

Date of Hearing: March 20, 2018

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Eduardo Garcia, Chair

AB 1762 (Steinorth) – As Amended February 28, 2018

SUBJECT: State parks: visitors: animals

SUMMARY: Allows visitors to bring animals into any unit of the state park system. Specifically, **this bill:**

1. Would permit visitors to bring animals into units of the state park system or recreational areas of those units.
2. Would require the Director of the Department of Parks and Recreation (DPR) to develop fines, rules, and regulations to mitigate or prevent any behavior by those animals that may pose a threat to public safety and welfare, create a public nuisance, or pose a threat to the natural or cultural resources of the unit or to the improvements at the unit.

EXISTING LAW:

1. Establishes the California State Park system and vests the DPR with control of the state park system and responsibility for administering, protecting, developing, and interpreting state parks for the use and enjoyment of the public.
2. Permits visitors to bring animals into units of the state park system when the Director of the DPR determines that it is in the public interest.
3. Prohibits an animal brought into a state park system unit from being allowed to pose a threat to public safety and welfare, create a public nuisance, or pose a threat to the natural or cultural resources of the unit or to the improvements at the unit
4. Allows the DPR to require a person bringing an animal into a state park system unit to provide proof of appropriate immunizations and valid licenses.
5. Excludes the above requirements for dogs used to lawfully pursue game in season at units of the state park system where hunting is allowed.

FISCAL EFFECT: Unknown

COMMENTS: Allows visitors to bring animals into any unit of the state park system.

Author's Statement:

AB 1762 would shift California's State Park pet policy to become more pet friendly. Instead of a blanket ban on pets with a few exceptions, this bill would allow pets in to recreational areas (trails, campsites) of state parks and would authorize the Department of Parks and Recreation to regulate their presence. In more extreme circumstances, the Department will still be able to prohibit the presence of pets, but the vast majority of California State Park trails and recreation areas will be opened to pets with proper restrictions, allowing many

more families to enjoy and support our state parks along with their four-legged family members.

Background: *Animals in State Parks.* While animals are allowed in some areas of the state park system, it can be difficult for pet owners to know where they can bring their animals. The DPR determines which portions of state park units permit animals, and recommends that visitors call the park they plan to visit to determine if they can bring their animals. Unless posted to the contrary, dogs, other than those that assist the permanently disabled, are prohibited on trails, beaches, and wherever posted. Dogs are allowed in most state parks in developed areas (e.g., parking lots, campsites). The DPR does allow dogs on some beaches and trails that are within the state park system.

Definition of Animal. The author's stated intent is to allow "four-legged family members" to visit parks with their owners. However, the specific types of animals that visitors could bring are not defined in the current version of the bill.

State Parks. The California state park system is the largest state park system in the continental United States, with 1.4 million acres spread over 280 units. The purpose of California state parks is to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of ecological regions of California. Each state park is managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the park was established. The mission of the DPR is to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

State Park Units. This bill would allow visitors to bring animals into any unit of the state park system or recreational areas of those units. The 280 state park units are classified into eight types of state park units by the State Park and Recreation Commission, as defined in the Public Resources Code:

1. State recreation units, which include state recreation areas, underwater recreation areas, state beaches, and wayside campgrounds;
2. Historical units;
3. State seashores;
4. State reserves, which include state natural reserves and state cultural reserves;
5. State wildernesses;
6. Natural preserves;
7. Cultural preserves; and
8. State marine managed areas.

Resource Conflicts. Numerous scientific studies show that the presence of domestic animals can result in direct and indirect impacts on natural resources, including displacing and harassing

wildlife, disturbing nesting and breeding areas, spreading disease, and degrading water quality from pet waste. Dogs are a subspecies of wolves, and wildlife perceive dogs as predators. The same concern does not apply to horses, which have historically been allowed within the state park system. Due to the DPR's resource protection mandate, environmental reviews may be necessary to determine the areas where animals should, or should not, be allowed in order to limit wildlife and resource impacts.

User Group Conflicts. Not all visitors to state parks have domestic animals or enjoy animals. Concerns have been raised that visitors may be uncomfortable or feel threatened around an animal they do not know, especially large dogs. In addition, birding and equestrian activities may be disturbed by the presence of domestic animals.

Enforcement. This bill requires the Director of the DPR to develop fines, rules, and regulations in order to mitigate or prevent animal behaviors that may result in resource and user group conflicts. Current citations for various animal violations in state parks can be \$200 or more, and visitors with vicious, dangerous, noisy, or disturbing animals can be ejected from park units. Animals, including cats, cannot be turned loose in park units. All animals, other than grazing animals, must be under immediate physical control. When in permitted areas of state park units, dogs must be on a tended leash no more than 6 feet in length or confined in an enclosed vehicle, tent or pen. Permitting animals in additional areas may result in more infractions and put a strain on enforcement capabilities. For example, some owners may not pick up after their pet, resulting in pet waste along trails, or might allow their pet off-leash.

Other States. In 49 other states, the law generally allows pets in most state parks, except where non-pet areas are designated. Non-pet area designations are more common on beaches than trails. For example, Oregon allows pets in nearly all state parks as long as they are physically restrained, including on trails, at tent sites, or in yurts and cabins. Some Oregon state parks have designated off-leash exercise areas. Pets are allowed off-leash at most beaches, but are not permitted on some beaches and trails, or are excluded at certain times of year, to protect wildlife.

In Washington, pets are allowed in most state parks, but must be under physical control at all times on a leash no more than eight feet long. Owners are responsible for cleaning up after their pets. Pets are not permitted on designated swimming beaches. Pets are not allowed inside vacation houses, but are permitted in designated yurts/cabins. Washington has the State Environmental Policy Act that identifies and analyzes environmental impacts associated with governmental decisions.

National Parks and Recreation Areas. In general, national parks allow pets in developed areas, in campgrounds, on some trails, and in some lodging facilities. Pets must be restrained either on a leash not exceeding 6 feet in length, caged, or crated at all times. Pets are not permitted in public buildings, public transportation vehicles, or locations designated as a swimming beach.

In 2002, Golden Gate National Recreation Area (GGNRA) embarked on an extensive planning process to determine the manner and extent of dog walking in appropriate areas of the park. The planning process was intended to provide a clear, enforceable dog management policy; preserve and protect natural and cultural resources and natural processes; provide a variety of visitor experiences; improve visitor and employee safety; reduce user conflicts; and maintain park resources and values for future generations. The Final Dog Management Plan/Final Environmental Impact Statement (FEIS) was released in December 2016. The National Park

Service determined that the preferred alternative provides a variety of visitor experiences (including designated areas allowing on-leash dog walking or dog walking under voice and sight control, as well as areas with no dogs allowed), as well as protection of natural resources, cultural resources, and visitor safety. Following this multi-year process, GGNRA calls itself the “Most Dog-Friendly National Park.”

Liability. There may be concerns about liability with the introduction of domestic animals into additional areas of the state park system. Government Code Section 815 codifies the common law rule of governmental immunity and specifies that a public entity is not liable for injuries caused by its acts or omissions, unless liability is expressly provided for by another statute.

Committee Amendments: The committee may wish to amend the bill to do the following:

1. Limit the bill to pertain to dogs in state parks, while not changing regulations pertaining to service animals and historical uses by riding and pack animals.

Suggested language:

SECTION 1. Section 5008.1 of the Public Resources Code is amended to read:

5008.1. (a) Visitors to units of the state park system may bring ~~animals~~ dogs into those units and into recreational areas of those units.

(b) Any ~~animal~~ dog brought into a state park system unit pursuant to subdivision (a) shall be under the immediate control of the visitor or shall be confined.

(c) The director shall develop fines, rules, and regulations to mitigate or prevent any behavior by ~~an animal~~ a dog brought into a state park system unit pursuant to subdivision (a) that may do any of the following:

(1) Pose a threat to public safety and welfare.

(2) Create a public nuisance.

(3) Pose a threat to the natural or cultural resources of the unit or to the improvements at the unit.

(d) The department may require a person bringing ~~an animal~~ a dog into a state park system unit pursuant to subdivision (a) to provide proof of appropriate immunizations and valid licenses.

(e) (1) This section does not apply to dogs used to lawfully pursue game in season at units of the state park system where hunting is allowed.

(2) *Nothing in this section shall be construed to limit access to state park system units for persons with guide dogs, signal dogs, service dogs, or other service animals, or for riding animals, pack animals, or livestock, as permitted by this section, as this section read on December 31, 2018, or any other law.*

2. Require the DPR to maintain a comprehensive, up-to-date list of locations that do and do not allow animals on their website. Suggested language:

(f) *No later than July 1, 2019, the department shall establish and maintain on its Internet Web site a comprehensive, up-to-date list of each state park system unit with information on whether the unit or a portion of the unit allows dogs, and additional information that may include, but is not limited to, the specific areas of a unit in which dogs are allowed and the total miles of trail in the unit that are open to dogs.*

Prior and Related Legislation: None.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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