

Assembly Bill No. 797

CHAPTER 547

An act to add Section 51256.3 to the Government Code, and to amend Sections 29735, 29763, 29770, and 29771 of the Public Resources Code, relating to natural resources.

[Approved by Governor September 28, 2006. Filed with
Secretary of State September 28, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 797, Wolk. Sacramento-San Joaquin Delta.

(1) Existing law authorizes a city or county, upon petition by a landowner, to enter into an agreement with the landowner to rescind a contract, in accordance with specified procedures, in order to place other land within that city, the county, or the county where the contract is rescinded under an agricultural conservation easement.

The bill would, for the purposes of facilitating long-term agricultural land conservation in the Sacramento-San Joaquin Delta, authorize an agricultural conservation easement located within the primary or secondary zone of the delta to be related to contract rescissions in any other portion of the secondary zone without respect to county boundary limitations, as specified.

(2) Existing law creates the Delta Protection Commission consisting of 19 members and specifies that the membership includes various individuals. Existing law provides that a person aggrieved by an action taken by a local government or other local agency in implementing a resource management plan may file an appeal to the commission.

This bill would increase the membership of the commission to 23 members, and would additionally include the public member of the California Bay-Delta Authority who represents the delta region, and 3 public members who are delta residents or delta landowners and who represent various interests in the delta region, as specified, who are appointed by the Governor.

The bill would revise provisions with respect to local government or agency actions and appeals from these actions.

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

SECTION 1. Section 51256.3 is added to the Government Code, to read:

51256.3. For the purposes of facilitating long-term agricultural land conservation in the Sacramento-San Joaquin Delta, an agricultural

conservation easement located within the primary or secondary zone of the delta, as defined in Sections 29728 and 29731 of the Public Resources Code, may be related to contract rescissions in any other portion of the secondary zone without respect to county boundary limitations contained in an agricultural conservation easement agreement pursuant to Section 51256.

SEC. 2. Section 29735 of the Public Resources Code is amended to read:

29735. There is hereby created the Delta Protection Commission consisting of 23 members as follows:

(a) One member of the board of supervisors of each of the five counties within the delta whose supervisorial district is within the primary zone shall be appointed by the board of supervisors of the county.

(b) Three elected city council members shall be selected and appointed by city selection committees, from regional and area councils of government, one in each of the following areas:

(1) One from the north delta, consisting of the Counties of Yolo and Sacramento.

(2) One from the south delta, consisting of the County of San Joaquin.

(3) One from the west delta, consisting of the Counties of Contra Costa and Solano.

(c) (1) One member each from the board of directors of five different reclamation districts which are located within the primary zone who are residents of the delta, and who are elected by the trustees of reclamations districts within the following areas:

(A) Two members from the area of the North Delta Water Agency as described in Section 9.1 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), provided at least one member is also a member of the Delta Citizens Municipal Advisory Council.

(B) One member from the west delta consisting of the area of Contra Costa County within the delta.

(C) One member from the area of the Central Delta Water Agency as described in Section 9.1 of the Central Delta Water Agency Act (Chapter 1133 of the Statutes of 1973).

(D) One member from the area of the South Delta Water Agency as described in Section 9.1 of the South Delta Water Agency Act (Chapter 1089 of the Statutes of 1973).

(2) Each reclamation district may nominate one director to be a member. The member from an area shall be selected from among the nominees by a majority vote of the reclamation districts in that area. For purposes of this section, each reclamation district shall have one vote. The north delta area shall conduct separate votes to select each of its two members.

(d) The Director of Parks and Recreation, or the director's sole designee.

(e) The Director of Fish and Game, or the director's sole designee.

(f) The Secretary of Food and Agriculture, or the secretary's sole designee.

(g) The executive officer of the State Lands Commission, or the executive officer's sole designee.

(h) The Director of Boating and Waterways, or the director's sole designee.

(i) The Director of Water Resources, or the director's sole designee.

(j) The public member of the California Bay-Delta Authority who represents the delta region.

(k) The Governor shall appoint three members from the general public who are delta residents or delta landowners, as follows:

(1) One member shall represent the interests of production agriculture with a background in promoting the agricultural viability of delta farming.

(2) One member shall represent the interests of conservation of wildlife and habitat resources of the delta region and ecosystem.

(3) One member shall represent the interests of outdoor recreational opportunities, including, but not limited to, hunting and fishing.

SEC. 3. Section 29763 of the Public Resources Code is amended to read:

29763. Within 180 days from the date of the adoption of the resource management plan or any amendments, changes, or updates, to the resource management plan by the commission, all local governments shall submit to the commission proposed amendments that will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the primary zone.

SEC. 4. Section 29770 of the Public Resources Code is amended to read:

29770. (a) Any person who is aggrieved by any action taken by a local government or other local agency in implementing the resource management plan, or otherwise taken pursuant to this division, may file an appeal with the commission. The ground for an appeal and the commission consideration of an appeal shall be that an action, as to land located exclusively within the primary zone, is inconsistent with the resource management plan, the approved portions of local government general plans that implement the resource management plan, or this division. The appeal shall be heard by the commission within 60 days from the date of the filing of the appeal, unless the commission, either itself or by delegation to the executive director, determines that the issue raised on appeal is not within the commission's jurisdiction or does not raise an appealable issue.

(b) In the absence of an appeal by an aggrieved person, the commission may decide by majority vote to review on appeal any action taken by a local government or other local agency in implementing the resource management plan, or otherwise taken pursuant to this division, for land located exclusively within the primary zone, if the commission believes the action may be inconsistent with the resource management plan, or this division.

(c) The commission shall, by regulation, adopt administrative procedures governing those appeals.

(d) The commission may comment on projects within the secondary zone that impact the primary zone.

SEC. 5. Section 29771 of the Public Resources Code is amended to read:

29771. After a hearing on an appealed action, the commission shall either deny the appeal or remand the matter to the local government or local agency for reconsideration, after making specific findings. Upon remand, the local government or local agency shall modify the appealed action and resubmit the matter for review to the commission. A proposed action appealed pursuant to this section shall not be effective until the commission has adopted written findings, based on substantial evidence in the record, that the action is consistent with the resource management plan, the approved portions of local government general plans that implement the resource management plan, and this division.