

COASTAL CONSERVANCY

Staff Recommendation
January 29, 2015

To: Members of the Coastal Conservancy

From: Sam Schuchat, Executive Officer
Greg Gauthier, South Coast Project Manager

cc: Legislative Representatives

RE: Consideration and possible creation of an advisory group for the Santa Ana River Conservancy Program

RECOMMENDED ACTION: Create an advisory group for the Santa Ana River Conservancy Program pursuant to Public Resources Code Section 31174(a).

LOCATION: Santa Ana River Region, Counties of Orange, Riverside, and San Bernardino

EXHIBITS

- Exhibit 1: [Senate Bill 1390 \(Correa, 2014\)](#)
- Exhibit 2: [Memorandum of Understanding \(MOU\) for Coordinated Parkway Planning Among Counties along the Santa Ana River Corridor \(February 14, 2006\)](#)
- Exhibit 3: [Amendment No. 1 to the MOU \(May 17, 2011\)](#)
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Section 31174(a) of the Public Resources Code:

“The State Coastal Conservancy hereby names as its advisory group required for the Santa Ana River Conservancy Program under Public Resources Code § 31174(a) the Policy Advisory Group originally created in accordance with the Memorandum of Understanding for Coordinated Parkway Planning Among Counties along the Santa Ana River Corridor, executed June 27, 2006. The Executive Officer may add or remove members of the required advisory group as needed.”

Staff further recommends that the Conservancy adopt the following finding:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the proposed action is consistent with Chapter 4.6 of Division 21 of the Public Resources Code, regarding the Santa Ana River Conservancy Program.”

PROJECT SUMMARY:

Background:

Santa Ana River Conservancy Program: In 2014, the legislature, through SB 1390 (Correa) (see Exhibit 1) created the Santa Ana River Conservancy Program by adding Chapter 4.6 to the Conservancy’s enabling legislation, Division 21 of the Public Resources Code. The new program addresses the resource and recreational goals of the Santa Ana River region:

- Recreational opportunities, open space, trails, wildlife habitat and species restoration, enhancement, and protection, wetland restoration and protection, agricultural land restoration and protection, protection and maintenance of the quality of the waters in the Santa Ana River for all beneficial uses, related educational use, and natural floodwater conveyance.
- Public access to, enjoyment of, and enhancement of recreational and educational experience on, program lands in a manner consistent with the protection of land and natural resources and economic resources in the area.

The legislation provides that the program is to be administered by the Coastal Conservancy, establishes a Santa Ana River Conservancy Program Account in the State Coastal Conservancy Fund, and authorizes the Conservancy to expend moneys in the account, upon appropriation, for land acquisition, capital improvements, and support of the program’s operations. The Conservancy must prepare a Santa Ana River Parkway and Open Space Plan, and include information about the program in an already required progress report to the Governor and the Legislature every three years.

The law also requires the Conservancy to create an advisory group—the subject of this staff recommendation. New Public Resources Code § 31174(a) provides that the Conservancy shall:

Create an advisory group to offer advice, expertise, support, or service to the conservancy, without compensation. The advisory group may be comprised of members of the environmental community, local government, local agencies, and public and private representatives, who are all involved in projects consistent with the goals of this program. . . .

Existing Advisory Bodies: Development and management of the Santa Ana River Trail and Parkway is currently governed by two groups. There is a **Policy Advisory Group** that largely comprises local officials and includes eight voting members:

- Three elected supervisors, one from each of the three counties (Orange, Riverside, San Bernardino);
- Three elected city representatives, one from each of the three counties, appointed by the Supervisor of that county;

- One representative from the Santa Ana Watershed Project Authority, a Special District comprised of water districts and utility agencies, whose mission is to plan and build facilities to protect the water quality of the Santa Ana River Watershed; and
- One representative from the Wildlands Conservancy, a private non-profit organization with the dual mission to (1) preserve the beauty and biodiversity of the earth and (2) provide programs so that children may know the wonder and joy of nature.

The Policy Advisory Group was established in accordance with a Memorandum of Understanding for Coordinated Parkway Planning Among Counties along the Santa Ana River Corridor in February 2006 and amended in May 2011 (see Exhibits 2 and 3) for the purposes of discussing and monitoring progress of the Santa Ana River Parkway, and coordinating decision-making across jurisdictional boundaries to ensure expeditious completion of the parkway.¹

The MOU provides for the Policy Advisory Group to consider recommendations made by a **Technical Advisory Committee** that consists largely of agency staff.² The Technical Advisory Committee is charged with sharing information, leveraging resources, coordinating activities across jurisdictional boundaries, addressing logistical issues, apprising the Policy Advisory Group of progress and issues, and preparing recommendations for the Policy Advisory Group’s consideration. Each of these groups currently meets every other month.

Creation of an Advisory Group by the Conservancy under SB 1390: Staff recommends that the Conservancy authorize the existing Policy Advisory Group to serve as the “advisory group” that the Conservancy is charged with creating pursuant to Public Resources Code Section 31174(a). The existing Policy Advisory Group:

- Includes members from both the public and private sectors that carry out missions ranging from protecting water quality and biodiversity to providing public access and recreation—missions that align with the stated resource and recreational goals of the new Santa Ana River Conservancy Program;
- Has since its inception effectively and efficiently coordinated decision-making across jurisdictional boundaries;
- Is firmly rooted in local input and control;
- Has worked well with Coastal Conservancy staff, who actively participate in the Technical Advisory Committee.

At its November 19, 2014 meeting, the Policy Advisory Group agreed to be named by the Conservancy as the advisory group called for under SB 1390. It also resolved to renew its MOU for three more years, and add an additional city representative from each county to its roster. It is intended that the advisory group under SB 1390 consist of this expanded membership if it occurs.

¹ The MOU was extended an additional three years on August 6, 2011, and at its November 19, 2014 meeting, the Policy Advisory Group resolved to extend it another three years.

² Staff from city and county park, open space, and public works districts and departments; State Parks; SAWPA; the Conservancy; and trail/greenway organizations.

Conservancy staff anticipates using the regularly-established Policy Advisory Group meetings (every other month via teleconference) to discuss items relating to the new Santa Ana River Conservancy Program. Because the parties to the MOU may alter the composition of the PAG from time to time, and because the Conservancy may need additional advisors, the proposed authorization allows for the Conservancy's executive officer to add and remove members of the Conservancy's advisory group as needed.

Site Description: The "Santa Ana River region" is defined in Public Resources Code § 31172(c) to mean lands within one-half mile of the riverbed of the Santa Ana River or any of its tributaries, from its headwaters near the San Geronio Wilderness Area to the Pacific Ocean at the Santa Ana River Mouth Beach in Huntington Beach; and adjacent watersheds and lands.

Project History: Since its creation, the Conservancy has supported access and enhancement projects in the Santa Ana River watershed, particularly within the coastal watersheds of Orange County. The Conservancy began actively working on development of the Santa Ana River Trail and Parkway since passage of the *Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006* (Proposition 84), which made \$45,000,000 available to the Conservancy for projects developed in consultation with local government agencies to expand and improve the parkway.

Senator Correa's recent legislation (SB 1390) to create the Santa Ana River Conservancy Program, to be administered by the Coastal Conservancy, was signed into law by the Governor in September 2014.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed action directly implements section 31174(a) of the Conservancy's enabling legislation, which calls for the Conservancy to create an advisory group for the Santa Ana River Conservancy Program.

COMPLIANCE WITH CEQA:

Under the California Environmental Quality Act (CEQA) Guidelines, 14 Cal. Code of Regulations ("CCR") Section 15000 et seq., a "project" consists of an action that can cause either a direct physical change or a reasonably foreseeable indirect change in the environment; and that is an activity directly undertaken or funded by a public agency, or an activity that involves the issuance of a permit or other entitlement (CCR Section 15378). Creation of an advisory committee for the Santa Ana River Conservancy Program does not have the potential to cause a physical change to the environment and does not constitute a project for purposes of CEQA.