

AMENDED IN ASSEMBLY APRIL 11, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 709**

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**Introduced by Assembly Member Nestande**

February 21, 2013

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An act to add ~~Section 2932.7~~ *Sections 2932.4 and 2932.7* to the Fish and Game Code, relating to natural resources, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 709, as amended, Nestande. Salton Sea Authority: restoration plan.

(1) Existing law declares the intent of the Legislature that the State of California undertake the restoration of the Salton Sea ecosystem and the permanent protection of fish and wildlife dependent on that ecosystem based on a restoration plan that provides for the maximum feasible attainment of fish and wildlife restoration objectives and, to the extent consistent with these objectives, the protection of recreational opportunities and the creation of opportunities for improved local economic conditions.

Existing law authorizes the Salton Sea Authority (~~authority~~), a joint powers authority formed by the County of Imperial, the County of Riverside, the Coachella Valley Water District, and the Imperial Irrigation District, to form an infrastructure financing district for the purpose of funding the construction of, and purchasing electrical power for, projects for the reclamation and environmental restoration of the Salton Sea.

This bill would require the ~~Salton Sea Authority~~ *authority*, by April 1, 2014, to develop a restoration plan that is financially feasible to

accomplish specified goals that include, among other things, the restoration of long-term stable aquatic and shoreline habitat and the mitigation of air quality impacts from restoration ~~projects~~. *projects.* *Beginning January 1, 2014, the bill would designate the authority as the lead agency for the restoration of the Salton Sea and would require the State Lands Commission and any other state agency to grant to the authority a 99-year lease of all state-owned lands existing within the Salton Sea ecosystem, including all state-owned lands that underlie the navigable and tidal waterways of the Salton Sea.*

(2) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), an initiative statute approved by the voters at the November 7, 2006, statewide general election, makes approximately \$5,388,000,000 in bond funds available for safe drinking water, water quality and supply, flood control, natural resource protection, and park improvements, of which \$47,000,000 is available for deposit into the Salton Sea Restoration Fund, which is administered by the Director of the Department of Fish and Wildlife, and requires that the moneys in the fund be expended, upon appropriation by the Legislature, for, among other things, the implementation of conservation measures necessary to protect the fish and wildlife species dependent on the Salton Sea.

This bill would require the Salton Sea authority to submit, on or before April 1, 2014, the restoration plan to the Legislative Analyst ~~(LAO)~~ for review. The bill would require the ~~LAO~~ *Legislative Analyst* to complete its *his or her* review by June 1, 2014, and if the ~~LAO~~ *Legislative Analyst* determines that the plan is financially feasible and that the authority is capable of implementing the plan, the bill would continuously appropriate from the Salton Sea Restoration Fund any moneys received under Proposition 84 to the authority to implement the plan.

The bill would additionally require the Wildlife Conservation Board to review the restoration plan to determine whether it is eligible for federal matching funds and to seek those funds. The bill would require that these funds be deposited in the Salton Sea Restoration Fund and would continuously appropriate the moneys to the authority to implement the restoration plan.

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.** *Section 2932.4 is added to the Fish and Game*  
2 *Code, to read:*

3     2932.4. *Pursuant to Section 2932.3 and beginning January 1,*  
4 *2014, the Salton Sea Authority is hereby designated the lead agency*  
5 *within the meaning of Section 21067 of the Public Resources Code*  
6 *for the restoration of the Salton Sea and the State Lands*  
7 *Commission and any other state agency shall grant to the authority*  
8 *a 99-year lease of any state-owned lands, within their respective*  
9 *jurisdictions, existing within the Salton Sea ecosystem, including,*  
10 *but not limited to, all state-owned lands that underlie the navigable*  
11 *and tidal waterways of the Salton Sea.*

12     ~~SECTION 1.~~

13     **SEC. 2.** *Section 2932.7 is added to the Fish and Game Code,*  
14 *to read:*

15     2932.7. (a) The Salton Sea Authority shall develop, by April  
16 1, 2014, a restoration plan for the Salton Sea ecosystem that is  
17 financially feasible to accomplish all of the following goals:

- 18     (1) Restore long-term stable aquatic and shoreline habitat.  
19     (2) Mitigate air quality impacts from restoration projects.  
20     (3) Protect the water quality.

21     (b) (1) The authority shall submit the restoration plan, on or  
22 before April 1, 2014, to the Legislative Analyst for review. The  
23 Legislative Analyst shall complete ~~its~~ *his or her* review by June  
24 1, 2014.

25     (2) Upon the written determination of the Legislative Analyst,  
26 submitted to the authority, that the plan is financially feasible and  
27 that the authority is capable of implementing the plan, any moneys  
28 made available under paragraph (3) of subdivision (b) of Section  
29 75050 of the Public Resources Code and deposited in the Salton  
30 Sea Restoration Fund are hereby continuously appropriated and  
31 made available to the authority, without regard to fiscal years, for  
32 expenditure for the purpose of implementing the plan.

33     (c) (1) If the Legislative Analyst has made a determination  
34 pursuant to subdivision (b) that the restoration plan is financially  
35 feasible and that the authority is capable of implementing the plan,  
36 the authority shall submit the plan to the Wildlife Conservation  
37 Board, which shall review the plan and make a written  
38 determination as to whether the plan is an eligible project under

1 the Salton Sea Reclamation Act of 1998 (Public Law 105-372) for  
2 which federal matching funds are available for the acquisition,  
3 restoration, or protection of habitat or habitat corridors that promote  
4 the recovery of threatened, endangered, or fully protected species,  
5 to accomplish the goals set forth in subdivision (a).  
6 (2) Upon the written determination of the board, submitted to  
7 the authority, that the restoration plan is an eligible project pursuant  
8 to paragraph (1), the board shall seek federal matching funds,  
9 which shall be deposited in the Salton Sea Restoration Fund and  
10 which are hereby continuously appropriated and made available  
11 to the authority, without regard to fiscal years, for expenditure for  
12 the purpose of implementing the restoration plan.

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