

BILL: SB 679 (Wolk, D – Davis)
Introduced February 27, 2009

SUBJECT: Would prohibit any land within the state park system from being disposed of or used for purposes contrary to the intent of the state park unless there is legislative approval and identification of substitute land of equal value

STATUS: Pending Committee Assignment

SUMMARY AS OF APRIL 2, 2009:

SB 679 (Wolk, D – Davis) would prohibit any land acquired for the state park system with either public funds or by gift used to grow or maintain the state park system from being disposed of or used for purposes contrary to the intent of the state park unless express authority is granted by the Legislature and substitute land of equal value is identified. The substitute land must be equal in environmental value and fair market value, plus be of reasonably equivalent usefulness and location to those lands that are to be disposed or modified. Under current law the Department of Parks and Recreation (Department) is granted with the ability to grant permits or easements to public agencies for projects within state parks, and the State Park and Recreation Commission (Commission) is responsible for classifying state park units according to purpose and approves state park general plans. There is no existing requirement for providing substitute land, and instead, mitigation strategies for project development are created through the environmental review process, as well as when applying for applicable permits. Furthermore, under federal law, before the United States Department of Transportation can approve a project that goes through state park land, it must be proven that there is no prudent and feasible alternative, and that the project includes all possible planning to minimize impacts to the land and resources.

This bill is duplicative of the efforts under SB 372 (Kehoe, D-San Diego), from the current legislative session, to prevent development within state park lands, again as a direct result of longstanding efforts to prevent and derail the proposed 16-mile extension of the Foothill Transportation Corridor (State Route 241). Both bills are part of a pattern that has emerged over the last several legislative sessions to introduce legislation to stop the State Route 241 (SR-241) extension. Each of the five previous attempts has failed passage, with the Orange County Transportation Authority (OCTA) opposing each effort, emphasizing the need to follow the process outlined under current law, with its associated environmental and economic protections.

SB 679, similar to many of the past legislative proposals, seeks to vest additional authority with the Legislature to make land use decisions associated with state parks, thereby limiting traditional local land use and transportation planning authority. Furthermore, SB 679 adds an additional requirement of providing substitute land of equal value when a project is authorized. As seen with past proposals within state park land, stakeholders can be limited in their review of what is deemed an adequate substitution, often, like in the case of the SR-241, arguing that there is no possibility of

substitution. This requirement can thereby essentially create a moratorium on the building of projects through certain state park land where it is deemed that no substitute land of equal value exists. Instead, the current law which provides for extensive environmental review precautions, including the need to mitigate environmental harm, should be followed. Requiring the substitution of land could potentially prohibit local agencies from responding to the needs of the localities they serve.

EFFECTS ON ORANGE COUNTY:

SB 679 could impact both projects OCTA currently plans on implementing, and will limit options for future project planning. Like with past legislation, SB 679 will most immediately impact the proposed SR-241 extension by creating an additional hurdle the project must meet prior to moving forward due to its crossing of the San Onofre State Beach. The United States Navy leased the land that makes up the San Onofre State Beach to the state of California in 1971 for \$1, with the lease set to expire in 2021. This small exchange of funds will qualify the park for inclusion within SB 679's requirements at least until the lease expires. However, this process ignores express provisions contained within the current lease granting authority to the federal government to approve easements through the park.

The SR-241 is the final road segment of Orange County's planned 67-miled toll road system, chosen after nearly 40 different alternatives were considered over a 6 year process, with input from a variety of stakeholders including the United States Environmental Protection Agency, the United States Army Corps of Engineers, the California Department of Transportation. Although the December 18, 2008 decision by the United States of Commerce sustained the California Coastal Commission's denial of the chosen route of extension, local agencies continue to work together to determine how to best proceed. Because the SR-241 extension continues to be a part of the Southern California Association of Government's Regional Transportation Plan as a key component to achieving federal air quality conformity requirements, as well as various other long term plans, including the general plans of many cities, it is key to allow local authorities, in conjunction with applicable state agencies to work through this issue.

Beyond the extension of the SR-241, SB 679's requirements could prevent or delay plans to extend the Riverside Freeway (State Route 91) extension due to its proximity to the Chino Hills State Park, thereby potentially interfering with the authority granted under SB 1316 (Chapter 714, Statutes of 2008), to extend the 91 Express Lanes into Riverside County. In addition, SB 679 will limit future transportation planning options along the coast of Orange County on the Pacific Coast Highway (State Route 1). Overall, because of the difficulties associated with finding land the state will approve as an adequate substitution for existing state park land, it will be extremely difficult for OCTA to plan projects near such state parks as San Onofre State Beach and Chino Hills State Park, thereby creating difficulties in providing needed infrastructure.

OCTA POSITION:

Staff recommends: OPPOSE