

ASSEMBLY BILL

No. 965

Introduced by Assembly Member Eduardo Garcia

February 26, 2015

An act to add Section 71103.6 to the Public Resources Code, and to amend Section 7048 of, and to add Section 79737.5 to, the Water Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 965, as introduced, Eduardo Garcia. California and Mexico border: resources improvement.

(1) Existing law establishes the California-Mexico Border Relations Council in state government, and prescribes the membership and functions and duties of the council with respect to coordinating the activities of state agencies, including environmental agencies, that are related to cross-border programs, initiatives, projects, and partnerships that exist within state agencies, and state and local efforts that are of concern between California and Mexico.

This bill would require the council to establish the New River Water Quality, Public Health, and River Parkway Development Program to coordinate funding for, and the implementation of, recommendations from a strategic plan required to be developed by the council and certain projects identified by the council pursuant to existing law.

(2) Existing law also authorizes the Director of Water Resources to establish a program of flood damage reduction and urban creek restoration known as the Urban Streams Restoration Program. For purposes of the program, urban creek protection, restoration, and enhancement include, but are not limited to, the maintenance of channel

capacity, channel stabilization, vegetation management, and adaptive management to meet program objectives.

This bill would also include the reduction of water quality impairments and nonpoint source water pollution, and the establishment of parkways for public use that benefit flood control and water quality among the types of measures that are included in the program.

Existing law requires the Department of Water Resources to coordinate the program with the Department of Fish and Wildlife, as prescribed.

This bill would require the Department of Water Resources to consult with the council to establish criteria to fund projects that improve conditions for cross-border urban creeks.

(3) Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. The bond act provides that the sum of \$1,495,000,000 is to be available, upon appropriation by the Legislature, for competitive grants for multibenefit ecosystem and watershed protection and restoration projects. The bond act authorizes the use of \$285,000,000 of those funds for watershed restoration projects through a program implemented by the Department of Fish and Wildlife.

This bill would require the department to consult with the council in the development of any regulations or guidelines for the expenditure of these moneys to establish specified criteria related to urban creeks and watersheds on the California-Mexico border.

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 71103.6 is added to the Public Resources
- 2 Code, to read:
- 3 71103.6. (a) The California-Mexico Border Relations Council
- 4 shall establish the New River Water Quality, Public Health, and
- 5 River Parkway Development Program to coordinate funding for,
- 6 and the implementation of, the recommendations from the strategic
- 7 plan developed pursuant to subdivision (c) of Section 71103.5,

1 and the projects identified by the council pursuant to Section
2 71102.

3 (b) A state agency that funds the activities of the program shall
4 make all necessary efforts to integrate and align its contractual and
5 administrative requirements for grants, loans, and other forms of
6 financial support to meet the goals of the program.

7 SEC. 2. Section 7048 of the Water Code is amended to read:

8 7048. (a) The Legislature hereby finds and declares that the
9 protection, restoration, and enhancement of urban creek channels
10 provide potential benefits to the state by combining an effective
11 and efficient means of flood damage reduction with the
12 preservation and enhancement of natural environmental values.
13 The Legislature further finds that urban creek protection,
14 restoration, and enhancement are best undertaken by local agencies
15 and organizations with assistance from the state. It is the intent of
16 the Legislature, in enacting this section, to restore the ecological
17 viability of creek environments located in predominantly urban
18 areas, thereby enhancing aesthetic, recreational, and fish and
19 wildlife values.

20 (b) (1) The director may establish a program of flood damage
21 reduction and urban creek restoration known as the Urban Streams
22 Restoration Program. The program shall consist of both of the
23 following components:

24 (A) The development of the capability by the department to
25 respond to requests from local agencies and organizations for
26 planning and design assistance for efficient and effective urban
27 creek protection, restoration, and enhancement.

28 (B) To the extent that funds are provided, a process for awarding
29 competitive grants.

30 (2) For purposes of this section, urban creek protection,
31 restoration, and enhancement include, but are not limited to, the
32 maintenance of channel capacity, channel stabilization, vegetation
33 management, *the reduction of water quality impairments and*
34 *nonpoint source water pollution, the establishment of parkways*
35 *for public use that benefit flood control and water quality,* and
36 adaptive management to meet program objectives. Where
37 appropriate, the protection, restoration, and enhancement shall
38 utilize efficient, nonstructural low-maintenance flood protection
39 techniques. The department shall utilize in this program its

1 expertise in a variety of disciplines, including, but not limited to,
2 soil bioengineering, hydrology, and plant ecology.

3 (3) (A) The department shall maintain a balance in allocating
4 the money annually available for grants to small urban creek
5 restoration projects and large urban stream restoration projects,
6 allocating not less than 35 percent to both small and large projects.
7 For purposes of this section, “small urban creek restoration
8 projects” are projects for which total costs, including acquisition
9 and restoration costs, are below one million dollars (\$1,000,000)
10 and “large urban stream restoration projects” are projects for which
11 total costs, including acquisition and restoration costs are one
12 million dollars (\$1,000,000) or more.

13 (B) Notwithstanding subparagraph (A), if an insufficient number
14 of qualified projects are available to fully meet the allocation
15 requirement, the department may grant funds to any project that
16 is otherwise qualified, in order to ensure that all available funds
17 are used efficiently.

18 (c) In responding to requests for assistance, the department shall
19 give priority to those projects that are being planned in conjunction
20 with, or in lieu of, local flood control projects. The department
21 may award grants and contracts to local agencies and organizations
22 as provided for in the budget of the department. Participating local
23 agencies and organizations shall follow procedures, plans, and
24 practices that are acceptable to the department, and shall conform
25 to guidelines established by the department that define the level
26 of contribution and participation required by local agencies and
27 organizations.

28 The department shall coordinate the program with the
29 Department of Fish and ~~Game~~ *Wildlife* during the formulation of
30 guidelines and project planning for urban creek protection,
31 restoration, and enhancement. The department shall also consult
32 with the Department of Fish and ~~Game~~ *Wildlife* on project criteria
33 which may include economic, environmental, and social benefits
34 to be achieved.

35 (d) It is the intent of the Legislature that the duties and
36 responsibilities of the department be identified as the Urban
37 Streams Restoration Program and be carried out by an office or
38 staff designated for this purpose. Information on how to obtain
39 planning, design, and financial assistance should be readily
40 accessible to the public.

1 (e) As used in this section, “urban creek” means a creek stream,
2 or river that crosses built-up residential, commercial, or industrial
3 property, or that crosses land where, in the near future, the land
4 use will be residential, commercial, or industrial.

5 (f) For the purposes of this section, eligible activities include,
6 but are not limited to, the maintenance of channel capacity and
7 stabilization of the morphological equilibrium of a natural channel
8 for purposes of flood damage reduction, erosion control, and bank
9 stabilization which may include nonstructural as well as structural
10 projects.

11 (g) The department may adopt regulations that define ~~adaptive~~
12 ~~management~~ “*adaptive management*” for the purposes of the
13 Urban Streams Restoration ~~Program~~ *Program*, and establish criteria
14 to fund projects that include adaptive management activities.

15 (h) The department may amend or utilize existing regulations
16 for approving competitive grants. The regulations may include,
17 but are not limited to, an application process, grant approval
18 criteria, and grantee’s reporting requirements. The department
19 shall annually make available to the public, in a form that is readily
20 accessible, information regarding the status of funds appropriated
21 for these purposes and projects that received grants.

22 (i) *In order to address the unique ecological, flood control,*
23 *water quality, and hydrological conditions associated with urban*
24 *creeks and watersheds on the California-Mexico border, the*
25 *department shall consult with the California-Mexico Border*
26 *Relations Council to establish criteria to fund projects that improve*
27 *conditions for cross-border urban creeks.*

28 SEC. 3. Section 79737.5 is added to the Water Code, to read:

29 79737.5. In the development of any regulations or guidelines
30 for the expenditure of funds authorized pursuant to Section 79737,
31 the Department of Fish and Wildlife shall consult with the
32 California-Mexico Border Relations Council to establish criteria
33 for watershed restoration projects that address the unique
34 ecological, water quality, habitat, and hydrological conditions
35 associated with urban creeks and watersheds on the
36 California-Mexico border.

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