

Introduced by Senator Wolk

February 26, 2009

An act to add Division 22.3 (commencing with Section 32300) to the Public Resources Code, relating to the Conservancies.

LEGISLATIVE COUNSEL'S DIGEST

SB 458, as introduced, Wolk. Conservancies: Sacramento-San Joaquin Delta Conservancy.

Existing law authorizes various conservancies to acquire, manage, direct the management of, and conserve public lands in the state.

This bill would establish the Sacramento-San Joaquin Delta Conservancy to undertake various activities related to the delta, as defined, including monitoring projects within the watershed of the delta, providing stewardship, and coordinating with other delta governance entities. The bill would prescribe the management, powers, and duties of the conservancy. The bill would create the Sacramento-San Joaquin Delta Conservancy Fund in the State Treasury. Moneys in the fund would be available, upon appropriation, for the purposes of the conservancy.

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

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

- 1 SECTION 1. Division 22.3 (commencing with Section 32300)
- 2 is added to the Public Resources Code, to read:

1 DIVISION 22.3. SACRAMENTO-SAN JOAQUIN DELTA
2 CONSERVANCY

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4 CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS
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6 32300. This division shall be known, and may be cited as, the
7 Sacramento-San Joaquin Delta Conservancy Act.

8 32302. For the purposes of this division, the following terms
9 have the following meanings:

10 (a) “Board” means the governing board of the Sacramento-San
11 Joaquin Delta Conservancy.

12 (b) “Conservancy” means the Sacramento-San Joaquin Delta
13 Conservancy.

14 (c) “Council” means the Sacramento-San Joaquin Delta
15 Conservancy Advisory Council.

16 (d) “Delta” means the Sacramento-San Joaquin Delta as defined
17 in Section 12220 of the Water Code.

18 (e) “Fund” means the San-Joaquin Delta Conservancy Fund
19 created pursuant to Section 32323.

20 (f) “Local public agency” means a city, county, district, or joint
21 powers authority.

22 (g) “Nonprofit organization” means a private, nonprofit
23 organization that qualifies for exempt status under Section
24 501(c)(3) of Title 26 of the United States Code and that has among
25 its principal charitable purposes preservation of land for scientific,
26 recreational, scenic, or open-space opportunities, protection of the
27 natural environment or preservation or enhancement of wildlife,
28 preservation of cultural and historical resources or, efforts to
29 provide for the enjoyment of public lands.

30 (h) “Tribal organization” means an Indian tribe, band, nation,
31 or other organized group or community, or a tribal agency
32 authorized by a tribe, which is recognized as eligible for special
33 programs and services provided by the United States to Indians
34 because of their status as Indians and is identified on pages 52829
35 to 52835, inclusive, of Number 250 of Volume 53 (December 29,
36 1988) of the Federal Register, as that list may be updated or
37 amended from time to time.

1 CHAPTER 2. SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY

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3 32310. There is in the Natural Resources Agency the
4 Sacramento-San Joaquin Delta Conservancy, which is created as
5 a state agency to do all of the following, working in collaboration
6 and cooperation with local governments and interested parties:

7 (a) Monitor projects within the watershed of the delta that
8 provide substantial benefits to the ecosystem or recreation capacity
9 of the delta.

10 (b) Provide stewardship of the delta by establishing and meeting
11 natural resource goals through both terrestrial and aquatic
12 ecosystem protection and restoration efforts.

13 (c) Coordinate with other delta governance entities.

14 32312. The board shall consist of nine voting members and
15 seven nonvoting members, appointed or designated as follows:

16 (a) The nine voting members of the board shall consist of all of
17 the following:

18 (1) The Secretary of the Natural Resources Agency, or his or
19 her designee.

20 (2) The Director of Finance, or his or her designee.

21 (3) The chairperson of the Delta Protection Commission, or his
22 or her designee.

23 (4) Two public members appointed by the Governor.

24 (5) Two public members appointed by the Senate Committee
25 on Rules.

26 (6) Two public members appointed by the Speaker of the
27 Assembly.

28 (7) One public member appointed by the Governor, one public
29 member appointed by the Senate Committee on Rules, and one
30 public member appointed by the Speaker of the Assembly shall
31 be locally elected officials from within the five delta-region
32 counties. The three other public members shall represent statewide
33 interests, with one member residing in the delta and one member
34 residing in southern California, and each shall have expertise in
35 natural sciences, water and flood management, or conservation
36 sufficient to contribute to the goals of the conservancy.

37 (b) The seven nonvoting members shall consist of the following:

38 (1) A designee of the San Francisco Bay Conservation and
39 Development Commission for coordination purposes.

1 (2) Three members of the Senate, appointed by the Senate
2 Committee on Rules, and three members of the Assembly,
3 appointed by the Speaker of the Assembly, shall meet with the
4 conservancy and participate in its activities to the extent that this
5 participation is not incompatible with their positions as Members
6 of the Legislature. At least two of the Members of the Senate and
7 two Members of the Assembly shall represent a district that
8 encompasses a portion of the delta.

9 32313. The members appointed by the Governor shall serve
10 at his or her pleasure. The locally elected public members shall
11 serve for a term of four years, with a two-term limit. The state
12 interest public members shall serve for a term of four years, with
13 a two-term limit.

14 32314. The Secretary of the Natural Resources Agency shall
15 select one of the public members to serve as chairperson of the
16 board. A majority of the membership of the board constitutes a
17 quorum.

18 32315. The board shall appoint an executive officer of the
19 conservancy.

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21 CHAPTER 3. POWERS, DUTIES, AND LIMITATIONS

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23 32320. The conservancy's jurisdiction is limited to the delta.

24 32321. The conservancy may do all of the following:

25 (a) Fund or undertake pilot projects based on research of delta
26 science and engineering advisory groups.

27 (b) Develop, plan, and conduct environmental review and
28 implement, monitor, and manage projects, or provide grants or
29 loans to others for these activities.

30 (c) Acquire water or water rights.

31 32322. (a) The conservancy may pursue and accept funds from
32 various sources, including, but not limited to, federal, state, and
33 local funds or grants, private philanthropy, gifts, donations,
34 bequests, devises, subventions, grants, rents, royalties, or other
35 assistance and funds from public and private sources.

36 (b) The conservancy may accept fees levied by others, which
37 shall not be subject to appropriation.

38 (c) The conservancy may create and manage endowments.

39 (d) The conservancy may issue revenue bonds.

1 (e) All funds received by the conservancy shall be deposited in
2 the fund for expenditure for the purposes of this division.

3 32323. The San Joaquin-Delta Conservancy Fund is hereby
4 created in the State Treasury. Money in the fund shall be available,
5 upon appropriation by the Legislature, only for the purposes of
6 this division.

7 32324. (a) The conservancy may create or participate in a joint
8 powers authority or a supporting nonprofit organization to further
9 the goals of the conservancy, including long-term land management
10 and stewardship, interagency relations, and revenue generation.

11 (b) The conservancy may establish a supporting nonprofit
12 organization to assist with conservancy operations.

13 (c) The conservancy may engage in partnerships with nonprofit
14 organizations, local public agencies, and landowners.

15 (d) The conservancy may provide grants and loans to state
16 agencies, local public agencies, nonprofit organizations, and tribal
17 organizations to further the goals of the conservancy.

18 32325. (a) The conservancy shall implement and manage the
19 habitat restoration and protection elements of the Bay Delta
20 Conservation Plan.

21 (b) The conservancy may acquire, accept, and hold interests in
22 real property and improve, lease, or transfer interests in real
23 property. Priority shall be given to property interests within or
24 adjacent to the highest priority ecosystem restoration areas, as
25 identified by local, regional, and state habitat restoration plans.

26 32326. (a) The conservancy shall hold public hearings.

27 (b) The conservancy shall create and maintain a strategic plan.

28 (c) The conservancy shall periodically report to the Legislature
29 and the public.

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31 CHAPTER 4. PROGRAMS

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33 32330. Within two years of hiring an executive director, the
34 board shall create and adopt a strategic plan for the implementation
35 of programs to achieve the goals of the conservancy. The plan
36 shall describe its interaction with local, regional, state, and federal
37 land use, water and flood management, and habitat conservation
38 and protection efforts within and adjacent to the delta and shall be
39 consistent with the delta plan when completed.

1 32331. The programs of the conservancy shall include all of
2 the following:

- 3 (a) Protection of agriculture and working landscapes.
- 4 (b) Increased recreation and public access in the delta, including
5 linkages to areas outside the delta.
- 6 (c) Tourism and economic vitality in the delta.
- 7 (d) Habitat enhancement and restoration, monitoring of restored
8 lands, and ongoing adaptive management of conservancy lands
9 and habitat projects in response to monitoring.
- 10 (e) Creation of a streamlined habitat permit program.
- 11 (f) Facilitation of safe harbor agreements for adjacent
12 landowners, watershed planning and projects, including flood
13 plains and river parkways, and legacy community support and
14 community waterfronts.
- 15 (g) Consideration of carbon sequestration and a response to the
16 effects of climate change.
- 17 (h) Environmental education and historic and cultural resource
18 protection.
- 19 (i) Cooperative relationship with local and state land use
20 authorities to assist with implementation of local general plans
21 and state plans.
- 22 (j) Cooperation with a science advisory board on research, and
23 with the California Delta Ecosystem and Water Council and other
24 delta governing entities.
- 25 (k) Assistance for local entities in implementation of the Habitat
26 Conservation Plan/Natural Communities Conservation Plan.

27 32332. The programs of the conservancy shall be based on
28 strategies that include all of the following:

- 29 (a) Scientific investigation to balance the delta's unique
30 ecological needs with water supply reliability.
- 31 (b) Recommendations for adaptive management strategies to
32 achieve a resilient delta ecosystem with consideration of climate
33 change, sea level rise, habitat shifting, and potential levee failure.
- 34 (c) Emphasis on public outreach with regular opportunities for
35 public participation and input, coordinated with efforts of the
36 California Delta Ecosystem and Water Council and other delta
37 governing entities.

38 32333. (a) The conservancy shall establish the Sacramento-San
39 Joaquin Delta Conservancy Advisory Council.

40 (b) The council shall be composed of 14 members as follows:

1 (1) Five representatives of local government from jurisdictions
2 including the five delta counties.

3 (2) Three representative of public water agencies that rely, at
4 least in part, on water for use within or exported from the delta
5 watershed.

6 (3) Three representatives of federal and state entities with land
7 interests in the delta, including those focused on tourism and
8 economic enhancement, recreation, agricultural, and ecosystem
9 protections.

10 (4) Three representatives from the environmental and
11 environmental justice communities.

12 (c) The committee shall do both of the following:

13 (1) Provide information and expertise for the conservancy's
14 efforts to adaptively manage the delta's natural resources and its
15 other programs.

16 (2) Facilitate public participation in the conservancy's
17 implementation of its programs.

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