
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Henry Stern, Chair

2019 - 2020 Regular

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Subject: Resource conservation: land and ocean conservation goals

BACKGROUND AND EXISTING LAW

Existing law:

- 1) Finds that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California. Declares that the protection and management of natural and working lands is an important strategy in meeting the state's greenhouse gas (GHG) emission reduction goals.
- 2) Encourages the voluntary conveyance of conservation easements to retain land predominantly in a natural, scenic, historical, agricultural, forested, or open-space condition. Establishes rules and requirements for conservation easements, establishes various conservation easement programs, and directs the California Natural Resources Agency (CNRA) to develop and maintain an easement database.
- 3) Requires, under the California Endangered Species Act (CESA), the protection of all native species threatened with extinction and their habitats. Directs the California Department of Fish and Wildlife (CDFW) to manage California's diverse fish, wildlife, and plant resources, as well as the habitats upon which they depend. Authorizes the Wildlife Conservation Board (WCB) to fund land acquisitions for areas that are most essential and suitable for wildlife preservation, and for fishing and hunting.
- 4) Establishes the state park system and requires the Department of Parks and Recreation (DPR) to manage this system for the benefit of the public and future generations. Requires DPR to establish a grant program for the most critically underserved communities to acquire and develop parks and recreation areas.
- 5) Pursuant to the California Constitution, protects coastal access, requires the provision of maximum access and recreational opportunities consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.
- 6) Establishes the Marine Life Protection Act, which directed the state to redesign California's system of marine protected areas (MPAs) to function as a network for multiple purposes. Establishes the Marine Life Management Act, which seeks to ensure the conservation, sustainable use, and, where feasible, restoration of the state's marine living resources.

Terrestrial and Freshwater Biodiversity. California is home to one of 25 global hotspots for conservation due to its remarkable biodiversity and significant threats to its habitats and endemic species. The state has the highest number of native and endemic plant species of any U.S. state and is recognized as one of 34 global hotspots for plant diversity. The state's natural and working lands provide habitat for approximately 650 bird species, 220 mammals, 100 reptiles, 75 amphibians, 70 freshwater fish, 100 marine fish and mammals, and 6,500 taxa of native plants. Climate change, land conversion, habitat fragmentation, invasive species, and pests threaten this biodiversity.

In 2018, the state launched the California Biodiversity Initiative, establishing multiple goals to secure the future of the state's biodiversity. This included a goal to secure all California ecosystem types under a framework that would be consistent with global commitments under The Convention on Biological Diversity, including to protect 20% of terrestrial, freshwater, coastal, and marine ecosystems. The 2018-19 budget included \$2.5 million to launch the Initiative. Implementation occurs alongside of and in coordination with other efforts, including the 2015 State Wildlife Action Plan, which details regional conservation strategies for the state's terrestrial, freshwater aquatic, and marine resources. Other state efforts to support and protect biodiversity include:

- Executive Order B-54-18, which directed CDFW and the California Department of Food and Agriculture (CDFA) to partner in protecting California's native vegetation and animals while restoring and protecting habitat
- The California Essential Habitat Connectivity Project, which identified large blocks of remaining, intact habitat and natural landscapes, and modeled linkages between them that need to be maintained, particularly as wildlife corridors.
- The Natural Community Conservation Planning Program, which takes an ecosystem approach to planning for the protection and perpetuation of biological diversity. There are 14 approved Natural Community Conservation Plans and over 20 in various stages of planning that will cover over 7 million acres and nearly 400 special status species.
- The Regional Conservation Investment Strategies Program, which encourages a voluntary, non-regulatory regional planning process. This program includes regional conservation assessments, regional conservation investment strategies, and mitigation credit agreements.
- The California Biodiversity Council, which seeks to improve coordination and cooperation between the various resource management and environmental protection organizations at federal, state, and local levels.

Ocean and Coastal Biodiversity. California is home to one of the most diverse coastal and ocean ecosystems in the world. Yet, climate change and other stressors threaten these ecosystems. Warmer water temperatures, disease, invasive species, and the collapse of sea star populations has placed California's North Coast kelp forests in a state of emergency, with South Coast kelp struggling, as well. Ocean acidification and hypoxia impede biomass production and impact species composition. Other stressors, like pollution and habitat loss, further exacerbate the situation. The state has already lost around 90% of its coastal wetlands due primarily to habitat destruction.

California has taken various actions to protect the state's ocean and coastal resources. In 2012, the state completed a science-based, stakeholder-driven process to designate

124 MPAs that cover 16% of state waters. The network provides varying levels of protection, with some reserves prohibiting all “take.” Recently, the Ocean Protection Council (OPC) adopted the 2020-2025 Strategic Plan to Protect California’s Coast and Ocean, which noted the need to significantly increase and strengthen targets for marine protection, halt and reverse species decline, and revive ecosystem services. The plan adopted a goal to enhance coastal and marine biodiversity, including targets to (1) protect, restore, or create 10,000 acres of coastal wetlands by 2025, (2) increase the acreage of coastal wetlands in California by 20% by 2030 and 50% by 2040, and (3) preserve 15,000 acres of seagrass beds and create an additional 1,000 acres by 2025. OPC also intends to assess MPA performance and capacity to provide ecosystem resilience.

Global, National, and State Efforts. The scientific community has recently reached broad consensus that we are in the midst of a sixth mass extinction that, like climate change, is human-caused (discussed more below) and threatens humanity’s survival. Scientists have put forth a call to action to protect 50% of the earth’s ocean, land, and water resources by 2050 (also known as a “50 x 50” goal) with a corresponding “30 x 30” step goal to halt or reverse this crisis. World leaders plan to meet in China in 2021 at the Convention on Biological Diversity with the intention of adopting a 30 x 30 goal.

In the US, the House Select Committee on the Climate Crisis recently released a report recommending Congress establish a 30 x 30 goal for US lands and ocean areas, prioritizing lands and waters with high ecological, biodiversity, and carbon sequestration value. The report also recommends Congress develop and fund initiatives to ensure equitable access to natural spaces for individuals in environmental justice communities. Also, Representative Haaland (D-NM) and Senator Udall (D-NM) introduced separate resolutions urging Congress to establish national 30 x 30 goals for land and ocean areas. South Carolina’s Legislature is considering a 30 x 30 bill, as is Hawaii for its ocean resources.

PROPOSED LAW

This bill establishes new land, water, and ocean protection goals, including to protect 30% of the state’s land areas and water by 2030. Specifically, this bill:

- 1) Makes various findings and declarations, including that:
 - a) Access to public land, nature, and a healthy environment should be a right for all people, as specified.
 - b) California faces a biodiversity and climate crisis; climate change is accelerating the decline in nature; and nature, like the climate, is nearing a point of no return.
 - c) California has been a leader in conservation with exemplary programs and regulations that support and protect biodiversity.
 - d) To confront the biodiversity and climate crises, scientists recommend conserving roughly 50% of the planet and, to reach this goal, conserving and protecting at least 30% of land areas and waters and 30% of the ocean by 2030.
 - e) Implementation of the act shall be consistent with state housing and economic goals, includes promoting voluntary cooperation with private landowners, and is not intended to undermine the Fish and Game Commission’s authority.

- 2) Defines “protect” or “protection” to mean the establishment of enduring measures on land, water, and oceans that support thriving biodiversity, contribute to climate resilience, and provide ecosystem services, such that their natural character, resources, and functions are conserved, protected, restored, and enhanced for current and future generations.
- 3) Establishes the following goals to:
 - a) Protect at least 30% of California’s land areas and waters and to help advance the protection of 30% of the nation’s oceans by 2030, inclusive of existing protections afforded by state and federal laws and regulations.
 - b) Support regional, national, and international efforts to protect at least 30% of the world’s land areas and waters and 30% of the world’s ocean by 2030.
 - c) Improve access to nature for all people in the state to provide for recreational and educational opportunities, including wildlife-dependent recreational activities, as defined, with a specific emphasis on increasing access for communities of color and economically disadvantaged communities.
- 4) Provides that the state may achieve the protection goals through specified activities, including, among others:
 - a) Working with various entities, including willing private landowners, to conserve natural places and resources.
 - b) Improving access to nature for all, with a specific emphasis on communities of color and economically disadvantaged communities.
 - c) Enhancing climate resilience by protecting genetic diversity and sequestering GHG emissions through natural measures in the land, waters, and ocean.
 - d) Stabilizing and restoring ecosystems, and maintaining and enhancing ecological functions, as specified.
 - e) Protecting habitat for California species that cross the state’s borders and securing protections for habitat types that are underrepresented in protected areas.

ARGUMENTS IN SUPPORT

According to the author, “This landmark bill responds to the twin crises of biodiversity loss and climate change, and aims to increase equitable access to nature... Building on California’s past leadership, a statutory commitment from the state to help protect our natural resources in the next decade will help ensure that biodiversity can thrive, so that all Californians can enjoy the benefits that nature provides, and that wild areas can continue to enhance the strength and well-being of our state and the planet. With AB 3030, California will continue to lead by example by continuing to implement policies and support initiatives that we know can maintain and preserve California’s biodiversity.

Further, by adopting AB 3030, California will become the first state to officially embrace this goal, and can provide international leadership by setting an example for the rest of the country and the world when the United Nations meets at the Convention on Biological Diversity in early 2021 to consider whether to adopt a worldwide 30x30 goal.”

A coalition of organizations, mostly conservation focused, including the bill's sponsors, argue this bill comes at a critical time with nature in a state of crisis. There is an opportunity for coordinated global action, with scientists calling upon countries to protect at least half of the planet's natural areas by 2050 with a step goal of 30% by 2030. California already is a leader, with around 22% of its land area protected and a globally recognized network of MPAs covering roughly 16% of coastal state waters. With AB 3030, California can continue to lead, setting an example for the rest of the country and the world.

The League of Women Voters of California supports AB 3030 as a critical and concrete step forward, but realizes more legislation and regulations will be needed to realize the goals. Similarly, California Trout notes that this bill is a necessary first step towards developing and implementing strategies to natural resources and biodiversity for future generations.

350 Sacramento notes this bill is in line with the Wyss Campaign for Nature, the founder of which has argued that, 'We cannot stabilize the climate without increasing protections for nature around the world. In fact, the most cost-effective way to mitigate climate change is to protect more of the Earth's land and waters, especially carbon-rich ecosystems like forests, peatlands, and mangroves.'

ARGUMENTS IN OPPOSITION

A coalition of commercial fishing organizations, buyers, processors, and others from the state's fishing community are concerned with how the bill treats the fishing industry and the state and federal fishery management laws that govern it. Specifically, they argue that:

- While the bill does not overtly mandate new restrictions on access to commercial fisheries, it is a likely result. This could result in a conservation leakage effect, in which fish buyers would need to procure new supplies from fisheries outside of California's jurisdiction that have fewer protections. Closing fisheries could also have detrimental impacts on marine resources, especially if it results in decreased revenues for the state's conservation and management programs.
- The bill may be unnecessary since commercially harvested fish stocks off the coast are in robust shape and that the state's coastal fisheries are secure and protected by state and federal laws. Fisheries management off the U.S. West Coast is widely considered a world-wide model for how fisheries should be managed for sustainability and ecosystem function.
- The bill's goals for ocean areas are not based on any credible, peer-reviewed scientific information concerning the biology or ecology of the state's coastal ecosystems or fish species.
- The definition of "protection" is ambiguous, making it unclear what would and would not support achieving the bill's goals.

Coalitions of recreational hunting and fishing interests share many of the concerns raised by the commercial fishers, listed above, including as to the bill's impact on access. They note that unless the bill expressly acknowledges the extent and impacts of existing protections on lands and inland waters, unnecessary closures will likely result

for fishing and hunting. In addition, they argue that the bill reads like a resolution to support an international 30 x 30 framework, not a bill identifying specific threats to biodiversity or deficiencies in California's laws and policies with clear metrics and actionable items that are grounded in consensus and science. They seek amendments broadly supported by much of the opposition to clarify that well-managed, sustainable fishing with low ecological impacts is compatible with the bill's goals. They also seek recognition of the importance of recreational angling and hunting to California's environment in terms of funding, volunteer hours, and voluntary habitat restoration efforts on private lands.

A coalition of agricultural interests argues that the bill does not accommodate for the unique differences between natural and working lands and, if passed, would stymie the use of existing public and private policy mechanisms, like the Williamson Act, which further the ethic of farmland conservation. They also note the potential chilling effect the bill might have on conservation based on its definition of "protection" and raise concerns about the bill's implementation given that it does not identify a lead agency.

According to the California Building Industry Association, this bill would worsen the state's housing crisis by inserting an ambiguous goal into law without clarity for how it should influence housing and related permitting statewide. They argue the bill could result in more litigation, increase costs, delay construction for new housing and other important projects. They also argue that, with more than fifty percent of the state's land under federal, state, and Native American ownership and protection from development, the bill is unnecessary. Further restricting land without the consent of a willing landowner will drive up costs of future housing and lead to leapfrog development.

COMMENTS

We are in a biodiversity crisis. There is broad scientific consensus that we are in a sixth mass extinction, with extinction rates hundreds or thousands of times faster than what would naturally occur. A recent U.N. report estimates that a quarter of all species face extinction, many within decades. There is also broad consensus that, similar to climate change, this is human-caused and represents an existential threat to humanity. Every time a species or population vanishes, the associated ecosystem's capacity to function and provide services upon which we depend erodes. These effects are expected to worsen over time as losses of functional units, redundancy, and genetic and cultural variability disrupt entire ecosystems.

How does this bill address the crisis? The bill adopts goals to, by 2030, protect at least 30% of California's land areas and waters, help advance the protection of 30% of the nation's oceans, and support efforts to protect at least 30% of the world's land and water areas, and ocean. The bill also identifies ways the state may achieve the goals, including by improving access to nature, enhancing climate resilience by protecting genetic diversity, and aligning the state's economic and purchasing power with efforts to protect ecosystems and threatened biodiversity, among others.

How does the bill define "protect" and how does this impact the baseline? It is a complicated task to determine how much of the state's land, water, and ocean resources are already protected, in part because there is no one uniform definition of "protection" in state law. These and similar terms can represent a sliding scale

depending on the types of restrictions and allowable uses, including the degree of human access. The Assembly Natural Resources Committee analysis reviewed this issue in detail, finding estimates for terrestrial protections ranging from 22% to 47% of the state with around 16% of the state's ocean waters conserved in 124 marine managed areas (including 119 MPAs and five state marine recreational management areas). GreenInfo Network, which operates the California Protected Areas Database, which is the source of the 47% protected areas figure, notes that land areas that qualify for inclusion within their database would not necessarily meet all of the standards in the bill's definition of "protection." In other words, use of that database may not be appropriate on its own for the purposes of calculating a baseline. On the marine side, some note that more than 30% of the state's ocean areas should be considered protected based on federal and state laws and regulations, like the Marine Life Management Act, that limit and manage commercial and recreational access to these waters to protect biodiversity.

Providing an appropriate definition for "protection" under a 30 x 30 goal is also a complicated task. The International Union for Conservation of Nature (IUCN) defines a "protected area" as a clearly defined geographical space, recognized, dedicated, and managed through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values. The IUCN further recognizes the following subcategories based on the protected area's management objectives: strict nature reserve, wilderness area, national park, national monument or feature, habitat/species management area, protected landscape or seascape, and protected areas with sustainable use of natural resources.

The Center for American Progress, a public policy research and advocacy organization, notes that under international and domestic standards, land and ocean areas must be permanently protected in a natural condition with extractive uses limited or prohibited to count as protected. This would include lands within federal and state park systems, as well as some lands under permanent conservation easements. However, the Center for American Progress also notes,

"For the purpose of measuring progress toward a 30X30 goal, however, this definition should be broadened to include other conservation tools and management structures that provide enduring—but not necessarily permanent protections, as well as areas where some sustainable and traditional land uses are still allowed."

The South Carolina Legislature has proposed a bill to establish a 30 x 30 goal that would define "protection" to mean the establishment of enduring conservation measures on lands and waters in the state, such that their natural character, resources, and functions are protected for current and future generations. This bill defines "protect" or "protection" to mean "the establishment of enduring measures on land, waters and oceans that support thriving biodiversity, contribute to climate resilience, and provide ecosystem services, such that their natural character, resources, and functions are conserved, protected, restored, and enhanced for current and future generations." Inclusive in the 30 x 30 goal, the bill also recognizes existing protections afforded by state and federal laws and regulations as part of the protection equation. It is not immediately clear, however, what baseline the definition would create.

How would the administration implement this bill? In some ways, the bill appears to be aspirational in that it does not provide much direction on how to achieve the goals. There are no responsible entities, planning requirements or processes, interim goals or targets, standards or metrics to measure progress, or defined opportunities for stakeholders or the public to influence the process. Little direction is given on how the state should prioritize areas for protection. The bill gives the administration broad authority to engage internationally with little guidance. While the goals are inclusive of existing federal and state laws and programs, it is not clear what this would mean in reality or how the bill's policies and priorities would relate to other federal and state policies and priorities. Also, the bill abdicates the Legislature's role once the goals are established by including no opportunities to provide oversight, review the administration's decisions and progress, or generally weigh in.

Essentially, this gives the administration sweeping authority to implement this bill according to its own process, timeline, and priorities with no transparency or accountability. Certainly, the Legislature could adopt the goals now and address these issues in future years, but it may lose some opportunities to shape outcomes in the process. Also, given the relatively short nine year time frame to reach the goal, a decision to delay a more defined process could negatively impact the state's capacity to achieve the goal.

What is the impact of the 30 x 30 protection goals? Given the aspirational nature of the bill, it is difficult to gauge its potential impact. While it is important for California to address the biodiversity crisis, it is unclear how much the adoption of these goals without clear direction, priorities, expectations, and a sustainable source of funding (discussed more below) would change the status quo. It could serve as a call to action to bring the various stakeholders together under a common banner to increase the pace and scale of conservation. On the other hand, given the bill's lack of detail, it could also set up some contentious fights in pursuit of new protections and, depending on how the administration interpreted or implemented the bill, maybe lead to litigation.

Supporters argue setting the 30 x 30 goals would help to attract more funding for conservation to California. They also argue it would give California greater influence at the 2021 U.N. Convention on Biological Diversity where countries are considering a global 30 x 30 goal. On a related note, they claim it would add to California's leadership on conservation by making it the first state to adopt such a policy, which could add support to other 30 x 30 efforts. Supporters also argue the bill would elevate the importance of conservation within state, regional, and local planning processes and decision-making around policies, funding, programs, and projects. Also, it is not inconsistent with the administration's natural resources priorities related to biodiversity and making access to nature and parks more equitable.

Opponents argue the bill's language is unclear and ambiguous and could negatively impact access and opportunities for recreational fishing and hunting, and commercial fishing. Specifically, from the perspective of commercial fishers, for example, the administration could interpret the findings and declarations to imply that existing marine protections are insufficient and, combined with the proposed definition of protection, require new limits or restrictions on, or outright closures of, existing fisheries to achieve the bill's goals.

While commercial fishers acknowledge the bill does not expressly mandate further restrictions on access, they contend it is a likely result if the bill became law. Setting a goal, for example, implies that more protections are needed to meet the goal and increased protections will need to come from somewhere. It is noteworthy that taking action to restrict access to commercial fisheries would require additional action beyond this bill, but some could use the bill in support of those actions.

Also, if the administration moved to impose further restrictions on commercial fisheries, to continue with this example, opponents argue fish buyers would meet demand from sources outside of California that do not have the same level of protections in place, creating a conservation leakage effect. Recreational fishers and hunters make similar arguments regarding this bill's impacts, expressing concern that their access ultimately would be curtailed. Further, these groups note that limiting access could impact revenues from hunting and fishing licenses that support CDFW, an agency that has lacked sufficient funding to meet all of its mandates.

The opposition also raises concerns over how the bill would impact other policies, programs, and plans. For example, if conflicts arise between policies established in this bill and policies established elsewhere, how would the administration manage those conflicts? For example, the US Fish and Wildlife Service requires the state to prepare a wildlife action plan every ten years. CDFW last updated this plan in 2015 following extensive engagement with the public. The plan provides a comprehensive, detailed, and actionable framework to address the state's wildlife, habitat, and biodiversity needs. It is unclear how CDFW would address potential conflicts, if they arose, between this bill and that plan. Potential conflicts might also arise with water policy, discussed more below.

Given the concerns raised above, if the bill moves forward, the Committee may wish to consider amending the bill to require the state to work with recreational and commercial interest when conserving natural places and resources (see Amendment 1) and to clarify how the bill relates to existing law and other conservation mechanisms (see Amendment 2).

How does the goal apply to freshwater in California? The bill adopts a goal to protect 30% of California's waters by 2030. It is not immediately clear what this means or what it would require, particularly in California where freshwater is held in trust by the state and not privately owned, and where water quality and beneficial uses are protected and regulated by federal and state laws. The Committee may wish to ask the author to address this and related questions, including:

- What would it mean to "protect" water?
- What is the baseline for "protecting" freshwater? How would the state establish a baseline?
- How would this goal relate to the Porter-Cologne Water Quality Control Act and the State Water Resources Control Board's authority to implement the Federal Clean Water Act? How would it relate to the mandates of the State Water Resources Control Board?

- How would this goal relate to the mandates of other agencies, like the State Lands Commission, that play a role in overseeing, protecting, and managing the state's freshwater resources?
- How would this goal impact water conveyance-related plans and decisions? For example, would a 30% protection goal that includes requirements for enduring measures, thriving biodiversity, climate resilience, and ecosystem services require 30% unimpaired flows to the Sacramento San Joaquin Delta watershed?

Recent amendments add a new goal to improve access to nature. The purpose of this new goal is to improve access for all people and to provide for recreational and educational opportunities, as specified, with a specific emphasis on increasing access for communities of color and economically disadvantaged communities. These amendments, in part, seek to address a recent report that compared satellite and census data to find that communities of color are three times more likely than white communities to live in “nature deprived” places, defined as an area that has a higher proportion of natural area lost to human activity, including urban sprawl. The report also found that 70% of low income communities live in nature deprived areas.

Adopting a goal, however, is only the first step in addressing the nature gap. The report, which recommends a national 30 x 30 goal, acknowledges this, noting:

“How much nature to protect—and how, where, and for whom—must honor and account for the perspectives of all people, including communities that are disproportionately affected by the degradation of natural systems; communities that do not have equal access to the outdoors; tribal nations whose sovereign rights over lands, waters, and wildlife should be upheld; environmental justice communities at the front lines of climate change; communities of color; and other historically marginalized populations.”

If the bill moves forward, the Committee may wish to consider amendments to ensure implementation of the bill equitably reflects the needs, visions, and priorities of communities of color, Native American tribes, and economically disadvantaged communities. (see Amendment 3)

How does the bill address tribal justice? The bill acknowledges that climate change will disproportionately impact certain communities, including indigenous populations, and recommends the state work with Native American tribes, among other entities, to conserve natural places and resources to achieve the protection goals. While important, this treatment in the bill does not adequately reflect the unique history, roles, sovereign rights, and needs of tribal nations as they relate to land ownership and use, and the conservation and management of California's natural resources in the larger context of a 30 x 30 protection goal. Native American tribes have a critical role to play in addressing the biodiversity and climate crises and must be included in solutions in a manner that reflects their sovereign status and values their priorities, perspectives, and approaches.

If the bill moves forward, the Committee may wish to consider amending the bill to address this, including by clarifying the Legislature's intention that the administration honor and uphold the sovereignty of tribal nations during implementation and help tribes fulfill their own priorities for the protection and stewardship of natural, cultural, and

historic resources (see Amendment 4 and components of Amendments 1 and 3). These and the other suggested amendments reflect recommendations from the California's Fourth Climate Change Assessment: Summary Report from Tribal and Indigenous Communities, as well as input from Native American tribes in California.

Where is the funding? The Assembly Appropriations analysis assumed costs in the range of several hundreds of millions of dollars or more. The analysis also assumed potential savings, unspecified in amount, from healthier ecosystems. The COVID-19 pandemic-induced recession has also placed the state's budget in the red. California faces a \$54 billion deficit this year and will likely continue to face substantial deficits in the near term. If the state commits to the proposed goals, it will need to identify significant new sources of funding.

Typically, the state has relied on bond funding to protect, conserve, restore, and enhance natural resources. While some existing bond funding remains, the Legislature was considering two new multi-billion dollar bond measures earlier this year to place on the November 2020 ballot. Those measures, however, are not moving forward. The Greenhouse Gas Reduction Fund has also provided substantial funding for these purposes, but the recession has severely curtailed new revenues to this fund and the general decline is projected to continue. It is unclear in the current climate how the state would fund the work and projects to meet the proposed goals.

Adopting the goals, however, may better position conservation entities to attract and secure non-state sources of funding, like the federal Land and Water Conservation Fund, which Congress recently permanently reauthorized under the Great American Outdoors Act with \$900 million set aside annually for conservation purposes. Supporters also argue the goals would similarly attract significant sources of philanthropic funding.

This issue is likely to be discussed more fully in the Senate Appropriations Committee.

Does this bill meet this year's unique urgency threshold? Given COVID-19 and the shortened legislative schedule, it is the Senate's intention to only hear bills that are urgent and/or address priorities related to the state's COVID-19 response, wildfire, and housing and homelessness. Supporters argue this bill is urgent because it could:

- Create new funding opportunities for conservation in California;
- Make California a leader in conservation at the national and international levels and add support to other 30 x 30 efforts;
- Support increased public access at a time when the pandemic is highlighting the importance of access to outdoor spaces and nature; and
- Elevate the importance of conservation in planning and decision-making.

While these are valuable potential outcomes, it is not clear that these reasons make the bill truly urgent this year. Also, the author draws a connection between the origins of COVID-19 in habitat loss and wildlife exploitation and the need to protect wildland areas. This connection has been widely noted by scientists, who recommend increased protections for natural areas and wildlife to help avoid future pandemics. As noted above, however, simply setting a goal does not guarantee a change to the status quo.

Therefore, it is not clear that the bill, in its current form, would tangibly improve the state's COVID-19 response.

Non-substantive amendments. If this bill moves forward, the Committee may wish to consider some minor and non-substantive amendments (see Amendment 5).

Related/Prior Legislation

AB 2954 (Robert Rivas, 2020) requires the Air Resources Board to establish a climate goal to reduce emissions from, and sequester carbon into, natural and working lands. This bill is in the Senate Environmental Quality Committee.

SB 1386 (Wolk, 2016) declared it to be the policy of the state that the protection and management of natural and working lands is an important strategy in meeting the state's GHG reduction goals.

AB 993 (Shelley, 1999) enacted the Marine Life Protection Act in order to establish coherent guidelines and purposes for California's MPAs.

SUGGESTED AMENDMENTS

AMENDMENT 1

In Section 2, amend paragraph (1) of subdivision (e) of Public Resources Code 9001.6, as follows:

- (1) Working with the federal government, local communities, Native American tribes and tribal entities, other countries, ~~and~~ willing private landowners, and recreational and commercial stakeholders to conserve natural places and resources.

AMENDMENT 2

In Section 2, add a new subdivision (g) to Public Resources Code section 9001.6, as follows:

- (g) This section shall not undermine, limit, contravene, or modify any other law or regulation in effect at the time this law is enacted.

AMENDMENT 3

In Section 1, amend subdivision (a), add a new subdivision (b), and re-letter accordingly, as follows:

- (a) Access to public land, nature, and a healthy environment should be a right for all people, including those that lack equitable access to these resources, as that access is essential to the health, well-being, identity, culture, and economic prosperity of California. Research shows that communities of color are three times more likely than white communities to live in nature deprived areas and that seventy percent of low-income communities live in nature deprived areas.

- (b) The California Natural Resources Agency has made environmental justice and tribal consultation a priority, including by adopting:

- (1) An environmental justice policy in 2003 which defines 'environmental justice', in accordance with Government Code Section 65040.12, as the fair treatment and

meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the planning, decision-making, development and implementation of programs, policies and activities, including but not limited to, the availability of a healthy environment for all people and the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

In Section 1, add a new subdivision (s), as follows:

(s) It is the intent of the Legislature that the state provide for the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to implementation of this act. This includes soliciting, accounting for, and responding to the voices, needs, and priorities of communities of color, indigenous communities, and economically disadvantaged communities.

In Section 2, add a new subdivision (f) to Public Resources Code section 9001.6, as follows:

(f) The California Natural Resources Agency shall ensure that actions made in furtherance of this section are conducted in a manner that incorporates the agency's environmental justice and tribal consultation policies, including subsequent updates to those policies, into relevant program planning, development, and implementation decisions.

AMENDMENT 4

In Section 1, in the new subdivision (b) proposed under Amendment 3, add a new paragraph (2), as follows:

(2) A tribal consultation policy in 2012 to ensure effective government-to-government consultation between the Natural Resources Agency, its departments, and Indian Tribes and tribal communities to provide meaningful input into the development of regulations, rules, policies, programs, projects, plans, property decisions, and activities that may affect tribal communities.

In Section 1, after re-lettered subdivision (h), add a new subdivision (i), and re-letter accordingly, as follows:

(i) Prior to Euro-American contact, Native American tribes managed and stewarded California's terrestrial and marine resources, using traditional ecological knowledge and a wide array of traditional practices and techniques to maintain an environment capable of supporting large, thriving human, plant, and animal populations. Today, tribes continue to use these practices, which vary from tribe to tribe, but are generally focused on ecosystem interconnectivity, respecting the carrying capacity of the land, and viewing humans as an integral part of the environment. Tribal methods of protecting and managing the land are an essential and fundamental part of a concerted effort to successfully rebalance the climate and restore biodiversity.

In Section 1, add a new subdivision (t), as follows:

(t) It is the intent of the Legislature that the implementation of this act honor and uphold the sovereignty of tribal nations and to help Native American tribes and tribal entities fulfill their own priorities for the protection and stewardship of natural, cultural, and historic resources. Efforts to support and expand land, water, and ocean protections should honor the rights and tribal jurisdiction of Native American tribes and be guided and informed by formal consultation with tribal nations and tribal decision making authority.

In Section 2, amend paragraph (7) of subdivision (e) of Public Resources Code section 9001.6, as follows:

(7) Collaborating with federal, tribal, regional, and international governments to support and advance protections for terrestrial and marine habitats that lie outside of the state's jurisdiction to ensure effective protections for California species that travel, are migratory, or have ranges that extend beyond the borders of the state.

In Section 2, add new paragraphs (13) and (14) to subdivision (e) of Public Resources Code section 9001.6, as follows:

(13) Consulting with Native American tribes when conservation efforts impact tribal ancestral homelands to help restore tribal access to those lands and maintain or restore tribal land management, stewardship, and ownership.

(14) Partnering with Native American tribes to learn from and apply traditional ecological knowledge and reintroduce and promote traditional practices to restore ecosystem interconnectivity and balance, including through cooperative management agreements and other related legal instruments.

AMENDMENT 5

In Section 2, amend subdivision (e) of Public Resources Code section 9001.6, as follows:

(e) The state may achieve the goals ~~described~~ established in subdivisions ~~(b) and (c)~~ this section through activities that include, but are not limited to, any of the following:

SUPPORT

Audubon California (co-sponsor)
Azul (co-sponsor)
Defenders of Wildlife (co-sponsor)
Natural Resources Defense Council (co-sponsor)
350 Sacramento
350 Silicon Valley
5 Gyres Institute, the
Active San Gabriel Valley
Alianza Ecologista del Condado de Tulare
Alpenglow Sports, Inc.
ARTA River Trips
Belinda Sanda Sales
Brown Girl Surf
California Coastal Protection Network

California Habitat Conservation Planning Coalition
California Interfaith Power & Light
California League of Conservation Voters
California Native Plant Society
California Outdoor Recreation Partners
California Outdoor Recreation Partnership
California Releaf
California Trout
California Wilderness Coalition
Carbon Cycle Institute
Center for Biological Diversity
Central Sierra Environmental Resource Center
Clean Water Action
Climate Reality, Santa Clara County Chapter
Climateplan
Coare
Coast Film Festival
College Outside, Inc
Conservation Lands Foundation
Democratic Party of the San Fernando Valley
Earthjustice
Elders Climate Action Nor Cal Chapter
Environment California
Environmental Action Committee of West Marin
Environmental Defense Center
Environmental Defense Fund
Environmental Justice Coalition for Water
Environmental Working Group
Fathers & Families of San Joaquin
Fera Intl. Corp.
Forests Forever
Fresno Building Healthy Communities
Friends Committee on Legislation of California
Friends of Harbors, Beaches and Parks
Friends of Plumas Wilderness
Friends of the Desert Mountains
Friends of the Earth - US
Friends of the Inyo
Heal the Bay
Hills for Everyone
Hispanic Access Foundation
Inland Ocean Coalition
Kokatat
Latino Coalition for a Healthy California
Latino Outdoors
League of Women Voters of California
Los Padres Forestwatch
Marine Conservation Institute
Mission Blue
Mojave Desert Land Trust

Mono Lake Committee
Mountain Lion Foundation
Movement Science Sport & Leisure Studies
National Parks Conservation Association
Nature for All
Nextgen California
Ocean Defenders Alliance
Oceana
Outdoor Alliance
Outdoor Alliance California
Outdoor Outreach
Patagonia INC.
PawPAC
Peak Design
Planning and Conservation League
Plastic Pollution Coalition
Pogo Park
Project Coyote
Resources Legacy Fund
Roberts & Associates
San Diego Unified Port District
Santa Clara Valley Open Space Authority
Save Our Shores
Sequoia Riverlands Trust
Seventh Generation Advisors
Sierra Business Council
Sierra Club California
Social Compassion in Legislation
Tahoe Backcountry Alliance
Tahoe Mountain Sports
The Climate Center
The Conservation Alliance
The Fire Restoration Group
The Nature Conservancy
The Trust for Public Land
The Wilderness Society
Toad & Co
Transition Habitat Conservancy
TreePeople
Trout Unlimited
Vet Voice Foundation
Western Watersheds Project
Wholly H2O
Winter Wildlands Alliance
Youth Outside
Youth Transportation Organization
1 individual

OPPOSITION

Ace Fishing Tackle

Alabama Street Athletic Club
Alliance of Communities for Sustainable Fisheries
American Albacore Fishing Association, INC.
American Angler Sportfishing
American Fishing Tackle Company
American Sportfishing Association
Angler Chronicles
Angler's Tackle
Associated California Loggers
Associated General Contractors
Association of California Water Agencies
B.a.s.s.
Bait Buttons
Bass Angler Magazine
BD Outdoors
Bent Rod Brigade
Big Hammer Lures
Black Brant Group, the
Blue Seas Fabrication
Boatus
Boundless Boat Charters
Bullbuster Fishing Line
Cal Marine Fish Company
Cal Youth Adventures
California Apartment Association
California Association of Realtors
California Bowmen Hunters/state Archery Association
California Building Industry Association
California Business Properties Association
California Cattlemen's Association
California Chamber of Commerce
California Chapter Wild Sheep Foundation
California Deer Association
California Farm Bureau Federation
California Fisheries and Seafood Seafood Institute
California Forestry Association
California Hawking Club
California Houndsmen for Conservation
California Mountain Biking Coalition
California Rifle and Pistol Association, INC.
California Sea Urchin Commission
California Special Districts Association
California Sportfishing League
California Sportsman's Lobby, INC.
California State Chapter - National Wild Turkey Federation
California Waterfowl Association
California Wetfish Producers Association
Cal-ore Wetlands and Waterfowl Council
Cedros Kayak Fishing
Cedros Sportfishing

Channel Islands Sportfishing
Channel Islands Yacht Club
Charkbait
Chovy Art
Coastal Charters
Coastal Conservation Association of California
Coastal Conservation Association of California
Coastside Fishing Club
Cobalt Sportfishing
Coletta Sportfishing
Congressional Sportsmen's Foundation
Cope's Tackle and Rod Shop
Daiwa Corporation
Dallas Safari Club
Dana Landing Market and Fuel Dock
Dana Wharf Lady Anglers
Dana Wharf Rod and Reel Club
Dana Wharf Sportfishing and Whale Watching
Dana Wharf Whale Watching
Davey's Locker Sportfishing
Davis Boats
East County Bait & Tackle
Escondido Fish & Game Association
FIB'ers Christian Fishing Club
Fish Dope
Fish Taco Chronicles
Fish the Surf.com
Fisherman's Access
Fisherman's Landing Tackle
Fishing the North Coast
Fishlab
Fred Hall Shows, INC
German Shorthair Pointer Club
Get Hooked Seafood
GMC Sports
Golden Gate Fisherman's Association
H&H Outdoor Marketing
H&M Landing
Haworth Fish
Hobie
Hogan's Bait & Tackle
Hook, Line & Sinker Tackle
Hookup Baits, INC
Inland Saltwater Anglers Club
International Game Fish Association, INC.
Izorline
J & T Tackle
Ken's Custom Reel Repair
Las Virgenes-Triumfo Joint Powers Authority
Lead Masters INC

Lemon Grove Rod & Gun Club
Let's Talk Hookup
Local Knowledge
Los Angeles Rod and Reel
Mad Macks Fishing Club
Marina Del Rey Anglers Club
Monterey Fish Company, INC.
National Marine Manufacturers Association
National Rifle Association - Institute for Legislative Action
National Shooting Sports Foundation
Newport Landing
Nor-Cal Guides and Sportsmen's Association
North America Versatile Hunting Dog Association - San Diego Chapter
OC Wild Seafood
Ocean Angel Brand
Oceanside Sea Center
Oceanside Senior Anglers
Off Road Vehicle Legislative Coalition
Okuma Fishing USA
One Cool Tuna
Onehanded Angler Co
Orange County Gun Owners
Outdoor Pro Shop
Outdoor Sportsmen's Coalition of California
Outer Limits Sportfishing
Owner American Corporation
Pacific Coast Federation of Fishermen's Association
Pacific Coast Federation of Fishermen's Associations
Pacific Coast Federation of Fishermen's Associations
Pacific Coast Sportfishing Magazine
Pheasants Forever - Imperial County Chapter
Phenix Rods
Premier Sales Solutions, LLC
Pro-troll Fishing Products
Quail Forever - San Diego Chapter
Recreational Boaters of California
Red Rooster Iii
Redondo Beach Sportfishing
River2sea, LLC
Riverside County Gun Owners
Rocky Mountain Elk Foundation
Roman Castro Vlogs
Royal Polaris Sportfishing, INC
Royal STAR Sportfishing
Safari Club International - California Chapters
Salt Water Sportsman Magazine
San Bernardino County Gun Owners
San Diego Anglers Fishing Club
San Diego Chapter of Safari Club International
San Diego County Gun Owners

San Diego County Varmint Callers
San Diego County Wildlife Federation
San Diego Fishermen's Working Group
San Diego Port Tenants Association
San Diego Rod and Reel Club
San Diego Sporting Dog Club
San Francisco Bay Area Chapter - Safari Club International
Santa Barbara Sportfishing Club
Sav on Tackle
Sea Samurai Guide Service
Seaforth Sportfishing
Shimano North America INC
Shogun Sportfishing
SIMMS
Siskiyou Outdoor Recreation Alliance
Sky Falconry
Small Boat Club
Smooth Drag
Snell and Wilmer
Socal Sportfishing Club
Soft Steel USA
South Bay Anglers Club
South Bay Rod & Gun Club
Southcoast Slayers
Spearonation
Sportfishing Association of California
Sportfishing Conservancy; the
Sportfishing Financial Group
Stardust Sportfishing
Steve Huber Guide Service
Suisun Resource Conservation District
Suzuki Motor of America, INC
Tackle Warehouse
Tb Metal Art
The Spear Fishing Podcast
Triple B Adventures
Trojan Anglers Club
Tug Life Chronicles
Tulare Basin Wetlands Association
Tuna Harbor Dockside Market
Turner's Rod and Reel Club
Ventura County Commercial Fishermen's Association
Valley Ag Water Coalition
Virgs Landing
Watermens Alliance
West Coast Seafood Processors Association
Western Fishboat Owners Association
Western Growers Association
Western Outdoor News
Hundreds of individuals

-- END --