

AMENDED IN ASSEMBLY AUGUST 21, 2014

AMENDED IN ASSEMBLY JULY 2, 2014

AMENDED IN ASSEMBLY JUNE 12, 2014

AMENDED IN SENATE APRIL 29, 2014

**SENATE BILL**

**No. 1390**

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**Introduced by Senator Correa**

February 21, 2014

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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) The Santa Ana River is an extraordinary natural resource of  
2 statewide significance. The river has been subject to intense  
3 development and is in need of restoration, conservation, and  
4 enhancement.

5 (f) The establishment of the Santa Ana River Conservancy  
6 Program will provide the state with the necessary structure to plan  
7 and implement restoration and preservation projects and recreation  
8 opportunities, and enhance the overall condition of the Santa Ana  
9 River.

10 31172. For purposes of this chapter, the following terms have  
11 the following meanings:

12 (a) “Program” means the Santa Ana River Conservancy  
13 Program.

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

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

23 31173. The conservancy may undertake projects and award  
24 grants and loans to public agencies and nonprofit organizations to  
25 help achieve all of the following goals of the program:

26 (a) Recreational opportunities, open space, trails, wildlife  
27 habitat and species restoration, enhancement, and protection,  
28 wetland restoration and protection, agricultural land restoration  
29 and protection, protection and maintenance of the quality of the  
30 waters in the Santa Ana River for all beneficial uses, related  
31 educational use, and natural floodwater conveyance.

32 (b) Public access to, enjoyment of, and enhancement of  
33 recreational and educational experience on, program lands in a  
34 manner consistent with the protection of land and natural resources  
35 and economic resources in the area.

36 31174. In administering the program, the conservancy shall,  
37 consistent with the purposes of this chapter, do all of the following:

38 (a) Create an advisory group to offer advice, expertise, support,  
39 or service to the conservancy, without compensation. *The advisory*  
40 *group may be comprised of members of the environmental*

1 *community, local government, local agencies, and public and*  
2 *private representatives, who are all involved in projects consistent*  
3 *with the goals of this program pursuant to Section 31173.*

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

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

8 (2) Identify underused, existing public open spaces and  
9 recommend ways to provide better public use and enjoyment in  
10 those areas.

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

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

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

22 (e) Provide for program lands and facilities to be operated and  
23 maintained in accordance *with* the purposes of this chapter.

24 31175. In carrying out the purposes of this chapter, and without  
25 limiting the express or implied powers of the conservancy in  
26 implementing other provisions of this division, the conservancy  
27 shall have, and may exercise, all necessary rights and powers,  
28 expressed or implied, except as otherwise provided in this chapter.  
29 Without limitation, the conservancy may do all of the following:

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

32 (2) With respect to real property acquisitions by the conservancy  
33 of watersheds and lands that are within the Santa Ana River region  
34 but not within one-half mile on either side of the riverbed of the  
35 Santa Ana River, the conservancy shall provide to the city or  
36 county with geographic jurisdiction over the affected real property  
37 30 days' written notice of the conservancy's intent, unless the city  
38 or county agrees to accept less notice in a given case.

39 (b) Exercise a right of first refusal, to the extent not in conflict  
40 with another law, for surplus public agency property located within

1 the Santa Ana River region, consistent with the Santa Ana River  
2 Parkway and Open Space Plan, adopted pursuant to subdivision  
3 (b) of Section 31174.

4 (c) Lease, rent, sell, exchange, or transfer interests in real  
5 property.

6 (d) (1) Undertake or fund projects to implement site  
7 improvements, upgrade deteriorating facilities or construct new  
8 facilities for outdoor recreation, public access, nature appreciation  
9 and interpretation; historic and cultural preservation; or protection,  
10 restoration, or enhancement of natural resources and habitat.

11 (2) If the conservancy intends to undertake a project directly,  
12 the conservancy shall provide 30 days' written notice to the city  
13 or county with geographic jurisdiction over the affected real  
14 property, unless the city or county agrees to accept less notice in  
15 a given case.

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

17 (f) Fix and collect fees for the use of any land owned or  
18 controlled, or for any service provided, by the conservancy. The  
19 amount of the fees shall not exceed the reasonable cost of  
20 maintaining and operating the land or providing the services  
21 rendered by the conservancy.

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

28 (h) Recruit and coordinate volunteers and experts to conduct  
29 interpretive and recreational programs, and assist with construction  
30 projects and the maintenance of facilities.

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

32 (j) Sue and be sued.

33 31176. (a) The conservancy shall, as necessary and appropriate,  
34 cooperate and consult with a public water *or wastewater* system  
35 before the conservancy acquires an interest in real property, or  
36 awards a grant, that affects facilities and appurtenant land owned  
37 or operated by the public water *or wastewater* system.

38 (b) The conservancy shall, as necessary and appropriate,  
39 cooperate and consult with the department before the conservancy  
40 acquires an interest in real property, or awards a grant, that affects

1 facilities and appurtenant land owned or operated by the  
2 department.

3 31177. (a) Notwithstanding Section 31175, the conservancy  
4 is subject to all laws, regulations, and general and specific plans  
5 of the legislative body of the city or county with geographic  
6 jurisdiction over the area in which the conservancy proposes to  
7 take an action.

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

10 (1) Exercise the power of eminent domain in implementing this  
11 chapter.

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

15 (3) Levy a tax.

16 (4) Take an action that interferes, conflicts with, impedes,  
17 adversely impacts or prevents the planning and implementation  
18 of transportation projects and programs contained in the regional  
19 transportation plan, approved and maintained, from time to time,  
20 by the Southern California Association of Governments.

21 (5) Act to affect any water right or water-resource facility,  
22 including any publicly owned water treatment works, in the Santa  
23 Ana River region and watershed without the consent of the affected  
24 party.

25 31178. To the extent feasible, in carrying out the purposes of  
26 this chapter, the conservancy shall utilize the services of the  
27 California Conservation Corps and Community Conservation  
28 Corps, as defined in Section 14507.5.

29 31179. (a) The Santa Ana River Conservancy Program  
30 Account is hereby created in the State Coastal Conservancy Fund.  
31 Moneys in the account shall accrue interest and be available, upon  
32 appropriation, for the purposes of this chapter.

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

35 (c) The conservancy shall administer funds appropriated to it  
36 for the program and may expend those funds for capital  
37 improvements, land acquisition, and support of the program's  
38 operations. The conservancy may also accept money, grants, goods,  
39 or services contributed to it by a public agency, private entity, or  
40 person and, upon receipt, may use the money, grants, goods, or

1 services for capital improvements, land acquisitions, and support  
2 of the program's operations for purposes of this chapter.  
3 31180. The conservancy shall include information about the  
4 program in its report to the Governor and Legislature pursuant to  
5 Section 31108.

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