

Date of Hearing: April 28, 2021

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Luz Rivas, Chair

AB 963 (Kamlager) – As Introduced February 17, 2021

SUBJECT: Baldwin Hills Conservancy: urban watersheds conservancy expansion

SUMMARY: Makes various and significant changes to the Baldwin Hills Conservancy (BHC) including renaming the BHC to the Baldwin Hills and Urban Watersheds Conservancy, expands the conservancy's territory to include the southern Ballona Creek Watershed and the Upper Dominguez Channel, expands the BHC's board, and eliminates the 2026 sunset date for BHC.

EXISTING LAW:

- 1) Established BHC in 2000 in the Natural Resources Agency (NRA) and authorizes it to acquire and manage public lands within the Baldwin Hills area, in the land area currently within the Kenneth Hahn State Recreation Area, the Baldwin Hills community, and the surrounding property.
- 2) Prohibits BHC from regulating land use and exercising the power of eminent domain.
- 3) Authorizes the BHC to fix and collect fees for the use of any land owned or controlled, or for any service provided, by BHC. Prohibits fees in excess of the cost of maintaining and operating the land or of providing the service for which the fee is charged.
- 4) Provides the BHC with the first right of refusal to acquire lands suitable for park and open space within its prescribed territory, and authorizes conservancy to accept private or public lands offered for recreational trails.
- 5) Specifies that the board of BHC consist of 13 voting members and 7 nonvoting members. The 13 voting members of the board include the Secretary of NRA, the Director of Parks and Recreation (DPR), the Director of Finance, the Director of the Los Angeles County Department of Parks, the member of the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located, and 6 members of the public appointed by the Governor. The 7 nonvoting members are: the Secretary of the California Environmental Protection Agency; the Executive Officer of the State Coastal Conservancy; the Executive Officer of the State Lands Commission; an appointee of the Governor with experience in developing contaminated sites, commonly referred to as "brownfields;" the Executive Director of the Santa Monica Mountains Conservancy; the Director of the Culver City Human Services Department; and the Director of the Department of Conservation. Allows designees to serve for members of the board.
- 6) Requires the BHC to enter into a memorandum of understanding with DPR that would require the BHC and DPR to cooperate in the sharing of technical assistance, data, and information.
- 7) Sunsets the BHC on January 1, 2026.

THIS BILL:

- 1) Renames the BHC the Baldwin Hills and Urban Watersheds Conservancy.
- 2) Expands the conservancy's jurisdiction to include the southern Ballona Creek Watershed and the Upper Dominguez Channel.
- 3) Expands the members of the conservancy's board from 13 to 15 voting members and from 7 to 12 nonvoting members.
 - a) Adds the following voting members:
 - i) The mayor of the City of Los Angeles, or the mayor's designee;
 - ii) The mayor of the City of Culver City, or the mayor's designee;
 - iii) An appointee from the South Bay Cities Council of Governments;
 - b) Decreases the public member appointed by the Governor by one.
 - c) Adds the following nonvoting members:
 - i) The Director of the City of Los Angeles Recreation and Parks Department, or the director's designee;
 - ii) The Director of the City of Inglewood Parks, Recreation and Community Services Department, or the director's designee;
 - iii) The President of the Board of Airport Commissioners of Los Angeles World Airports, or the president's designee;
 - iv) The Director of the City of Los Angeles Public Works Department, or the director's designee, and;
 - v) The Director of Conservation, or the director's designee.
- 4) Deletes the following conservancy requirements:
 - a) Approve funded projects that advance the policies and proprieties set forth in the laws governing it;
 - b) Enter into a memorandum of understanding with DPR that would require the conservancy and DPR to cooperate in the sharing of technical assistance, data, and information; and
 - c) By May 1, 2002, approve the master plan and prioritize and implement both of the following:
 - i) The acquisition of additional recreational and open space and a plan for the management of lands under the jurisdiction of the conservancy, including additional or upgraded facilities and parks that may be necessary or desirable.
 - ii) The planned conveyance of lands acquired and restored, or lands acquired, restored, and developed, to DPR or to any other public agency once the acquisition and improvements have been finalized.
- 5) Requires the BHC to carry out projects and activities to further the purposes of the conservancy throughout the region and, in doing so, the board must make every effort to ensure that, over time, BHC funding and other efforts are spread equitably across each of the various sub regions.

- 6) Requires the conservancy to study the potential environmental and recreational uses of the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area.
- 7) Requires BHC, on or before January 1, 2023, to develop and adopt a proposed watershed and open-space plan for improvements in the conservancy territory.
- 8) Establishes the Baldwin Hills, Southern Ballona Creek Watershed, and Upper Dominguez Channel Urban Watershed Improvement Program to be administered by the conservancy for climate change adaptation improvements, to protect, conserve, and restore the health and resilience of the watersheds and communities of the region. Authorizes the conservancy in implementing this program to test new funding, policy, planning, and implementation approaches with the area covered by an initiative to test new ways of accomplishing the program objectives and goals of the program. Prohibits the program from being construed as requiring the Legislature to appropriate additional funds.
- 9) Eliminates BHC's sunset.

FISCAL EFFECT: Unknown

COMMENTS:

1) Author's statement:

The BHC is one of 10 conservancies created by the Legislature with the mission of preserving open space and habitat while facilitating public access to California's wilderness and wildlife.

The BHC achieves these goals through projects that preserve and restore wildlife habitat, improve watersheds, and provide low-impact recreational and educational uses. The BHC applies for funding from various sources to support projects throughout their territory, which covers western Los Angeles County, in the area surrounding the Baldwin Hills, and the Kenneth Hahn State Recreation Area.

BHC addresses climate impacts and improves quality of life by increasing access to nature, cleaning our water, and engaging communities directly.

While the BHC has successfully completed numerous projects within its territory, several neighboring and nearby communities in need have not had access to the same opportunities.

Expanding the BHC would provide additional resources for communities that have faced historic disinvestment.

- 2) **Conservancy.** BHC jurisdiction covers approximately 2 square miles and is the smallest of the state's 10 conservancies. BHC is located approximately 6 miles from downtown Los Angeles. There is significant oil production activity in the BHC's jurisdiction. BHC restores former oil production lands to open space and makes them available to the public as oil production ceases. The BHC achieves its goals through projects that preserve and restore

wildlife habitat, improve watersheds, and provide low-impact recreational and educational uses. The BHC applies for funding from various sources to support projects throughout their territory, which covers western Los Angeles County, in the area surrounding the Baldwin Hills and the Kenneth Hahn State Recreation Area.

- 3) **Is sunset elimination appropriate at this time?** BHC does not sunset until 2026; therefore, BHC will continue for five years even with its current sunset. BHC has shown progress toward achieving its mission and has worked well with local organizations and other state agencies. BHC provides open space and an educational component to communities that do not have many other opportunities to be in and learn about nature. BHC was subject to a Department of Finance (DOF) audit in 2008 and 2017, in which both found deficiencies. BHC responded to both audits and agreed to take several corrective actions to address the deficiencies found. BHC received an allocation of \$40 million from Proposition 40 (2002), \$10 million from Proposition 84 (2006), \$10 million from Proposition 1 (2014), and \$6 million from Proposition 68 (2018). The Proposition 1 funds are meant for water quality, water supply, and watershed protection and restoration projects. Another sunset review of BHC could allow the Legislature to scrutinize the spending of the bond funds allocated to BHC, the new board make up proposed by this bill, and the new jurisdiction and program created by this bill. As the bill moves forward, the author may wish to consider whether elimination of the sunset is necessary.
- 4) **Jurisdiction.** The Ballona Creek is a nine-mile long flood protection channel that drains the Los Angeles basin, from the Santa Monica Mountains on the north, the Harbor Freeway (110) on the east, and the Baldwin Hills on the south. The Ballona Creek Watershed totals about 130 square miles. Its land use consists of 64% residential, 8% commercial, 4% industrial, and 17% open space. This bill defines the Southern Ballona Creek Watershed as 40 miles of the 130-mile area, which includes part or all of Culver City, Inglewood, Los Angeles, and Santa Monica. This includes the area that is in the jurisdiction of the Santa Monica Bay Restoration Commission (SMBRC) and where it has an active project called the Ballona Creek Wetland Ecological Reserve. It is important that the BHC work collaboratively with SMBRC.

The Dominguez Channel Watershed is located within the south bay region of Los Angeles County and encompasses approximately 133 square miles of land and water. The area includes part or all of the Cities of Carson, Gardena, Hawthorne, Inglewood, Los Angeles, Lawndale, Manhattan Beach, Palos Verdes Estates, Redondo Beach, Rolling Hills, Rolling Hills Estates, San Pedro, Torrance, and Wilmington. Approximately 81% of the watershed or 93% of the land is developed. Residential development covers nearly 40% of the watershed, and another 41% is made up by industrial, commercial and transportation uses. With a population of nearly 1 million, considerable demands are made on infrastructure and services within the watershed. The Upper Dominguez Watershed is 33 miles of the 133 square mile area. AB 78 (O'Donnell, 2021) would expand the Rivers and Mountains Conservancy to the Dominguez Channel Watershed, which overlaps with the expansion proposed by this bill. Conservancies typically do not overlap jurisdiction, therefore, this could lead to confusion and projects that are at cross-purposes, especially because both conservancies have specified first-right of refusal for surplus lands suitable for park space. The authors of this bill and AB 78 should work together to ensure the bills are coordinated moving forward.

5) Related/Previous legislation.

AB 78 (O'Donnell) expands the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) to include the Dominguez Channel watershed and Santa Catalina Island. This bill is scheduled to be heard in the Assembly Appropriations Committee on April 28th.

REGISTERED SUPPORT / OPPOSITION:**Support**

Ballona Creek Renaissance
California Conservation Corps Foundation
City of El Segundo
Climate Resolve
County of Los Angeles Department of Parks and Recreation
Los Angeles Conservation Corps
Los Angeles County Bicycle Coalition
Los Angeles Neighborhood Initiative
Los Angeles Neighborhood Land Trust
Natural Resources Defense Council
North East Trees
Partners of The Parkland
Prevention Institute
South Los Angeles Transit Empowerment Zone
The Nature Conservancy
Walk 'n Roller
2 Individuals

Opposition

None on file

Analysis Prepared by: Michael Jarred / NAT. RES. /