

AMENDED IN ASSEMBLY JULY 2, 2014
AMENDED IN ASSEMBLY JUNE 12, 2014
AMENDED IN SENATE APRIL 29, 2014

SENATE BILL

No. 1390

Introduced by Senator Correa

February 21, 2014

An act to add Chapter 4.6 (commencing with Section 31170) to Division 21 of the Public Resources Code, relating to the Santa Ana River Conservancy Program.

LEGISLATIVE COUNSEL'S DIGEST

SB 1390, as amended, Correa. Santa Ana River Conservancy Program.

Existing law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing and administering various programs intended to preserve, protect, and restore the state's coastal areas.

This bill would establish the Santa Ana River Conservancy Program, to be administered by the conservancy, to address the resource and recreational goals of the Santa Ana River region. The bill would authorize the conservancy to acquire interests and options in real property and would prescribe the management, powers, and duties of the conservancy for purposes of the program. The bill would also create the Santa Ana River Conservancy Program Account in the State Coastal Conservancy Fund and would authorize the conservancy to expend moneys in the account, upon appropriation, for land acquisition, capital improvements, and support of the program's operations.

Existing law requires the conservancy, every 3 years, to prepare and submit to the Governor and to the Legislature a report describing progress that it made in achieving coastal conservancy objectives.

The bill would require the conservancy to include information about the program in this report.

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. Chapter 4.6 (commencing with Section 31170)
2 is added to Division 21 of the Public Resources Code, to read:

3
4 CHAPTER 4.6. SANTA ANA RIVER CONSERVANCY PROGRAM
5

6 31170. The Santa Ana River Conservancy Program is hereby
7 established, to be administered by the conservancy, to address the
8 resource and recreational goals of the Santa Ana River region, as
9 provided in this chapter.

10 31171. The Legislature finds and declares all of the following:

11 (a) The Santa Ana River is the largest stream system in southern
12 California, covering an area of about 2,700 square miles in parts
13 of Orange, San Bernardino, Riverside, and Los Angeles Counties.

14 (b) The Santa Ana River region is home to one of the fastest
15 growing populations in the nation, which is expected to grow from
16 its current five million residents to ten million residents by 2050.

17 (c) Not all Orange County residents have equal access to green
18 space. The communities with the worst access to parks lie along
19 the river in north Orange County, with low-income levels and high
20 concentrations of people of color.

21 (d) Despite vast areas of parkland in the region, many
22 communities in San Bernardino and Riverside Counties are park
23 poor, with less than three acres of green space per 1,000 residents.
24 This is particularly true in the communities that were built out
25 before the development boom of the past few decades. As more
26 working class families moved to the area in search of jobs, the
27 population in these older neighborhoods swelled but public
28 resources for parks and recreation were not invested proportionally
29 to the growth.

1 ~~(e) Portions of the Santa Ana River are considered polluted by~~
2 ~~the United States Environmental Protection Agency. Pollutants~~
3 ~~include lead and copper from discarded vehicle brake pads, and~~
4 ~~bacteria from leaking sewers and septic tanks. Pollutants travel~~
5 ~~the length of the river, exposing nearby communities to harmful~~
6 ~~chemicals and toxins.~~

7 ~~(f)~~

8 (e) The Santa Ana River is an extraordinary natural resource of
9 statewide significance. The river has been subject to intense
10 development and is in need of restoration, conservation, and
11 enhancement.

12 ~~(g)~~

13 (f) The establishment of the Santa Ana River Conservancy
14 Program will provide the state with the necessary structure to plan
15 and implement restoration and preservation projects and recreation
16 opportunities, and enhance the overall condition of the Santa Ana
17 River.

18 31172. For purposes of this chapter, the following terms have
19 the following meanings:

20 (a) “Program” means the Santa Ana River Conservancy
21 Program.

22 (b) “Program lands” means interests in real property acquired,
23 managed, or subject to a project under this chapter.

24 (c) “Santa Ana River region” means those lands that are located
25 within one-half mile on either side of the riverbed of the Santa
26 Ana River, or any of its tributaries, from its headwaters near the
27 San Gorgonio Wilderness Area to the Pacific Ocean at the Santa
28 Ana River Mouth Beach in Huntington Beach and adjacent
29 watersheds and lands as described in paragraph (2) of subdivision
30 (a) of Section 31175.

31 31173. The conservancy may undertake projects and award
32 grants and loans to public agencies and nonprofit organizations to
33 help achieve all of the following goals of the program:

34 (a) Recreational opportunities, open space, trails, wildlife
35 habitat and species restoration, enhancement, and protection,
36 wetland restoration and protection, agricultural land restoration
37 and protection, protection and maintenance of the quality of the
38 waters in the Santa Ana River for all beneficial uses, related
39 educational use, and natural floodwater conveyance.

1 (b) Public access~~—and—enjoyment~~, *to, enjoyment of*, and
 2 enhancement of recreational and educational experience~~—on~~ *on*,
 3 program lands in a manner consistent with the protection of land
 4 and natural resources; and economic resources in the area.

5 31174. In administering the program, the conservancy shall,
 6 consistent with the purposes of this chapter, do all of the following:

7 (a) Create an advisory group to offer advice, expertise, support,
 8 or service to the conservancy, without compensation.

9 (b) Prepare a Santa Ana River Parkway and Open Space Plan
 10 that shall, at minimum, do all of the following:

11 (1) Determine the policies and priorities for conserving the Santa
 12 Ana River and its watershed.

13 (2) Identify underused, existing public open spaces and
 14 recommend ways to provide better public use and enjoyment in
 15 those areas.

16 (3) Identify and prioritize additional low-impact recreational
 17 and open-space needs, including additional or upgraded facilities
 18 and parks that may be necessary or desirable.

19 (c) Give priority to river-related projects that create expanded
 20 opportunities for recreation, greening, aesthetic improvement, and
 21 wildlife habitat along the corridor of the river and in parts of the
 22 river channel that can be improved without infringing on water
 23 quality, water supply, and necessary flood control.

24 (d) Implement the program in conformance with all related
 25 general and specific plans and zoning regulations of local agencies
 26 within the Santa Ana River region.

27 (e) Provide for program lands and facilities to be operated and
 28 maintained in accordance the ~~purpose~~ *purposes* of this chapter.

29 31175. In carrying out the purposes of this chapter, and without
 30 limiting the express or implied powers of the conservancy in
 31 implementing other provisions of this division, the conservancy
 32 shall have, and may exercise, all necessary rights and powers,
 33 expressed or implied, except as otherwise provided in this chapter.
 34 Without limitation, the conservancy may do all of the following:

35 (a) (1) Acquire interests and options in real property and make
 36 acquisition grants for these purposes.

37 (2) With respect to real property acquisitions by the conservancy
 38 of watersheds and lands that are within the Santa Ana River region
 39 but not within one-half mile on either side of the riverbed of the
 40 Santa Ana River, the conservancy shall provide to the city or

1 county with geographic jurisdiction over the affected real property
2 30 days' written notice of the conservancy's intent, unless the city
3 or county agrees to accept less notice in a given case.

4 (b) Exercise a right of first refusal, to the extent not in conflict
5 with another law, for surplus public agency property located within
6 the Santa Ana River region, consistent with the Santa Ana River
7 Parkway and Open Space Plan, adopted pursuant to subdivision
8 (b) of Section 31174.

9 (c) Lease, rent, sell, exchange, or transfer interests in real
10 property.

11 (d) (1) Undertake or fund projects to implement site
12 improvements, upgrade deteriorating facilities or construct new
13 facilities for outdoor recreation, public access, nature appreciation
14 and interpretation; historic and cultural preservation; or protection,
15 restoration, or enhancement of natural resources and habitat.

16 (2) If the conservancy intends to undertake a project directly,
17 the conservancy shall provide 30 days' written notice to the city
18 or county with geographic jurisdiction over the affected real
19 property, unless the city or county agrees to accept less notice in
20 a given case.

21 (e) Provide for the management of program lands.

22 (f) Fix and collect fees for the use of any land owned or
23 controlled, or for any service provided, by the conservancy. The
24 amount of the fees shall not exceed the reasonable cost of
25 maintaining and operating the land or providing the services
26 rendered by the conservancy.

27 (g) The conservancy may apply for and accept grants, gifts,
28 donations of money and property, subventions, rents, royalties,
29 and other assistance from public and private sources. These funds
30 shall be deposited in the Santa Ana River Conservancy Program
31 Account, as specified in Section ~~31178~~ 31179, for use in furthering
32 the program.

33 (h) Recruit and coordinate volunteers and experts to conduct
34 interpretive and recreational programs, and assist with construction
35 projects and the maintenance of facilities.

36 (i) Enter into contracts and joint powers agreements.

37 (j) Sue and be sued.

38 *31176. (a) The conservancy shall, as necessary and*
39 *appropriate, cooperate and consult with a public water system*
40 *before the conservancy acquires an interest in real property, or*

1 *awards a grant, that affects facilities and appurtenant land owned*
2 *or operated by the public water system.*

3 *(b) The conservancy shall, as necessary and appropriate,*
4 *cooperate and consult with the department before the conservancy*
5 *acquires an interest in real property, or awards a grant, that affects*
6 *facilities and appurtenant land owned or operated by the*
7 *department.*

8 ~~31176.~~

9 *31177.* (a) Notwithstanding Section 31175, the conservancy
10 is subject to all laws, regulations, and general and specific plans
11 of the legislative body of the city or county with geographic
12 jurisdiction over the area in which the conservancy proposes to
13 take an action.

14 (b) Notwithstanding Section 31175, the conservancy shall not
15 do any of the following:

16 (1) Exercise the power of eminent domain in implementing this
17 chapter.

18 (2) Manage, regulate, or control the use of any land owned or
19 leased by another public agency, except as provided pursuant to
20 a written agreement with that public agency.

21 (3) Levy a tax.

22 (4) Take an action that interferes, conflicts with, impedes,
23 adversely impacts or prevents the planning and implementation
24 of transportation projects and programs contained in the regional
25 transportation plan, approved and maintained, from time to time,
26 by the Southern California Association of Governments.

27 (5) Act to affect any water right or water-resource facility,
28 *including any publicly owned water treatment works*, in the Santa
29 Ana River region *and watershed* without the consent of the affected
30 party.

31 ~~31177.~~

32 *31178.* To the extent feasible, in carrying out the purposes of
33 this chapter, the conservancy shall utilize the services of the
34 California Conservation Corps and Community Conservation
35 Corps, as defined in Section 14507.5.

36 ~~31178.~~

37 *31179.* (a) The Santa Ana River Conservancy Program
38 Account is hereby created in the State Coastal Conservancy Fund.
39 Moneys in the account shall accrue interest and be available, upon
40 appropriation, for the purposes of this chapter.

1 (b) All revenue, including fee revenue received pursuant to this
2 chapter, shall be deposited in the account.

3 (c) The conservancy shall administer funds appropriated to it
4 for the program and may expend those funds for capital
5 improvements, land acquisition, and support of the program's
6 operations. The conservancy may also accept money, grants, goods,
7 or services contributed to it by a public agency, private entity, or
8 person and, upon receipt, may use the money, grants, goods, or
9 services for capital improvements, land acquisitions, and support
10 of the program's operations for purposes of this chapter.

11 ~~31179.~~

12 *31180.* The conservancy shall include information about the
13 program in its report to the Governor and Legislature pursuant to
14 Section 31108.

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