butterflies only live 2 – 5 weeks, this journey takes multiple generations.

Monarch butterfly populations have decreased dramatically in recent years: western monarch butterfly overwintering populations have declined by more than 90% since the 1980s, from millions to tens of thousands. The Xerces Society collects data on western monarch and their habitats during their overwintering season. Their annual winter count in 2020 – 2021 showed another significant decline in the state’s population of overwintering monarch butterflies. A primary explanation for this was the destruction of the monarch butterfly’s milkweed habitat, although severe weather and high temperatures may also play a role in the significant population fluctuations recently observed. Climate change and habitat loss have significantly altered the monarch butterfly’s migration behavior. In response to these challenges, some local governments have increasingly undertaken habitat restoration efforts to support monarch populations. Most recently, the City of Atascadero in San Luis Obispo County, opened a new monarch butterfly and pollinator native habitat site to address this concern. The property features native species including coyote brush, coyote mint, California asters, seaside daisies, native sages, and several varieties of milkweed planted by the city.

According to a report published by the Xerces Society in 2012, “Overall, a large number of overwintering sites on lands governed by city and county ordinances are inadequately protected from development.” The Xerces Society wants the Legislature to ensure that cities and counties take additional steps to protect monarch habitat.

Proposed Law

Assembly Bill 2254 requires, on or before January 1, 2028, the Department of Fish and Wildlife (CDFW), in coordination with the Coastal Commission, to identify the following:

- Monarch butterfly overwintering habitat sites in the coastal zone; and
- Current local government monarch butterfly overwintering habitat management plans or policies.

AB 2254 also requires CDFW and the Coastal Commission, on or before January 1, 2028, to develop and provide guidance on model policies that can be used by a local government for the protection of monarch butterfly overwintering habitats, including habitat restoration and enhancement, to address gaps in habitat protection plans in the coastal zone. The model policies may include, are enforceable habitat management plans with measurable outcomes, local coastal program updates, and other local policies, such as ordinances, for protecting monarch butterflies that are locally enforceable with measurable outcomes.

The bill allows CDFW and the Coastal Commission, in developing the guidance, to use existing datasets produced by local governments, organizations focused on the conservation of invertebrates and their habitats, and other relevant entities.

Both CDFW and the Coastal Commission must post this guidance to their internet website, including the information on current local government plans or policies and monarch butterfly overwintering habitat sites in the coastal zone.

AB 2254 also requires local governments with a monarch butterfly overwintering habitat site located within their jurisdiction and the coastal zone, must develop and implement enforceable monarch butterfly overwintering habitat site protection policies consistent with the guidance developed by CDFW and the Coastal Commission.

Comments

1. Purpose of the bill. According to the author, “Monarch butterflies, like many people, travel to California’s coast every year to rest and enjoy the mild climate. However, human development has seriously damaged or even removed their fragile overwintering habitats, which they need to survive harsh winter conditions. Loss of these sites, combined with the constant threat of climate change, has led to a 95% decline in the western monarch butterfly population since the 1980s. As a result, this population is at a serious risk of collapse. As stewards of our natural world, we need to ensure that these sites remain safe and available for the monarchs so that they can have a chance at recovering.”

2. More regs? State agencies must generally follow the state’s Administrative Procedures Act (APA) when adopting regulations. Under the APA, regulations are broadly defined to include any rule or standard of general application. AB 2254 directs the CDFW to develop a guidance

on model policies, including an ordinance, for protecting monarch butterflies’ overwintering habitats that local agencies must then use when updating their LCP’s. Because using this ordinance would be mandatory on the cities and counties located along the coast, the model ordinance developed by AB 2254 may be considered a regulation. As a result, if the Department of Fish and Wildlife does not follow the APA when developing the ordinance, it could be an underground regulation developed in violation of the APA. Previous bills have avoided this dilemma by requiring local agencies to adopt their own model ordinance and having state agencies to develop model ordinance that local agencies can choose to use to meet the guidance requirement. This approach has a benefit of ensuring local input to the development of the policies protecting the monarch butterflies’ overwintering sites. Alternatively, requiring local governments to consider adopting the model policy will ensure local governments can shape those policies to their local needs. This helps ensure that the policies local governments will have to adopt reflect local conditions. The Committee may wish to consider incorporating local input either through the APA or by requiring local governments to *consider* adopting the model policies developed by CDFW.

3. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because AB 2254 imposes new duties on local governments with the adoption of new policies, Legislative Counsel says it imposes a new state mandate. The measure states that if the Commission on State Mandates determines that the bill imposes a reimbursable mandate, then reimbursement must be made pursuant to existing statutory provisions.

4. Incoming! The Senate Rules Committee has ordered a double referral of AB 2254: first to the Committee on Natural Resources and Water, which approved AB 2254 at its June 23rd hearing on a vote of 7-0, and second to the Committee on Local Government. At its hearing, the Committee on Natural Resources and Water approved the measure with committee amendments to:

- Extend the deadline for when CDFW needs to complete the guidance on model policies from July 1, 2028 to July 1, 2029; and
- Require local governments to implement the model policies by July 1, 2031.

Assembly Actions

Assembly Natural Resources Committee:	10-3
Assembly Water, Parks and Wildlife Committee:	10-2
Assembly Appropriations Committee:	11-3
Assembly Floor:	74-1

Support and Opposition (6/26/26)

Support: The Xerces Society for Invertebrate Conservation (Sponsor)
 American Bird Conservancy
 California State Parks Foundation
 Center for Biological Diversity
 Center for Food Safety
 Central Coast State Parks Association
 City of Del Rey Oaks

City of Livermore
City of Pacific Grove
City of San Diego
City of Ventura
Council President Joe Lacava's Office
Defenders of Wildlife
Midpeninsula Regional Open Space District
Monarch Joint Venture
National Wildlife Federation
Natural Resources Defense Council (NRDC)
Pacific Grove Museum of Natural History
Planning and Conservation League
Rainforest Rising, INC.
River Partners
San Diego Zoo Wildlife Alliance
Santa Barbara Zoo
Sempervirens Fund
Sierra Club California
Valley Eco
Wild Farm Alliance

Opposition: None Submitted

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