

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2549

Introduced by Committee on Water, Parks, and Wildlife (Assembly Members Levine (Chair), Bigelow (Vice Chair), Dodd, ~~Cristina Garcia~~, *Cristina Garcia*, Gomez, Harper, Lopez, Medina, Salas, and Williams)

February 19, 2016

An act to amend Sections ~~5003.17 and 5080.40~~ *5002.2 and 5080.31* of the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as amended, Committee on Water, Parks, and Wildlife. State park system.

Existing law requires that, following classification or reclassification of a unit of the state park system by the State Park and Recreation Commission, and prior to the development of any new facilities in any previously classified unit, the Department of Parks and Recreation prepare a general plan or revise any existing plan for the unit in accordance with prescribed procedures.

This bill would require the department, in consultation with the commission, by July 1, 2017, to provide the Legislature with specified recommendations for improving the state park planning and approval process, as prescribed.

Existing law requires that a general plan for a unit of the state park system that is the subject of an operating agreement specifically evaluate and define the manner in which the unit is proposed to be operated and requires that the general plan 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, as specified.

This bill would instead require that an operating agreement for operation of an entire park unit be consistent with the general plan for that unit of the park, if such a plan exists. The bill would require that the proposed operating agreement and general plan be reviewed by the commission for a determination that the unit will be operated in a manner that is consistent with the general plan and that generally meets standards followed by the department in its operation of similar units.

~~Existing law authorizes the Department of Parks and Recreation to lease, for any use, all or any portion of any parcel of real property for state park system purposes if the Director of Parks and Recreation makes certain findings, and prohibits, among other terms and conditions, any such lease from extending beyond a 10-year period unless the Legislature or the State Public Works Board reviews and approves the proposed lease, as provided. Existing law also prohibits the department from entering into an operating lease or agreement or amendment with any public agency for the care, maintenance, administration, and control of certain lands for the state park system unless either the Legislature or the State Public Works Board reviews the lease, agreement, or amendment, as specified.~~

~~This bill would, in those circumstances, instead require the director to provide at least 30 days' advance written notice of the proposed lease, operating lease, agreement, or amendment, along with specified documentation, to the appropriate policy and fiscal committees of the Legislature and to the Joint Legislative Budget Committee.~~

Vote: majority. Appropriation: no. Fiscal committee: 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
- 6 unit, the department shall prepare a general plan or revise any
- 7 existing plan, for the unit.
- 8 (2) The general plan shall consist of elements that will evaluate
- 9 and define the proposed land uses, facilities, concessions, operation

1 of the unit, any environmental impacts, and the management of
2 resources, and shall serve as a guide for the future development,
3 management, and operation of the unit.

4 (3) The general plan constitutes a report on a project for the
5 purposes of Section 21100. The general plan for a unit shall be
6 submitted by the department to the State Park and Recreation
7 Commission for approval.

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

19 (c) Notwithstanding subdivision (a), the department is not
20 required to prepare a general plan for a unit that has no general
21 plan or to revise an existing plan if the only development
22 contemplated by the department consists of the repair, replacement,
23 or rehabilitation of an existing facility; the construction of a
24 temporary facility, if the construction does not result in the
25 permanent commitment of a resource of the unit; any undertaking
26 necessary for the protection of public health or safety; or any
27 emergency measure necessary for the immediate protection of
28 natural or cultural resources; or any combination of these activities
29 at a single unit. Any development is subject to the requirements
30 of the California Environmental Quality Act (Division 13
31 (commencing with Section 21000)).

32 (d) Notwithstanding subdivision (a), the department is not
33 required to prepare a general plan or revise an existing plan for a
34 unit to which new development is necessary to comply with public
35 service delivery obligations, operational or code compliance
36 upgrades, or resource preservation requirements that are compatible
37 with the classification of the unit. The department may instead
38 prepare a management or development plan with appropriate
39 environmental review and analysis.

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

6 (f) The department may prepare a general plan that includes
 7 more than one unit of the state park system for units that are in
 8 close proximity to one another and that have similar resources and
 9 recreational opportunities if that action will facilitate the protection
 10 of public resources and public access to units of the state park
 11 system.

12 (g) *The department, in consultation with the State Park and
 13 Recreation Commission, by July 1, 2017, shall provide the
 14 Legislature with recommendations for improving the state park
 15 planning and approval process that will do all of the following:*

16 (1) *Provide for more efficient and cost-effective development,
 17 approval, and timely updates of park unit general plans, including
 18 through the use of multi-unit general plans where appropriate.*

19 (2) *Facilitate clear guidance for management direction of the
 20 relevant park units.*

21 (3) *Provide for meaningful public participation in the
 22 development and update of park general plans and related planning
 23 documents.*

24 (4) *Reduce redundant reviews carried out pursuant to the
 25 California Environmental Quality Act (Division 13 (commencing
 26 with Section 21000)) and other applicable statutes.*

27 (5) *Enable the department to substantially reduce, by 2020, the
 28 current backlog of plans to be developed for parks that currently
 29 lack a general plan or that have an existing plan that is more than
 30 15 years old and requires significant revision to address pressing
 31 public access and resource management issues.*

32 *SEC. 2. Section 5080.31 of the Public Resources Code is
 33 amended to read:*

34 5080.31. (a) ~~The general plan for a unit of the state park system
 35 that is the subject of an An operating agreement for the operation
 36 of an entire park that is entered into pursuant to this article shall,
 37 in addition to the requirements set forth in Section 5002.2,
 38 specifically evaluate and define the manner in which the unit is
 39 proposed to be operated.~~ *shall be consistent with the general plan
 40 for that unit of the park system, if such a plan exists. The proposed*

1 *operating agreement and* general plan shall be reviewed by the
2 commission for a determination that the unit will be operated in a
3 manner that *is consistent with the general plan and* generally meets
4 the standards followed by the department in its operation of similar
5 units, that enhances the general public use and enjoyment of, and
6 recreational and educational experiences at, the unit, and that
7 provides for the satisfactory management of park resources.

8 (b) The general plan for a unit that is the subject of an agreement
9 entered into pursuant to this article may be prepared either by the
10 department or by the public agency that is to operate the unit
11 pursuant to the agreement.

12 ~~SECTION 1. Section 5003.17 of the Public Resources Code~~
13 ~~is amended to read:~~

14 ~~5003.17. (a) The department may lease, for any use, all or any~~
15 ~~portion of any parcel of real property acquired for state park system~~
16 ~~purposes, if the director finds that the use would be compatible~~
17 ~~with the use of the real property as a unit or part of a unit and with~~
18 ~~the sound management and conservation of resources within the~~
19 ~~unit.~~

20 ~~(b) Rent shall be based on the fair market value of the property~~
21 ~~when used for the purpose for which it is leased. All rent shall be~~
22 ~~deposited pursuant to Section 5010.~~

23 ~~(c) The lease term shall not exceed 10 years. All leases are~~
24 ~~subject to the approval of the Department of General Services.~~

25 ~~(d) No lease shall be entered into that extends beyond the~~
26 ~~10-year period unless both of the following occur:~~

27 ~~(1) At least 30 days' advance written notice of the proposed~~
28 ~~lease, including a copy of the proposed lease, has been provided~~
29 ~~by the director to the appropriate policy and fiscal committees of~~
30 ~~the Legislature and the Joint Legislative Budget Committee.~~

31 ~~(2) The director includes with the proposed lease sufficient~~
32 ~~documentation to enable the Joint Legislative Budget Committee,~~
33 ~~and the other committees, to determine whether the lease will~~
34 ~~conform to the requirements of this article and to evaluate fully~~
35 ~~all terms upon which the lease is proposed to be let, including the~~
36 ~~rent and other returns anticipated to be received.~~

37 ~~SEC. 2. Section 5080.40 of the Public Resources Code is~~
38 ~~amended to read:~~

39 ~~5080.40. (a) No operating lease or agreement shall be entered~~
40 ~~into, or amended, pursuant to this article unless at least 30 days'~~

1 advance written notice of the proposed operating lease or agreement
2 or amendment, including a copy of the proposed lease or agreement
3 or amendment, has been provided by the director to the appropriate
4 policy and fiscal committees of the Legislature and the Joint
5 Legislative Budget Committee.

6 ~~(b) The director shall include with the proposed lease or~~
7 ~~agreement or amendment sufficient documentation to enable the~~
8 ~~Joint Legislative Budget Committee, and the other committees, to~~
9 ~~evaluate fully the estimated operating costs and revenues and all~~
10 ~~terms upon which the lease or agreement or amendment is proposed~~
11 ~~to be entered into. Specifically, the documentation shall identify~~
12 ~~both of the following:~~

13 ~~(1) Any anticipated costs to the state for operation or~~
14 ~~development under the lease or agreement or amendment and the~~
15 ~~anticipated state share of total operation and development costs.~~

16 ~~(2) The anticipated annual revenues, net of operation costs, for~~
17 ~~the unit and the state's share of these revenues.~~

18 ~~(c) Leases or agreements shall be exempt from subdivisions (a)~~
19 ~~and (b) when all of the following conditions exist:~~

20 ~~(1) The lease or agreement involves operation of only a portion~~
21 ~~of a unit of the state park system.~~

22 ~~(2) The term of the lease or agreement is for a period of 20 years~~
23 ~~or less.~~

24 ~~(3) The lease's or agreement's impact to the unit, including~~
25 ~~concessions revenue, will not exceed five hundred thousand dollars~~
26 ~~(\$500,000) in annual gross revenue generated on the property.~~

27 ~~(4) The lease or agreement involves no significant change in~~
28 ~~state operational funding or staffing levels, and does not include~~
29 ~~present or future state expenditures for development of the unit.~~

30 ~~(d) Amendments to existing leases or agreements shall be~~
31 ~~exempt from subdivisions (a) and (b) when all of the following~~
32 ~~conditions exist:~~

33 ~~(1) The amendment involves operation of only a portion of a~~
34 ~~unit of the state park system.~~

35 ~~(2) The amendment's impact to the unit will not exceed five~~
36 ~~hundred thousand dollars (\$500,000) in annual gross revenue~~
37 ~~generated on the property.~~

- 1 ~~(3) The amendment involves no significant change in state~~
- 2 ~~operational funding or staffing levels, and does not include present~~
- 3 ~~or future state expenditures for development of the unit.~~

O