

ASSEMBLY BILL

No. 13

Introduced by Assembly Member Salas

December 1, 2008

An act to add Division 29 (commencing with Section 80500) to the Water Code, relating to the Sacramento-San Joaquin Delta.

LEGISLATIVE COUNSEL'S DIGEST

AB 13, as introduced, Salas. Sacramento-San Joaquin Delta Conservancy.

Existing law authorizes various conservancies to acquire, manage, direct the management of, and conserve public lands in the state.

This bill would establish the Sacramento-San Joaquin Delta Conservancy to provide policy oversight, foster implementation of, and manage funds to implement those components of, a comprehensive delta sustainability program intended to restore and manage habitat in the Sacramento-San Joaquin Delta and Suisun Marsh.

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 29 (commencing with Section 80500)
- 2 is added to the Water Code, to read:

1 DIVISION 29. SACRAMENTO-SAN JOAQUIN DELTA
2 CONSERVANCY

3
4 CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS
5

6 80500. This division shall be known, and may be cited, as the
7 Sacramento-San Joaquin Delta Conservancy Act.

8 80501. The Legislature finds and declares all of the following:

9 (a) The Sacramento-San Joaquin Delta is a unique and valued
10 area, warranting recognition and special legal status from the State
11 of California. The delta is a place of natural beauty, with historic
12 towns, productive farming, and close-knit communities. The delta
13 is an integral part of the largest estuary on the west coast of the
14 Americas, connecting rivers originating in the Sierra Nevada to
15 the Pacific Ocean. The delta is also an indispensable part of the
16 Pacific Flyway. These values should be preserved and protected.

17 (b) Numerous federal, state, and local agencies have overlapping
18 and conflicting legal responsibility and authority to protect the
19 delta, but no single agency has the authority for restoration of the
20 delta ecosystem. In recent years, the Department of Fish and Game
21 has reported substantial declines in the delta’s ecosystem health.
22 Several agencies, including the Department of Water Resources,
23 have participated in interagency efforts to address the delta
24 ecosystem crisis, but recent years have seen interagency conflict
25 over the manner in which best to protect the delta ecosystem.

26 (c) In 2007, the Delta Vision Blue Ribbon Task Force, created
27 pursuant to Executive Order S-17-06, adopted a comprehensive,
28 long-term vision for the delta, which includes, as its first principle,
29 that the delta ecosystem and a reliable water supply “are the
30 primary, co-equal goals for sustainable management of the Delta.”
31 The Delta Vision Blue Ribbon Task Force also recommends
32 improvements to governance of the delta, including delta
33 boundaries that incorporate the entire delta ecosystem. There is a
34 need for an agency that can implement comprehensive delta
35 ecosystem improvements consistent with the vision proposed by
36 the Delta Vision Blue Ribbon Task Force.

37 80502. For the purposes of this division, the following terms
38 have the following meanings:

1 (a) “Bay-Delta Conservation Plan” means the plan prepared
2 pursuant to the Planning Agreement regarding the Bay Delta
3 Conservation Plan, dated October 6, 2006.

4 (b) “Blue Ribbon Task Force” means the Delta Vision Blue
5 Ribbon Task Force created by Executive Order S-17-06.

6 (c) “Board” means the governing board of the Sacramento-San
7 Joaquin Delta Conservancy.

8 (d) “Comprehensive delta sustainability program” or “program”
9 means a comprehensive delta sustainability program intended to
10 restore and manage habitat in the Sacramento-San Joaquin Delta
11 and Suisun Marsh.

12 (e) “Conservancy” means the Sacramento-San Joaquin Delta
13 Conservancy.

14 (f) “Delta” means the Sacramento-San Joaquin Delta as defined
15 in Section 12220.

16 (g) “Habitat conservation plan” means a plan prepared under
17 Chapter 10 (commencing with Section 2800) of Division 3 of the
18 Fish and Game Code, or a plan prepared under Section 10 of the
19 federal Endangered Species Act (16 U.S.C. Sec. 1531 et seq.).

20 (h) “Local public agency” means a city, county, district, or joint
21 powers authority.

22 (i) “Nonprofit organization” means a private, nonprofit
23 organization that qualifies for exempt status under Section
24 501(c)(3) of Title 26 of the United States Code, and that has among
25 its principal charitable purposes preservation of land for scientific,
26 recreational, scenic, or open-space opportunities; protection of the
27 natural environment, or preservation or enhancement of wildlife;
28 preservation of cultural and historical resources; or, efforts to
29 provide for the enjoyment of public lands.

30
31 CHAPTER 2. SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY

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33 80505. (a) There is in the Resources Agency the
34 Sacramento-San Joaquin Delta Conservancy, which is created as
35 a state agency for the purposes of, and to carry out the authority
36 given to it under, this division.

37 (b) The conservancy shall provide policy oversight, foster
38 implementation of, and manage funds to implement, those
39 components of a comprehensive delta sustainability program

1 intended to restore and manage habitat in the delta and Suisun
2 Marsh.

3 80506. (a) The board shall consist of seven voting members
4 as follows:

5 (1) The Secretary of the Resources Agency, or his or her
6 designee.

7 (2) Two public members appointed by the Governor.

8 (3) Two public members appointed by the Speaker of the
9 Assembly.

10 (4) Two public members appointed by the President Pro
11 Tempore of the Senate.

12 (b) Each public member shall be appointed for a four-year term,
13 except that one of the public members initially appointed by the
14 Governor shall serve a one-year term, one of the public members
15 initially appointed by the Speaker of the Assembly shall serve a
16 two-year term, and one of the public members initially appointed
17 by the President Pro Tempore of the Senate shall serve a three-year
18 term. Public members may be reappointed at the end of their term
19 and any vacancy during a term of office may be filled by the
20 appointing entity.

21 (c) The public members shall reflect the diversity of interests
22 in the delta, including local governments whose jurisdictions
23 include parts of the delta. Public members shall be compensated
24 for attendance at regular meetings of the board at the rate of one
25 hundred dollars (\$100) per day and shall be reimbursed for actual
26 reasonable and necessary expenses for attending meetings and
27 carrying out the duties of their office.

28 (d) The members shall elect annually from among them a chair
29 and vice chair and other officers as necessary.

30 (e) A majority of the members shall constitute a quorum for the
31 transaction of the business of the board, and a majority vote of the
32 members present at a meeting where a quorum exists shall be
33 binding with respect to all matters acted on by the board.

34 (f) The board shall appoint an executive officer of the
35 conservancy and employ other staff as necessary to execute the
36 powers and functions provided for under this division.

37 (g) The board may rent or own real property and equipment
38 pursuant to applicable statutes and regulations.

1 (h) The board may enter into contracts with private entities and
2 public agencies to procure consulting and other services to achieve
3 the purposes of this division.

4
5 CHAPTER 3. POWERS, DUTIES, AND LIMITATIONS
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7 80510. (a) Except as provided in subdivision (b), the
8 jurisdiction and activities of the conservancy are limited to the
9 delta and Suisun Marsh.

10 (b) The conservancy may take or fund an action outside of the
11 delta and Suisun Marsh if requested by an entity responsible for
12 implementation of a habitat conservation plan, including the
13 Bay-Delta Conservation Plan, or if it is an action recommended
14 by the Blue Ribbon Task Force, where the action would further
15 the goals of the habitat conservation plan or the Blue Ribbon Task
16 Force and any necessary permission or permits from local public
17 agencies and the owner of any real property involved have been
18 obtained.

19 (c) This division does not limit, expand, or otherwise affect the
20 authorities and responsibilities of any local public agency, state
21 department or agency, or agency of the United States, except that
22 the conservancy has the authority to review and approve ecosystem
23 projects located within the boundaries of the delta proposed for
24 implementation by any other state agency, to determine consistency
25 with the comprehensive delta sustainability program.

26 (d) In carrying out its activities under this division, the
27 conservancy shall cooperate, coordinate, and consult as necessary
28 or appropriate with any other agency or department of the state,
29 local public agency, or agency of the United States having
30 regulatory or other responsibility that may be affected by an action
31 of the conservancy.

32 (e) The conservancy has no power to regulate land use or any
33 activities on land, except as the owner of an interest in the land,
34 or pursuant to an agreement with, or a license or grant of
35 management authority from, the owner of an interest in the land,
36 or as specified in an agreement with a person or entity to which
37 the conservancy has transferred an interest in land, or which has
38 accepted a grant to manage an interest in land for the purposes of
39 this division.

1 80511. (a) The conservancy shall implement ecosystem aspects
2 of the comprehensive delta sustainability program. The
3 conservancy is responsible for overseeing and managing funds
4 available for implementation of those components of the program
5 intended to restore and manage habitat in the delta and Suisun
6 Marsh.

7 (b) The conservancy may make grants or loans to local public
8 agencies, nonprofit organizations, state agencies, and federal
9 agencies for the purpose of implementing those measures identified
10 in the program intended to restore and manage habitat in the delta
11 and Suisun Marsh, including grants or loans for the acquisition of
12 real property or interests therein from willing sellers or transferors.

13 (c) The conservancy may use funds to directly undertake, or
14 contract with public agencies, nonprofit organizations, state
15 agencies, and federal agencies to undertake under its direction,
16 actions identified in the program intended to restore and manage
17 habitat in the delta and Suisun Marsh.

18 (d) The conservancy may enter into agreements and
19 intergovernmental agreements with local public agencies, nonprofit
20 organizations, state agencies, and federal agencies for the
21 implementation, including construction, of the measures identified
22 in the program intended to restore and manage habitat in the delta
23 and Suisun Marsh.

24 80512. (a) The conservancy may accept, acquire, and hold
25 real property and interests therein from willing sellers or transferors
26 in the name of, and on behalf of, the state for the purposes of
27 implementing the comprehensive delta sustainability program.

28 (b) The conservancy shall take whatever actions are reasonably
29 necessary and incidental to the management of lands under its
30 ownership or control.

31 (c) The conservancy shall improve, restore, or enhance lands
32 under its ownership or control consistent with the purpose for
33 which the land was acquired.

34 (d) The conservancy may enter into an agreement with a local
35 public agency, private entity, state agency, or federal agency to
36 carry out the management and restoration of lands under its
37 ownership or control.

38 (e) The conservancy may acquire and hold any permits or other
39 authorizations necessary to carrying out its responsibilities.

1 80513. The board shall report to the Legislature and Governor
2 annually on the progress towards implementation of the measures
3 identified in the comprehensive delta sustainability program
4 intended to restore and manage habitat in the delta and Suisun
5 Marsh.

6 80514. (a) The conservancy's expenses may be paid from the
7 conservancy's operating budget, if one is provided for, and other
8 funding sources available to the conservancy. Up to 5 percent of
9 any funds appropriated by the Legislature may be expended to pay
10 the administrative costs of the conservancy's expenses. Any funds
11 appropriated by the Legislature to the conservancy may be used
12 for grants or direct expenditure. The conservancy shall comply
13 with all applicable provisions of law related to the appropriated
14 funds in administering any funds appropriated by the Legislature.

15 (b) The conservancy also may accept both of the following:

16 (1) Funds provided by participants in the Bay-Delta
17 Conservation Plan or other habitat conservation plans for
18 implementation of those plans, to be managed consistent with those
19 plans.

20 (2) Gifts, donations, bequests, devises, subventions, grants,
21 rents, royalties, and other funds from public and private funds.