



# California's Land Conservation Efforts: The Role of State Conservancies

## Background

In order to promote the conservation of its land resources, the state has created seven state "conservancies" that acquire and protect undeveloped lands in specific regions of the state. The 2000-01 budget appropriates almost \$300 million to the state's conservancies for land acquisition and other capital outlay purposes.

## LAO Findings

The state's conservancies have assisted in conserving valuable land resources in various regions of the state. However, because the state lacks a comprehensive land conservation plan, it is difficult to assess the effectiveness of these activities in promoting *statewide* interests.

Moreover, the effectiveness of the conservancies is limited by certain structural factors. Most fundamentally, the establishment of conservancies with relatively small geographical boundaries limits the state's ability to direct its conservation resources from a statewide perspective. This problem can be mitigated to the extent statewide resources needs are defined and prioritized.

## LAO Recommendations

We recommend that in the short term the Legislature ensure that the conservancies work to advance the state's land conservation goals by:

- ❖ Limiting the creation of additional conservancies to those that are protecting extraordinary natural resources of statewide significance.
- ❖ Adding sunset review provisions to conservancies' enacting statutes.

In the longer term, we recommend a review of the state's overall approach to land conservation. Based on this review, the Legislature might find it advisable to further redefine the role and structure of the state's conservancies.

Elizabeth G. Hill  
Legislative Analyst

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## OVERVIEW

State law declares that “California’s land is an exhaustible resource . . . essential to the economy, environment and general well-being of the people of California.” To protect this resource, the state has established a number of programs and agencies that acquire land as a natural resource to be held as a public trust. In some cases improvements are made to the land in order to afford public access or recreational opportunities. In other cases, degraded land is “restored” in order to create habitat which supports wildlife. In still other cases, the land is simply held undisturbed in order to insulate it from development pressures. The common goal underlying these actions is the protection of land through public ownership.

One of the tools in the state’s efforts to conserve land resources is the state’s conservancies. The conservancies are departments, located within the Resources Agency, which are charged with among other things, acquiring land in specified geographical areas in order to advance specified goals. While the particular statutory goals of each conservancy differ, in general the conservancies were created in response to perceptions that certain vital land resources were endangered by development or other threats.

This report examines the state’s efforts to conserve its land resources and the role the state’s conservancies play in those efforts.

## STATE LAND CONSERVATION GOALS

The State of California encompasses about 100 million acres of land. About 75 million acres are classified as wildlands, which include all undeveloped and noncultivated property in the state. In addition, about 24 million acres of the land *not* classified as wildlands are currently agricultural land. The remainder—about a million acres of the state—is classified as urban or otherwise developed.

As shown in Figure 1, ownership of California’s 75 million acres of wildlands is divided primarily among federal, state, and private entities. The federal government owns 60 percent of California’s wildlands, and 37 percent is privately

owned. Almost all the rest (about 2.3 million acres in actual property and easements, or slightly more than 3 percent) is owned by the state, primarily under the control of the Departments of Fish and Game (DFG), Parks and Recreation, and Forestry and Fire Protection. Less than one-half of 1 percent is owned by local governments.

### MUCH LAND NOT CURRENTLY THREATENED

According to a recent study commissioned by California Environmental Dialogue (a group of corporate, environmental, and public policy organizations in California), about 27 percent of the state’s total land area is protected as open

space, natural habitat, or other conservation purposes. The remaining 73 percent of the state's total land is not so designated.

Although much of California's wildlands is not permanently protected, a large portion of these lands is not threatened with near-term development pressures. This is because the terrain, location, climate, and geology of much of this land make most types of development impractical or unprofitable. In addition, most of the land is not currently zoned for development. Further, various state and federal environmental laws, including the California Environmental Quality Act (CEQA), the California Endangered Species Act, and the federal Endangered Species Act, place numerous

restrictions and procedural requirements on the development and disturbance of natural habitat.

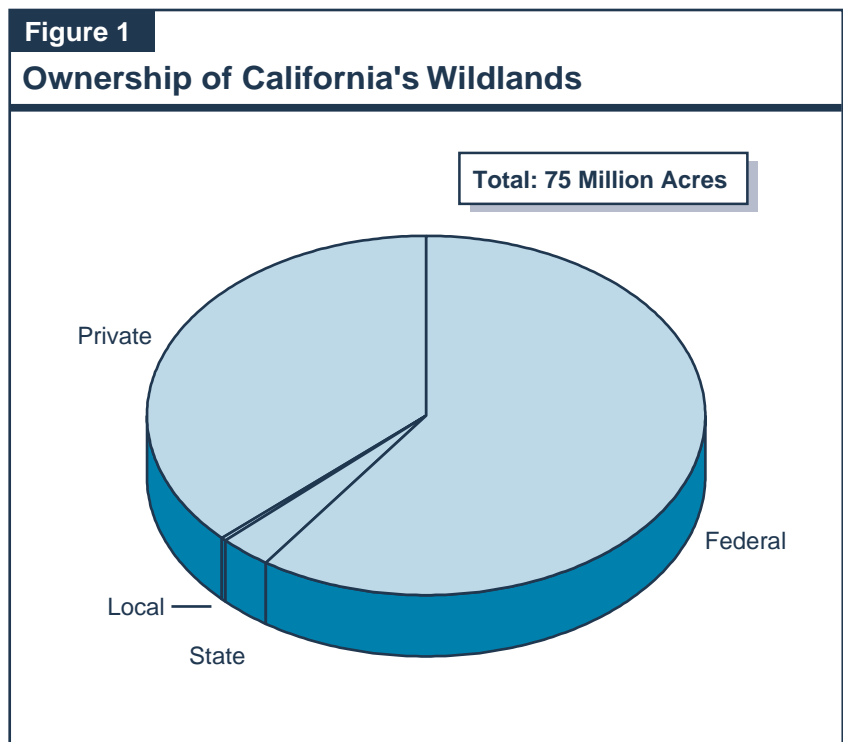
**. . . BUT ADEQUACY OF CURRENT PROTECTION UNKNOWN**

Notwithstanding the above development restrictions, some argue that the state's current level of land resource protection is insufficient to meet the state's resource needs in the long term. They argue that even though a relatively large amount of the state's wildlands are intact, the adequacy of the state's current conservation efforts depends on more than the quantity of land protected. In particular, the location of that land and the type of habitat it supports are also important factors in assessing the adequacy of the state's protection efforts. In order to determine

whether its land conservation efforts are adequate, therefore, it is necessary to identify statewide habitat and open space needs, and to compare these with an inventory of currently protected lands. This has not yet been done in any comprehensive fashion.

**PLANNING STATEWIDE CONSERVATION EFFORTS**

The Legislature has long recognized the importance of protecting the state's land resources as critical for quality of life, economic viability, and environmental health. Through various programs and laws the state government seeks to





promote a sustainable balance between economic and environmental needs. Moreover, the Legislature has found that the size, diversity, and interdependence of the state's resources require that these land conservation efforts be coordinated and integrated on a statewide basis.

The coordination of conservation efforts is especially critical due to potential conflicts among

different conservation efforts. For example, protected agricultural land may adversely affect water supplies and river ecosystems. Managing such potential conflicts requires both that the state's resource needs be prioritized and the particular goals of various land conservation efforts be made explicit.

## MAJOR LAND CONSERVATION GOALS

While land conservation efforts can be aimed at any number of specific goals, most of these goals can be grouped into four major categories. These are summarized in Figure 2, and discussed below.

***Provide Open Space and Recreational Opportunities Near Population Centers.*** Much of the state's population is clustered in urbanized areas characterized by relatively concentrated

development. This development in population centers limits available open space for outdoor recreation, scenic views, wildlife habitat, and other environmental uses. The availability of community-based open space is thus important for the majority of the state's population which lives in urban and suburban areas.

The planning and management of land in and around population centers is primarily a local

responsibility. In order to encourage local planners to provide for open space and recreational needs, state law requires that all city and county governments adopt and regularly update the land use, conservation, and open space elements within their general plans. State law also requires that local zoning be consistent with the goals and objectives

Figure 2

### Major Land Conservation Goals

- Provide open space and recreational opportunities near population centers.
- Provide camping, hiking, and other outdoor recreational activities in remote locations.
- Ensure sustainability of agricultural land.
- Preserve wildlands for environmental and wildlife purposes.

contained in the general plan elements and imposes a variety of other requirements on local land use policies.

Beyond planning, the management of open space and recreational amenities is also primarily a local responsibility. Many areas have established regional bodies to manage some of their public land resources. Park districts and open space preserves are common examples. In some cases, regionally based nonprofit organizations may assist in the acquisition of land for these purposes. In still other cases, private homeowners associations may maintain open space or greenbelts.

***Provide Other Outdoor Recreational Activities in Remote Locations.*** While local parks, greenbelts, and other local facilities help to improve the quality of life in the state's communities, these are seldom large or diverse enough to accommodate certain recreational and educational needs such as backpacking, camping, fishing, boating, and other activities.

California's diverse geography and natural resources offer many opportunities for such recreation. The state has dedicated portions of those lands and resources as state parks. The state's park system includes 266 units, with about 1.3 million acres and nearly 18,000 campsites. The parks are managed by the California Department of Parks and Recreation (DPR). In addition, the National Park Service maintains 23 parks in California, covering 7.7 million acres. A number of private campgrounds are also available.

User surveys and population projections indicate a need for park expansion in coming years. Yet the primary needs currently facing the state's park system concern not so much a shortage of land, but rather a shortage of funding to maintain and improve its existing facilities. In order to address this need, the Legislature appropriated in 1999 an additional \$157 million to DPR to reduce its park maintenance backlog. In addition, the 2000 parks bond measure (Proposition 12), passed by the voters at the March 2000 election, provides \$525 million for a variety of acquisition and maintenance projects in the state parks system.

***Ensure Sustainability of Agricultural Land.*** The Legislature has enacted various measures designed to maintain agricultural lands. In passing the Williamson Act in 1965, for example, the Legislature noted the necessity of preserving agricultural land as one of the state's economic resources, a food source for the state and the nation, open space with aesthetic and growth-limiting value, and wildlife habitat. The act is intended to discourage the development of agricultural land by offering tax benefits to landowners who agree not to develop their land for specified periods. Other state programs, including the Agricultural Land Conservation Program (administered by the Department of Conservation [DOC]), provide additional incentives to preserve agricultural land. The 2000 parks bond measure provides \$25 million for this program.

According to the DOC's latest figures, about 53,000 acres of agricultural land was converted to



other uses between 1996 and 1998. However, only about one-third of this land was subsequently developed; the remainder was converted to wetland habitat, open space, and other uses. Moreover, despite the continued conversion of farmland, the state retains a large amount of agricultural acreage. As of 1998, the DOC reported that about 24 million acres of the state's land was agricultural land.

***Preserve Wildlands for Environmental and Wildlife Purposes.*** In addition to providing aesthetic and recreational benefits, California's wildlands serve important environmental needs. They include watersheds that recharge aquifers and feed into waterways on which the state relies for fresh water. They contain plants and soils that

can help to isolate and break down pollutants. They provide habitat that supports almost 1,300 species of animals and fish, including various threatened and endangered species, that are vital links in the state's ecosystems.

Watersheds and wildlife corridors transcend local jurisdictional boundaries and the effects of environmental degradation usually do not remain confined to a single geographic area. A piecemeal approach, left to the independent actions of local entities, is destined to be ineffective. For this reason, the Legislature has deemed the conservation of land as wildlife habitat to be a critical responsibility of the state, which has the ability to plan and implement programs on a larger scale than local or regional entities.

## LAND CONSERVATION TOOLS

In order to promote the four major land conservation goals discussed above, the state has established various laws and agencies. These fall into two broad categories: (1) land regulation and (2) land acquisition. In this section we discuss state law concerning land regulation. In the following sections, we focus on the role of state agencies in land acquisition.

### REGULATION OF LAND USE

State law recognizes that regulation of land use in and around population centers is primarily the responsibility of local government. However, as noted above, state law places various requirements on local planning decisions.

In addition, the state retains a direct role in some land use regulation. For example, the California Coastal Commission (CCC) is involved in the issuance of development permits in coastal areas. Further, state agencies enforce fishing and hunting regulations, forest practices requirements, and other laws to ensure the protection of wildlife habitat.

The state has also promoted the use of Natural Community Conservation Plans (NCCPs), which attempt to address habitat conservation goals on a more comprehensive, regional basis. Like federal Habitat Conservation Plans (HCPs), NCCPs are intended to ensure the protection of



species through mitigation measures—primarily by setting aside predetermined land areas for habitat—while allowing certain activities, such as logging or development that could involve unintentional harm to individual plants and animals.

Notwithstanding its generally beneficial effects, regulating land use sometimes can be difficult. Remote locations make patrol and monitoring labor-intensive and expensive. Further, enforcement can lead to protracted and contentious lawsuits, particularly over the issue of “taking” of private property for public use, as discussed in Figure 3.




## LAND ACQUISITION

While statewide planning and zoning laws, environmental laws such as CEQA, and other regulatory mechanisms contribute toward the state’s conservation goals, many of these goals are also promoted through public acquisition of privately owned wildlands. Public acquisition is particularly common when a specific parcel of land has qualities of significant value to the public, such as the presence of unique geological features or provision of access to a major body of water. Public acquisition of wildlands also can be a way to avoid a takings lawsuit.

Acquisitions can involve the transfer of all ownership rights (“in fee” ownership) to the state, or only a portion of those rights (for example, an “easement” which transfers development rights from a private entity to the state). In the latter case, the state is able to save money on the purchase price and maintenance costs since it does not own the physical property. At the same time, by holding a conservation easement or other legal rights, the state can ensure that the property is not developed.

**Figure 3**

### Regulatory “Takings” of Private Property

-  The Fifth Amendment of the U.S. Constitution prohibits the taking of private property for public use without the payment of just compensation to the property owner.
  - Some property owners have successfully argued in court that governmental land use restrictions—such as building moratoria—prevent them from realizing the full value of their property, and thus amounts to a taking.
  - When such lawsuits are successful, courts have typically required either that the land use restriction be lifted or that “just compensation” be paid to the landowner.
-  State regulatory agencies, including the California Coastal Commission and the Tahoe Regional Planning Association, have been the subject of a number of takings lawsuits.
  - Although some recent high-profile cases have been decided in the state’s favor, the potential for legal challenge continues to complicate these agencies’ activities.
-  Under some circumstances, the acquisition of properties remains a practical alternative to contentious regulatory activities.



## STATEWIDE LAND CONSERVATION PLAN LACKING

State law contains many expressions of the state's land conservation objectives. These include preserving agricultural land, maintaining natural habitat for wildlife, providing outdoor recreational opportunities, and promoting the environmental quality of watersheds. However, the state lacks a comprehensive and cohesive statewide land conservation plan which assesses the various habitat lands in the state and identifies priority land areas requiring state protection. Without such a statewide plan, individual departments and programs have developed their own land conservation strategies that frequently do not work coherently toward achieving state objectives. Moreover, lacking a statewide plan, the state is unable to prioritize the various conservation opportunities to ensure that resources are targeted in the most effective manner.

**Prior State Efforts at Resources Needs Assessment.** The Legislature has expressed the need for a statewide natural resources needs assessment on various occasions. For example, in 1970 legislation was enacted that required the Governor to prepare and update every four years a comprehensive state environmental goals and policy report for the state's natural resources. The report was to include a 20-30 year projection of population growth and other impacts on the state's environment, and would establish goals and objectives for addressing those impacts. The report is specifically to discuss "land use, population growth and distribution, development, the

conservation of natural resources, and air and water quality." However, no Governor has submitted such a report since 1978.

**Current Assessment Effort Will Take Seven Years; Final Outcome Unclear.** More recently, in the 1999-00 Budget Act the Legislature directed the Secretary for Resources to begin preparing a "statewide conservation and habitat blueprint." The blueprint is to "assess the current condition of the state's natural resources and habitat," as well as establish long-term "funding and policy priorities and targets for future investment in resource protection and habitat acquisition or preservation."

The Resources Agency's ability to effectively complete such a blueprint was an issue discussed extensively at 2000-01 budget hearings. The agency now proposes to make the blueprint project, which it has renamed the California Continuing Resource Investment Strategy Project (CCRISP), a seven-year effort costing potentially more than \$10 million. It remains unclear precisely what will be the final outcome of this effort, but in general it is to involve an inventory of existing habitat resources and a prioritization of habitat goals.

Given the technical difficulty of these tasks and the vagueness of the CCRISP program's outcomes, it is unlikely that CCRISP will be able to offer guidance for land conservation funding and policy priorities in the near term. In the meantime,



various state governmental entities will continue to acquire lands without the guidance of an overall statewide plan and strategies.

Beyond the resources assessment activities associated with CCRISP, a rational and comprehensive land acquisition program requires that two major policy issues be addressed. First, how will potential conflicts among major conservation objectives—such as public recreation, habitat

protection, and agricultural preservation—be identified and addressed? Second, how will potential conflicts among the conservation goals of different stakeholders—including the state, federal, and local governments and private landowners—affect the development of a coherent investment strategy? Answering these questions will require the balancing of various goals and stakeholder interests.

## STATE LAND ACQUISITION AGENCIES

A number of state agencies are involved in the acquisition of lands for conservation purposes. The Wildlife Conservation Board (WCB) is the primary state agency to acquire wildlife habitat on a statewide basis. It has acquired in fee ownership more than one-half million acres, as well as easements on several hundred thousand more acres. Most of the lands acquired by WCB are managed by the Department of Fish and Game. (The remainder of WCB's acquisitions are managed by local and nonprofit agencies.) In addition, the Department of Parks and Recreation has acquired and manages about 1.4 million acres of land in its park units for recreational purposes. A much smaller, but significant, amount of open space and habitat has been acquired by the state's seven conservancies.

The state's conservancies seek to acquire property within their own defined geographic areas. (For example, the Santa Monica Mountains Conservancy acquires land in the Santa Monica and Santa Susanna Mountains.) Unlike WCB, the

conservancies do not focus primarily on acquiring wildlife habitat. Instead, they pursue a mix of objectives, generally reflecting aspects of the four land conservation goals discussed earlier.

In general, state conservancies further the acquisition of public lands either by direct purchase themselves, or by facilitating purchases by other entities. Funding for these acquisitions come from a variety of sources, including state General Funds and special funds, bond proceeds, and private contributions. Also, conservancies sometimes participate in real estate transactions that involve the trading or consolidation of parcels. Conservancies can also accept donated lands.

It should be noted that, in addition to the state conservancies, a number of nonprofit and local organizations perform similar functions. Nonprofit organizations such as the Trust for Public Land, the Nature Conservancy, the American Farmland Trust, and a variety of other organizations actively work in California to promote the conservation of



lands through acquisition. Many of these non-profit organizations have close working relationships with state and local public agencies in acquiring lands.

### **STATE CONSERVANCY CHARACTERISTICS**

The state's seven conservancies are a diverse group with a range of organizational structures, functions, and statutory objectives. Generally, however, the conservancies are board-governed state departments that use a combination of public and private funds to acquire and conserve lands having environmental, recreational, or scenic significance. The 2000-01 budget appropriates about \$300 million for the conservancies. About two-thirds of this money comes from state general obligation bonds authorized by Proposition 12.

The selection of specific properties for acquisition usually is made by each conservancy's governing board, which typically consists of state and local representatives. Once acquired by conservancies, many of the properties are turned over to other public agencies or nonprofit organizations for long-term management. In addition, conservancies may make grants to other organizations to improve or restore purchased property.

The role and scope of the state's conservancies have evolved over the past 25 years. Each conservancy was created at a different time and under distinct circumstances. Figure 4 summarizes key features of the seven state conservancies. The general geographic locations of the conservancies are identified in Figure 5 (see page 12).

The state's conservancies operate in a complex environment populated by various governmental and nongovernmental entities. In some regions and for some tasks, state conservancies are uniquely well-suited. In other situations, however, conservancies may be less able to advance the state's conservation goals.

### **CONSERVANCIES HAVE ADVANTAGES AND LIMITATIONS**

State conservancies can help promote the state's land conservation goals under certain conditions. However, there are also limitations to their effectiveness.

#### **State Conservancies Offer Some Inherent Benefits**

The state conservancy model offers several benefits in promoting the state's land conservation efforts. State conservancies, for example, carry the political weight of a state agency, while maintaining a geographical focus on a particular region of the state. Also, the participation of local representatives on conservancy boards can help to engender the trust and cooperation of local entities. In addition, state conservancies typically enjoy a measure of financial and administrative flexibility. Specifically, they are able to utilize a variety of funding sources, collaborate with other governmental and nongovernmental organizations, and direct their land acquisition efforts toward a range of properties.

Many state conservancies also possess technical expertise which helps to facilitate complex real estate transactions. In addition, because they are

**Figure 4**

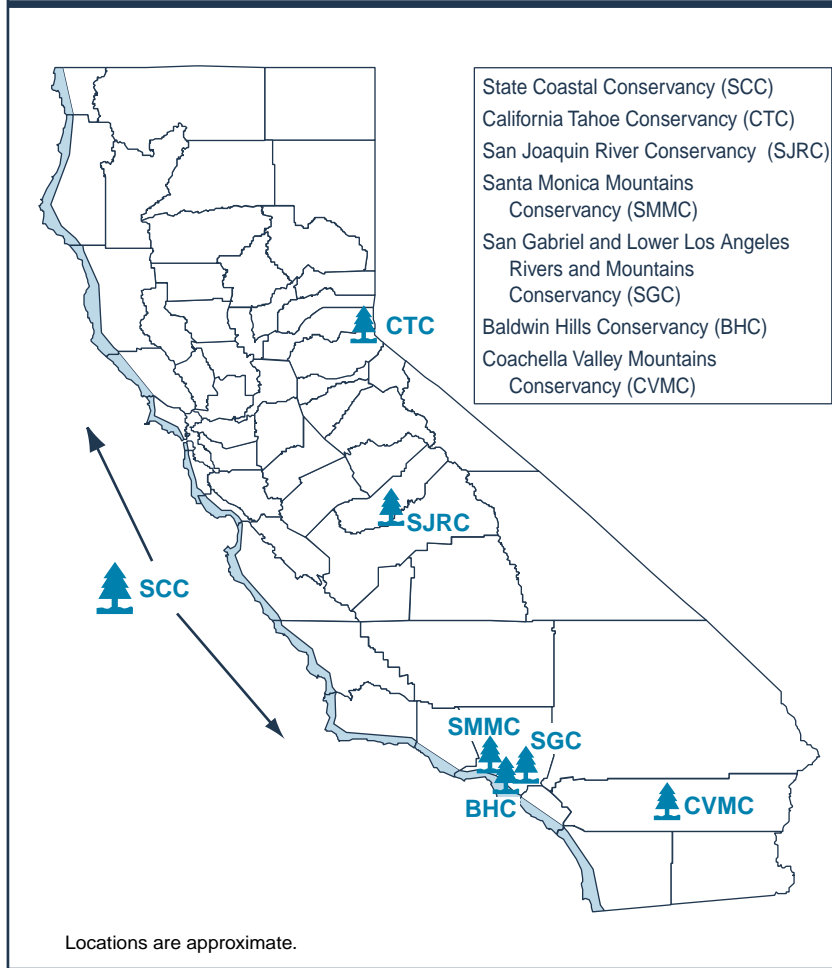
**Major Features of State Conservancies**

Year Begun	Jurisdiction	2000-01 Budget	Acquisitions Objectives	Land Holdings (Acres)	Board
<b>State Coastal Conservancy</b>					
1976	Coastal zone (1,100 miles of coast)	\$5.2 million support \$249 million property acquisition and improvement	Promote coastal management plan—generally public access, scenic views, natural habitat, and agricultural land	611 physical property; 3,609 easements	7 members All state appointments
<b>Santa Monica Mountains Conservancy</b>					
1979	Santa Monica and Santa Susanna Mountains, and Placerita Canyon (551,000 acres)	\$629,000 support \$24.3 million property acquisition and improvement	Provide for parks, trails, open space, and wildlife habitat that are easily accessible to the general public	Approximately 11,000 acres are held by joint powers authority associated with the conservancy	9 members 5 state 3 local 1 federal
<b>California Tahoe Conservancy</b>					
1984	Lake Tahoe Basin (approximately 148,000 acres)	\$4.1 million support \$20.5 million property acquisition and improvement	Provide access to shore; environmentally sensitive lands, especially those draining to the lake and/or subject to erosion	5,666 physical property; 120 easements	7 members 4 state 3 local
<b>San Joaquin River Conservancy</b>					
1995	San Joaquin River parkway in Fresno and Madera Counties (approximately 5,900 acres)	\$221,000 support \$0 property acquisition and improvement	Affords public recreational opportunities and supports wildlife habitat	123 physical property	15 members 9 state 6 local
<b>Coachella Valley Mountains Conservancy</b>					
1996	Coachella Valley (approximately 1.25 million acres)	\$140,000 support \$4.9 million property acquisition and improvement	Promote habitat priorities listed in Natural Communities Conservation Plans, currently being developed for Coachella Valley region	1,622 physical property; 1,138 easements	21 members 9 state 9 local 3 federal
<b>San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy</b>					
1999	San Gabriel River and Lower Los Angeles River watersheds (approximately 569,000 acres)	\$243,000 support \$0 property acquisition and improvement	Provide open space, recreational and educational uses, watershed improvement, wildlife and habitat restoration and protection	None	13 members 7 state 6 local and regional
<b>Baldwin Hills Conservancy</b>					
1/1/01	Baldwin Hills area in Los Angeles County (approximately 1,200 acres)	\$250,000 support \$0 property acquisition and improvement	Provide recreational open-space and wildlife uses	None	9 members 8 state 1 local



**Figure 5**

### Locations of State Conservancies



geographically defined conservancies can limit the state's ability to direct its conservation resources from a statewide perspective. This is because each conservancy receives a portion of the limited statewide funding each year, even though higher state priorities may exist elsewhere. In addition, a conservancy's status as a state agency can give rise to an expectation of continued state funding, even when state funding may no longer be justified. These problems can be mitigated to the extent that statewide resources needs are defined and prioritized, thus providing a more rational basis for the establishment and funding of particular conservancies.

Second, state conservancies can be less cost-effective than alternative approaches in achieving land conservation goals. This

is because each state conservancy incurs administrative overhead costs in the hundreds of thousands of dollars and higher, even for only one or two staff. (The larger conservancies incur annual administrative costs in the millions of dollars.) As state agencies, conservancies are subject to various procedural requirements in their purchase and acquisition of land, and these requirements impose costs and constraints.

### State Conservancies Have Limitations

State conservancies also have several limitations. Most fundamentally, the presence of

Third, conservancies are not well-suited to all land conservation situations. For example, state conservancies are not always welcomed by local officials and groups. There have been many cases where the involvement of state agencies—even relatively independent ones—are viewed as interfering with local land use planning decisions. Some private landowners, for instance, are

hesitant to sell land to a government body rather than to another private party or a nonprofit organization. Moreover, in recent public forums exploring regional land conservation options, individuals and groups have expressed their opposition to the creation of a new state conservancy, citing such concerns as governmental intrusion into local land use issues.

## LEGISLATURE SHOULD CLARIFY ROLE OF CONSERVANCIES

There is increasing interest in using conservancies to advance various land conservation objectives. As a result, the Legislature will likely continue to be faced with proposals to modify and expand existing conservancies, as well as to create new ones. In the 1999-00 legislative session alone, legislation was introduced to create or plan for the creation of four new conservancies and to modify most of the existing ones. In order to ensure that the state's land conservation needs are addressed most effectively, it will be necessary for the Legislature to consider such proposals in a broader context that includes statewide priorities and needs.

Accordingly, we recommend that the Legislature clarify the intended role of the conservancies in carrying out the state's overall land conservation objectives. Toward that purpose, we offer (1) general conclusions about the circumstances where a state conservancy could appropriately implement the state's land acquisition efforts and

(2) recommendations for organizing and funding the conservancies that have been created.

In the longer term, we recommend that the Legislature work with the Resources Agency to assess the state's habitat and land resource needs. The assessment should then be used to facilitate a review of the state's overall approach to land conservation. Based on this review, the Legislature may wish to restructure the state's overall land acquisition and management efforts. This might include, for example, redefining the role and structure of the state's conservancies.

### WHERE ARE STATE CONSERVANCIES BEST SUITED?

***State Conservancies Protect Extraordinary Resources of Statewide Significance.*** Generally, state conservancies are most effective where *specific* land resources of extraordinary, unique value to the entire state are found to be inadequately protected, and thus public acquisition and management is considered necessary.



The state has a number of programs and agencies that promote the protection of *general* resources, such as wildlife habitat, water, and agricultural land. Such general, statewide needs are appropriately addressed through general, statewide programs. For example, WCB works to protect wildlife habitat for the entire state, and prioritizes its acquisition efforts using objective criteria. Alternatively, specific *local* resources, such as community parks and open space districts, are typically the responsibility of local and regional governments. This helps ensure that distinctly local needs are addressed through locally accountable decision-making processes.

However, some of California's natural resources are exceptionally unique and of value to the entire state. The state's coastline and Lake Tahoe are two noteworthy examples. The protection and management of these resources is in the interests of all Californians—not merely to those who live near them. Stewardship of these resources thus should be the responsibility of the state government. It is in such circumstances that state conservancies can play a role. For example, through its land acquisition and restoration programs the State Coastal Conservancy (SCC) works to promote adequate public access to beaches and the coastline, protection of scenic views, and preservation of environmental quality at beaches and associated watersheds.

The primary advantage of state conservancies, therefore, lies in their ability to focus state resources at a specific geographical area of exceptional statewide value. This helps to ensure the

effective protection of extraordinary natural resources in a way that preserves statewide interests. We recommend that the Legislature consider proposals to establish new conservancies based on this standard.

There are, however, many alternatives to state conservancies that can effectively promote the conservation of land resources that are of regional, but not statewide, significance. For example, nonprofit groups and regional governments utilize the conservancy model to protect and manage regional assets. Many nonprofit organizations currently work to acquire and manage land for open space, public recreation, and wildlife habitat in various regions. For example, the American River Parkway Foundation and the (San Francisco) Peninsula Open Space Trust successfully manage lands for such purposes without direct state involvement. In fact, some nonprofit conservancies continue to operate within the territorial jurisdiction of state conservancies. For example, the San Joaquin Parkway and River Trust operates within the jurisdiction of San Joaquin River Conservancy (SJRC), and the Monrovia Mountains Conservancy covers a significant portion of the San Gabriel Conservancy's jurisdiction.

As another alternative, the state could formally endorse regional conservation plans without creating new state agencies or obligations. For example, through statute the state has adopted Sacramento County's American River Parkway Plan in order to provide the necessary recognition to make local planning efforts eligible for



certain state and federal funds and other resources. However, local agencies bear primary responsibility for managing the parkway.

The state could also make funds available in the form of grants to various nonprofit and local governmental agencies to promote particular regional land conservation goals. For example, the 2000 parks bond measure provides many millions of dollars in the form of competitive grants for certain types of parks and recreational facilities. Other states have established longer-term grant programs. For example, the Connecticut Department of Environmental Protection provides funds to local and nonprofit land conservation organizations through a competitive grant process that scores applications based on specific criteria. The program is aimed at permanently protecting about one-fifth of the state's land (about 673,000 acres) as open space.

We recommend that the Legislature consider alternatives such as these when determining whether a new state conservancy ought to be established to address regional land conservation objectives. These alternatives may provide a more cost-effective means for achieving these regional objectives. This is because the creation of state conservancies entails ongoing support costs, as well as

potential ongoing state funding for actual acquisition, in addition to according special status to particular regions of the state.

**State Conservancies Complement State Regulatory Efforts.** The state has indicated its concern with certain unique land resources through the creation of special state-level land use laws and regulatory bodies. In such cases, the establishment of a state conservancy may be appropriate if it complements these regulatory efforts.

Figure 6 lists state conservancies that are associated with state regulatory agencies. For example, the CCC enforces the Coastal Act of 1976 by regulating development activity in the coastal zone. The SCC complements the regulatory process by providing an opportunity for private landowners to sell property that the state would otherwise regulate for conservation purposes. By acquiring property, SCC also achieves a more permanent advancement of the Coastal Act's goals. Similarly, the Tahoe Conser-

**Figure 6**

**State Land Use Regulatory Agencies And Associated Conservancies**

Region	Regulatory Agency	Conservancy
Coastal zone	California Coastal Commission	State Coastal Conservancy (SCC)
San Francisco Bay Area	Bay Conservation and Development Commission	Bay Area Conservancy (division of SCC)
Lake Tahoe basin	Tahoe Regional Planning Association	California Tahoe Conservancy



vancy complements the regulatory activity of the Tahoe Regional Planning Agency.

In determining what other geographic areas might be suitable for stewardship by a state conservancy, the Legislature should consider whether those areas are, or should be, subject to special state-level land use laws similar to the Coastal Act and the Lake Tahoe interstate compact.

## **HOW SHOULD STATE CONSERVANCIES BE ORGANIZED AND FUNDED?**

***State Conservancies Should Be Accountable to the State.*** Because state conservancies are state-funded departments, the state should have an appropriate level of control over their activities to hold them accountable. Since land acquisitions and other actions by conservancies are directed by governing boards, the state should have sufficient representation on those boards. While some level of local representation is desirable to ensure local buy-in to conservancy activities, the state should appoint a majority of the board's members in order to ensure that state interests are protected. However, even after legislation in 2000 created majorities on general conservancies' boards, the Coachella Valley Mountains Conservancy still does not have a state majority, and the state appointees on some of the other conservancies' boards are restricted to certain local representatives.

In addition, the state's conservancies vary greatly in their fiscal accountability to the state. Some, such as Santa Monica Mountains Conservancy (SMMC) and SCC, are required to submit

to the Legislature periodic reports of their expenditures and activities, while others have no such reporting requirements. Some, such as SMMC, receive substantial funding from local or other sources which is not controlled by the state.

While allowing for the unique circumstances of each conservancy's physical, political, and fiscal environment, we believe that the activities of the conservancies should be held more fully accountable to the state. Specifically, we recommend that the Legislature amend statute to create clear state majorities on the boards of all the conservancies. In addition, we recommend the enactment of legislation requiring all state conservancies to report to the Legislature on (1) their activities (including information such as amount of land acquired, purpose of acquisition, and so forth), (2) the management status of all acquired lands (including an identification of maintenance or restoration costs, groups, or agencies responsible for managing the properties and activities permitted on the property), and (3) details of their funding (both state and nonstate sources) and expenditures, including spending on maintenance of acquired property. In order to ensure cohesiveness among the different conservancies' reports, we further recommend that the Resources Agency be required to compile the information from the various conservancies and provide it as a single annual or biennial report to the Legislature.

***Land Acquisition Objectives Should Be Clarified.*** In order to help focus conservancies' acquisition efforts, the enabling legislation for each conservancy must be clear about the

objectives that its land acquisitions programs are meant to accomplish. (For example, is the objective to provide for the survival of a particular species or accommodate a particular kind of recreational activity?) If legislation that establishes a conservancy identifies goals that are too broad or too divergent, conservancies are provided with little meaningful direction. For example, statute charges the SJRC with providing “a harmonious combination of low-impact recreational and educational uses and wildlife protection through the preservation of the San Joaquin River. . .” Any number of activities could be undertaken under these general guidelines.

Moreover, the statutory missions of some conservancies contain goals that are difficult to reconcile. In the case of SJRC, for example, even low-impact recreational uses may conflict with wildlife protection. It is possible to develop compromises between such goals, of course, but without clear and consistent statutory direction, conservancies' activities are susceptible to straying from their statutory responsibilities.

At the same time, it is desirable that acquisition efforts intended to advance statutory objectives be afforded sufficient flexibility in the selection of particular parcels. Typically, conservancies develop their own annual land acquisition proposals and seek to have them funded in the budget act. However, sufficient information on these projects often is not made available for the Legislature to evaluate whether proposed acquisitions are consistent with the conservancies' mission and state priorities.

Overall, the state's wildlands acquisition efforts should balance the need for flexibility in addressing opportunities with accountability in using state resources. To help promote this balance, we recommend that the Legislature (1) provide clearer statutory direction to conservancies regarding competing land-use objectives and (2) require that necessary information on proposed acquisitions, including cost data and the relationship of the property to state resources priorities, be provided at the time of budget hearings.

***Recognize That Funds Will Be Needed to Manage Acquired Properties.*** Lands acquired by conservancies create certain financial and legal obligations for the state. At a minimum, public access must be accommodated or restricted as appropriate, depending on the intended purpose of the acquisition. Beyond this, some lands may require habitat restoration, the construction of recreational facilities, patrolling by rangers or wardens, or other activities. Moreover, the acquisition of lands can impose certain legal obligations on the state, such as liability for injuries that occur on the land.

Not all conservancies have either the funding or the staff to carry out these management obligations. In recognition of this, in recent years the state budget has included language prohibiting certain conservancies from acquiring property that “would require increased state funds for management purposes.” However, most land acquisitions create some level of management



responsibilities in the form of fencing, signage, patrolling, public access, fire prevention, and other needs.

We believe that discouraging the acquisition of properties that have potential management costs may stymie the state's ability to address the most urgent habitat needs. For example, the acquisition of certain lands with potential cleanup and management costs—such as degraded wetlands in Southern California or sensitive grasslands in the Central Valley—may be critical for the preservation of certain endangered species, or for the achievement of other state priorities. In addition, severely restricting funds for the management of certain state-acquired lands may lead to the eventual degrading of those lands. As the Bureau of State Audits concluded in a recent study of state land acquisition and oversight, the inability of some state departments to adequately manage their habitat lands can “jeopardize the ecological health” of a region.

We therefore recommend that language relating to management costs in future budget acts be revised to allow the acquisition of lands with ordinary, minimal management costs. We further recommend that the Legislature require that conservancies provide information on management costs as part of the documentation supporting their annual budget proposals. This information would facilitate the Legislature's allocation of funds between the management of state-owned lands and the acquisition of additional lands. We note, in addition, that proper manage-

ment of conservancy-acquired lands may require that they be transferred from state conservancies to DFG, DPR, or other statewide land management agencies.

***Statutes Establishing Conservancies Should Provide for Sunset Reviews.*** The various state conservancies have been created over the past quarter century. During this period, the state's population has grown significantly and many changes have occurred relative to the state's development patterns. Additionally, a number of environmental and wildlife issues have been identified to be of statewide concern. Given the dynamic environment in which conservancies operate, we think that it is appropriate that the Legislature periodically review the conservancies to determine whether (1) they are fulfilling their respective statutory missions and (2) their missions continue to be appropriate and of statewide interest. Such reviews, when guided by a statewide habitat and natural resources blueprint, such as CCRISP, would enable the Legislature to determine what modifications to the conservancies and their missions are needed in order for the state to achieve its overall land conservation goals.

In order to provide itself with opportunities to review periodically the suitability of these conservancies, the Legislature should amend conservancies' authorizing statutes to require periodic assessments of conservancies' progress in attaining their goals. If it determines that a conservancy has completed the goals set out for it, or that the goals are no longer appropriate, the Legislature

should eliminate the conservancy or alter its mission. Such a review should be carried out by

an agency external to the conservancy, either in the administration or Legislature.

## **LAND CONSERVATION PROGRAMS SHOULD BE REVIEWED**

Conservancies are just one relatively small segment of the state's overall approach to land conservation. As noted above, other state agencies are directly involved in land acquisition and protection. For the longer term, we recommend that the Legislature review and evaluate the state's overall land conservation programs. This review should examine how the various departments and programs relate to one another, and should in particular identify opportunities to increase efficiency, improve coordination, and ensure the promotion of statewide priorities. Such a review could be facilitated with information provided through CCRISP, or other statewide lands assessments, among other sources.

We believe a comprehensive evaluation of California's land conservation programs could present opportunities to significantly improve the effectiveness of the state's land acquisition and conservation efforts. Potential improvements could involve changes in various state departments. For example, some have argued that all state purchases of wildlands should be carried out by a single state agency, such as WCB. Others have suggested that state-owned recreational lands should be managed by DPR rather than state conservancies. These and other reforms could be evaluated and, if appropriate, implemented as part of a comprehensive review of the state's land conservation programs.



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