

**ASSEMBLY BILL**

**No. 2502**

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**Introduced by Assembly Member Wolk**

February 21, 2008

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An act to add Chapter 1.58 (commencing with Section 5095.55) to Division 5 of the Public Resources Code, relating to public resources, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2502, as introduced, Wolk. Sacramento-San Joaquin Delta Ecological Restoration and Recreation Areas.

Under various laws, a private party may agree to convey an interest in real property to the state or a 3rd party, or to expend funds in connection with the management of a real property, or both, to mitigate the adverse impacts to the environment resulting from development or other permitted activity.

This bill would authorize the Director of Parks and Recreation to acquire land or other property interests in the Counties of Sacramento, Solano, and Yolo, including Liberty Island, Prospect Island, and Little Holland Tract, for the purpose of ecological restoration and management and outdoor recreation. Those acquisitions would be designated as a "Delta Ecological Restoration and Recreation Area."

The director would be required to transfer any fee title or other property interest so acquired to a public agency that is designated, by statute, by the Legislature specifically to hold, manage, and restore land and other property interests in the Sacramento-San Joaquin Delta. The bill would require the department to prepare and complete an ecological restoration and management plan not later than 90 days after the date on which the land or property interest is transferred to a public agency,

as specified. The bill would further require the department to undertake the restoration and management of the land that is the subject of the acquired property interest not later than 90 days after the date on which the plan is completed. The department would be authorized to enter into an agreement with a qualified interested party, as specified, to assist the department in the preparation and implementation of that plan.

The department would be required to establish an endowment account to provide income to finance ecological restoration, management, and planning on behalf of land or other property interests acquired under these provisions. The department would be authorized to deposit in the endowment account funds derived from the sale of mitigation credits to compensate for the loss of wetlands and aquatic species and habitats in the delta caused by, among other impacts, the operation of the State Water Project and the federal Central Valley Project, as well as funds derived from the dedication of funds donated or otherwise provided by persons or entities that sell land or other property interests to the department that may be managed in accordance with these provisions. The bill would require the department to invest funds in the endowment account with an unspecified entity to ensure that sufficient income is available annually to the department for the ecological restoration, management, and planning on behalf of those lands or other property interests acquired under these provisions. The income generated by the investment of these funds would be continuously appropriated to the department for those purposes. The department would be required to expend funds, other than funds in the endowment account, to finance the construction and maintenance of recreational facilities on land that is the subject of a property interest acquired under these provisions.

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. Chapter 1.58 (commencing with Section 5095.55)
- 2 is added to Division 5 of the Public Resources Code, to read:
- 3
- 4 CHAPTER 1.58. SACRAMENTO-SAN JOAQUIN DELTA ECOLOGICAL
- 5 RESTORATION AND RECREATION AREAS
- 6
- 7 5095.55. (a) It is the intent of the Legislature, by enacting this
- 8 section, to facilitate the restoration and management of native and

1 migratory animal species and native plant species, particularly  
2 those designated as rare, threatened, or endangered, their habitats,  
3 and the ecological processes that maintain those species and  
4 habitats, while providing outdoor recreational opportunities to the  
5 people of California for fishing, hunting, boating, and other similar  
6 endeavors that are not incompatible with ecological restoration  
7 and management.

8 (b) For the purposes of this section, the following terms have  
9 the following meanings:

10 (1) “Ecological restoration and management” means actions  
11 undertaken in accordance with principles of adaptive management  
12 and adaptive restoration pursuant to which goals and performance  
13 standards are established, the results of restoration and management  
14 actions are monitored in relation to the goals and performance  
15 standards, and those actions are adjusted, as needed, to improve  
16 subsequent results. “Ecological restoration and management”  
17 includes, but is not limited to, actions to reverse subsidence of peat  
18 soils and actions to promote the recovery of Delta smelt.

19 (2) “Nonprofit organization” means an organization that is  
20 described in Section 501 (3) of the Internal Revenue Code (26  
21 U.S.C. Sec. 501 (3)), that is exempt from taxation under Section  
22 501 (a) of that code (26 U.S.C. Sec. 501(a)).

23 (c) The director may acquire land or other property interests in  
24 the Counties of Sacramento, Solano, and Yolo, including Liberty  
25 Island, Prospect Island, and Little Holland Tract, for the purpose  
26 of ecological restoration and management, and outdoor recreation.  
27 Land or other property interests acquired pursuant to this section  
28 each shall be designated as a “Delta Ecological Restoration and  
29 Recreation Area.”

30 (d) The director shall transfer any fee title or other property  
31 interests acquired pursuant to this section to another public agency  
32 that is designated, by statute, by the Legislature specifically to  
33 hold, manage, and restore land and other property interests in the  
34 Sacramento-San Joaquin Delta. If that public agency is not  
35 established for those purposes, or does not agree to accept the land  
36 or property interest within 10 years of the date on which the  
37 director proposes to transfer the land or property interest, the  
38 director may dispose of the land or property interest in the manner  
39 prescribed by law.

1 (e) (1) The department shall prepare and complete an ecological  
2 restoration and management plan not later than 90 days after the  
3 date on which land or other property interest is transferred to a  
4 public agency pursuant to this section. The department shall  
5 undertake the ecological restoration and management of the land  
6 that is the subject of the property interest acquired under this  
7 section not later than 90 days after the date on which the plan is  
8 completed.

9 (2) Notwithstanding paragraph (1), the department may enter  
10 into an agreement with a qualified interested party that is a  
11 nonprofit organization that is devoted to conservation for the  
12 purpose of assisting the department in the implementation of  
13 paragraph (1). The qualified interested party shall have experience  
14 and scientific expertise in wetland restoration, management, and  
15 related planning.

16 (f) (1) The department may establish an endowment account  
17 to provide income to finance ecological restoration, management,  
18 and planning on behalf of land or other property interests acquired  
19 pursuant to this section.

20 (2) Funds that may be deposited in the endowment account  
21 include both of the following:

22 (A) Funds derived from the sale of mitigation credits to  
23 compensate for the loss of wetlands and aquatic species and  
24 habitats in the Sacramento-San Joaquin Delta caused by, among  
25 other impacts, the operation of the State Water Project and the  
26 federal Central Valley Project.

27 (B) Funds derived from the dedication of funds donated or  
28 otherwise provided by persons or entities that sell land or other  
29 property interests to the department that may be managed pursuant  
30 to this section.

31 (3) The department shall invest the funds in the endowment  
32 account with \_\_\_\_\_ to ensure that sufficient income is available  
33 annually to the department for the purposes set forth in paragraph  
34 (1).

35 (4) Notwithstanding Section 13340 of the Government Code,  
36 the income from the endowment account that is generated by the  
37 investment of funds pursuant to paragraph (3) is hereby  
38 continuously appropriated, without regard to fiscal years, to the  
39 department for the purposes set forth in paragraph (1).

1 (5) The department shall expend funds, other than funds in the  
2 endowment account, to finance the construction and maintenance  
3 of recreational facilities, including boat ramps, parking lots, hunting  
4 blinds, and other structural improvements, on land that is the  
5 subject of a property interest acquired pursuant to this section.

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