

## Assembly Bill No. 2286

### CHAPTER 964

An act to amend Sections 5811, 5812, 5813, 5814, 5815, 5816, and 5817 of, and to add Section 5815.5 to, the Public Resources Code, relating to wetlands.

[Approved by Governor September 29, 2000. Filed  
with Secretary of State September 30, 2000.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2286, Davis. Wetlands.

The existing Keene-Nejedly California Wetlands Preservation Act required the Department of Parks and Recreation and the Department of Fish and Game to conduct a joint study by January 15, 1978, to identify the wetlands of the state that require acquisition and preservation and authorized those departments to enter into operating agreements with local entities for the management and control of wetlands.

This bill would require the Resources Agency to update all of the state's existing wetlands inventory resources in order to prepare a restoration, management, and acquisition study to accomplish specified goals, including identification of restoration and enhancement opportunities in the state for wetlands in public ownership; identification of a means of protecting and enhancing existing wetlands in public ownership; identification of opportunities for voluntary public-private partnerships for wetlands restoration, enhancement, and management on private lands; identification of the wetlands in the state that are not currently in public ownership; identification of additional recreational benefits that can be provided on existing, restored, or newly created wetlands in public ownership; provision of a basis for the inclusion of wetlands data in the California Continuing Resources Investment Strategy Project (CCRISP); identification of wetlands on lands owned by federal agencies in California; and identification of these instances where lead agencies have adopted mitigation measures pursuant to the California Environmental Quality Act (CEQA) or a habitat conservation plan, or that utilize or reference wetlands resources located on lands owned by the United States Department of Defense.

The bill would require the study to be submitted to the Legislature by January 1, 2003. The bill would also authorize the California Coastal Conservancy to enter into an operating agreement with a local entity for the management and control of wetlands.

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

SECTION 1. Section 5811 of the Public Resources Code is amended to read:

5811. The Legislature hereby finds and declares all of the following:

(a) The remaining wetlands of this state are of increasingly critical economic, aesthetic, and scientific value to the people of California, and that the need exists for an affirmative and sustained public policy and program directed at their preservation, restoration, and enhancement, in order that wetlands shall continue in perpetuity to meet the needs of the people.

(b) Although the state established a specific plan in 1979 for the protection, acquisition, restoration, preservation, and management of wetlands to be implemented through the year 2000, a need to update this plan now exists, and the process should include the identification of priorities for wetland conservation through the year 2020.

(c) California has established a successful program of regional, cooperative efforts to protect, acquire, restore, preserve, and manage wetlands. These programs include, but are not limited to, the Central Valley Habitat Joint Venture, the San Francisco Bay Joint Venture, the Southern California Wetlands Recovery Project, and the Inter-Mountain West Joint Venture. These public-private partnerships, wherever practicable, shall be the primary means of achieving the objectives of this chapter.

(d) Active and voluntary involvement by private landowners in wetlands conservation, restoration, and enhancement contributes significantly to the long-term availability and productivity of wetlands in the state.

(e) With the passage of Propositions 12 and 13 in March 2000, the people of California have provided the state with unprecedented financial resources to acquire, restore, preserve, and manage wetlands. There is a pressing need for state agencies that are responsible for wetlands conservation to develop and disseminate a wetlands conservation strategy for review by the general public, for use by the Legislature in the annual budget process, for use by local public agencies in pursuing local and regional wetlands conservation programs, and for use by state agencies updating existing programs for acquiring, restoring, preserving, and managing wetlands resources.

SEC. 2. Section 5812 of the Public Resources Code is amended to read:

5812. As used in this chapter, unless the context clearly requires a different meaning, the following terms mean:

(a) “Agency” means the Resources Agency.



(b) “Departments” means the Department of Parks and Recreation, the Department of Fish and Game, and the California Coastal Conservancy.

SEC. 3. Section 5813 of the Public Resources Code is amended to read:

5813. (a) Nothing in this chapter abrogates or supersedes any existing local, state, or federal law or policy pertaining to wetlands, or establishes maximum or minimum standards or any other requirement for wetlands fill or mitigation. Additionally, nothing in this chapter shall be construed to create any new legal obligations for private landowners, or for lands owned by the United States Department of Defense, for wetlands inventories, wetlands management requirements, or any other regulatory requirements pertaining to wetlands use or conversion.

(b) Any of the departments may acquire interests in real property less than the fee, including, but not limited to, acquisition of development rights, when it determines that acquisition of the lesser interest will accomplish the purposes of this chapter in furthering the public’s interest in the protection, preservation, restoration, and enhancement of wetlands.

SEC. 4. Section 5814 of the Public Resources Code is amended to read:

5814. (a) The agency shall update all of the state’s existing wetlands inventory resources in order to prepare a study to accomplish the following goals:

(1) To identify the restoration and enhancement opportunities in the state for wetlands in public ownership.

(2) To identify means of protecting and enhancing existing wetlands in public ownership and to identify additional recreational benefits and opportunities that are compatible with the primary goal of maximizing the habitat value of wetlands.

(3) To identify opportunities for voluntary public-private partnerships for wetlands restoration, enhancement, and management on private lands.

(4) To identify those wetlands of particular significance in the state that are not currently in public ownership for which there is believed to be a willing seller.

(5) To identify additional recreational benefits that can be provided on existing, restored, or newly created wetlands in public ownership or for which there is a cooperative agreement for public use by a private landowner and a local, state, or federal agency.

(6) To provide a basis for the inclusion of wetlands data and information in the California Continuing Resources Investment Strategy Project (CCRISP), which was funded in the Budget Act of 2000.

(7) To identify, utilizing existing resources, wetlands on lands owned by federal agencies in California and those wetlands that are



protected by existing wetlands management and conservation mandates imposed by federal law.

(8) To identify, in conjunction with the Office of Planning and Research, those instances where lead agencies have adopted mitigation measures pursuant to Division 13 (commencing with Section 21000), or natural community conservation plans prepared pursuant to Chapter 10 (commencing with Section 2800) of the Fish and Game Code, that utilize or reference wetland resources located on lands owned by the United States Department of Defense.

(b) The agency shall consult and cooperate with counties cities, other appropriate state and federal agencies with an interest in wetlands resources, and willing landowners in conducting the study. The study shall be submitted to the Legislature not later than January 1, 2003, and shall set forth, for consideration by the Legislature, a plan for the acquisition, protection, preservation, restoration, and enhancement of wetlands, including funding requirements and the priority status of specific proposed wetlands projects.

SEC. 5. Section 5815 of the Public Resources Code is amended to read:

5815. The agency, in preparing the wetlands priority plan and program pursuant to Section 5814, shall give particular recognition to the conservation, recreation, and open-space plans and programs of local agencies, and shall, wherever feasible and appropriate, identify and devise cooperative means for planning and for the protection and preservation of wetlands by local agencies.

SEC. 5.5. Section 5815.5 is added to the Public Resources Code, to read:

5815.5. In compiling data for the wetlands inventory required by Section 5814, the agency and the departments shall, as a first priority, rely on existing sources of information and data. If the agency determines that ground surveys are needed to supplement or correct aerial and satellite imagery, the agency and the department shall obtain the permission of any private landowner before entering his or her property to gather information to complete the wetlands inventory.

SEC. 6. Section 5816 of the Public Resources Code is amended to read:

5816. The agency shall give particular recognition to opportunities for protecting and preserving wetlands lying within, or adjacent to, existing units of the state park system or other state-owned lands protected and managed primarily as wildlife habitat.

SEC. 7. Section 5817 of the Public Resources Code is amended to read:

5817. Any of the departments may enter into operating agreements with cities, counties, and districts for the management and control of wetlands, or interests in wetlands, acquired pursuant



to this chapter. However, any agreement shall ensure the protection and preservation of the wetlands and ensure the right of use and enjoyment of the wetlands by the people of the state. Further, any agreement entered into by the Department of Fish and Game pursuant to this section shall provide that public use of lands and waters subject to the agreement shall be in accordance with regulations adopted by the Fish and Game Commission.

SEC. 8. The amendments to Section 5814 by this act shall only be required to be implemented if until the Secretary of the Resources Agency certifies, in writing, to the Secretary of State that sufficient funds for implementation of those amendments have been appropriated for that purpose in the annual Budget Act or other legislation.

