

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY APRIL 18, 2013

AMENDED IN ASSEMBLY MARCH 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 71

Introduced by Assembly Members V. Manuel Pérez and Hueso

January 10, 2013

An act to add Article 2 (commencing with Section 2940) to Chapter 13 of Division 3 of the Fish and Game Code, relating to the Salton Sea.

LEGISLATIVE COUNSEL'S DIGEST

AB 71, as amended, V. Manuel Pérez. Salton Sea restoration.

Existing law, until January 1, 2013, established the Salton Sea Restoration Council as a state agency in the Natural Resources Agency to oversee the restoration of the Salton Sea.

This bill would require the Secretary of the Natural Resources Agency, in consultation and coordination with the Salton Sea Authority, to lead Salton Sea restoration efforts. ~~This bill would require the secretary, in consultation and coordination with the authority, to form a technical advisory group, as prescribed, to provide guidance about evaluating, developing, or proposing future restoration or economic development activities.~~ This bill would authorize the authority to lead a restoration funding and feasibility study, in consultation with the ~~agency and the technical advisory group,~~ *agency*, as prescribed. This bill would also require the secretary to seek input from the authority with regard to specified components of restoration of the Salton Sea. By imposing duties on a local joint powers authority, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Article 2 (commencing with Section 2940) is
2 added to Chapter 13 of Division 3 of the Fish and Game Code, to
3 read:

4
5 Article 2. Salton Sea Restoration

6
7 2940. The Legislature finds and declares all of the following:

8 (a) The Salton Sea is California’s largest inland water body with
9 beneficial uses that include fisheries and wildlife habitat and
10 preservation of endangered species, and is a repository for
11 agricultural drainage.

12 (b) The Salton Sea ecosystem is a critical link on the
13 international Pacific Flyway and supports over 400 species of
14 birds.

15 (c) The Salton Sea is threatened by increasing salinity and
16 reduced inflows. These changes increasingly threaten the
17 unparalleled wildlife resources at the sea, as well as air quality in
18 the region.

19 (d) In cooperation with local governments, nonprofit
20 organizations, private businesses, and the public, the Salton Sea
21 Authority can help protect wildlife habitats and endangered species,
22 improve water and air quality, and enhance recreational
23 opportunities in the region.

24 (e) In restoring the Salton Sea, it is the intent of the Legislature
25 to do all of the following:

26 (1) Permanently protect fish and wildlife that are dependent on
27 the Salton Sea ecosystem.

28 (2) Restore the long-term stable aquatic and shoreline habitat
29 for fish and wildlife that depend on the Salton Sea.

1 (3) Mitigate air quality impacts from restoration projects using
2 the best available technology or best available control measures,
3 as determined by the South Coast Air Quality Management District
4 and the Imperial County Air Pollution Control District.

5 (4) Protect water quality.

6 (5) Maintain the Salton Sea as a vital link along the Pacific
7 Flyway.

8 (6) Preserve local tribal heritage and cultural values associated
9 with the Salton Sea.

10 (7) Minimize noxious odors and other water and air quality
11 problems.

12 (8) Coordinate with local, state, and federal agencies that are
13 responsible for air quality, endangered species, and other
14 environmental mitigation implementation requirements of the
15 Quantification Settlement Agreement.

16 (9) Enhance economic development opportunities that will
17 provide sustainable financial improvements benefiting the local
18 environment and the economic quality of life for communities
19 around the Salton Sea.

20 2941. Unless the context requires otherwise, the definitions
21 set forth in this section govern the construction of this article.

22 (a) “Agency” means the Natural Resources Agency.

23 (b) “Habitat mosaics” means two or more proximate habitat
24 types, such as saltwater shoreline abutting riverine deltas and
25 irrigated farmland.

26 (c) “Quantification Settlement Agreement” has the same
27 meaning as defined in subdivision (a) of Section 1 of Chapter 617
28 of the Statutes of 2002.

29 (d) “Salton Sea Authority” or “authority” means the joint powers
30 authority comprised of the County of Imperial, the County of
31 Riverside, the Imperial Irrigation District, the Coachella Valley
32 Water District, and the Torres Martinez Desert Cahuilla Indian
33 Tribe.

34 (e) “Secretary” means the Secretary of the Natural Resources
35 Agency.

36 ~~(f) “Technical advisory group” means the technical advisory~~
37 ~~group formed pursuant to subdivision (b) of Section 2942.~~

38 ~~(g)~~

39 (f) “Vector management” means services that eliminate or reduce
40 the risk of illness caused by any organism transporting a pathogen.

1 2942. (a) (1) The secretary, in consultation and coordination
2 with the authority, shall lead the Salton Sea restoration efforts that
3 shall include all of the following:

4 (A) Early start habitat demonstration projects.

5 (B) Biological investigations relating to the restoration of the
6 Salton Sea.

7 (C) Investigations of water quality, sedimentation, and inflows
8 relating to the restoration of the Salton Sea.

9 (D) Air quality investigations, in consultation and coordination
10 with local and regional air quality agencies, relating to the
11 restoration of the Salton Sea.

12 (E) Geotechnical investigations relating to the restoration of the
13 Salton Sea.

14 (F) Financial assistance grant programs to support restoration
15 activities of local stakeholders.

16 (2) The secretary and the Legislature shall maintain full authority
17 and responsibility for any state obligation under the Quantification
18 Settlement Agreement. The secretary and the Legislature shall
19 have final approval for any proposed restoration plan.

20 (3) (A) To the extent that funding is appropriated to the
21 department for Salton Sea restoration activities, the Department
22 of Water Resources, in coordination and under agreement with the
23 department, may undertake restoration efforts identified in this
24 subdivision.

25 (B) The department and the Department of Water Resources
26 shall do all of the following for the Salton Sea Species
27 Conservation Habitat Project:

28 (i) Immediately make available relevant information relating to
29 the factors that influence the cost and size of the alternatives
30 discussed in the environmental impact report or environmental
31 impact statement for the species habitat conservation program.

32 (ii) Release all available detail on a final project design
33 immediately, or upon final determination of a least environmentally
34 damaging preferred alternative by the United States Army Corps
35 of Engineers. Details of a final project design shall include location,
36 configuration, size, and cost.

37 (iii) Immediately make available project evaluation protocols
38 that include the following principles of adaptive management:

39 (I) Goals and objectives of the project.

40 (II) The project design and an operations plan.

- 1 (III) A monitoring plan that will include metrics that identify
- 2 benefits to the species.
- 3 (IV) A performance evaluation based on species population
- 4 identified through monitoring.
- 5 (V) A decisionmaking framework to evaluate project
- 6 performance and guide operations and management changes.
- 7 ~~(b) (1) The secretary, in consultation and coordination with the~~
- 8 ~~authority, shall form a technical advisory group composed pursuant~~
- 9 ~~to paragraph (2) to provide guidance to the secretary and the~~
- 10 ~~authority in evaluating, developing, or proposing future restoration~~
- 11 ~~of or economic development activities restoring the, Salton Sea.~~
- 12 ~~(2) The technical advisory group shall be composed as follows:~~
- 13 ~~(A) The secretary, or his or her designee.~~
- 14 ~~(B) The secretary may include a representative from any of the~~
- 15 ~~following:~~
- 16 ~~(i) The department.~~
- 17 ~~(ii) The Department of Water Resources.~~
- 18 ~~(iii) The State Air Resources Board.~~
- 19 ~~(iv) The State Energy Resources Conservation and Development~~
- 20 ~~Commission.~~
- 21 ~~(C) The secretary shall invite the following entities to~~
- 22 ~~participate:~~
- 23 ~~(i) Local government agencies and tribal governments with~~
- 24 ~~geographic, economic, environmental health, or cultural interest~~
- 25 ~~in the Salton Sea.~~
- 26 ~~(ii) Nongovernmental organizations with environmental interests~~
- 27 ~~relating to the Salton Sea.~~
- 28 ~~(iii) The United States Geological Survey Salton Sea Science~~
- 29 ~~Office.~~
- 30 ~~(iv) Research institutions focused on research and development~~
- 31 ~~projects in the Salton Sea region.~~
- 32 ~~(e)~~
- 33 ~~(b) (1) The authority may lead a restoration funding and~~
- 34 ~~feasibility study, in consultation with the agency and the technical~~
- 35 ~~advisory group, agency, to do the following:~~
- 36 ~~(A) Investigate access and utility agreements that may contribute~~
- 37 ~~to the future funding of restoration activities at the Salton Sea.~~
- 38 ~~(B) Analyze all feasible funding sources for restoration program~~
- 39 ~~components and activities.~~

1 (C) Analyze economic development opportunities, including,
2 but not limited to, renewable energy, biofuels, mineral
3 development, and algae production for the purposes of identifying
4 new revenue sources for the Salton Sea restoration efforts.

5 (D) Identify state procurement and royalty sharing opportunities.

6 (E) Review existing long-term plans for restoration of the Salton
7 Sea and recommend to ~~the technical advisory group and the~~
8 secretary changes to existing restoration plans. In any review
9 pursuant to this subparagraph, the authority shall consider the
10 impacts of the restoration plan on air quality, fish and wildlife
11 habitat, water quality, and the technical and financial feasibility
12 of the restoration plan and shall consider the impacts on other
13 agencies responsible for air quality, endangered species, and other
14 environmental mitigation requirements for implementation of the
15 Quantification Settlement Agreement.

16 (2) No evaluation, study, review, or other activity pursuant to
17 this article shall delay the planning and implementation of ongoing
18 and planned mitigation projects, including, but not limited to, the
19 Salton Sea Species Conservation Habitat Project or other mitigation
20 measures pursuant to existing state and federal programs and
21 agreements, including, but not limited to, those programs and
22 agreements undertaken pursuant to the Quantification Settlement
23 Agreement.

24 2943. For the purposes of considering local, publicly derived
25 input concerning habitat objectives and actions, types and levels
26 of public access, and integration of air quality management and
27 habitat restoration, the secretary shall seek input from the authority
28 with regard to the following components of restoration of the Salton
29 Sea:

30 (a) Design opportunities and constraints, including the
31 integration of the habitat, public access, and air quality
32 management objectives.

33 (b) Public access and recreational components.

34 (c) Opportunities for economic development.

35 (d) Habitat mosaics and location.

36 (e) Vector management and predator control.

37 (f) Feasible financial resources to fund all recommended
38 restoration program components.

1 2945. (a) Nothing in this article interferes with or prevents the
2 exercise of authority by a public agency to carry out its programs,
3 projects, or responsibilities.

4 (b) Nothing in this article affects requirements imposed under
5 any other provision of law.

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district are the result of a program for which legislative authority
10 was requested by that local agency or school district, within the
11 meaning of Section 17556 of the Government Code and Section
12 6 of Article XIII B of the California Constitution.

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