

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1333

Introduced by Assembly Member Achadjian

February 18, 2011

An act to amend Sections 5002.2, 5019.53, 5080.31, and 5080.32 of the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1333, as amended, Achadjian. State parks: ~~local authorities.~~

(1) *Under existing law, the Department of Parks and Recreation administers the state park system. Existing law requires, following classification or reclassification of a unit by the State Park and Recreation Commission, and prior to the development of any new facilities in any previously classified unit, the department to prepare a general plan or revise any existing plan for the unit.*

This bill would revise the department's responsibilities regarding the preparation and revision of the general plan.

(2) *Existing law requires that the purpose of state parks be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of ecological regions of California. Each state park is required to be managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the park was established.*

This bill would delete those requirements.

(3) *Existing law requires the general plan, for a unit of the state park system that is the subject of an operating agreement between the department and another public agency for the care, maintenance,*

administration, and control of lands under the jurisdiction of any party to the agreement for the purpose of the state park system, to specifically evaluate and define the manner in which the unit is proposed to be operated. The general plan is required to be reviewed by the commission for a determination that the unit will be operated in a manner that generally meets the standards followed by the department in its operation of similar units, that enhances the general public use and enjoyment of, and recreational and educational experiences at, the unit, and that provides for the satisfactory management of park resources.

Revenues, received from lands subject to operating agreements entered into, renewed, or renegotiated on and after October 1, 1994, in excess of the cost, maintenance, operation, administration, improvement, or development of those lands, as determined by the department, are required to be available to the department, upon appropriation by the Legislature in the annual Budget Act, for expenditure for support of the department.

This bill would delete those requirements.

~~Under existing law, the Department of Parks and Recreation has control of the state park system. Existing law authorizes the department to enter into agreements with an agency of the United States, a city, county, district, or other public agency, for the care, maintenance, administration, and control of state park lands that are under the jurisdiction of a party to the agreement for purposes of the state park system.~~

~~This bill would provide that it is the intent of the Legislature to enact legislation that would require the state to give a right of first refusal to a local authority with a state park in its jurisdiction, to purchase the park or enter into an operating agreement for the operation of the park in the event that the park is subject to closure pursuant to the annual Budget Act.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 5002.2 of the Public Resources Code is
- 2 amended to read:
- 3 5002.2. (a) (1) Following classification or reclassification of
- 4 a unit by the State Park and Recreation Commission, and prior to
- 5 the development of any new facilities in any previously classified

1 unit, the department shall prepare a general plan or revise any
2 existing plan, as the case may be, for the unit.

3 ~~The~~

4 (2) *The* general plan shall consist of elements that will evaluate
5 and define the proposed land uses, facilities, concessions, operation
6 of the unit, any environmental impacts, and the management of
7 resources, and shall serve as a guide for the future development,
8 management, and operation of the unit.

9 ~~The~~

10 (3) *The* general plan constitutes a report on a project for the
11 purposes of Section 21100. The general plan for a unit shall be
12 submitted by the department to the State Park and Recreation
13 Commission for approval.

14 (b) The resource element of the general plan shall evaluate the
15 unit as a constituent of an ecological region and as a distinct
16 ecological entity, based upon historical and ecological research of
17 plant-animal and soil-geological relationships and shall contain a
18 declaration of purpose, setting forth specific long-range
19 management objectives for the unit consistent with the unit's
20 classification pursuant to Article 1.7 (commencing with Section
21 5019.50), and a declaration of resource management policy, ~~setting~~
22 ~~forth the precise actions and limitations required for the~~
23 ~~achievement of the objectives established in the declaration of~~
24 ~~purpose.~~

25 (c) Notwithstanding the requirements of subdivision (a), the
26 department is not required to prepare a general plan for a unit that
27 has no general plan or to revise an existing plan, as the case may
28 be, if the only development contemplated by the department
29 consists of the repair, replacement, or rehabilitation of an existing
30 facility; the construction of a temporary facility, so long as such
31 construction does not result in the permanent commitment of a
32 resource of the unit; any undertaking necessary for the protection
33 of public health or safety; or any emergency measure necessary
34 for the immediate protection of natural or cultural resources; or
35 any combination thereof at a single unit. Any development is
36 subject to the requirements of the California Environmental Quality
37 Act (Division 13 (commencing with Section 21000)).

38 (d) Any general plan approved prior to July 1, 1972, may be
39 used as the basis for development if the director finds that there
40 has been no significant change in the resources of the unit since

1 approval of the plan and that the plan is compatible with current
2 policies governing development of the unit and the classification
3 of the unit.

4 ~~(e) Consistent with good planning and sound resource~~
5 ~~management, the department shall, in discharging its~~
6 ~~responsibilities under this section, attempt to make units of the~~
7 ~~state park system accessible and usable by the general public at~~
8 ~~the earliest opportunity.~~

9 (f)

10 (e) The department may prepare a general plan ~~which that~~
11 includes more than one unit of the state park system for units ~~which~~
12 ~~that~~ are in close proximity to one another and ~~which that~~ have
13 similar resources and recreational opportunities if that action will
14 facilitate the protection of public resources and public access to
15 units of the state park system.

16 *SEC. 2. Section 5019.53 of the Public Resources Code is*
17 *amended to read:*

18 ~~5019.53. State parks consist of relatively spacious areas of~~
19 ~~outstanding scenic or natural character, oftentimes also containing~~
20 ~~significant historical, archaeological, ecological, geological, or~~
21 ~~other similar values. The purpose of state parks shall be to preserve~~
22 ~~outstanding natural, scenic, and cultural values, indigenous aquatic~~
23 ~~and terrestrial fauna and flora, and the most significant examples~~
24 ~~of ecological regions of California, such as the Sierra Nevada,~~
25 ~~northeast volcanic, great valley, coastal strip, Klamath-Siskiyou~~
26 ~~Mountains, southwest mountains and valleys, redwoods, foothills~~
27 ~~and low coastal mountains, and desert and desert mountains.~~

28 Each state park shall be managed as a composite whole in order
29 to restore, protect, and maintain its native environmental complexes
30 to the extent compatible with the primary purpose for which the
31 park was established.

32 **Improvements**

33 *5019.53. (a) Improvements* undertaken within state parks shall
34 be for the purpose of making the areas available for public
35 enjoyment and education in a manner consistent with the
36 preservation of natural, scenic, cultural, and ecological values for
37 present and future generations. Improvements may be undertaken
38 to provide for recreational activities including, but not limited to,
39 camping, picnicking, sightseeing, nature study, hiking, and
40 horseback riding, so long as those improvements involve no major

1 modification of lands, forests, or waters. Improvements that do
2 not directly enhance the public's enjoyment of the natural, scenic,
3 cultural, or ecological values of the resource, which are attractions
4 in themselves, or which are otherwise available to the public within
5 a reasonable distance outside the park, shall not be undertaken
6 within state parks.

7 **State**

8 (b) *State* parks may be established in the terrestrial or nonmarine
9 aquatic (lake or stream) environments of the state.

10 *SEC. 3. Section 5080.31 of the Public Resources Code is*
11 *amended to read:*

12 ~~5080.31. (a) The general plan for a unit of the state park system~~
13 ~~that is the subject of an agreement entered into pursuant to this~~
14 ~~article shall, in addition to the requirements set forth in Section~~
15 ~~5002.2, specifically evaluate and define the manner in which the~~
16 ~~unit is proposed to be operated. The general plan shall be reviewed~~
17 ~~by the commission for a determination that the unit will be operated~~
18 ~~in a manner that generally meets the standards followed by the~~
19 ~~department in its operation of similar units, that enhances the~~
20 ~~general public use and enjoyment of, and recreational and~~
21 ~~educational experiences at, the unit, and that provides for the~~
22 ~~satisfactory management of park resources.~~

23 ~~(b) The~~

24 *5080.31. The general plan for a unit that is the subject of an*
25 *agreement entered into pursuant to this article may be prepared*
26 *either by the department or by the public agency that is to operate*
27 *the unit pursuant to the agreement.*

28 *SEC. 4. Section 5080.32 of the Public Resources Code is*
29 *amended to read:*

30 5080.32. (a) Except as provided in subdivision (b), revenues
31 received from lands subject to an operating agreement entered into
32 pursuant to this article shall be available to the department only
33 for the care, maintenance, operation, administration, improvement,
34 or development of the unit of the state park system in which the
35 lands from which the revenues were derived are located and any
36 recreational trail providing access to those lands.

37 (b) ~~(1)~~ As to operating agreements that are in force on
38 September 30, 1994, if a local agency operates more than one unit
39 of the state park system under the operating agreement, revenues
40 received in excess of the *costs incurred for the care, maintenance,*

1 operation, administration, improvement, or development of one
2 unit may be utilized for those purposes at other units of the state
3 park system operated by the local agency.

4 ~~(2) As to operating agreements entered into, renewed, or~~
5 ~~renegotiated on and after October 1, 1994, revenues received from~~
6 ~~lands subject to an operating agreement in excess of the cost,~~
7 ~~maintenance, operation, administration, improvement, or~~
8 ~~development of those lands, as determined by the department, shall~~
9 ~~be available to the department, upon appropriation by the~~
10 ~~Legislature in the Budget Act, for expenditure for support of the~~
11 ~~department.~~

12 ~~SECTION 1. It is the intent of the Legislature to enact~~
13 ~~legislation that would require the state to give a right of first refusal~~
14 ~~to a local authority with a state park in its jurisdiction, to purchase~~
15 ~~the park or enter into an operating agreement for the operation of~~
16 ~~the park in the event that the park is subject to closure pursuant to~~
17 ~~the annual Budget Act.~~