Senate Bill No. 1390

CHAPTER 562

An act to add Chapter 4.6 (commencing with Section 31170) to Division 21 of the Public Resources Code, relating to the Santa Ana River Conservancy Program.

[Approved by Governor September 25, 2014. Filed with Secretary of State September 25, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1390, Correa. Santa Ana River Conservancy Program.

Existing law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing and administering various programs intended to preserve, protect, and restore the state's coastal areas.

This bill would establish the Santa Ana River Conservancy Program, to be administered by the conservancy, to address the resource and recreational goals of the Santa Ana River region. The bill would authorize the conservancy to acquire interests and options in real property and would prescribe the management, powers, and duties of the conservancy for purposes of the program. The bill would also create the Santa Ana River Conservancy Program Account in the State Coastal Conservancy Fund and would authorize the conservancy to expend moneys in the account, upon appropriation, for land acquisition, capital improvements, and support of the program's operations.

Existing law requires the conservancy, every 3 years, to prepare and submit to the Governor and to the Legislature a report describing progress that it made in achieving coastal conservancy objectives.

The bill would require the conservancy to include information about the program in this report.

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

SECTION 1. Chapter 4.6 (commencing with Section 31170) is added to Division 21 of the Public Resources Code, to read:

CHAPTER 4.6. SANTA ANA RIVER CONSERVANCY PROGRAM

31170. The Santa Ana River Conservancy Program is hereby established, to be administered by the conservancy, to address the resource and recreational goals of the Santa Ana River region, as provided in this chapter.

31171. The Legislature finds and declares all of the following:

(a) The Santa Ana River is the largest stream system in southern California, covering an area of about 2,700 square miles in parts of Orange, San Bernardino, Riverside, and Los Angeles Counties.

(b) The Santa Ana River region is home to one of the fastest growing populations in the nation, which is expected to grow from its current five million residents to ten million residents by 2050.

(c) Not all Orange County residents have equal access to green space. The communities with the worst access to parks lie along the river in north Orange County, with low-income levels and high concentrations of people of color.

(d) Despite vast areas of parkland in the region, many communities in San Bernardino and Riverside Counties are park poor, with less than three acres of green space per 1,000 residents. This is particularly true in the communities that were built out before the development boom of the past few decades. As more working class families moved to the area in search of jobs, the population in these older neighborhoods swelled but public resources for parks and recreation were not invested proportionally to the growth.

(e) The Santa Ana River is an extraordinary natural resource of statewide significance. The river has been subject to intense development and is in need of restoration, conservation, and enhancement.

(f) The establishment of the Santa Ana River Conservancy Program will provide the state with the necessary structure to plan and implement restoration and preservation projects and recreation opportunities, and enhance the overall condition of the Santa Ana River.

31172. For purposes of this chapter, the following terms have the following meanings:

(a) "Program" means the Santa Ana River Conservancy Program.

(b) "Program lands" means interests in real property acquired, managed, or subject to a project under this chapter.

(c) "Santa Ana River region" means those lands that are located within one-half mile on either side of the riverbed of the Santa Ana River, or any of its tributaries, from its headwaters near the San Gorgonio Wilderness Area to the Pacific Ocean at the Santa Ana River Mouth Beach in Huntington Beach and adjacent watersheds and lands as described in paragraph (2) of subdivision (a) of Section 31175.

31173. The conservancy may undertake projects and award grants and loans to public agencies and nonprofit organizations to help achieve all of the following goals of the program:

(a) 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.

(b) 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.

31174. In administering the program, the conservancy shall, consistent with the purposes of this chapter, do all of the following:

(a) 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 pursuant to Section 31173.

(b) Prepare a Santa Ana River Parkway and Open Space Plan that shall, at minimum, do all of the following:

(1) Determine the policies and priorities for conserving the Santa Ana River and its watershed.

(2) Identify underused, existing public open spaces and recommend ways to provide better public use and enjoyment in those areas.

(3) Identify and prioritize additional low-impact recreational and open-space needs, including additional or upgraded facilities and parks that may be necessary or desirable.

(c) Give priority to river-related projects that create expanded opportunities for recreation, greening, aesthetic improvement, and wildlife habitat along the corridor of the river and in parts of the river channel that can be improved without infringing on water quality, water supply, and necessary flood control.

(d) Implement the program in conformance with all related general and specific plans and zoning regulations of local agencies within the Santa Ana River region.

(e) Provide for program lands and facilities to be operated and maintained in accordance with the purposes of this chapter.

31175. In carrying out the purposes of this chapter, and without limiting the express or implied powers of the conservancy in implementing other provisions of this division, the conservancy shall have, and may exercise, all necessary rights and powers, expressed or implied, except as otherwise provided in this chapter. Without limitation, the conservancy may do all of the following:

(a) (1) Acquire interests and options in real property and make acquisition grants for these purposes.

(2) With respect to real property acquisitions by the conservancy of watersheds and lands that are within the Santa Ana River region but not within one-half mile on either side of the riverbed of the Santa Ana River, the conservancy shall provide to the city or county with geographic jurisdiction over the affected real property 30 days' written notice of the conservancy's intent, unless the city or county agrees to accept less notice in a given case.

(b) Exercise a right of first refusal, to the extent not in conflict with another law, for surplus public agency property located within the Santa Ana River region, consistent with the Santa Ana River Parkway and Open Space Plan, adopted pursuant to subdivision (b) of Section 31174.

(c) Lease, rent, sell, exchange, or transfer interests in real property.

(d) (1) Undertake or fund projects to implement site improvements, upgrade deteriorating facilities or construct new facilities for outdoor recreation, public access, nature appreciation and interpretation; historic and cultural preservation; or protection, restoration, or enhancement of natural resources and habitat.

(2) If the conservancy intends to undertake a project directly, the conservancy shall provide 30 days' written notice to the city or county with geographic jurisdiction over the affected real property, unless the city or county agrees to accept less notice in a given case.

(e) Provide for the management of program lands.

(f) Fix and collect fees for the use of any land owned or controlled, or for any service provided, by the conservancy. The amount of the fees shall not exceed the reasonable cost of maintaining and operating the land or providing the services rendered by the conservancy.

(g) The conservancy may apply for and accept grants, gifts, donations of money and property, subventions, rents, royalties, and other assistance from public and private sources. These funds shall be deposited in the Santa Ana River Conservancy Program Account, as specified in Section 31179, for use in furthering the program.

(h) Recruit and coordinate volunteers and experts to conduct interpretive and recreational programs, and assist with construction projects and the maintenance of facilities.

(i) Enter into contracts and joint powers agreements.

(j) Sue and be sued.

31176. (a) The conservancy shall, as necessary and appropriate, cooperate and consult with a public water or wastewater system before the conservancy acquires an interest in real property, or awards a grant, that affects facilities and appurtenant land owned or operated by the public water or wastewater system.

(b) The conservancy shall, as necessary and appropriate, cooperate and consult with the department before the conservancy acquires an interest in real property, or awards a grant, that affects facilities and appurtenant land owned or operated by the department.

31177. (a) Notwithstanding Section 31175, the conservancy is subject to all laws, regulations, and general and specific plans of the legislative body of the city or county with geographic jurisdiction over the area in which the conservancy proposes to take an action.

(b) Notwithstanding Section 31175, the conservancy shall not do any of the following:

(1) Exercise the power of eminent domain in implementing this chapter.

(2) Manage, regulate, or control the use of any land owned or leased by another public agency, except as provided pursuant to a written agreement with that public agency.

(3) Levy a tax.

(4) Take an action that interferes, conflicts with, impedes, adversely impacts or prevents the planning and implementation of transportation projects and programs contained in the regional transportation plan, approved

and maintained, from time to time, by the Southern California Association of Governments.

(5) Act to affect any water right or water-resource facility, including any publicly owned water treatment works, in the Santa Ana River region and watershed without the consent of the affected party.

31178. To the extent feasible, in carrying out the purposes of this chapter, the conservancy shall utilize the services of the California Conservation Corps and Community Conservation Corps, as defined in Section 14507.5.

31179. (a) The Santa Ana River Conservancy Program Account is hereby created in the State Coastal Conservancy Fund. Moneys in the account shall accrue interest and be available, upon appropriation, for the purposes of this chapter.

(b) All revenue, including fee revenue received pursuant to this chapter, shall be deposited in the account.

(c) The conservancy shall administer funds appropriated to it for the program and may expend those funds for capital improvements, land acquisition, and support of the program's operations. The conservancy may also accept money, grants, goods, or services contributed to it by a public agency, private entity, or person and, upon receipt, may use the money, grants, goods, or services for capital improvements, land acquisitions, and support of the program's operations for purposes of this chapter.

31180. The conservancy shall include information about the program in its report to the Governor and Legislature pursuant to Section 31108.

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