

AMENDED IN ASSEMBLY SEPTEMBER 5, 2003

AMENDED IN SENATE APRIL 29, 2003

AMENDED IN SENATE APRIL 9, 2003

SENATE BILL

No. 277

Introduced by Senator Ducheny
(Principal coauthors: Senators Kuehl and Machado)
(Principal coauthor: Assembly Member Kehoe)
(Coauthor: Senator Alpert)

February 18, 2003

~~An act to add Section 2840 to the Fish and Game Code, relating to water, and making an appropriation therefor. An act to add Chapter 13 (commencing with Section 2930) to Division 3 of the Fish and Game Code, and to amend Section 9 of Chapter 6.7 of the Statutes of 2002, relating to water, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 277, as amended, Ducheny. ~~Natural Community Conservation Plan~~ ~~Water: Salton Sea.~~

~~(1) Existing law, the Natural Community Conservation Planning Act, authorizes the Department of Fish and Game to enter into agreements with any person or public entity for the purpose of preparing a natural community conservation plan, to provide comprehensive management and conservation of multiple wildlife species. Existing law requires the department, if certain requirements are met, to approve a natural community conservation plan for implementation.~~

~~This bill would authorize the Department of Fish and Game to approve a natural community conservation plan that is proposed as a condition of, or that is related to, a water transfer between the Imperial~~

~~Irrigation District and the San Diego County Water Authority if that department makes a certain determination.~~

~~(2) Under existing law, various agencies carry out responsibilities relating to the Salton Sea.~~

~~This bill would enact the Salton Sea Restoration Act. The bill would establish the Salton Sea Restoration Fund and would require the fund to be administered by the Director of Fish and Game. The bill would require the money deposited in the fund to be expended, upon appropriation by the Legislature, for various purposes relating to the restoration of the Salton Sea. The bill would authorize the Department of Water Resources to contract with water suppliers to purchase and sell water made available by specified means to achieve the goals of the act.~~

~~(2) Existing law requires the Resources Agency and the Technology, Trade, and Commerce Agency, in consultation with others, to review and report to the Governor and the Legislature, on or before June 30, 2003, on the nature and extent of any economic impacts related to the use of land fallowing in the Imperial Valley in connection with the Quantification Settlement Agreement, measures taken by the Imperial Irrigation District in formulating a fallowing program to minimize those economic impacts, whether the provision of certain funds would minimize those economic impacts, and the amount of additional funds required to mitigate those economic impacts. Existing law requires the report to include recommendations to the Governor and the Legislature, if the report indicates that additional funds are required, relating to the formulation of a program to administer those funds and requires that program to be developed in consultation with certain agencies.~~

~~This bill, instead, would require the Department of Food and Agriculture, if funds are appropriated for this purpose, and in consultation with others, to prepare that report. The bill would revise the list of agencies to be consulted for purposes of formulating that program.~~

~~(3) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department and the Fish and Game Commission to pay all necessary expenses incurred in carrying out the Fish and Game Code and other state laws.~~

~~By imposing new duties on the department, the bill would make an appropriation.~~

~~(4) The bill would become operative only if SB 654 and SB 317 are both chaptered and become effective on or before January 1, 2004.~~



Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 ~~SECTION 1.—The Legislature finds and declares all of the~~
2 *SECTION 1. Chapter 13 (commencing with Section 2930) is*
3 *added to Division 3 of the Fish and Game Code, to read:*

4
5 *CHAPTER 13. SALTON SEA RESTORATION ACT*

6
7 *2930. This chapter shall be known and may be cited as the*
8 *Salton Sea Restoration Act.*

9 *2931. (a) It is the intent of the Legislature that the State of*
10 *California undertake the restoration of the Salton Sea ecosystem*
11 *and the permanent protection of the wildlife dependent on that*
12 *ecosystem.*

13 *(b) This restoration shall be based on the preferred alternative*
14 *developed as a result of the restoration study and alternative*
15 *selection process described in Section 2081.7 and using the funds*
16 *made available in accordance with that section to be deposited in*
17 *the Salton Sea Restoration Fund and other funds made available*
18 *by the Legislature and the federal government.*

19 *(c) The preferred alternative shall provide the maximum*
20 *feasible attainment of the following objectives:*

21 *(1) Restoration of long term stable aquatic and shoreline*
22 *habitat for the historic levels and diversity of fish and wildlife that*
23 *depend on the Salton Sea.*

24 *(2) Elimination of air quality impacts from the restoration*
25 *projects.*

26 *(3) Protection of water quality.*

27 *2932. There is hereby established the Salton Sea Restoration*
28 *Fund which shall be administered by the director. Money deposited*
29 *in the fund shall be expended, upon appropriation by the*
30 *Legislature, for the following purposes:*

31 *(a) Environmental and engineering studies related to the*
32 *restoration of the Salton Sea and the protection of fish and wildlife*
33 *dependent on the sea.*

34 *(b) Implementation of conservation measures necessary to*
35 *protect the fish and wildlife species dependent on the Salton Sea,*



1 including adaptive management measurements pursuant to
2 Section 2081.7. These conservation measures shall be limited to
3 the Salton Sea and lower Colorado River ecosystems, including
4 the Colorado River delta.

5 (c) Implementation of the preferred Salton Sea restoration
6 alternative.

7 (d) Administrative, technical, and public outreach costs related
8 to the development and selection of the preferred Salton Sea
9 restoration alternative.

10 2933. The Department of Water Resources may contract with
11 water suppliers to purchase and sell water made available
12 pursuant to Section 1745.02 of the Water Code to achieve the goals
13 of this chapter.

14 SEC. 2. Section 9 of Chapter 617 of the Statutes of 2002 is
15 amended to read:

16 Sec. 9. (a) ~~The Resources Agency and the Technology,~~
17 ~~Trade, and Commerce Agency Department of Food and~~
18 ~~Agriculture, if funds are appropriated for this purpose, and in~~
19 consultation with the Imperial Irrigation District, Imperial
20 County, and any other entities, organizations, and individuals
21 deemed appropriate by the ~~secretaries of those two agencies~~
22 *Secretary of Food and Agriculture*, shall review and report to the
23 Governor and the Legislature, on or before June 30, ~~2003~~ 2005,
24 on all of the following:

25 (1) The expected nature and extent of any economic impacts
26 related to the use of land fallowing in the Imperial Valley in
27 connection with the Quantification Settlement Agreement, as
28 defined in subdivision (a) of Section 1.

29 (2) Measures taken by the Imperial Irrigation District in
30 formulating a fallowing program to minimize as far as practicable
31 those economic impacts.

32 (3) Whether and to what extent funds provided to the Imperial
33 Irrigation District for transferred water under the Quantification
34 Settlement Agreement, together with any other funds that have
35 been made available for these purposes would mitigate those
36 economic impacts.

37 (4) The amount of any additional funds required to mitigate the
38 economic impacts.

39 (b) If the report required under this section indicates that
40 additional funds are required, the report shall include



1 recommendations to the Governor and the Legislature on all of the
2 following:

3 (1) Proposed means for providing those additional funds,
4 including, but not limited to, funding by the state.

5 (2) Formulation of a program to administer those funds in the
6 most effective manner. The program shall be developed in
7 consultation with the ~~Departments~~ *Department of Finance, Food*
8 ~~and Agriculture, and Water Resources, with the Resources Agency,~~
9 *the Employment Development Department*, the Imperial Irrigation
10 District, and with any other entities deemed appropriate by the
11 ~~secretaries of the two agencies~~ *Secretary of Food and Agriculture*.

12 SEC. 3. This act shall become operative only if SB 654 and
13 SB 317 of the 2003–04 Regular Session are both chaptered and
14 become effective on or before January 1, 2004.

15 following:

16 ~~(a) The Salton Sea is a valuable asset to the state and the nation.~~
17 ~~Protection of this national resource is the responsibility of the state~~
18 ~~and the nation.~~

19 ~~(b) The search for alternatives for carrying out the restoration~~
20 ~~of the Salton Sea in connection with the implementation of a~~
21 ~~proposed water transfer will help ensure that California can live~~
22 ~~within its entitlement to the use of 4.4 million acre-feet of~~
23 ~~Colorado River water. The implementation of the interim surplus~~
24 ~~guidelines and the maintenance of a stable water supply for~~
25 ~~California are essential to improving California's economy.~~

26 ~~(c) It is important to the State of California to do all of the~~
27 ~~following:~~

28 ~~(1) Promote a comprehensive plan that protects and improves~~
29 ~~the long-term viability of the Salton Sea and surrounding areas,~~
30 ~~including fish and wildlife resources, air and water quality, and~~
31 ~~recreational opportunities.~~

32 ~~(2) Increase public awareness and support for protecting the~~
33 ~~long-term health of the Salton Sea ecosystem.~~

34 ~~(3) Promote the Salton Sea as an integral part of the Pacific~~
35 ~~Flyway, Colorado River, Colorado River Delta, and historic Lake~~
36 ~~Cahuilla.~~

37 ~~(4) Coordinate and collaborate with organizations working to~~
38 ~~protect and restore other ecosystems connected to the Salton Sea.~~

39 SEC. 2. ~~Section 2840 is added to the Fish and Game Code, to~~
40 ~~read:~~



1 ~~2840. The Department of Fish and Game may approve a~~
2 ~~natural community conservation plan that is proposed as a~~
3 ~~condition of, or that is related to, a water transfer between the~~
4 ~~Imperial Irrigation District and the San Diego County Water~~
5 ~~Authority if it determines that the plan, as submitted by the lead~~
6 ~~agency, is consistent with the long-term restoration of the Salton~~
7 ~~Sea.~~

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