

AMENDED IN ASSEMBLY MAY 7, 2008

AMENDED IN ASSEMBLY APRIL 22, 2008

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CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2923

Introduced by Assembly Member Evans
(Coauthors: Assembly Members Beall, Berg, and Laird)
(Coauthor: Senator Wiggins)

February 22, 2008

An act to amend ~~Section 5093.35~~ *Sections 5093.35 and 5093.39* of the Public Resources Code, relating to state lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 2923, as amended, Evans. State lands: wilderness areas.

The California Wilderness Act establishes a California wilderness preservation system composed of state-owned areas designated by the Legislature as wilderness areas and units of the state park system classified as state wildernesses by the State Park and Recreation Commission. The act requires the Secretary of the Resources Agency to review specified state-owned roadless areas under his or her jurisdiction as of January 1, 1975, and to report to the Legislature his or her recommendations as to the suitability or nonsuitability of each area for preservation as state wilderness. The act also requires the State Lands Commission to review specified state-owned roadless areas under its jurisdiction and to report to the Legislature its recommendations as to the suitability or nonsuitability of those areas for preservation as wilderness areas.

Under the act, the presence of privately owned areas within or contiguous to state-owned areas does not preclude the review of those state-owned areas for suitability or nonsuitability for preservation as state wilderness.

The act requires the secretary to report to the Governor and Legislature, on or before December 1, 1975, and each year thereafter, on the status of the California wilderness preservation system, including a list and descriptions of the wilderness areas within the system, guidelines and regulations in effect, and recommendations for additions to the system.

This bill would instead require the secretary to review state-owned roadless areas under his or her jurisdiction as of January 1, 2009, and would require the secretary and the State Lands Commission to prioritize reviews and reports as to the suitability or nonsuitability of specified areas for preservation as wilderness. The bill would include additional specified conditions that would not preclude the review of state-owned areas for suitability or nonsuitability for preservation as state wilderness. The bill would also authorize the State Lands Commission to enter into agreements with federal land management agencies to implement these provisions.

This bill would require that the report, due on or before December 1, 2009, from the secretary to the Governor and Legislature regarding the status of the California wilderness preservation system, include, in consultation with the State Lands Commission and the Department of Fish and Game, a schedule for the required review as to suitability or nonsuitability for preservation as state wilderness of identified state-owned roadless areas.

This bill would delete obsolete provisions.

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. This act shall be known and may be cited as the
- 2 California Wilderness Act of 2008.
- 3 SEC. 2. The Legislature hereby finds and declares all of the
- 4 following:
- 5 (a) The State of California manages thousands of acres of land
- 6 throughout the state.

1 (b) State lands are held and managed by the Department of Parks
2 and Recreation, the State Lands Commission, the Department of
3 Fish and Game, and other state agencies.

4 (c) Some state-owned lands that have been affected primarily
5 by the forces of nature provide outstanding opportunities for
6 solitude or primitive and unconfined types of recreation and contain
7 ecological, geological, or other features of scientific, educational,
8 scenic, or historical value.

9 (d) The California Wilderness Act requires the Secretary of the
10 Resources Agency and the State Lands Commission to review
11 certain state-owned areas and report to the Legislature their
12 recommendations as to the suitability of each of those areas for
13 preservation as state wilderness.

14 (e) State agencies currently manage thousands of acres of
15 potentially suitable land that has not been reviewed for wilderness
16 suitability.

17 SEC. 3. Section 5093.35 of the Public Resources Code is
18 amended to read:

19 5093.35. (a) The secretary, in cooperation with each
20 department within the Resources Agency, shall review state-owned
21 roadless areas under his or her jurisdiction as of January 1, 2009,
22 including, but not limited to, lands within the state park system,
23 state forests, and fish and game refuges, reserves, sanctuaries, and
24 other areas designated for the protection of wildlife, but not
25 including tide and submerged lands lying below the mean high
26 tide line, and shall report to the Legislature his or her
27 recommendations as to the suitability or nonsuitability of each
28 area for preservation as state wilderness.

29 (b) The State Lands Commission shall review state-owned
30 roadless areas under its jurisdiction that have been identified as
31 possessing significant environmental values pursuant to Section
32 6370.2, and shall report to the Legislature its recommendations as
33 to the suitability or nonsuitability of each area for preservation as
34 wilderness.

35 (c) The secretary and the State Lands Commission shall
36 prioritize reviews and reports as to the suitability or nonsuitability
37 for preservation as wilderness for the following areas:

- 38 (1) Henry W. Coe State Park.
- 39 (2) Armstrong Redwoods State Natural Reserve.
- 40 (3) Austin Creek State Recreation Area.

- 1 (4) Robert Louis Stevenson State Park.
- 2 (5) Knoxville Wildlife Area.
- 3 (6) Cedar Roughs Wildlife Area.
- 4 (7) Lands under the jurisdiction of the Department of Fish and
- 5 Game that are within or adjacent to the following federal wilderness
- 6 areas:
- 7 (A) Cache Creek Wilderness.
- 8 (B) South Fork Eel Wilderness.
- 9 (C) Sanhedrin Wilderness.
- 10 (8) Lands under the jurisdiction of the State Lands Commission
- 11 that are within the following management units:
- 12 (A) Yolla Bolly-Middle Eel Wilderness.
- 13 (B) Cache Creek Wilderness.
- 14 (C) Yuki Wilderness.
- 15 (d) Additional reviews and reports as to suitability or
- 16 nonsuitability for preservation as wilderness shall be made by the
- 17 secretary and the State Lands Commission for the following areas:
- 18 (1) State-owned roadless areas under their respective
- 19 jurisdictions and within or contiguous to federal wilderness areas
- 20 designated by the Congress after January 1, 1975, within one year
- 21 after the designation.
- 22 (2) State-owned roadless areas under their respective
- 23 jurisdictions that are acquired after January 1, 1975, within three
- 24 years of the acquisition.
- 25 (e) The secretary and the State Lands Commission, prior to
- 26 submitting recommendations with respect to the suitability of an
- 27 area for preservation as a wilderness area, shall:
- 28 (1) Give public notice of the proposed action as deemed
- 29 appropriate, including publication in one or more newspapers of
- 30 general circulation in each county within which the affected area
- 31 is located, and mailed to every person who has filed a request for
- 32 notice of hearing. If the notice of hearing is published in a weekly
- 33 newspaper, it must appear therein on at least two different days of
- 34 publication, and, if in a newspaper published more often, there
- 35 must be at least five days from the first to the last day of
- 36 publication, both days included. The content of the notice of
- 37 hearing shall substantially comply with the requirements of Section
- 38 11346.5 of the Government Code.
- 39 (2) Hold a public hearing or hearings in the City of San Diego,
- 40 City of Los Angeles, City and County of San Francisco, or City

1 of Sacramento, whichever is closest to the area affected, not less
2 than 30 days, nor more than 60 days, after the last date of
3 publication of the notice. The hearing shall be conducted in the
4 manner specified in Section 11346.8 of the Government Code.

5 (3) Advise, at least 30 days before the date of a hearing, the
6 board of supervisors of each county where the lands are located,
7 and federal, state, and local agencies concerned, and invite those
8 officials and agencies to submit their views on the proposed action
9 at the hearing or within a specified period thereafter.

10 (f) A view submitted under subdivision (e) with respect to an
11 area shall be included with recommendations to the Legislature
12 with respect to that area.

13 (g) A modification or adjustment of boundaries of a wilderness
14 area designated by the Legislature shall be recommended to the
15 Legislature by the secretary or the State Lands Commission after
16 public notice of the proposal and public hearing or hearings as
17 provided in subdivision (e).

18 (h) Nothing contained in this section shall be construed to lessen
19 the present statutory authority of a state agency with respect to the
20 maintenance of roadless areas.

21 (i) The following conditions shall not preclude the review of
22 the state-owned areas as provided in this section:

23 (1) The presence of privately owned areas within or contiguous
24 to state-owned lands.

25 (2) Sights and sounds from activities occurring outside of the
26 state-owned lands.

27 (3) The existence of nonnative plants or animals.

28 (4) Ongoing or planned wildlife and vegetation management
29 activities that make use of motorized equipment.

30 (5) Evidence of past human use.

31 (j) The State Lands Commission may enter into agreements
32 with federal land management agencies to implement this section.

33 *SEC. 4. Section 5093.39 of the Public Resources Code is*
34 *amended to read:*

35 5093.39. (a) The secretary shall, ~~no later than December 1,~~
36 ~~1975, and~~ on or before December 1st of each year ~~thereafter~~, report
37 to the Governor and to the Legislature on the status of the system,
38 including a list and descriptions of the wilderness areas within the
39 system, guidelines and regulations in effect, and recommendations
40 for additions to the system.

1 ***(b) In the report due on or before December 1, 2009, the***
2 ***secretary, in consultation with the State Lands Commission and***
3 ***the Department of Fish and Game, shall include a schedule for***
4 ***the review, pursuant to subdivisions (a) and (b) of Section 5093.35,***
5 ***of state-owned roadless areas identified in subdivision (c) of***
6 ***Section 5093.35.***

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