

AMENDED IN SENATE AUGUST 16, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 756

**Introduced by Assembly Member Keeley Members Keeley,
Dickerson, Papan, and Strickland**
(Principal coauthors: Senators Baca, Brulte, and
McPherson)

February 24, 1999

~~An act to amend Section 2825 of the Fish and Game Code, relating to natural community conservation planning. An act to amend and supplement the Budget Act of 1999 (Chapter 50, Statutes of 1999), relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 756, as amended, Keeley. ~~Natural—Community Conservation—Planning:—advisory—committee—Budget Act of 1999: augmentation.~~

Existing law, as set forth in the Budget Act of 1999, makes various appropriations for support of state government for the 1999–2000 fiscal year.

In augmentation of the Budget Act of 1999, this bill would reappropriate \$3,000,000 from support of the Department of Parks and Recreation for cultural heritage projects to support of relocation and restoration of Stilwell Hall at Fort Ord, as specified.

The bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law, the Natural Community Conservation Planning Act, authorizes the Department of Fish and Game to prepare nonregulatory guidelines for the development and implementation of natural community conservation plans. Existing law authorizes those guidelines to include, among other things, appointing one or more advisory committees to review and make recommendations regarding the preparation and implementation of natural community conservation plans.~~

~~This bill would require the advisory committee membership to include persons with appropriate scientific credentials, as determined by the department.~~

~~Existing law also authorizes the guidelines to include coordinating with local, state, and federal agencies, including the Trade and Commerce Agency.~~

~~This bill would expressly authorize the guidelines to also include coordinating with the National Marine Fisheries Service and the United States Fish and Wildlife Service.~~

Vote: majority $\frac{2}{3}$. Appropriation: no—yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 2825 of the Fish and Game Code~~
2 *SECTION 1. The appropriations made by this act are*
3 *in augmentation of the appropriations made in Section*
4 *2.00 of the Budget Act of 1999 (Ch. 50, Stats. 1999) and are*
5 *subject to the provisions of that act, as appropriate,*
6 *including, as applicable, the provisions of that act that*
7 *apply to the items of appropriation that are augmented*
8 *by this act. The references in this act to item numbers*
9 *refer to items of appropriation in Section 2.00 of the*
10 *Budget Act of 1999.*

11 *SEC. 2. Of the amount appropriated for cultural*
12 *heritage projects in Item 3790-002-0001, three million*
13 *dollars (\$3,000,000) is hereby reappropriated in*
14 *augmentation of the appropriation made in Item*
15 *3790-302-0001, to be used by the Department of Parks and*



1 Recreation for relocation and restoration of Stilwell Hall
2 in Monterey County to preserve this important cultural
3 resource, in accordance with the following schedule and
4 provisions:

5

6 Schedule:

7 (2.5) 90.D8.100–Stilwell Hall at
8 Fort Ord: Relocation and Res-
9 toration 3,000,000

10 Provisions:

- 11 2. Expenditure of funds appropriated in Sched-
12 ule (2.5) is contingent upon a minimum fed-
13 eral match of \$3,000,000 and documentation
14 demonstrating that the balance of funding
15 necessary to complete the project has been
16 provided from nonstate sources.
- 17 3. The funds appropriated in Schedule (2.5) of
18 this item are available for encumbrance for
19 capital outlay, local assistance, or payment to
20 the federal government through the 2001–02
21 fiscal year.

22

23 SEC. 3. This act is an urgency statute necessary for
24 the immediate preservation of the public peace, health,
25 or safety within the meaning of Article IV of the
26 Constitution and shall go into immediate effect. The facts
27 constituting the necessity are:

28 In order to make certain necessary augmentations to
29 the appropriations made by the Budget Act of 1999 for
30 support of state government for the 1999–2000 fiscal year,
31 it is necessary that this act take effect immediately.

32 ~~is amended to read:~~

33 2825. (a) The ~~department~~ may ~~prepare~~
34 ~~nonregulatory guidelines for the development and~~
35 ~~implementation of natural community conservation~~
36 ~~plans. The guidelines are exempt from Chapter 3.5~~
37 ~~(commencing with Section 11340) of Part 1 of Division 3~~
38 ~~of Title 2 of the Government Code. The guidelines may~~
39 ~~include, but are not limited to, all of the following:~~



- 1 ~~(1) Defining the scope of a conservation planning~~
- 2 ~~area.~~
- 3 ~~(2) Determining conservation standards, guidelines,~~
- 4 ~~and objectives for the planning area.~~
- 5 ~~(3) Appointing one or more advisory committees to~~
- 6 ~~review and make recommendations regarding the~~
- 7 ~~preparation and implementation of natural community~~
- 8 ~~conservation plans. The advisory committee membership~~
- 9 ~~may include representation from the local community~~
- 10 ~~near the plan area. The advisory committee membership~~
- 11 ~~shall include persons with appropriate scientific~~
- 12 ~~credentials, as determined by the department.~~
- 13 ~~(4) Coordinating with local, state, and federal~~
- 14 ~~agencies, including the Trade and Commerce Agency,~~
- 15 ~~the National Marine Fisheries Service, and the United~~
- 16 ~~States Fish and Wildlife Service.~~
- 17 ~~(5) Incorporating public input.~~
- 18 ~~(6) Ensuring compatibility with the federal~~
- 19 ~~Endangered Species Act (16 U.S.C. Sec. 1531 et seq.).~~
- 20 ~~(7) Obtaining approval of the natural community~~
- 21 ~~conservation plan by the department.~~
- 22 ~~(8) Provisions for implementation of the plan.~~
- 23 ~~(9) Monitoring and reporting on plan~~
- 24 ~~implementation.~~
- 25 ~~(10) Amending the plan consistent with the initial~~
- 26 ~~intent of the plan.~~
- 27 ~~(b) Nothing in this chapter exempts projects proposed~~
- 28 ~~in a natural community conservation planning area from~~
- 29 ~~the requirements of the California Environmental~~
- 30 ~~Quality Act (Division 13 (commencing with Section~~
- 31 ~~21000) of the Public Resources Code).~~
- 32 ~~(c) Natural community conservation plans, as~~
- 33 ~~appropriate, shall be implemented pursuant to Section~~
- 34 ~~2081.~~
- 35 ~~(d) To the extent practicable, implementation of~~
- 36 ~~natural community conservation plans shall use the~~
- 37 ~~services of either the California Conservation Corps or~~
- 38 ~~local community conservation corps.~~

