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Joseph T. Edmiston
Executive Director
Santa Monica Mountains Conservancy
26800 Mulholland Highway
Calabasas, California 91302

Dear Mr. Edmiston,

We write concerning your recent inquiry into whether and when the Santa Monica Mountains Conservancy (the Conservancy) should be considered a trustee agency under the California Environmental Quality Act (CEQA). We conclude that the Conservancy should be considered a trustee agency for projects affecting natural resources in the Santa Monica Mountains Conservancy Zone, as defined in the Conservancy Act. (Pub. Resources Code, § 33000, et seq.)

A trustee agency is “a state agency that has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California.” (Pub. Resources Code, § 21070.) Agencies reviewing projects under CEQA must notify trustee agencies and consult with them at various points in the CEQA review process. (See Pub. Resources Code, §§ 21080.3, 21153; Cal. Code Regs., tit. 14, §§ 15063, 15072, 15073, 15082, 15086.)

To be considered a trustee agency for a project, the project must affect natural resources within the agency’s jurisdiction. (Cal. Code Regs., tit. 14, § 15386.) The term “affect” has been interpreted broadly, in order to foster inter-agency consultation. (*S.F. Baykeeper, Inc. v. State Lands Com.* (2015) 242 Cal.App.4th 202, 229; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1387.)

The CEQA Guidelines give examples of four agencies that are trustee agencies:

(a) The California Department of Fish and Game with regard to the fish and wildlife of the state, to designated rare or endangered native plants, and to game refuges, ecological reserves, and other areas administered by the department.

(b) The State Lands Commission with regard to state owned “sovereign” lands such as the beds of navigable waters and state school lands.

(c) The State Department of Parks and Recreation with regard to units of the State Park System.

(d) The University of California with regard to sites within the Natural Land and Water Reserves System.

(Cal. Code Regs., tit. 14, § 15386, subd. (a)-(d).)

This list is not exclusive. Indeed, a variety of unlisted agencies have been recognized as trustee agencies. (*S.F. Baykeeper, Inc. v. State Lands Com.*, *supra*, 242 Cal.App.4th at p. 229 [the California Coastal Commission could be considered a trustee agency of a project outside the coastal zone that would have an effect on natural resources in the coastal zone]; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1389 [the State Water Quality Control Board had the capacity to be a trustee agency on projects involving water quality]; *Schenk v. County of Sonoma* (2011) 198 Cal.App.4th 949, 958 [the Bay Area Air Quality Management District is a trustee agency].)

The Conservancy was created to address fractured land use in the Santa Monica Mountains that negatively impacts recreational and environmental value. The Legislature found that “planning for the zone was fragmented and there were ineffective means of ... evaluating individual projects within the zone as to their effect on the entire region.” (Pub. Resources Code, § 33002.) As a result, “piecemeal development projects were occurring within the zone which resulted in the irreplaceable loss of open space and recreational resources,” as well as environmental deterioration impacting fish and wildlife. (*Ibid.*) The Legislature found that the zone “exists as a single ecosystem in which changes that affect one part may also affect all other parts[,] and that the preservation and protection of this resource is in the public interest.” (Pub. Resources Code, § 33001.)

The Conservancy Act specifically identifies the Santa Monica Mountains Zone (the Zone) which includes most of the Santa Monica Mountains and a portion of the Santa Susanna Mountains. (Pub. Resources Code, §§ 33105, 33105.5, 33105.6.) The Conservancy Act states that the Zone is a “unique and valuable economic, environmental, agricultural, scientific, educational, and recreational resource that should be held in trust for present and future generations.” (Pub. Resources Code, § 33001.)

“[T]he pertinent inquiry for identifying a trustee agency is whether the project will have an effect on natural resources over which the state agency has jurisdiction.” (*S.F. Baykeeper, Inc. v. State Lands Com., supra*, 242 Cal.App.4th at p. 229.) The Conservancy meets the definition of a trustee agency because it is a state agency which has jurisdiction over the natural resources of the Zone, which it holds in trust for the people of California. (Pub. Resources Code, § 33001; *Robings v. Santa Monica Mountains Conservancy* (2010) 188 Cal.App.4th 952, 957 [The Legislature “created the Santa Monica Mountains Conservancy ... as a single governmental agency with responsibility for implementing a mandate to protect and preserve the Santa Monica Mountains Zone and to promote recreational, open space, park, and conservation purposes.”].) The Conservancy has jurisdiction over natural resources throughout the Zone. (See Legis. Analyst, California’s Land Conservation Efforts: The Role of State Conservancies, Jan. 5, 2001, p. 11 [defining the jurisdiction of the Conservancy as the Santa Monica Mountains, Santa Susanna Mountains, and Placerita Canyon, aligning with the Zone].)

Therefore, we conclude that the Conservancy should be considered a trustee agency for any CEQA project which affects natural resources within the Zone. Please let us know if you have any questions.

Sincerely,



CHRISTINA BULL ARNDT
Supervising Deputy Attorney General