

**ASSEMBLY BILL**

**No. 576**

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**Introduced by Assembly Members Carter, Bass, Davis, Dymally,  
Price, Richardson, and Swanson**

(Principal coauthors: Senators Florez, Ridley-Thomas, and Vincent)

**(Coauthors: Assembly Members Parra and Portantino)**

February 21, 2007

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An act to add Section 5001.67 to the Public Resources Code, relating to state parks, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 576, as introduced, Carter. Colonel Allensworth State Historic Park: proximity to animal feeding operations.

Existing law, provides for a state park system of which the Colonel Allensworth State Historic Park in Tulare County is a unit.

This bill would prohibit a person from operating an animal feeding operation, as defined, or concentrated animal feeding operation, as defined, within 5 miles of the boundary of Colonel Allensworth State Historic Park in Tulare County.

The bill would make legislative findings as to the necessity of a special statute.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares all of the  
2 following:

3     (a) It is important that the state's natural resources, including  
4 state parks and other places of ecological, cultural, and historical  
5 significance, be protected.

6     (b) The location of an animal feeding operation or concentrated  
7 animal feeding operation in proximity to a state park presents a  
8 danger to the public health and safety, because of the potential  
9 harm to groundwater and the creation of a nuisance from the  
10 resulting stench and insects.

11     (c) The planned location of animal feeding operations or  
12 concentrated animal feedings operation in proximity to Colonel  
13 Allensworth State Historic Park in Tulare County present an  
14 incompatible land use. These facilities would be directly adjacent  
15 to the Department of Parks and Recreation's Allensworth  
16 Ecological Reserve and associated mitigation parcels, and just  
17 south of the Pixley National Wildlife Refuge. The facilities are  
18 likely to take state and federally listed species of special concern  
19 and concern. There is likely to be degradation of groundwater that  
20 may be hydrologically and hydraulically connected to surface  
21 waters, wetlands, or riparian habitat, due to the very shallow first  
22 encounter groundwater and the salts, nitrates, and other constituents  
23 of concern of the over 16,000 dairy cows.

24     SEC. 2. Section 5001.67 is added to the Public Resources Code,  
25 to read:

26     5001.67. (a) For purposes of this section, the following  
27 definitions apply:

28     (1) "Animal feeding operation" means the same as defined in  
29 Section 122.23(b)(1) of Title 40 of the Code of Federal  
30 Regulations.

31     (2) "Concentrated animal feeding operation" means the same  
32 as defined in Section 122.23(b)(2) of Title 40 of the Code of  
33 Federal Regulations.

34     (b) A person shall not operate an animal feeding operation or  
35 concentrated animal feeding operation within five miles of the  
36 boundary of Colonel Allensworth State Historic Park in Tulare  
37 County.

1 SEC. 3. This act is an urgency statute necessary for the  
2 immediate preservation of the public peace, health, or safety within  
3 the meaning of Article IV of the Constitution and shall go into  
4 immediate effect. The facts constituting the necessity are:

5 In order to prevent a danger to the public health and safety and  
6 abate the creation of a nuisance from the location of animal feeding  
7 operations or concentrated animal feeding operations in proximity  
8 to the boundary of Colonel Allensworth State Historical Park in  
9 Tulare County as soon as possible, it is necessary that this act take  
10 effect immediately.

11 SEC. 4. The Legislature finds and declares that a special law  
12 is necessary and that a general law cannot be made applicable  
13 within the meaning of Section 16 of Article IV of the California  
14 Constitution as a result of the planned location of confined animal  
15 facilities within proximity to Colonel Allensworth State Historic  
16 Park in Tulare County.