

AMENDED IN SENATE AUGUST 18, 2015

AMENDED IN SENATE JUNE 16, 2015

AMENDED IN ASSEMBLY MAY 4, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 965

**Introduced by Assembly Member Eduardo Garcia
(Coauthor: Assembly Member Alejo)**

February 26, 2015

An act to amend Sections 99520, 99522, and 99523 of the Government Code, to amend Sections 71100, 71101, 71103, and 71103.5 of, and to add Section 71103.6 to, the Public Resources Code, and to amend Sections 7048 and 79737 of the Water Code, relating to the California-Mexico border.

LEGISLATIVE COUNSEL'S DIGEST

AB 965, as amended, Eduardo Garcia. California and Mexico border: water 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. Existing law requires the council to develop a strategic plan to guide a project to study, monitor, remediate, and enhance water quality in the New River in Imperial

County. Existing law establishes the California Border Environmental and Public Health Protection Fund and makes moneys in the fund available, upon appropriation, to the Secretary for Environmental Protection for grants for specified health and environmental projects and purposes relating to the California-Mexico border region.

This bill would add the Secretary of State and Consumer Services as a member of the council and provide that the Regional Administrator of the United States Environmental Protection Agency, Region 9, may appoint a representative from his or her staff to serve as an ex-officio, ~~non-voting~~ *nonvoting* member of the council. The bill would require the council to invite the participation of representatives of the State of Baja California and the Mexican government to participate in meetings. The 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 the strategic plan and the projects identified pursuant to existing law. The bill would make moneys in the fund available, upon appropriation, to the council for grants for specified health and environmental projects and purposes relating to the California-Mexico border region. The bill would provide that specified water bond ~~proceeds~~, *proceeds* may be deposited in the fund to be available, upon appropriation, to the council for these purposes.

(2) Existing law 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, in addition, 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 to establish criteria to fund watershed restoration projects that improve conditions for cross-border urban creeks and watersheds.

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 99520 of the Government Code is
2 amended to read:

3 99520. The Legislature finds and declares the following:

4 (a) The United States and Mexican economies have become
5 increasingly integrated, particularly since the 1994 adoption of the
6 North American Free Trade Agreement, or NAFTA.

7 (b) As the second largest United States exporter to Mexico,
8 California has the potential to increase its exports at a faster pace
9 and capitalize on Mexico's growing economy.

10 (c) In 2012, the value of California's exports to Mexico totaled
11 \$26.3 billion, equivalent to more than one and one-half times
12 California's trade with its closest trade partner Canada, at \$17.2
13 billion, and almost twice its second closest trade partner, China,
14 at \$13.9 billion.

15 (d) The relationship between Mexico and California generates
16 over \$20.9 billion per year for California.

17 (e) According to the United States Chamber of Commerce, trade
18 with Mexico in 2010 represented 692,240 California jobs, making
19 California the state with the most trade-related jobs with Mexico
20 in the United States. California is the second largest exporter to
21 Mexico among the 50 states, ranking behind Texas.

1 (f) Among California's international trading partners, only
2 Mexico shares a border with California. In fact, California has four
3 major international border crossings supporting the movement of
4 both persons and goods: San Ysidro, Otay Mesa, Tecate, and
5 Calexico. Of these, Otay Mesa and Calexico accommodate the
6 largest volume of trade. Otay Mesa is the largest California
7 crossing, ranking sixth in the nation. In 2010, these California
8 gateways with Mexico moved \$46.9 billion in merchandise.

9 (g) At issue is border crossing delays between Mexico and the
10 United States along the Imperial County-Baja California border.

11 (h) In California, losses due to border crossing delays accounted
12 for an estimated revenue loss of \$1.16 billion and 25,000 jobs in
13 2008.

14 (i) While California remains the largest recipient of foreign
15 domestic investment (FDI) in the United States, faster FDI is
16 occurring elsewhere.

17 (j) Despite this critical economic relationship, California has
18 not had a formal mechanism for the past decade devoted to
19 maximizing trade, addressing challenges, and coordinating
20 cross-border programs for trade development between the two
21 countries. This has left California employers and businesses
22 without formal access to Mexican government officials, a major
23 disadvantage to California's trade industries.

24 (k) In 2006, the Office of California-Mexico Affairs was
25 established to further and develop favorable relations with Mexican
26 states by cooperating with similar organizations and agencies
27 situated within California, the United States, or Mexico. Important
28 areas of activity include, but are not limited to, enhancing economic
29 development opportunities among the participating states,
30 improving working conditions and living standards, and fostering
31 the protection and improvement of the environment in Mexico and
32 California.

33 (l) To help carry out these duties the California-Mexico Border
34 Relations Council was also established to identify new border
35 priorities and fundable projects in the areas of infrastructure, trade,
36 environment, health, and security while supporting current and
37 ongoing activities such as the Border Governors Conference, trade
38 missions, and border workgroups, and coordinating specific future
39 projects with Mexico. Priorities and projects identified by the
40 California-Mexico Border Relations Council shall be funded

1 pursuant to Section 71101 of the Public Resources Code,
2 establishing the California Border Environmental and Public Health
3 Protection Fund.

4 (m) It is critical for California that state agencies continue to
5 address important United States-Mexico issues.

6 (n) Furthermore, California should maximize its economic
7 relationship with Mexico to improve the state's economy, to
8 maximize the amount of exports, and create more California jobs.

9 (o) Therefore, the Legislature finds that California needs a
10 formalized trade relationship with Mexico. Establishing an official
11 trade relationship with Mexico will help ensure that the state can
12 improve its global competitiveness and protect California industry,
13 proactively support the expansion and location of businesses in
14 California, provide international business assistance to California
15 businesses, and support their entry and successful participation in
16 the growing Mexican marketplace.

17 (p) The California-Mexico Border Relations Council provides
18 a focal point in state government to serve as a clearinghouse for
19 information and assistance to other state agencies that are involved
20 with Mexico.

21 SEC. 2. Section 99522 of the Government Code is amended
22 to read:

23 99522. (a) The California-Mexico Border Relations Council
24 is hereby established in state government. The council shall consist
25 of the Director of the Governor's Office of Business and Economic
26 Development, the Secretary of the Natural Resources Agency, the
27 Secretary for Environmental Protection, the Secretary of California
28 Health and Human Services, the Secretary of Transportation, the
29 Secretary of Food and Agriculture, the Secretary of State and
30 Consumer Services, and the Director of Emergency Services. The
31 Regional Administrator of the United States Environmental
32 Protection Agency, Region 9, may appoint a representative from
33 his or her staff to serve as an ex-officio, ~~non-voting~~ *nonvoting*
34 member of the council.

35 (b) The Secretary for Environmental Protection shall chair the
36 council.

37 SEC. 3. Section 99523 of the Government Code is amended
38 to read:

39 99523. The council shall do all of the following:

1 (a) Coordinate activities of state agencies that are related to
2 cross-border programs, initiatives, projects, and partnerships that
3 exist within state government, to improve the effectiveness of state
4 and local efforts that are of concern between California and
5 Mexico.

6 (b) Invite representatives of the State of Baja California and the
7 Mexican government to participate in meetings.

8 (c) Establish policies to coordinate the collection and sharing
9 of data related to cross-border issues between and among agencies.

10 (d) *Establish the Border Region Solid Waste Working Group*
11 *to develop and coordinate long-term solutions to address and*
12 *remediate problems associated with waste tires, solid waste, and*
13 *excessive sedimentation along the border that cause the*
14 *degradation of valuable estuarine and riparian habitats, and*
15 *threaten water quality and public health in the state.*

16 ~~(d)~~

17 (e) Identify and recommend to the Legislature changes in law
18 needed to achieve the goals of this section.

19 SEC. 4. Section 71100 of the Public Resources Code is
20 amended to read:

21 71100. The following definitions govern the construction of
22 this part:

23 (a) “California-Baja California border region” means the region
24 to the north and south of the international border between
25 California and Baja California described in Article 4 of the La Paz
26 Agreement, signed August 14, 1983, between the United States
27 and Mexico.

28 (b) “Council” means the California-Mexico Border Relations
29 Council, established pursuant to Section 99522 of the Government
30 Code.

31 (c) “Fund” means the California Border Environmental and
32 Public Health Protection Fund established pursuant to Section
33 71101.

34 SEC. 5. Section 71101 of the Public Resources Code is
35 amended to read:

36 71101. (a) The California Border Environmental and Public
37 Health Protection Fund is hereby established in the State Treasury
38 to receive funds appropriated in the annual Budget Act, including,
39 but not limited to, proceeds of bonds sold pursuant to Division
40 26.7 (commencing with Section 79700) of the Water Code, and

1 other sources, such as from the North American Development
2 Bank, Border Environment Cooperation Committee, United States
3 Environmental Protection Agency, and private businesses or
4 foundations, and any interest accrued on those funds.

5 (b) The money in the fund shall be available, upon appropriation,
6 to the California-Mexico Border Relations Council pursuant to
7 Chapter 2 (commencing with Section 99520) of Title 20 of the
8 Government Code, for expenditure for the purposes of this part.

9 (c) The money in the fund shall not be made available for the
10 purpose of bringing a person or a facility into compliance with
11 environmental laws, or to provide funds to remediate environmental
12 damage. The fund, instead, shall assist appropriate responsible
13 agencies in California and Baja California in the implementation
14 of projects to identify and resolve environmental and public health
15 problems that directly threaten the health or environmental quality
16 of California residents or sensitive natural resources of the
17 California border region, including projects related to domestic
18 and industrial wastewater, vehicle and industrial air emissions,
19 hazardous waste transport and disposal, human and ecological
20 risk, and disposal of municipal solid waste.

21 SEC. 6. Section 71103 of the Public Resources Code is
22 amended to read:

23 71103. (a) The California-Mexico Border Relations Council,
24 upon request, shall inform any community-based nonprofit
25 environmental organization, responsible local government, and
26 special district located within the California-Baja California border
27 region that it may request funding pursuant to Section 71102.

28 (b) The California-Mexico Border Relations Council, shall
29 award grants to a local governmental entity or special district,
30 community-based nonprofit environmental organization, or
31 postsecondary educational institution based on the severity of the
32 environmental, public health, or natural resource concerns due to
33 cross-border transmission of environmental pollutants or toxics to
34 the city or county in which the entity, organization, or institution
35 is located. First priority for funding shall be given to an entity,
36 organization, or institution located in a city or county in which an
37 environmental, public health, or natural resource threat exists and
38 that has existing capability to respond to, implement, and abate
39 the threat to California from cross-border sources.

1 (c) The Secretary for Environmental Protection, on behalf of
2 the council, shall accept donations of used equipment, including
3 computers, printers, and lab equipment, for distribution to
4 governmental entities and community-based nonprofit
5 environmental organizations located within the California-Baja
6 California border region and postsecondary educational institutions
7 located within Baja California and within the California-Baja
8 California border region, if the donations can be shown to
9 contribute to the protection of the environment, public health, or
10 natural resources of the California border region.

11 SEC. 7. Section 71103.5 of the Public Resources Code is
12 amended to read:

13 71103.5. (a) The Legislature finds and declares all of the
14 following:

15 (1) The New River poses an imminent and severe threat to the
16 public health of residents of Calexico, California, and adjacent
17 communities in Imperial County. Since the 1940s, the New River
18 has been recognized as a significant pollution and human health
19 problem, primarily because of extremely high concentrations of
20 fecal coliform bacteria.

21 (2) While there have been recent measurable water quality
22 improvements as a result of sewage infrastructure projects
23 implemented and completed during the last 10 years in Mexicali,
24 Mexico, the residual and projected pollution in the New River
25 coming from Mexico remains a significant threat to public health
26 and the environment.

27 (3) Current bacteria levels in the New River are several orders
28 of magnitude above the state standards for bacteria. Based on these
29 levels and the historic levels of pollution, the waterway is believed
30 to carry pathogens that cause tuberculosis, encephalitis, polio,
31 cholera, hepatitis, and typhoid. The waterway also carries other
32 contaminants in concentrations that are in violation of federal,
33 state, and Mexican water quality standards by several hundredfold.

34 (4) The New River is listed as an impaired river by the United
35 States Environmental Protection Agency due to low dissolved
36 oxygen (DO) and the presence of chlordane, chlorpyrifos, copper,
37 dichloro-diphenyl-trichloroethane (DDT), diazinon, dieldrin,
38 mercury, nutrients, pathogens, polychlorinated biphenyls (PCBs),
39 sediment, selenium, toxaphene, toxicity, trash, and volatile organic
40 compounds (VOCs).

1 (5) The New River is a major contributor of pollution to the
2 Salton Sea, and failure to address water quality problems in the
3 New River ~~are~~ *is* impeding the ability of the state to implement
4 laws and programs designed to restore and protect this important
5 environmental and wildlife habitat resource.

6 (6) The New River condition in the border area is also an
7 aesthetic nuisance for Calexico residents and has historically
8 inhibited the city's socioeconomic well-being and growth.

9 (7) A coordinated and comprehensive state strategy is needed
10 to deal with the residual and projected pollution so that the New
11 River and associated river channel can be enhanced to a condition
12 that will allow the residents of Calexico and Imperial County to
13 utilize them as recreational and natural assets as contemplated in
14 the California River Parkways Act of 2004 (Chapter 3.8
15 (commencing with Section 5750) of Division 5).

16 (8) In the Budget Act of 2009, as amended by Chapter 1 of the
17 Statutes of 2009 Fourth Extraordinary Session, eight hundred
18 thousand dollars (\$800,000) was appropriated to the City of
19 Calexico for various planning needs necessary to develop a river
20 parkway plan and river improvement project for the New River.
21 The moneys were appropriated in order to secure and serve as
22 matching funds for the four million dollars (\$4,000,000) allocated
23 pursuant to the Safe, Accountable, Flexible, Efficient
24 Transportation Equity Act: A Legacy for Users (Public Law
25 109-59) to the City of Calexico for the development of bicycle
26 paths and public park space adjacent to the New River.

27 (9) The City of Calexico, as the recipient of funding pursuant
28 to the California River Parkways Act of 2004, has agreed to provide
29 necessary financial support to the council for the development of
30 the council's strategic plan.

31 (b) As used in this section, the following terms have the
32 following meanings:

33 (1) "Agency" means the California Environmental Protection
34 Agency.

35 (2) "City" means the City of Calexico, California.

36 (3) "Council" means the California-Mexico Border Relations
37 Council established pursuant to Section 99522 of the Government
38 Code.

39 (4) "County" means the County of Imperial, California.

1 (5) “IBWC” means the International Boundary and Water
2 Commission, United States Section.

3 (6) “New River Improvement Project” or “project” means a
4 project to study, monitor, remediate, and enhance New River water
5 quality in the County of Imperial to protect human health, and
6 develop a river parkway suitable for public use and enjoyment.

7 (c) Pursuant to the authority granted to the council pursuant to
8 Section 99523 of the Government Code and contingent upon the
9 execution of an agreement with the City of Calexico for the purpose
10 of providing the necessary funding, the council shall develop a
11 strategic plan to guide the implementation of the New River
12 Improvement Project. The strategic plan shall include, but need
13 not be limited to, all of the following elements:

14 (1) Quantification of current and projected New River water
15 quality impairments and their threat to public health.

16 (2) Prioritization of the actions necessary to protect public health
17 and to meet New River water quality objectives and other
18 environmental goals, such as improving the quality of water flows
19 into the Salton Sea.

20 (3) Identification of potential funds for the implementation of
21 the project, and potential lead agencies that would be responsible
22 for environmental review of activities related to the cleanup and
23 restoration of the New River.

24 (4) Identification of the appropriate federal, state, and local
25 agencies with a role in implementing and achieving the New River
26 Improvement Project.

27 (d) (1) To the extent permitted by law, the council may work
28 with appropriate binational, federal, state, local, and
29 nongovernmental organizations on both sides of the
30 California-Mexico border to develop the strategic plan and to fund
31 and establish cooperative water quality monitoring, public health
32 studies, inspection, and technical assistance programs as needed
33 to support, convene, and oversee the project.

34 (2) To further the objectives of this subdivision, the council
35 may convene and oversee a technical advisory committee. The
36 advisory committee shall advise the council regarding the necessary
37 studies and activities to carry out the project, and shall serve at the
38 pleasure of the council. The advisory committee shall include
39 representatives from the following:

40 (A) Impacted cities and counties.

1 (B) Relevant local, regional, and state agencies and departments.

2 (C) Nongovernmental organizations.

3 (D) Other stakeholders deemed necessary by the council.

4 (3) The council shall appoint the chair of the committee and
5 may expand the membership and expertise of the committee as it
6 deems necessary.

7 (4) The council may enter into an agreement, including an
8 interagency agreement and memorandum of understanding, with
9 public agencies, including the city, to accept, manage, and expend
10 funds for the implementation of this section.

11 (e) This section does not modify existing roles, responsibilities,
12 or liabilities of the State of California, the City of Calexico,
13 Imperial County, or any other governmental agency, under those
14 laws that regulate, protect, and clean up surface waters entering
15 the United States from Mexico.

16 (f) The New River Improvement Project Account is hereby
17 created in the California Border Environmental and Public Health
18 Protection Fund to receive moneys for activities related to the New
19 River Improvement Project from sources identified in Section
20 71101 and other sources. Upon appropriation by the Legislature,
21 moneys in the account shall be expended to implement the purposes
22 identified in subdivision (c) or Section 71102 that are related to
23 the New River.

24 SEC. 8. Section 71103.6 is added to the Public Resources Code,
25 to read:

26 71103.6. (a) The council shall establish the New River Water
27 Quality, Public Health, and River Parkway Development Program
28 to coordinate funding for, and the implementation of, the
29 recommendations from the strategic plan developed pursuant to
30 subdivision (c) of Section 71103.5, and the projects identified
31 pursuant to Section 71102.

32 (b) Any entity of state government that funds the activities of
33 the program shall make all necessary efforts to integrate and align
34 its contractual and administrative requirements for grants, loans,
35 and other forms of financial support to meet the goals of the
36 program.

37 SEC. 9. Section 7048 of the Water Code is amended to read:

38 7048. (a) The Legislature hereby finds and declares that the
39 protection, restoration, and enhancement of urban creek channels
40 provide potential benefits to the state by combining an effective

1 and efficient means of flood damage reduction with the
2 preservation and enhancement of natural environmental values.
3 The Legislature further finds that urban creek protection,
4 restoration, and enhancement are best undertaken by local agencies
5 and organizations with assistance from the state. It is the intent of
6 the Legislature, in enacting this section, to restore the ecological
7 viability of creek environments located in predominantly urban
8 areas, thereby enhancing aesthetic, recreational, and fish and
9 wildlife values.

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

14 (A) The development of the capability by the department to
15 respond to requests from local agencies and organizations for
16 planning and design assistance for efficient and effective urban
17 creek protection, restoration, and enhancement.

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

20 (2) For purposes of this section, urban creek protection,
21 restoration, and enhancement include, but are not limited to, the
22 maintenance of channel capacity, channel stabilization, vegetation
23 management, the reduction of water quality impairments and
24 nonpoint source water pollution, the establishment of parkways
25 for public use that benefit flood control and water quality, and
26 adaptive management to meet program objectives. Where
27 appropriate, the protection, restoration, and enhancement shall
28 utilize efficient, nonstructural low-maintenance flood protection
29 techniques. The department shall utilize in this program its
30 expertise in a variety of disciplines, including, but not limited to,
31 soil bioengineering, hydrology, and plant ecology.

32 (3) (A) The department shall maintain a balance in allocating
33 the money annually available for grants to small urban creek
34 restoration projects and large urban stream restoration projects,
35 allocating not less than 35 percent to both small and large projects.
36 For purposes of this section, “small urban creek restoration
37 projects” are projects for which total costs, including acquisition
38 and restoration costs, are below one million dollars (\$1,000,000)
39 and “large urban stream restoration projects” are projects for which

1 total costs, including acquisition and restoration costs, are one
2 million dollars (\$1,000,000) or more.

3 (B) Notwithstanding subparagraph (A), if an insufficient number
4 of qualified projects are available to fully meet the allocation
5 requirement, the department may grant funds to any project that
6 is otherwise qualified, in order to ensure that all available funds
7 are used efficiently.

8 (c) In responding to requests for assistance, the department shall
9 give priority to those projects that are being planned in conjunction
10 with, or in lieu of, local flood control projects. The department
11 may award grants and contracts to local agencies and organizations
12 as provided for in the budget of the department. Participating local
13 agencies and organizations shall follow procedures, plans, and
14 practices that are acceptable to the department, and shall conform
15 to guidelines established by the department that define the level
16 of contribution and participation required by local agencies and
17 organizations.

18 The department shall coordinate the program with the
19 Department of Fish and Wildlife during the formulation of
20 guidelines and project planning for urban creek protection,
21 restoration, and enhancement. The department shall also consult
22 with the Department of Fish and Wildlife on project criteria which
23 may include economic, environmental, and social benefits to be
24 achieved.

25 (d) It is the intent of the Legislature that the duties and
26 responsibilities of the department be identified as the Urban
27 Streams Restoration Program and be carried out by an office or
28 staff designated for this purpose. Information on how to obtain
29 planning, design, and financial assistance should be readily
30 accessible to the public.

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

35 (f) For the purposes of this section, eligible activities include,
36 but are not limited to, the maintenance of channel capacity and
37 stabilization of the morphological equilibrium of a natural channel
38 for purposes of flood damage reduction, erosion control, and bank
39 stabilization which may include nonstructural as well as structural
40 projects.

1 (g) The department may adopt regulations that define “adaptive
2 management” for the purposes of the Urban Streams Restoration
3 Program, and establish criteria to fund projects that include
4 adaptive management activities.

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

12 (i) In order to address the unique ecological, flood control, water
13 quality, and hydrological conditions associated with urban creeks
14 and watersheds on the California-Mexico border, the department
15 shall consult with the California-Mexico Border Relations Council
16 to establish criteria to fund projects that improve conditions for
17 cross-border urban creeks.

18 SEC. 10. Section 79737 of the Water Code is amended to read:

19 79737. (a) Of the funds authorized by Section 79730, two
20 hundred eighty-five million dollars (\$285,000,000) shall be
21 available to the Department of Fish and Wildlife for watershed
22 restoration projects statewide in accordance with this chapter.

23 (b) For the purposes of this section, watershed restoration
24 includes activities to fund coastal wetland habitat, improve forest
25 health, restore mountain meadows, modernize stream crossings,
26 culverts, and bridges, reconnect historical flood plains, install or
27 improve fish screens, provide fish passages, restore river channels,
28 restore or enhance riparian, aquatic, and terrestrial habitat, improve
29 ecological functions, acquire from willing sellers conservation
30 easements for riparian buffer strips, improve local watershed
31 management, and remove sediment or trash.

32 (c) For any funds available pursuant to this section that are used
33 to provide grants under the Fisheries Restoration Grant Program,
34 a priority shall be given to coastal waters.

35 (d) In allocating funds for projects pursuant to this section, the
36 Department of Fish and Wildlife shall only make funds available
37 for water quality, river, and watershed protection and restoration
38 projects of statewide importance outside of the Delta.

1 (e) Funds provided by this section shall not be expended to pay
2 the costs of the design, construction, operation, mitigation, or
3 maintenance of Delta conveyance facilities.

4 (f) Funds provided by this section shall only be used for projects
5 that will provide fisheries or ecosystem benefits or improvements
6 that are greater than required applicable environmental mitigation
7 measures or compliance obligations, except for any water transfers
8 for the benefit of subsection (d) of Section 3406 of the Central
9 Valley Project Improvement Act (Title 34 of Public Law 102-575).

10 (g) In order to address the unique ecological, flood control,
11 water quality, and hydrological-~~conditional~~ *conditions* associated
12 with urban creeks and watersheds on the California-Mexico border,
13 the department shall consult with the California-Mexico Border
14 Relations Council to establish criteria to fund projects that improve
15 conditions for cross-border urban creeks and watersheds.

O