

Assembly Bill No. 1183

CHAPTER 380

An act to add Chapter 4.4 (commencing with Section 1450) to Division 2 of the Fish and Game Code, relating to desert conservation.

[Approved by Governor September 28, 2021. Filed with
Secretary of State September 28, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1183, Ramos. California Desert Conservation Program.

The Wildlife Conservation Law of 1947 establishes the Wildlife Conservation Board in the Department of Fish and Wildlife and requires the board to determine the areas in the state that are most essential and suitable for certain wildlife-related purposes. Under that law, the board may authorize the department to acquire real property, rights in real property, water, or water rights for the benefit of wildlife.

This bill would establish the California Desert Conservation Program under the administration of the board to: (1) protect, preserve, and restore the natural, cultural, and physical resources of the portions of the Mojave and Colorado Deserts region in California through the acquisition, restoration, and management of lands, (2) promote the protection and restoration of the biological diversity of the region, as specified, (3) provide for resilience in the region to climate change, as provided, (4) protect and improve air quality and water resources within the region, and (5) undertake efforts to enhance public use and enjoyment of lands owned by the public, as provided.

The bill would establish the California Desert Conservation Program Fund Account in the State Treasury. Upon appropriation by the Legislature, the bill would authorize the board to expend moneys deposited in the account for the purposes of this program.

The people of the State of California do enact as follows:

SECTION 1. Chapter 4.4 (commencing with Section 1450) is added to Division 2 of the Fish and Game Code, to read:

CHAPTER 4.4. CALIFORNIA DESERT CONSERVATION PROGRAM

1450. This chapter shall be known, and may be cited, as the California Desert Conservation Act.

1451. The Legislature finds and declares all of the following:

(a) The Mojave and Colorado Deserts region in California, hereafter referred to as “the California deserts region,” are globally significant areas, including national parks and preserves, national monuments, wilderness areas, state parks, and the lowest point in the 48 contiguous states, with large, pristine areas that are open for public use.

(b) The California deserts region is also the ancestral homeland of numerous tribal communities. The region includes cultural, biological, and historical resources on sacred land that should be protected and preserved.

(c) The California deserts region is an important part of the state’s economy, with total direct travel spending in the California deserts region estimated in 2018 at seven billion six hundred million dollars (\$7,600,000,000) and by supporting 73,000 jobs. Total government revenue generated by travel in the California deserts region for 2018 was six hundred nine million dollars (\$609,000,000).

(d) The California deserts region’s popularity among California and international recreationists has more than doubled within the past five years. Visitation to Joshua Tree National Park increased by 112 percent between 2013 and 2018. During the same time period, visits to Death Valley National Park increased by 76 percent and visits to Mojave National Preserve increased by 43 percent.

(e) The California deserts region provides world-class opportunities for hiking, camping, sightseeing, rock climbing, rock hounding, off-highway vehicle use, and many other recreational activities.

(f) Undisturbed desert lands are known to sequester and store carbon and contribute to climate change resilience.

(g) Nonnative, invasive grasses, such as Mediterranean grass and cheatgrass, create continuous fuel beds across desert lands that can spark and support massive wildfires in areas where fire was previously rare.

(h) The California deserts region is characterized as having high biological diversity. In the Mojave Desert, there is an approximate total of 1,500 plant taxa with 210 being endemic to California.

(i) The California deserts region is home to iconic species such as the western Joshua tree (*Yucca brevifolia*), the federally threatened desert tortoise (*Gopherus agassizii*), and species of special concern such as the desert bighorn sheep (*Ovis canadensis nelsoni*), which requires wildlife corridors to maintain healthy populations.

(j) Water sources within the California deserts region are comprised of both groundwater and surface water that provide critical sustenance for unique and diverse ecosystems. Groundwater elevations should be stable and not overdrafted to maintain the surface flow of springs that support the fragile ecosystems in the region. Proposed groundwater extraction projects have threatened water supplies in the California deserts region.

1452. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(a) “Board” means the Wildlife Conservation Board.

(b) “Department” means the Department of Fish and Wildlife.

(c) “Local public agency” includes, but is not limited to, a city, county, city and county, association of governments, or joint powers authority.

(d) “Nonprofit organization” means any private, nonprofit organization that qualifies for exempt status under Section 501(c)(3) of the United States Internal Revenue Code of 1986, and has among its principal charitable purposes the preservation of real property for scientific, historic, educational, recreational, scenic, or open-space values, the protection of the natural environment, or the preservation and enhancement of fisheries and wildlife or their habitat.

(e) “Program” means the California Desert Conservation Program.

(f) “Region” or “California deserts region” includes the portions of the Mojave and Colorado Deserts, across 26,000,000 acres of southeastern California lying within the Counties of Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego that is within the California Desert Conservation Area as that area was delineated in the map and legal description of the California Desert Conservation Area prepared by the United States Secretary of the Interior pursuant to Section 1781(c) of Title 43 of the United States Code, as that map and legal description was in effect on December 31, 2020, and the portions of the Bureau of Land Management’s Bakersfield and Bishop Resource Management Plans, as amended by the Record of Decision, dated September 14, 2016, of the Desert Renewable Energy Conservation Plan Land Use Plan Amendment. The Coachella Valley Mountains Conservancy area, as described in Section 33502 of the Public Resources Code, shall be excluded from, and is not part of, the California deserts region.

(g) “Tribe” means any federally recognized Native American tribe or a nonfederally recognized Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission.

1453. The board shall establish and administer, through the department, the program pursuant to this chapter and Chapter 4 (commencing with Section 1300). The purpose and goal of the program is to do all of the following:

(a) Protect, preserve, and restore the region’s natural, cultural, and physical resources through the acquisition, restoration, and management of lands.

(b) Promote the protection and restoration of the biological diversity of the region, including the recovery of threatened and endangered species.

(c) Provide for resilience within the region to climate change, including, but not limited to, reducing the risk of natural disasters such as wildfires, controlling invasive species, protecting and improving habitat connectivity, and protecting soil carbon stores by limiting ground disturbance.

(d) Protect and improve air quality and water resources within the region.

(e) Undertake efforts to enhance public use and enjoyment of lands owned by the public, with an emphasis on expanding opportunities for education and access to public lands for communities that currently lack access.

1454. The board, pursuant to this chapter, shall approve projects to acquire, preserve, restore, and enhance desert habitat within the California deserts region consistent with the conservation strategies approved by the department and coordinate its activities undertaken pursuant to the program with other resource protection activities of the board and other state agencies.

1455. The preservation and restoration of desert habitat shall be a primary concern of the board and the department, and of all state agencies whose activities impact desert habitat.

1456. In order to accomplish the purposes of this chapter, the board may authorize the department to do all of the following:

(a) Acquire interests in real property and water rights through gift, purchase, lease, easement, and transfer or exchange of easements, development rights or credits, and other interests in real property.

(b) Coordinate its activities under the program with any governmental program for surplus real property sales in the state.

(c) Award grants to local public agencies, state agencies, tribes, and nonprofit organizations for the purposes of the program.

(d) Exercise any authority and comply with the requirements contained in Sections 1348 and 1350, as appropriate, to preserve and enhance desert habitat for purposes of this chapter.

1457. Grants to nonprofit organizations, pursuant to Section 1390, for the acquisition of real property or interests therein shall be subject to all of the following conditions:

(a) The purchase price of any interest in real property acquired by the nonprofit organization shall not exceed fair market value as established by an appraisal approved by the board.

(b) The board approves the terms under which the interest in real property is acquired.

(c) The interest in real property acquired pursuant to a grant from the board shall not be used as security for any debt to be incurred by the nonprofit organization unless the board approves the transaction.

(d) The transfer of real property acquired pursuant to a grant shall be subject to the approval of the board and the execution of an agreement between the board and the transferee sufficient to protect the interest of the state.

(e) The state shall have a right of entry and power of termination in and over all interests in real property acquired with state funds, which may be exercised if any essential term or condition of the grant is violated.

(f) If the existence of the nonprofit organization is terminated for any reason, title to all interest in real property acquired with state funds shall immediately vest in the state. However, before that termination, upon approval of the board, another public agency or nonprofit organization may receive title to all or a portion of that interest in real property by recording its acceptance of title in writing. Any deed or other instrument of conveyance whereby real property is being acquired by a nonprofit organization pursuant to this section shall be recorded and shall set forth the executory interest or right of entry on the part of the state.

1458. (a) The California Desert Conservation Program Fund Account is hereby created in the State Treasury. The account shall be administered by the board. Moneys in the account may be expended, upon appropriation by the Legislature, for the purposes of this chapter.

(b) Moneys may be deposited into the account from gifts, donations, funds appropriated by the Legislature for the purposes of this chapter, federal grants, and other sources. Moneys in the account shall be used for the purpose of implementing this chapter, including administrative costs.