

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 407**

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**Introduced by Assembly Member V. Manuel Pérez**

February 15, 2013

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An act to amend Section 71100 of, and to add Section 71103.6 to, the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 407, as amended, V. Manuel Pérez. Environment: New River Watershed Water Quality, Public Health, and River Parkway Development Program.

Existing law requires the California-Mexico Border Relations Council, contingent upon the execution of an agreement with the City of Calexico to provide the necessary funding, to develop a strategic plan (New River Improvement Project strategic plan) to guide the implementation of the New River Improvement Project containing specified elements.

This bill would require the Natural Resources Agency and the California Environmental Protection Agency (CalEPA) to establish and administer the New River Watershed Water Quality, Public Health, and River Parkway Development Program to coordinate the funding and implementation of the recommendations from the New River Improvement Project strategic plan. The bill would require a state agency awarding or granting funds for the implementation of the plan to integrate and align the contractual and administrative requirements for grants, loans, contracts, and other forms of financial support consistent with specified guidelines. The bill would also require the agency and CalEPA to provide technical assistance for the establishment of a joint powers authority to oversee the environmental review,

permitting, funding, and operation of a water treatment and conveyance facility for the New River in Calexico. ~~The bill would provide that upon establishment of that joint powers authority, the Department of Water Resources would serve as the state lead agency for purposes of the California Environmental Quality Act.~~

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. Section 71100 of the Public Resources Code is  
2 amended to read:

3 71100. The following definitions govern the construction of  
4 this part:

5 (a) “Agency” means the ~~California~~ Natural Resources Agency.

6 (b) “Cal BECC” means the California Border Environmental  
7 Cooperation Committee established on July 22, 1994, by the  
8 Governors of California, Baja California, and Baja California Sur.

9 (c) “CalEPA” means the California Environmental Protection  
10 Agency.

11 (d) “California-Baja California border region” means the region  
12 described in Chapter IV of the US-Mexico Border XXI Program,  
13 Framework Document, published October 1996.

14 (e) “Fund” means the California Border Environmental and  
15 Public Health Protection Fund established pursuant to Section  
16 71101.

17 (f) “New River Improvements Project strategic plan” or “plan”  
18 means the strategic plan developed pursuant to subdivision (c) of  
19 Section 71103.5.

20 (g) “New River Watershed Water Quality, Public Health, and  
21 River Parkway Development Program” or “program” means the  
22 program established pursuant to Section 71103.6.

23 SEC. 2. Section 71103.6 is added to the Public Resources Code,  
24 to read:

25 71103.6. (a) The agency and CalEPA shall jointly establish  
26 and administer the New River Watershed Water Quality, Public  
27 Health, and River Parkway Development Program to coordinate  
28 the funding and implementation of the recommendations of the  
29 New River Improvement Project strategic plan developed and  
30 approved pursuant to subdivision (c) of Section 71103.5. The

1 program shall be established and implemented in accordance with  
2 the policies specified in subdivision (f) of Section 5808.1 and only  
3 to the extent that funding is available to implement the program.

4 (b) A state agency awarding or granting funds for the  
5 implementation of the plan shall integrate and align the contractual  
6 and administrative requirements for grants, loans, contracts, and  
7 other forms of financial support consistent with the California  
8 River Parkways and Urban Streams Restoration grant programs  
9 guidelines issued by the agency and the Department of Water  
10 Resources in August 2008.

11 (c) The agency and CalEPA shall, in cooperation with relevant  
12 federal agencies, the City of Calexico, the County of Imperial, and  
13 other interested parties, provide technical assistance for the  
14 establishment of a joint powers authority pursuant to a joint powers  
15 agreement entered into in accordance with the Joint Exercise of  
16 Powers Act (Chapter 5 (commencing with Section 6500) of  
17 Division 7 of Title 1 of the Government Code), to oversee the  
18 environmental review, permitting, funding, and operation of a  
19 water treatment and conveyance facility for the New River in  
20 Calexico, as described in the plan. ~~Upon establishment of a joint  
21 powers authority, the Department of Water Resources shall serve  
22 as the state lead agency for purposes of project design,  
23 environmental review, and certification pursuant to the California  
24 Environmental Quality Act (Division 13 (commencing with Section  
25 21000)).~~