




**EAST BAY REGIONAL PARK DISTRICT
LEGISLATIVE COMMITTEE
AGENDA STAFF REPORT**

DATE	March 13, 2024
TITLE	Recommendation to Sponsor AB 2091 (Grayson D-Concord) Existing Trails for Nature Access
DIVISION	General Manager's Office
FROM	Erich Pfuehler, Chief of Government and Legislative Affairs Dr. Ana Alvarez, Deputy General Manager
APPROVED	Sabrina Landreth, General Manager 

RECOMMENDATION

The General Manager recommends the Board of Directors authorize sponsorship of AB 2091 (Grayson D-Concord) Existing Trails for Nature Access.

BACKGROUND

The East Bay Regional Park District (Park District) is responsible for operating and managing over 125,000 acres of open space across Alameda and Contra Costa counties. The agency's mission is to preserve a rich heritage of natural and cultural resources and provide open space, parks, trails, safe and healthful recreation, and environmental education to the East Bay communities it serves. As part of its service delivery, the Park District is constantly evaluating and acquiring land that is appropriate to further its mission. Open space acquired by the Park District expands existing parks and supports habitat corridors and nature, while establishing accessible open space for its East Bay communities to receive the numerous benefits of time spent outside.

In August 2019, AB 782 (Berman) was signed into law and created a California Environmental Quality Act (CEQA) statutory exemption for the acquisition, sale, or other transfer of interest in land by a public agency for certain purposes, including preservation of open space or lands for park purposes. This statutory exemption, Public Resources Code Section 21080.28, has been useful to assist the Park District in expeditiously acquiring land to preserve as open space. However, following acquisition of land that is preserved as open space, opening the property up for public access has often been unnecessarily delayed due to CEQA, even when no significant capital improvements are required to create public access.

To address this gap, Assembly Member Timothy Grayson is authoring a bill on behalf of the Park District. AB 2091 – Existing Trails for Nature Access was introduced on February 5, 2023.

ANALYSIS

Generally, any discretionary action undertaken, supported, or authorized by a public agency that may cause a physical change to the environment is considered a project under the California Environmental Quality Act (CEQA). If the action is a "project" under CEQA, but not otherwise exempt, the public agency taking the discretionary action must prepare an initial study to determine whether it may adopt a negative declaration. If the initial study uncovers substantial evidence that a project may cause a significant environmental impact, the agency prepares a full environmental impact report.

While the statutory CEQA exemption provided via Public Resources Code Section 21080.28 (AB 782, Berman), has been useful for public agencies in expeditiously acquiring land to preserve as open space, additional consideration is needed for the process of opening property acquired for public access, which can often be unnecessarily delayed by project opponents through the CEQA process. Not only do these delays cost thousands of dollars, but more importantly, they deny the public access to nature acquired by public agencies.

To facilitate increasing and expediting public access to open space across the state, AB 2091 will exempt the opening of existing roads and trails for non-motorized use to the public on open space properties already owned and operated by an agency. This statutory exemption would allow public agencies to open these properties to the public by recognizing existing roads and disturbed areas as permissible trails and public access spaces without requiring further CEQA analysis.

FISCAL IMPACT

None. If successful, this legislation would likely result in cost savings for the Park District.

ATTACHMENTS

None.