

Introduced by Senator Wolk
(Principal coauthor: Assembly Member Dodd)
(Coauthor: Senator McGuire)
(Coauthor: Assembly Member Levine)

February 19, 2016

An act to add Division 23.4 (commencing with Section 33400) to the Public Resources Code, relating to the Inner Coast Range Conservancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1396, as introduced, Wolk. Inner Coast Range 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 establish the Inner Coast Range Conservancy in the agency to undertake various activities related to the Inner Coast Range Region, as defined, and would prescribe the management, powers, and duties of the conservancy. The bill would create the Inner Coast Range Conservancy Fund in the State Treasury. Moneys in the fund would be available, upon appropriation, for the purposes of the conservancy.

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 23.4 (commencing with Section 33400)
- 2 is added to the Public Resources Code, to read:

1 DIVISION 23.4. INNER COAST RANGE CONSERVANCY

2
3 CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

4
5 33400. This division shall be known, and may be cited, as the
6 Inner Coast Range Conservancy Act.

7 33401. The Legislature finds and declares all of the following:

8 (a) The Inner Coast Range Region is a globally significant area,
9 including world renowned geological, biological, and cultural
10 resources, a national monument, and many large, pristine areas
11 that are open for public use.

12 (b) The Inner Coast Range Region is an important part of the
13 state’s economy, providing substantial agricultural products,
14 timber, water, fishery and other biological resources, ranching,
15 tourism, and recreation.

16 (c) In cooperation with local governments, private businesses,
17 nonprofit organizations, and the public, an Inner Coast Range
18 Conservancy can help do all of the following:

19 (1) Provide increased opportunities for tourism and recreation.

20 (2) Protect, conserve, and restore the region’s physical, cultural,
21 archaeological, historical, and living resources.

22 (3) Aid in the preservation of working landscapes.

23 (4) Reduce the risk and severity of natural disturbances, such
24 as wildfires, and restore resiliency to natural landscapes.

25 (5) Protect and improve water supply and water and air quality,
26 and improve water use efficiency.

27 (6) Assist the regional economy through the operation of the
28 conservancy’s program.

29 (7) Identify the highest priority projects and initiatives for which
30 funding is needed.

31 (8) Undertake efforts to enhance public use and enjoyment of
32 lands owned by the public.

33 (9) Support efforts that advance, in a complementary manner,
34 environmental preservation and restoration as well as the economic
35 well-being of the region’s residents.

36 33402. For the purposes of this division, the following terms
37 have the following meanings:

38 (a) “Board” means the Governing Board of the Inner Coast
39 Range Conservancy.

40 (b) “Conservancy” means the Inner Coast Range Conservancy.

1 (c) “Fund” means the Inner Coast Range Conservancy Fund
2 created pursuant to Section 33475.

3 (d) “Local public agency” means a city, county, district, or joint
4 powers authority.

5 (e) “Nonprofit organization” means a private, nonprofit
6 organization that qualifies for exempt status under Section
7 501(c)(3) of Title 26 of the United States Code, and whose
8 charitable purposes are consistent with the purposes of the
9 conservancy.

10 (f) “Region” or “Inner Coast Range Region” means all or
11 portions of the area lying within the Counties of Colusa, Del Norte,
12 Glenn, Humboldt, Lake, Mendocino, Napa, Shasta, Siskiyou,
13 Solano, Tehama, Trinity, and Yolo, described as the area within
14 the following boundaries:

15 On the south by the southern boundary of the Putah Creek
16 watershed, including a portion of the Inner Coast Range in eastern
17 Napa County and northern Solano County north of Vacaville and
18 Fairfield; on the east by Interstates 505 and 5, northward, including
19 the eastern boundary of the Trinity River watershed, including the
20 western boundary of the Shasta River watershed to the Klamath
21 River, northward along Interstate 5 to the northern boundary of
22 the State of California; on the north by the northern border of the
23 State of California; and on the west by the eastern boundary of the
24 Napa River watershed, the eastern boundary of the Russian River
25 watershed, northward along the western boundary of the watershed
26 of the main stem of the Eel River to the southern Humboldt County
27 boundary, eastward to the western Trinity County boundary,
28 northward to the western boundary of the Trinity River watershed,
29 northward along the western boundary of the Trinity River
30 watershed to the confluence of the Trinity River and the Klamath
31 River, northward along the western boundary of the Klamath River
32 watershed to the northern boundary of the State of California.

33 (g) “Subregions” means the four subregions in which the Inner
34 Coast Range Region is located, described as follows:

35 (1) The east subregion, comprising the Counties of Colusa,
36 Glenn, and Tehama.

37 (2) The west subregion, comprising the Counties of Humboldt,
38 Mendocino, and Trinity.

39 (3) The south subregion, comprising the Counties of Lake, Napa,
40 Solano, and Yolo.

1 (4) The north subregion, comprising the Counties of Del Norte,
2 Shasta, and Siskiyou.

3 (h) “Tribal organization” means an Indian tribe, band, nation,
4 or other organized group or community, or a tribal agency
5 authorized by a tribe, which is recognized as eligible for special
6 programs and services provided by the United States to Indians
7 because of their status as Indians and is identified on pages 52829
8 to 52835, inclusive, of Number 250 of Volume 53 (December 29,
9 1988) of the Federal Register, as that list may be updated or
10 amended from time to time.

11

12 CHAPTER 2. INNER COAST RANGE CONSERVANCY

13

14 33420. There is in the Natural Resources Agency the Inner
15 Coast Range Conservancy, which is created as a state agency to
16 do all of the following, working in collaboration and cooperation
17 with local governments and interested parties:

18 (a) Provide increased opportunities for tourism and recreation.

19 (b) Protect, conserve, and restore the region’s physical, cultural,
20 archaeological, historical, and living resources.

21 (c) Aid in the preservation of working landscapes.

22 (d) Reduce the risk and severity of natural disturbances, such
23 as wildfires, and restore resiliency to natural landscapes.

24 (e) Protect and improve water supply and water and air quality
25 and improve water use efficiency.

26 (f) Assist the regional economy through the operation of the
27 conservancy’s program.

28 (g) Identify the highest priority projects and initiatives for which
29 funding is needed.

30 (h) Undertake efforts to enhance public use and enjoyment of
31 lands owned by the public.

32 (i) Support efforts that advance, in a complementary manner,
33 environmental preservation and restoration as well as the economic
34 well-being of the region’s residents.

35 33421. (a) The board shall consist of 11 voting members and
36 two nonvoting liaison advisers, appointed or designated as follows:

37 (1) The 11 voting members of the board shall consist of all of
38 the following:

39 (A) The Secretary of the Natural Resources Agency, or his or
40 her designee.

- 1 (B) The Director of Finance, or his or her designee.
- 2 (C) Three public members appointed by the Governor, who are
- 3 not elected officials, to represent statewide interests.
- 4 (D) One public member appointed by the Speaker of the
- 5 Assembly, who is not an elected official, to represent statewide
- 6 interests.
- 7 (E) One public member appointed by the Senate Committee on
- 8 Rules, who is not an elected official, to represent statewide
- 9 interests.
- 10 (F) One member for each of the four subregions who shall be
- 11 a member of the board of supervisors of a county located within
- 12 that subregion, and whose supervisorial district shall be at least
- 13 partially contained within the Inner Coast Range Region. Each
- 14 member shall be selected by the counties within that subregion,
- 15 according to the following procedure:
 - 16 (i) Each county board of supervisors within a subregion shall
 - 17 select a member of that board to determine, with the selected
 - 18 members of the other counties in the subregion, which member of
 - 19 a board of supervisors within the subregion shall be appointed as
 - 20 a member of the conservancy board. An alternate may be
 - 21 appointed. The appointed member and any alternate shall have at
 - 22 least part of his or her supervisorial district within the subregion.
 - 23 (ii) The initial appointment of a member for each subregion
 - 24 shall be made no later than 60 days after the effective date of this
 - 25 division. A subsequent appointment to a regular term on the board
 - 26 shall be made before the date specified in Section 33422 for the
 - 27 commencement of that term. A vacancy occurring before the end
 - 28 of a term shall be filled for the remainder of the term within 60
 - 29 days of the vacancy.
 - 30 (iii) If the boards of supervisors within a subregion do not
 - 31 appoint a member to the board within the timeframe specified in
 - 32 clause (ii), the Governor shall appoint one of the supervisors
 - 33 selected pursuant to clause (i) to serve as the board member for
 - 34 the subregion.
- 35 (2) The two nonvoting liaison advisers who serve in an advisory,
- 36 nonvoting capacity shall consist of all of the following:
 - 37 (A) One representative of the United States Forest Service,
 - 38 designated by the United States Secretary of Agriculture.

1 (B) One representative of the United States Bureau of Land
2 Management, designated by the United States Secretary of the
3 Interior.

4 (b) Appointing powers shall seek to include individuals from a
5 breadth of backgrounds.

6 33422. Members and alternates, if any, shall serve terms as
7 follows:

8 (a) The members appointed pursuant to subparagraphs (C) to
9 (E), inclusive, of paragraph (1) of subdivision (a) of Section 33421
10 shall serve at the pleasure of the appointing power.

11 (b) The members and alternates, if any, appointed under
12 subparagraph (F) of paragraph (1) of subdivision (a) of Section
13 33421 shall serve, as follows:

14 (1) Members and alternates for the west subregion and the north
15 subregion shall have terms beginning on January 1 in an
16 odd-numbered year and ending on December 31 of the following
17 even-numbered year. All terms shall be for two years.

18 (2) Members and alternates for the east subregion and the south
19 subregion shall have terms beginning on January 1 in an
20 even-numbered year and ending on December 31 in the following
21 odd-numbered year. Members and alternates for these regions who
22 are appointed to the board at its initiation shall serve a one-year
23 term. Subsequent terms shall be for two years.

24 (c) No member of the board, whose appointment to the board
25 was contingent upon meeting a condition of eligibility under this
26 division, shall serve beyond the time when the member ceases to
27 meet that condition.

28 33423. (a) The voting members appointed or designated under
29 paragraph (1) of subdivision (a) of Section 33421 who are not state
30 employees shall be compensated for attending meetings of the
31 conservancy at the rate of one hundred dollars (\$100) per scheduled
32 meeting day.

33 (b) All members of the board shall be reimbursed for their actual
34 and necessary expenses, including travel expenses, incurred in
35 attending meetings of the conservancy and carrying out the duties
36 of the office.

37 33424. Annually, the voting members of the board shall elect
38 from among the voting members a chairperson and
39 vice-chairperson, and other officers as necessary. If the office of
40 the chairperson or vice-chairperson becomes vacant, a new

1 chairperson or vice-chairperson shall be elected by the voting
2 members of the board to serve for the remainder of the term.

3 33425. (a) Six of the voting members shall constitute a quorum
4 for the transaction of the business of the conservancy. The board
5 shall not transact the business of the conservancy if a quorum is
6 not present at the time a vote is taken. A decision of the board
7 requires an affirmative vote of six of the voting members, and the
8 vote is binding with respect to all matters acted on by the
9 conservancy.

10 (b) The board shall adopt rules, regulations, and procedures for
11 the conduct of business by the conservancy.

12 (c) The voting members of the board appointed or designated
13 pursuant to paragraph (1) of subdivision (a) of Section 33421 and
14 the nonvoting advisers selected pursuant to paragraph (2) of
15 subdivision (a) of Section 33421, shall have the right to attend all
16 meetings of the board, including closed sessions.

17 33426. The board may establish advisory boards or committees,
18 hold community meetings, and engage in public outreach using
19 advanced forms of technology in order to facilitate the
20 decisionmaking process. Members of advisory boards or
21 committees may be reimbursed for the actual and necessary
22 expenses, including travel expenses, that they incur in attending
23 regular meetings of the advisory board or committee of which they
24 are a member.

25 33427. The board shall establish and maintain a headquarters
26 office within the region. The conservancy may rent or own real
27 and personal property and equipment pursuant to applicable statutes
28 and regulations.

29 33428. The board shall determine the qualifications of, and
30 shall appoint, an executive officer of the conservancy, who shall
31 be exempt from civil service. The board shall employ other staff
32 as necessary to execute the powers and functions provided for
33 under this division.

34 33429. The board may enter into contracts with private entities
35 and public agencies to procure consulting and other services
36 necessary to achieve the purposes of this division.

37 33430. The conservancy's expenses for support and
38 administration may be paid from the conservancy's operating
39 budget and any other funding sources available to the conservancy.

1 33431. The board shall conduct business in accordance with
2 the requirements of the Bagley-Keene Open Meeting Act (Article
3 9 (commencing with Section 11120) of Chapter 1 of Part 1 of
4 Division 3 of Title 2 of the Government Code).

5 33432. The board shall hold its regular meetings within, or
6 near, the region.

7 33433. The board shall post agendas for each board meeting
8 on the Internet.

9

10 CHAPTER 3. JURISDICTION AND COOPERATION

11

12 33440. The conservancy’s jurisdiction is limited to the Inner
13 Coast Range Region.

14 33441. The conservancy shall carry out projects and activities
15 to further the purposes of this division throughout the region. The
16 board shall make every effort to ensure that, over time, conservancy
17 funding and other efforts are spread equitably across each of the
18 various subregions and among the stated goal areas, with adequate
19 allowance for the variability of costs associated with individual
20 regions and types of projects.

21 33442. In carrying out this division, the conservancy shall
22 cooperate with and consult with the city or county where a grant
23 is proposed to be expended or an interest in real property is
24 proposed to be acquired; and shall, as necessary or appropriate,
25 coordinate its efforts with other state agencies, in cooperation with
26 the Secretary of the Natural Resources Agency. The conservancy
27 shall, as necessary and appropriate, cooperate and consult with a
28 public water system that owns or operates facilities, including
29 lands appurtenant thereto, where a grant is proposed to be expended
30 or an interest in land is proposed to be acquired.

31 33443. The conservancy shall adopt guidelines setting priorities
32 and criteria for projects and programs, based upon its assessment
33 of program requirements, institutional capabilities, and funding
34 needs throughout the region, and federal, state, and local plans,
35 including land and resource management plans, general plans,
36 recreation plans, urban water management plans, groundwater
37 management plans, and groundwater sustainability plans. As part
38 of the process of developing guidelines for projects and programs,
39 the conservancy shall undertake and facilitate a strategic program
40 planning process involving meetings and workshops within each

1 of the subregions, with the purpose of formulating strategic
2 program objectives and priorities within that subregion. The
3 strategic program shall be updated regularly, at least once every
4 five years.

5 33444. Nothing in this division grants to the conservancy:

6 (a) Any of the powers of a city or county to regulate land use.

7 (b) Any powers to regulate any activities on land, except as the
8 owner of an interest in the land, or pursuant to an agreement with,
9 or a license or grant of management authority from, the owner of
10 an interest in the land.

11 (c) Any powers over water rights held by others.

12

13 CHAPTER 4. GRANTS AND LOANS

14

15 33450. (a) The conservancy may make grants or loans to public
16 agencies, nonprofit organizations, and tribal organizations in order
17 to carry out the purposes of this division, including grants or loans
18 provided to acquire an interest in real property, including a fee
19 interest in that property. Grant or loan funds shall be disbursed to
20 a recipient entity only after the entity has entered into an agreement
21 with the conservancy, on the terms and conditions specified by
22 the conservancy. After approving a grant, the conservancy may
23 assist the grantee in carrying out the purposes of the grant.

24 (b) When awarding grants or making loans pursuant to this
25 division, the conservancy may require repayment of those funds
26 on the terms and conditions it deems appropriate. Proceeds from
27 the repayment or reimbursement of amounts granted or loaned by
28 the conservancy shall be deposited in the fund.

29 (c) An entity applying for a grant from the conservancy to
30 acquire an interest in real property shall specify all of the following
31 in the grant application:

32 (1) The intended use of the property.

33 (2) The manner in which the land will be managed.

34 (3) How the cost of ongoing management will be funded.

35 33451. In the case of a grant of funds to a nonprofit
36 organization or tribal organization to acquire an interest in real
37 property, including, but not limited to, a fee interest, the agreement
38 between the conservancy and the recipient organization shall
39 require all of the following:

1 (a) The purchase price of an interest in real property acquired
2 by the organization shall not exceed fair market value as established
3 by an appraisal approved by the conservancy.

4 (b) The terms under which the interest in real property is
5 acquired shall be subject to the conservancy's approval.

6 (c) An interest in real property to be acquired under the grant
7 shall not be used as security for a debt unless the conservancy
8 approves the transaction.

9 (d) The transfer of an interest in the real property shall be subject
10 to approval of the conservancy, and a new agreement sufficient to
11 protect the public interest shall be entered into between the
12 conservancy and the transferee.

13 (e) A deed or instrument by which the organization acquires an
14 interest in real property under the grant shall include a power of
15 termination on the part of the state, subject to the requirements of
16 Chapter 5 (commencing with Section 885.010) of Title 5 of Part
17 2 of Division 2 of the Civil Code. The deed or instrument shall
18 provide that the state may exercise the power of termination by
19 notice in the event of the organization's violation of the purpose
20 of the grant through breach of a material term or condition thereof,
21 and that, upon recordation of the notice, full title to the interest in
22 real property identified in the notice shall immediately vest in the
23 state, or in another public agency or a nonprofit organization
24 designated by the conservancy to which the state conveys or has
25 conveyed its interest.

26 (f) A deed or instrument by which the organization acquires an
27 interest in real property under the grant shall provide that the
28 conveyance is subject to a remainder interest vested in the state.
29 If the existence of the organization is terminated for any reason,
30 the conservancy may require that the remainder shall become a
31 present interest and that full title to the real property shall vest in
32 the state, or in another public agency or a nonprofit organization
33 designated by the conservancy to which the state conveys or has
34 conveyed its interest.

35 33452. (a) The conservancy may expend funds and award
36 grants and loans to facilitate collaborative planning efforts and to
37 develop projects and programs that are designed to further the
38 purposes of this division.

39 (b) The conservancy may provide and make available technical
40 information, expertise, and other nonfinancial assistance to public

1 agencies, nonprofit organizations, and tribal organizations, to
2 support program and project development and implementation.

3 (c) The recipient of a grant or loan provided by the conservancy
4 pursuant to this division for the acquisition of real property shall
5 provide for the management of the real property to be acquired as
6 specified in the grant agreement.

7 33453. The conservancy may apply for and receive grants to
8 carry out the purposes of this division.

9

10 CHAPTER 5. INTERESTS IN REAL PROPERTY

11

12 33460. (a) The conservancy may acquire from willing sellers
13 or transferors, an interest in any real property, in order to carry out
14 the purposes of this division. However, the conservancy shall not
15 acquire a fee interest in real property by purchase.

16 (b) The acquisition of an interest in real property under this
17 section is not subject to the Property Acquisition Law (Part 11
18 (commencing with Section 15850) of Division 3 of Title 2 of the
19 Government Code), unless the value of the interest exceeds two
20 hundred fifty thousand dollars (\$250,000) per lot or parcel, as
21 adjusted for annual changes to the Consumer Price Index for the
22 State of California, as calculated by the Department of Finance.
23 However, the conservancy may request the State Public Works
24 Board to review and approve specific acquisitions.

25 (c) The conservancy shall not exercise the power of eminent
26 domain.

27 33461. Notwithstanding Section 11005.2 of the Government
28 Code or any other law, the conservancy may lease, rent, sell,
29 exchange, or otherwise transfer an interest, option, or contractual
30 right in real property, as well as a vested right severable therefrom,
31 that has been acquired under this division, to a person or entity,
32 subject to terms and conditions in furtherance of the conservancy's
33 purposes.

34 33462. (a) The conservancy shall take whatever actions are
35 reasonably necessary and incidental to the management of lands
36 or interests in lands under its ownership or control and may initiate,
37 negotiate, and participate in agreements for the management of
38 those lands or interests with public agencies or private individuals
39 or entities.

1 (b) The conservancy may improve, restore, or enhance lands
2 for the purpose of protecting the natural environment, improving
3 public enjoyment of or public access to public lands, or to
4 otherwise meet the objectives of this division and may carry out
5 the planning and design of those improvements or other measures.

6 (c) The conservancy may enter into an agreement with a public
7 agency, nonprofit organization, or private entity for the
8 construction, management, or maintenance of facilities authorized
9 by the conservancy.

10

11

CHAPTER 6. FUNDING AND EXPENDITURES

12

13 33470. The conservancy shall make an annual report to the
14 Legislature and to the Secretary of the Natural Resources Agency
15 regarding expenditures, land management costs, and administrative
16 costs.

17 33471. The conservancy may expend funds under this division
18 to conduct research and monitoring in connection with the
19 development and implementation of the program administered
20 under this division.

21 33472. (a) The conservancy may receive gifts, donations,
22 bequests, devises, subventions, grants, rents, royalties, and other
23 assistance and funds from public and private sources.

24 (b) Except as provided in Section 33460, the conservancy may
25 receive an interest in real or personal property through transfer,
26 succession, or other mode of acquisition generally recognized by
27 law.

28 (c) All moneys or income received by the conservancy shall be
29 deposited in the fund for expenditure for the purposes of this
30 division.

31 33473. The conservancy may fix and collect a fee for a direct
32 service it renders, provided the service is rendered at the request
33 of the individual or entity receiving the service. The amount of a
34 fee shall not exceed the conservancy's reasonable costs and
35 expenses of providing the service rendered. All fees received by
36 the conservancy shall be deposited in the fund for expenditure for
37 the purposes of this division.

38 33474. Proceeds from a lease, rental, sale, exchange, or transfer
39 of an interest or option in real property, and all other income of

1 the conservancy, shall be deposited in the fund for expenditure for
2 the purposes of this division.
3 33475. The Inner Coast Range Conservancy Fund is hereby
4 created in the State Treasury. Moneys in the fund shall be available,
5 upon appropriation by the Legislature, only for the purposes of
6 this division.

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