

AMENDED IN SENATE JUNE 9, 2016
AMENDED IN ASSEMBLY APRIL 26, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1716

Introduced by Assembly Members McCarty and Cooley
(Coauthor: Senator Pan)

January 27, 2016

An act to add Division 22.2 (commencing with Section 32280) to the Public Resources Code, relating to the Lower American River Conservancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1716, as amended, McCarty. Lower American River Conservancy.

Existing law establishes various conservancies in the Natural Resources Agency to acquire, manage, direct the management of, and conserve public lands in the state.

This bill would create the Lower American River Conservancy in the Natural Resources Agency to receive and expend proceeds from bonds or other appropriations for the benefit of the American River Parkway, as defined. The bill would create the Lower American River Conservancy Fund in the State ~~Treasury~~, *Treasury* and would specify that moneys in the fund shall be available, upon appropriation, for the purposes of the ~~conservancy~~, *conservancy, as provided*.

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. Division 22.2 (commencing with Section 32280)
2 is added to the Public Resources Code, to read:

3
4
5
6

DIVISION 22.2. LOWER AMERICAN RIVER
CONSERVANCY

7 32280. This division shall be known, and may be cited, as the
8 Lower American River Conservancy Act.

9 32280.1. The Legislature finds and declares all of the following:

10 (a) The lower American River is one of California’s most
11 important natural environments, providing recreational,
12 environmental, and educational opportunities to more than
13 8,000,000 visitors each year. It also serves as a unique urban
14 greenbelt composed of more than 5,000 acres and lying
15 immediately ~~adjacent~~ *next* to and within two incorporated cities
16 and the unincorporated County of Sacramento.

17 (b) The American River Parkway includes natural and
18 recreational resources of statewide interest and is often referred
19 to as “the jewel” of the Sacramento region, and it is managed as
20 such with an intent to fulfill the vision set forth through past
21 collaborative efforts involving advocates and stakeholders, the
22 County of Sacramento, and the Legislature.

23 (c) The American River Parkway was established by the County
24 of Sacramento, with financial support from the state and other
25 public and private entities.

26 (d) Since establishing ~~it~~, *the American River Parkway in 1959*,
27 the County of Sacramento has ~~continued to~~ *and will continue to*
28 *update, maintain, and determine consistency with the American*
29 *River Parkway Plan and to serve as the Parkway Manager to own,*
30 *manage, operate, and patrol the American River Parkway’s lands*
31 *and resources. resources within the American River Parkway.*

32 (e) The American River Parkway provides additional benefits
33 to the state and the Sacramento region including flood control,
34 water supply, water quality, habitat for anadromous fisheries,
35 including salmon and steelhead, and habitat for migratory
36 waterfowl and other wildlife.

37 (f) The Legislature recognized the statewide importance of the
38 American River Parkway in enacting the Urban American River

1 Parkway Preservation Act (Chapter 10 (commencing with Section
2 5840) of Division 5), which culminated with the adoption of the
3 American River Parkway—~~Plan~~. *Plan and the Bushy Lake*
4 *Preservation Act (Chapter 9 (commencing with Section 5830) of*
5 *Division 5).*

6 (g) *The statewide and national importance of the Lower*
7 *American River Parkway was further recognized when it was*
8 *designated as part of the California Wild and Scenic Rivers System*
9 *and the National Wild and Scenic Rivers System. The American*
10 *River Parkway Plan acts as the management plan for the lower*
11 *American River under the California Wild and Scenic Rivers Act*
12 *(Chapter 1.4 (commencing with Section 5093.50) of Division 5),*
13 *providing management guidance and direction for state*
14 *departments and agencies, as well as local governments, in*
15 *carrying out their responsibilities under that act.*

16 ~~(g)~~

17 (h) The state has an interest in assisting local agencies in
18 expanding, enhancing, and restoring the natural, recreational, and
19 educational resources in and adjacent to the American River
20 Parkway.

21 ~~(h)~~

22 (i) The establishment of the Lower American River Conservancy
23 can provide a state partner to work cooperatively with local
24 agencies, particularly the County of ~~Sacramento~~, *Sacramento in*
25 *its role as the Parkway Manager*, and nonprofit organizations to
26 help fund projects and provide grants to restore, enhance, interpret,
27 protect, and ~~increase~~ *improve* public access to the American River
28 Parkway's natural, recreational, educational, and cultural resources.

29 32280.5. For purposes of this division, the following terms
30 have the following meanings:

31 (a) *“Adjacent to” means downstream of the Nimbus Dam and*
32 *next to or in the immediate vicinity of the American River Parkway.*

33 ~~(a)~~

34 (b) *“American River Parkway” means those portions of the area*
35 *described in the American River Parkway—~~Plan~~. *Plan between the**
36 *Nimbus Dam and the confluence of the American River with the*
37 *Sacramento River.*

38

39 ~~(b)~~

1 (c) “American River Parkway Plan” has the same meaning as
2 in subdivision (a) of Section 5841.

3 ~~(e)~~

4 (d) “Conservancy” means the Lower American River
5 Conservancy established by this division.

6 ~~(d)~~

7 (e) “Governing board” means the governing board of the
8 conservancy.

9 ~~(e)~~

10 (f) “Nonprofit organization” means a private, nonprofit
11 organization, with nonprofit status acknowledged by the United
12 States Internal Revenue Service, that qualifies under Section
13 501(c)(3) of the Internal Revenue Code, as amended, and that has
14 among its principal charitable purposes the preservation,
15 restoration, or interpretation of land for scientific, historic,
16 educational, recreational, scenic, or open-space purposes, the
17 protection of the natural environment or biological resources, or
18 both, or the preservation or enhancement of wildlife, or both.

19 (g) “Parkway Manager” means the Sacramento County Board
20 of Supervisors or its designee.

21 32281. (a) The Lower American River Conservancy is hereby
22 created in the Natural Resources Agency to receive and expend
23 proceeds from bonds or other appropriations made in the annual
24 Budget Act or other statutes for the benefit of the American River
25 Parkway.

26 (b) To the extent permissible under this division, the
27 conservancy shall prioritize expending moneys to develop and
28 implement a natural resource management plan and to improve
29 access to and protection of the American River Parkway.

30 32281.5. (a) The governing board shall consist of the following
31 members:

32 (1) Three members of the Board of Supervisors of the County
33 of Sacramento, selected by a majority vote of the board of
34 supervisors.

35 (2) Two representatives of the City of Sacramento, which may
36 include the Mayor and one member of the City Council of the City
37 of Sacramento, or two members of the city council, selected by a
38 majority vote of the city council.

39 (3) The Mayor or a member of the City Council of the City of
40 Rancho Cordova, selected by a majority vote of the city council.

1 (4) The Secretary of the Natural Resources Agency, or his or
2 her designee.

3 (5) The Director of Finance, or his or her designee.

4 (6) The Director of Parks and Recreation, or his or her designee.

5 (7) The Director of Fish and Wildlife, or his or her designee.

6 (8) The Executive Director of the Wildlife Conservation Board,
7 or his or her designee.

8 (9) The Executive Officer of the State Lands Commission, or
9 his or her designee.

10 (10) Three members from the public at large, one appointed by
11 the Governor, one appointed by the Senate Committee on Rules,
12 and one appointed by the Speaker of the Assembly.

13 (b) Public-at-large members appointed pursuant to paragraph
14 (10) of subdivision (a) may serve for one or more four-year terms.
15 *These members shall have a demonstrated knowledge of and*
16 *expertise in the American River Parkway and the American River*
17 *Parkway Plan.*

18 (c) Members appointed pursuant to paragraphs (1) to (3),
19 inclusive, of subdivision (a) shall serve at the pleasure of their
20 appointing authority.

21 (d) All members of the governing board shall be voting
22 members.

23 (e) A person shall not continue as a member of the governing
24 board if that person ceases to hold the office that qualifies that
25 person for membership. In that event, the person's membership
26 on the governing board shall automatically terminate.

27 32282. The members of the governing board who are not
28 full-time public employees may be compensated for attendance at
29 regular meetings of the conservancy at the rate of one hundred
30 dollars (\$100) per regular meeting, not to exceed 12 regular
31 meetings a year. All members of the governing board may be
32 reimbursed the actual amount of the reasonable and necessary
33 expenditures incurred in attending meetings of the conservancy
34 and carrying out the duties of their office.

35 32282.5. The governing board shall elect from its own members
36 a chair and vice chair, whose terms of office shall be two years,
37 and who may serve more than one term. In the event of a vacancy,
38 a new chair or vice chair may be elected by the governing board
39 before the expiration of the two-year term to fill the remainder of
40 that two-year term.

1 32283. The governing board shall meet at least once each
 2 quarter at one or more locations within the County of Sacramento.
 3 A majority of the membership of the governing body shall
 4 constitute a quorum for the transaction of the business of the
 5 conservancy. If a quorum is present, a majority vote of the
 6 members present is sufficient to transact the business of the
 7 governing board. Meetings of the governing board shall be open
 8 to the public and subject to the Bagley-Keene Open Meeting Act
 9 (Article 9 (commencing with Section 11120) of Chapter 1 of Part
 10 I of Division 3 of Title 2 of the Government Code).

11 32284. The governing board shall adopt rules and procedures
 12 necessary to conduct its business.

13 32285. The conservancy shall do all of the following:

14 (a) Coordinate its activities with the County of Sacramento,
 15 each city that includes a portion of the American River Parkway,
 16 appropriate local and regional flood control districts, and relevant
 17 state agencies.

18 (b) ~~Consult~~ *Prior to approving funding for any project, do both*
 19 *of the following:*

20 (1) ~~Consult~~ *with the County of Sacramento on as to whether*
 21 *the conservancy's proposed actions are consistent with the*
 22 *American River Parkway Plan.*

23 (2) *Draft a staff report that includes all findings, written*
 24 *comments, and reports submitted by the County of Sacramento*
 25 *and the Parkway Manager as to whether the conservancy's actions*
 26 *are consistent with the American River Parkway Plan.*

27 (c) Administer any moneys appropriated to the conservancy or
 28 any revenues generated by the conservancy.

29 (d) Provide funding and assistance to the County of Sacramento
 30 for the development, update, adoption, and implementation of a
 31 natural resource management plan for the American River Parkway,
 32 and grants to other local agencies and nonprofit organizations
 33 *whose projects are approved by the County of Sacramento* for
 34 implementation of that plan.

35 (e) *Prior to providing funding for any acquisition project within*
 36 *the American River Parkway, require and ensure that title to the*
 37 *lands to be acquired shall be held by the County of Sacramento.*

38 32286. Consistent with the American River Parkway Plan, the
 39 conservancy may do any of the following:

1 (a) Provide grants to local public agencies and nonprofit
2 organizations to be used for one or more of the following purposes:

3 (1) The *acquisition*, restoration, enhancement, and maintenance
4 of fish and wildlife habitat and other natural resources, including
5 resources impacted by wildfire, within and adjacent to the
6 American River Parkway. *Any land acquisition funded pursuant*
7 *to this paragraph shall be subject to subdivision (e) of Section*
8 *32285.*

9 (2) The improvement and expansion of ~~public-access facilities~~
10 *access, recreational areas, and recreational facilities*, including
11 trails.

12 (3) The enhancement of interpretive and educational facilities
13 related to the American River Parkway and its natural, cultural,
14 and historic resources.

15 (4) *The control and removal of invasive species and the*
16 *propagation of native species.*

17 (b) Improve and enhance lands within and adjacent to the
18 American River Parkway.

19 (c) Design, implement, and provide grants to local agencies and
20 nonprofit organizations for ~~multibenefit projects to capture~~
21 ~~stormwater and improve water quality, enhance fish and wildlife~~
22 ~~habitat, improve recreational areas, and increase water supply, or~~
23 ~~a combination of those benefits, on lands within or adjacent to the~~
24 ~~American River Parkway and within the boundaries of the County~~
25 ~~of Sacramento; both of the following:~~

26 (1) *Stormwater capture and treatment projects to improve the*
27 *quality of water that flows within and into the American River*
28 *Parkway. Stormwater projects may include lands within and*
29 *adjacent to the American River Parkway and its tributaries*
30 *downstream of the Nimbus Dam and within Sacramento County.*

31 (2) *Projects to enhance fish and wildlife habitat and increase*
32 *open space.*

33 (d) Solicit grants, donations of in-kind services, and other
34 contributions from federal, state, and private sources for the
35 purposes of this division.

36 (e) Establish necessary advisory boards or committees related
37 to the purposes of this division.

38 32287. The conservancy shall not do any of the following:

39 (a) Fund or implement projects on lands without the written
40 consent of the landowner.

- 1 (b) Regulate the use of lands or waters.
- 2 (c) Levy any tax or special assessment.
- 3 (d) Provide grants or take other actions that are inconsistent
- 4 with the American River Parkway ~~Plan~~ *Plan, the Bushy Lake*
- 5 *Preservation Act (Chapter 9 (commencing with Section 5830) of*
- 6 *Division 5), or the Urban American River Parkway Preservation*
- 7 *Act (Chapter 10 (commencing with Section 5840) of Division 5).*
- 8 (e) Own or acquire land.
- 9 32290. The Lower American River Conservancy Fund is hereby
- 10 created in the State Treasury. Moneys in the fund shall be available,
- 11 upon appropriation, for the purposes of this division.
- 12 32291. Nothing in this act shall supersede or diminish the
- 13 existing authority of ~~the~~ *either of the following:*
- 14 (a) *The County of Sacramento or any other entity responsible*
- 15 *for the management, operation, maintenance, or protection of lands*
- 16 *and resources within the American River Parkway.*
- 17 (b) *The Sacramento County Board of Supervisors acting as the*
- 18 *Parkway Manager pursuant to its authority to interpret and*
- 19 *implement the American River Parkway Plan.*