

PREPRINT SENATE BILL No. 4

Proposed by Senator Wolk

August 12, 2009

An act to amend Sections 29702, 29725, 29727, 29733, 29735, 29735.1, 29738, 29741, 29751, 29752, 29754, 29756.5, 29765, 29771, and 29780 of, to add Sections 29703.5, 29722.5, 29728.5, 29759, 29761.6, 29763.1, 29763.2, 29763.3, 29773, 29773.5, and 29778.5 to, to add Division 22.3 (commencing with Section 32300) to, to repeal Sections 29762 and 29763.5 of, and to repeal and add Sections 29736, 29739, 29753, 29760, 29761, 29761.5, 29763, and 29764 of, the Public Resources Code, relating to Sacramento-San Joaquin Delta.

LEGISLATIVE COUNSEL'S DIGEST

Preprint SB 4, as proposed, Wolk. Delta Protection Commission: Sacramento-San Joaquin Delta Conservancy.

(1) Existing law requires various state agencies to administer programs relating to water supply, water quality, and flood management in the Sacramento-San Joaquin Delta. The Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992 (Delta Protection Act) creates the Delta Protection Commission and requires the commission to prepare and adopt a comprehensive long-term resource management plan for specified lands within the Sacramento-San Joaquin Delta. Existing law requires the Secretary of the Resources Agency to convene a committee to develop and submit to the Governor and the Legislature, on or before December 31, 2008, recommendations for implementing a specified strategic plan relating to the sustainable management of the Delta.

This bill would revise and recast the provisions of the Delta Protection Act to, among other things, reduce the number of members to 15 members, as specified. The bill would require the commission to appoint



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at least one advisory committee consisting of representatives from specified entities to provide input regarding the diverse interests within the Delta. The bill would require the commission to adopt, not later than July 1, 2011, a comprehensive resources management plan containing specified elements and would require the commission to update the plan every 5 years. The resources management plan would be approved by a council that would be created pursuant to _____ of the 2009–10 Regular Session and would be implemented by the commission.

The bill would require all general plans of cities and counties within the Delta to be consistent with the resources management plan, as determined by the commission, thereby imposing a state-mandated local program. The bill would revise and recast the process by which local governments are required to submit proposed general plan amendments to ensure that the general plan is consistent with the resources management plan. The bill would require the commission to prepare and submit to the Legislature, by January 1, 2012, recommendations on the potential expansion of or change to the primary zone.

The bill would require the commission to develop a regional economic development plan for the Delta region in accordance with specified requirements. The bill would establish the Delta Investment Fund in the State Treasury. Moneys in the fund, upon appropriation by the Legislature, would be required to be expended by the commission to implement the regional economic development plan.

The bill would also require the commission to prepare, for consideration and incorporation by the Delta Stewardship Council into the Delta Plan adopted pursuant to _____ at the 2009–10 Regular Session, a proposal to protect, enhance, and sustain the unique and enduring cultural, historical, recreational, agricultural, and economic values of the Delta as an evolving ecosystem.

The bill would establish in the Natural Resources Agency the Sacramento-San Joaquin Delta Conservancy. The conservancy would be required to support efforts that advance environmental protection and the economic well-being of Delta residents. The bill would specify the composition of the conservancy and grant certain authority to the conservancy, including the authority to acquire real property interests from willing sellers or transferors. However, the conservancy would be prohibited from acquiring a fee interest in real property. The conservancy would be required to prepare and adopt a strategic plan to achieve the goals of the conservancy. The strategic plan would be

required to be consistent with the Delta Plan adopted pursuant to _____ of the 2009–10 Regular Session and certain other plans. The bill would establish the Sacramento-San Joaquin Delta Conservancy Fund in the State Treasury. Moneys in the fund would be available, upon appropriation, to finance projects, including ecosystem restoration and regional sustainability projects, within and outside the Delta and Suisun Marsh if certain requirements are met.

These provisions would only become operative if _____ of the 2009–10 Regular Session of the Legislature are each enacted and become effective on or before January 1, 2010.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 29702 of the Public Resources Code is
- 2 amended to read:
- 3 29702. The Legislature further finds and declares that the basic
- 4 goals of the state for the ~~delta~~ *Delta* are the following:
- 5 (a) *Achieve the coequal goals of assuring a reliable water supply*
- 6 *for California and protecting, restoring, and enhancing the Delta*
- 7 *ecosystem and the unique cultural, recreational, and agricultural*
- 8 *values of the Delta as an evolving place.*
- 9 ~~(a)~~
- 10 (b) *Protect, maintain, and, where possible, enhance and restore*
- 11 *the overall quality of the delta environment, including, but not*
- 12 *limited to, agriculture, wildlife habitat, and recreational activities.*
- 13 ~~(b) Assure~~
- 14 (c) *Ensure* orderly, balanced conservation and development of
- 15 delta land resources.
- 16 ~~(e)~~
- 17 (d) *Improve flood protection by structural and nonstructural*
- 18 *means to ensure an increased level of public health and safety.*

1 SEC. 2. Section 29703.5 is added to the Public Resources Code,
2 to read:

3 29703.5. The Legislature further finds and declares both of the
4 following:

5 (a) The Delta Protection Commission created pursuant to Section
6 29735 provides an existing forum for Delta residents to engage in
7 decisions regarding actions to recognize and enhance the unique
8 cultural, recreational, and agricultural resources of the Delta. As
9 such, the commission is the appropriate agency to identify and
10 provide recommendations to the Delta Stewardship Council on
11 methods of preserving the Delta as an evolving place as the Delta
12 Stewardship Council develops and implements the Delta Plan.

13 (b) There is a need for the five Delta counties to establish and
14 implement a resources management plan for the Delta and for the
15 Delta Stewardship Council to consider that plan and
16 recommendations of the commission in the adoption of the Delta
17 Plan.

18 SEC. 3. Section 29722.5 is added to the Public Resources Code,
19 to read:

20 29722.5. “Delta Plan” means the plan adopted by the Delta
21 Stewardship Council pursuant to Section 85300 of the Water Code.

22 SEC. 4. Section 29725 of the Public Resources Code is
23 amended to read:

24 29725. “Local government” means the Counties of Contra
25 Costa, Sacramento, San Joaquin, Solano, and Yolo, and the Cities
26 of Sacramento, Stockton, Tracy, Antioch, Pittsburg, Isleton,
27 Lathrop, Brentwood, ~~Rio Vista~~, West Sacramento, and Oakley,
28 and any other cities that may be incorporated in the future in the
29 primary zone.

30 SEC. 5. Section 29727 of the Public Resources Code is
31 amended to read:

32 29727. “Port” means the Port of Sacramento and the Port of
33 Stockton, including all the land owned or leased by those ports *or*
34 *potential sites identified in the Delta county general plans as of*
35 *the date of the amendment of this section at the 2009–10 Regular*
36 *Session of the Legislature and otherwise authorized by law.*

37 SEC. 6. Section 29728.5 is added to the Public Resources Code,
38 to read:

39 29728.5. “Resources management plan” means the plan adopted
40 by the commission pursuant to Section 29760.

1 SEC. 7. Section 29733 of the Public Resources Code is
2 amended to read:

3 29733. “Unincorporated towns” means the communities of
4 Walnut Grove, Clarksburg, Courtland, Hood, Locke, *Knightsen*,
5 *Collinsville*, and Ryde.

6 SEC. 8. Section 29735 of the Public Resources Code is
7 amended to read:

8 29735. There is hereby created the Delta Protection
9 Commission consisting of ~~23~~ 15 members as follows:

10 (a) One member of the board of supervisors, or his or her
11 designee, of each of the five counties within the ~~delta~~ *Delta* whose
12 supervisorial district is within the primary zone shall be appointed
13 by the board of supervisors of ~~the county~~ *each of those respective*
14 *counties*.

15 (b) (1) Three elected city council members shall be selected
16 and appointed by city selection committees, from ~~regional and~~
17 ~~area councils of government~~ *the appropriate regions specified*
18 *below*, one in each of the following areas:

19 (A) One from the north ~~delta~~ *Delta*, ~~consisting of~~ *from either*
20 ~~the Counties~~ *County of Yolo and or the County of Sacramento, on*
21 *a rotating basis*.

22 (B) One from the south ~~delta~~ *Delta*, consisting of the County
23 of San Joaquin.

24 (C) One from the west ~~delta~~ *Delta*, ~~consisting of~~ *from either the*
25 ~~Counties~~ *County of Contra Costa and or the County of Solano, on*
26 *a rotating basis*.

27 (2) A city council member may select a designee for purposes
28 of paragraph (1).

29 (3) *Notwithstanding Section 29736, the term of office of the*
30 *members selected pursuant to this subdivision shall be two years.*

31 (c) ~~(1)~~ One member each from the board of directors of ~~five~~
32 ~~three~~ different reclamation districts that are located within the
33 primary zone who are residents of the ~~delta~~ *Delta*, and who are
34 elected by the trustees of reclamations districts ~~within the following~~
35 ~~areas~~ *pursuant to paragraphs (1), (2), and (3). Each reclamation*
36 *district may nominate one director to be a member. The member*
37 *from an area shall be selected from among the nominees by a*
38 *majority vote of the reclamation districts in that area. The member*
39 *may select a designee for this purpose. For the purposes of this*
40 *section, each reclamation district shall have one vote.*

- 1 ~~(A) Two members~~
- 2 ~~(1) One member from the area of the North Delta Water Agency~~
- 3 ~~as described in Section 9.1 of the North Delta Water Agency Act~~
- 4 ~~(Chapter 283 of the Statutes of 1973), provided at least one member~~
- 5 ~~is also a member of the Delta Citizens Municipal Advisory Council.~~
- 6 ~~(B)~~
- 7 ~~(2) One member from an area including the west-delta Delta~~
- 8 ~~consisting of the area of Contra Costa County within the-delta~~
- 9 ~~Delta and the Central Delta Water Agency as described in Section~~
- 10 ~~9.1 of the Central Delta Water Agency Act (Chapter 1133 of the~~
- 11 ~~Statutes of 1973).~~
- 12 ~~(C) One member from the area of the Central Delta Water~~
- 13 ~~Agency as described in Section 9.1 of the Central Delta Water~~
- 14 ~~Agency Act (Chapter 1133 of the Statutes of 1973).~~
- 15 ~~(D)~~
- 16 ~~(3) One member from the area of the South Delta Water Agency~~
- 17 ~~as described in Section 9.1 of the South Delta Water Agency Act~~
- 18 ~~(Chapter 1089 of the Statutes of 1973).~~
- 19 ~~(2) Each reclamation district may nominate one director to be~~
- 20 ~~a member. The member from an area shall be selected from among~~
- 21 ~~the nominees by a majority vote of the reclamation districts in that~~
- 22 ~~area. The member may select a designee for this purpose. For~~
- 23 ~~purposes of this section, each reclamation district shall have one~~
- 24 ~~vote. The north delta area shall conduct separate votes to select~~
- 25 ~~each of its two members.~~
- 26 ~~(d) The Director of Parks and Recreation, or the director's sole~~
- 27 ~~designee.~~
- 28 ~~(e) The Director of Fish and Game, or the director's sole~~
- 29 ~~designee.~~
- 30 ~~(f)~~
- 31 ~~(d) The Secretary of Food and Agriculture, or the secretary's~~
- 32 ~~sole designee.~~
- 33 ~~(g)~~
- 34 ~~(e) The executive officer of the State Lands Commission, or the~~
- 35 ~~executive officer's sole designee.~~
- 36 ~~(h) The Director of Boating and Waterways, or the director's~~
- 37 ~~sole designee.~~
- 38 ~~(i) The Director of Water Resources, or the director's sole~~
- 39 ~~designee.~~

1 ~~(j) The public member of the California Bay-Delta Authority~~
2 ~~who represents the delta region or his or her designee.~~

3 ~~(k) (1) The Governor shall appoint three members and three~~
4 ~~alternates from the general public who are delta residents or delta~~
5 ~~landowners, as follows:~~

6 ~~(A) One member and one alternate shall represent the interests~~
7 ~~of production agriculture with a background in promoting the~~
8 ~~agricultural viability of delta farming.~~

9 ~~(B) One member and one alternate shall represent the interests~~
10 ~~of conservation of wildlife and habitat resources of the delta region~~
11 ~~and ecosystem.~~

12 ~~(C) One member and one alternate shall represent the interests~~
13 ~~of outdoor recreational opportunities, including, but not limited~~
14 ~~to, hunting and fishing.~~

15 ~~(2) An alternate may serve in the absence of a member.~~

16 ~~(f) The Secretary of the Natural Resources Agency, or his or~~
17 ~~her sole designee.~~

18 ~~(g) The Secretary of Business, Transportation and Housing, or~~
19 ~~his or her sole designee.~~

20 SEC. 9. Section 29735.1 of the Public Resources Code is
21 amended to read:

22 29735.1. (a) A member of the commission described in
23 subdivision (a), ~~(b), (c), or (j)~~ of Section 29735 may, subject to
24 the confirmation of his or her appointing power, appoint an
25 alternate to represent him or her at a commission meeting. An
26 alternate may serve prior to confirmation for a period not to exceed
27 90 days from the date of appointment, unless and until confirmation
28 is denied.

29 (b) The alternate shall serve at the pleasure of the member who
30 appoints him or her and shall have all of the powers and duties of
31 a member of the commission, except that the alternate shall only
32 participate and vote in a meeting in the absence of the member
33 who appoints him or her. All provisions of law relating to conflicts
34 of interest that are applicable to a member shall apply to an
35 alternate. ~~Whenever~~ *If* a member has, or is known to have, a
36 conflict of interest on any matter, the member's alternate is
37 ineligible to vote on that matter.

38 SEC. 10. Section 29736 of the Public Resources Code is
39 repealed.

1 ~~29736. The term of office of the members of the commission~~
2 ~~shall be for four years, and a member may serve for one or more~~
3 ~~consecutive terms.~~

4 SEC. 11. Section 29736 is added to the Public Resources Code,
5 to read:

6 29736. The appointed members of the commission shall serve
7 at the pleasure of their appointing entities.

8 SEC. 12. Section 29738 of the Public Resources Code is
9 amended to read:

10 29738. ~~The position office of a an appointed~~ member of the
11 ~~commission shall be considered is~~ vacated upon the loss of any
12 qualification required for appointment, and in that event the
13 appointing authority shall appoint a successor within 30 days of
14 the occurrence of the vacancy. ~~Upon the occurrence of the first~~
15 ~~vacaney among any of the members listed in subdivision (d), (e),~~
16 ~~(f), (g), (h), or (i) of Section 29735, the Director of Conservation~~
17 ~~or the director's designee shall serve as the successor member.~~

18 SEC. 13. Section 29739 of the Public Resources Code is
19 repealed.

20 ~~29739. The commission shall elect from its own members a~~
21 ~~chairperson and vice chairperson whose terms of office shall be~~
22 ~~two years, and who may be reelected. If a vacaney occurs in either~~
23 ~~office, the commission shall fill the vacaney for the unexpired~~
24 ~~term.~~

25 SEC. 14. Section 29739 is added to the Public Resources Code,
26 to read:

27 29739. (a) The commission, during the first meeting of the
28 commission after January 1, 2010, shall elect from among the
29 members identified in subdivision (a) of Section 29735 a
30 chairperson who shall serve for one year.

31 (b) Subsequent chairpersons shall serve for two years and shall
32 be elected from among the members identified in subdivision (a)
33 of Section 29735.

34 (c) The chairperson shall serve as a voting member of the Delta
35 Stewardship Council.

36 SEC. 15. Section 29741 of the Public Resources Code is
37 amended to read:

38 29741. The time and place of the first meeting of the
39 commission *after January 1, 2010*, shall be prescribed by the
40 Governor, but in no event shall it be scheduled for a date later than

1 January 31, ~~1993~~ 2010. All meetings after the first meeting shall
2 be held in a city within the ~~delta~~ Delta.

3 SEC. 16. Section 29751 of the Public Resources Code is
4 amended to read:

5 29751. A majority of the voting members of the commission
6 shall constitute a quorum for the transaction of the business of the
7 commission. A majority vote of the voting members ~~present~~ shall
8 be required to take action with respect to any matter unless
9 otherwise specified in this division. The vote of each member shall
10 be individually recorded.

11 SEC. 17. Section 29752 of the Public Resources Code is
12 amended to read:

13 29752. The commission shall adopt its own rules, regulations,
14 and procedures necessary for its organization and operation, *and*
15 *shall conduct its meetings in compliance with the Bagley-Keene*
16 *Open Meeting Act (Article 9 (commencing with Section 11120) of*
17 *Chapter 1 of Part 1 of Division 3 of Title 2 of the Government*
18 *Code).*

19 SEC. 18. Section 29753 of the Public Resources Code is
20 repealed.

21 ~~29753. The commission shall appoint agricultural,~~
22 ~~environmental, and recreational advisory committees for the~~
23 ~~purpose of providing the commission with timely comments,~~
24 ~~advice, and information. The commission may appoint committees~~
25 ~~from its membership or may appoint additional advisory~~
26 ~~committees from members of other interested public agencies and~~
27 ~~private groups. The commission shall seek advice and~~
28 ~~recommendations from advisory committees appointed by local~~
29 ~~government which are involved in subject matters affecting the~~
30 ~~delta.~~

31 SEC. 19. Section 29753 is added to the Public Resources Code,
32 to read:

33 29753. (a) The commission shall appoint at least one advisory
34 committee to provide recommendations regarding the diverse
35 interests within the Delta. At a minimum, the advisory committees
36 shall include representatives of state agencies and other
37 stakeholders with interests in the Delta's ecosystem, water supply,
38 and socioeconomic sustainability, including, but not limited to, its
39 recreational, agricultural, flood control, environmental, and water
40 resources, and state, local, and utility infrastructure. The

1 commission shall encourage participation of various federal
2 agencies, including the United States Bureau of Reclamation, the
3 United States Fish and Wildlife Service, the United States Army
4 Corps of Engineers, and others as appropriate.

5 (b) The commission may appoint committees from its
6 membership or may appoint additional advisory committees from
7 members of other interested public agencies and private groups.

8 (c) The commission shall seek advice and recommendations
9 from advisory committees appointed by local government that are
10 involved in subject matters affecting the Delta.

11 SEC. 20. Section 29754 of the Public Resources Code is
12 amended to read:

13 29754. The commission shall establish and maintain an office
14 within the ~~delta~~ *Delta or the City of Rio Vista*, and for this purpose
15 the commission may rent or own property and equipment. Any
16 rule, regulation, procedure, plan, or other record of the commission
17 which is of such a nature as to constitute a public record under
18 state law shall be available for inspection and copying during
19 regular office hours.

20 SEC. 21. Section 29756.5 of the Public Resources Code is
21 amended to read:

22 29756.5. The commission may act as the facilitating agency
23 for the implementation of any joint habitat restoration or
24 enhancement programs located within the primary zone of the
25 ~~delta~~ *Delta, including, but not limited to, a national heritage area*
26 *designation in the Delta.*

27 SEC. 22. Section 29759 is added to the Public Resources Code,
28 to read:

29 29759. (a) The commission shall develop a regional economic
30 development plan for the Delta region in accordance with Section
31 85301 of the Water Code.

32 (b) The policies in the regional economic development plan
33 shall be based on local plans.

34 (c) The regional economic development plan shall identify ways
35 to encourage recreational investment along the key river corridors,
36 as appropriate.

37 SEC. 23. Section 29760 of the Public Resources Code is
38 repealed.

39 ~~29760. (a) Not later than October 1, 1994, the commission~~
40 ~~shall prepare and adopt, by a majority vote of the membership of~~

1 the commission, and thereafter review and maintain, a
2 comprehensive long-term resource management plan for land uses
3 within the primary zone of the delta. The resource management
4 plan shall consist of the map of the primary zone and text or texts
5 setting forth a description of the needs and goals for the delta and
6 a statement of the policies, standards, and elements of the resource
7 management plan.

8 (b) The resource management plan shall meet the following
9 requirements:

10 (1) Protect and preserve the cultural values and economic vitality
11 that reflect the history, natural heritage, and human resources of
12 the delta.

13 (2) Conserve and protect the quality of renewable resources.

14 (3) Preserve and protect agricultural viability.

15 (4) Restore, improve, and manage levee systems by promoting
16 strategies, including, but not limited to, methods and procedures
17 which advance the adoption and implementation of coordinated
18 and uniform standards among governmental agencies for the
19 maintenance, repair, and construction of both public and private
20 levees.

21 (5) Preserve and protect delta dependent fisheries and their
22 habitat.

23 (6) Preserve and protect riparian and wetlands habitat, and
24 promote and encourage a net increase in both the acreage and
25 values of those resources on public lands and through voluntary
26 cooperative arrangements with private property owners.

27 (7) Preserve and protect the water quality of the delta, both for
28 instream purposes and for human use and consumption.

29 (8) Preserve and protect open-space and outdoor recreational
30 opportunities.

31 (9) Preserve and protect private property interests from
32 trespassing and vandalism.

33 (10) Preserve and protect opportunities for controlled public
34 access and use of public lands and waterways consistent with the
35 protection of natural resources and private property interests.

36 (11) Preserve, protect, and maintain navigation.

37 (12) Protect the delta from any development that results in any
38 significant loss of habitat or agricultural land.

39 (13) Promote strategies for the funding, acquisition, and
40 maintenance of voluntary cooperative arrangements, such as

1 conservation easements, between property owners and conservation
2 groups that protect wildlife habitat and agricultural land, while not
3 impairing the integrity of levees.

4 ~~(14) Permit water reservoir and habitat development that is~~
5 ~~compatible with other uses.~~

6 ~~(e) The resource management plan shall not supersede the~~
7 ~~authority of local governments over areas within the secondary~~
8 ~~zone.~~

9 ~~(d) To facilitate, in part, the requirements specified in paragraphs~~
10 ~~(8), (9), (10), and (11) of subdivision (b), the commission shall~~
11 ~~include in the resource management plan, in consultation with all~~
12 ~~law enforcement agencies having jurisdiction in the delta, a strategy~~
13 ~~for the implementation of a coordinated marine patrol system~~
14 ~~throughout the delta that will improve law enforcement and~~
15 ~~coordinate the use of resources by all jurisdictions to ensure an~~
16 ~~adequate level of public safety. The strategic plan shall identify~~
17 ~~resources to implement that coordination. The commission shall~~
18 ~~have no authority to abrogate the existing authority of any law~~
19 ~~enforcement agency.~~

20 ~~(e) To the extent that any of the requirements specified in this~~
21 ~~section are in conflict, nothing in this division shall deny the right~~
22 ~~of the landowner to continue the agricultural use of the land.~~

23 SEC. 24. Section 29760 is added to the Public Resources Code,
24 to read:

25 29760. (a) Not later than July 1, 2011, the commission shall
26 prepare and adopt, by a majority vote of the membership of the
27 commission, a comprehensive resources management plan. The
28 resources management plan shall include information and
29 recommendations that inform the Delta Stewardship Council's
30 policies regarding the socioeconomic sustainability of the Delta
31 region.

32 (b) The resources management plan shall include, but not be
33 limited to, all of the following:

34 (1) Public safety recommendations, such as flood protection
35 recommendations.

36 (2) Economic elements of local general plans and other local
37 economic efforts, including recommendations on continued
38 socioeconomic sustainability of agriculture and its infrastructure
39 and legacy communities in the Delta.

1 (3) Comments and recommendations to the Department of Water
2 Resources concerning its periodic update of the flood management
3 plan for the Delta.

4 (4) [PLACEHOLDER].

5 SEC. 25. Section 29761 of the Public Resources Code is
6 repealed.

7 ~~29761. The Director of the Office of Planning and Research~~
8 ~~shall submit comments and recommendations on the resource~~
9 ~~management plan for the commission's consideration, prior to the~~
10 ~~plan's adoption.~~

11 SEC. 26. Section 29761 is added to the Public Resources Code,
12 to read:

13 29761. The commission shall adopt, by a majority vote, the
14 resources management plan and each plan update after at least
15 three public hearings, with at least one hearing held in a community
16 in the north Delta, one in the south Delta, and one in the west Delta.

17 SEC. 27. Section 29761.5 of the Public Resources Code is
18 repealed.

19 ~~29761.5. Not later than January 7, 1995, the commission shall~~
20 ~~transmit copies of the resource management plan to the Governor.~~
21 ~~Copies of the resource management plan shall be made available,~~
22 ~~upon request, to Members of the Legislature.~~

23 SEC. 28. Section 29761.5 is added to the Public Resources
24 Code, to read:

25 29761.5. (a) The commission shall update the resources
26 management plan every five years on or before December 31 in
27 years ending in six or one.

28 (b) The commission shall transmit copies of the resources
29 management plan and its revisions to the Governor, Legislature,
30 and Delta Stewardship Council within 60 days of adoption or
31 revision. The Delta Stewardship Council shall review the resources
32 management plan for consistency with the Delta Plan and approve
33 the resources management plan. The approved resources
34 management plan shall be implemented by the Delta Protection
35 Commission.

36 SEC. 29. Section 29761.6 is added to the Public Resources
37 Code, to read:

38 29761.6. (a) The commission shall develop, for consideration
39 and incorporation in the Delta Plan by the council, a proposal to
40 protect, enhance, and sustain the unique and enduring cultural,

1 historical, recreational, agricultural, and economic values of the
2 Delta as an evolving ecosystem. For the purpose of carrying out
3 this subdivision, the commission shall incorporate into the proposal
4 the relevant strategies described in, and consider the actions
5 recommended by, the strategic plan.

6 (b) (1) The commission shall include in the proposal a plan to
7 establish state and federal designation of the Delta as a place of
8 special significance, which may include application for a federal
9 designation of the Delta as a National Heritage Area.

10 (2) The commission shall include in the proposal a regional
11 economic plan, for submission to the council, to support increased
12 investment in agriculture, recreation, tourism, and other resilient
13 land uses in the Delta. The regional economic plan shall include
14 detailed recommendations for the administration of the Delta
15 Investment Fund created by Section 29778.5.

16 (c) For the purposes of assisting the commission in its
17 preparation of the proposal, both of the following actions shall be
18 undertaken:

19 (1) The Department of Parks and Recreation shall prepare a
20 proposal, for submission to the commission, to expand within the
21 Delta the network of state recreation areas, combining existing
22 and newly designated areas. The proposal may incorporate
23 appropriate aspects of any existing plans, including the Central
24 Valley Vision Implementation Plan adopted by the Department of
25 Parks and Recreation.

26 (2) The Department of Food and Agriculture shall prepare a
27 proposal, for submission to the commission, to establish market
28 incentives and infrastructure to protect and enhance the economic
29 and public values of Delta agriculture.

30 (d) The commission shall submit the proposal developed
31 pursuant to subdivision (a) to the council, and the council may
32 approve and incorporate the proposal into the Delta Plan.

33 (e) The council shall take into consideration the
34 recommendations of the commission, including the
35 recommendations included in the resources management plan. If
36 the council determines that a recommendation of the commission
37 is feasible and consistent with the objectives of the Delta Plan and
38 the purposes of this division, the council shall adopt the
39 recommendation.

1 SEC. 30. Section 29762 of the Public Resources Code is
2 repealed.

3 ~~29762. The commission shall adopt, by a majority vote of the~~
4 ~~membership of the commission, the resource management plan~~
5 ~~after at least three public hearings, with at least one hearing held~~
6 ~~in a city in the north delta, the south delta, and the west delta.~~

7 SEC. 31. Section 29763 of the Public Resources Code is
8 repealed.

9 ~~29763. Within 180 days from the date of the adoption of the~~
10 ~~resource management plan or any amendments, changes, or~~
11 ~~updates, to the resource management plan by the commission, all~~
12 ~~local governments shall submit to the commission proposed~~
13 ~~amendments that will cause their general plans to be consistent~~
14 ~~with the criteria in Section 29763.5 with respect to land located~~
15 ~~within the primary zone.~~

16 SEC. 32. Section 29763 is added to the Public Resources Code,
17 to read:

18 29763. Within 180 days from the date of the Delta Stewardship
19 Council's adoption of the Delta Plan or the commission's adoption
20 of the resources management plan, whichever event occurs first,
21 all local governments shall submit to the commission proposed
22 general plan amendments and land use elements to make their
23 general plans consistent with the resources management plan with
24 respect to land use within the primary zone. Within 180 days of
25 any amendments, changes, or updates to those general plans or
26 land use elements, local governments shall submit to the
27 commission proposed changes or updates to those general plans
28 or land use elements of the Delta Plan and the resources
29 management plan with respect to land use within the primary zone.

30 SEC. 33. Section 29763.1 is added to the Public Resources
31 Code, to read:

32 29763.1. The commission shall act on proposed local
33 government general plan amendments within 60 days from the
34 date of submittal of the proposed amendments. The commission
35 shall approve the proposed general plan amendments by a majority
36 vote of the commission membership only after making a written
37 finding that the proposed amendments are consistent with and in
38 furtherance of the resources management plan, based on substantial
39 evidence in the record.

1 SEC. 34. Section 29763.2 is added to the Public Resources
2 Code, to read:

3 29763.2. In reviewing local government general plans or
4 general plan amendments, the commission shall make written
5 findings as to the potential impact of the proposed amendments,
6 to the extent that those impacts will not increase requirements or
7 restrictions upon agricultural practices in the primary zone, based
8 on substantial evidence in the record, as follows:

9 (a) The general plan, and any development approved or proposed
10 that is consistent with the general plan, will not result in wetland
11 or riparian loss.

12 (b) The general plan, and any development approved or proposed
13 that is consistent with the general plan, will not result in the
14 degradation of water quality.

15 (c) The general plan, and any development approved or proposed
16 that is consistent with the general plan, will not result in increased
17 nonpoint source pollution.

18 (d) The general plan, and any development approved or proposed
19 that is consistent with the general plan, will not result in the
20 degradation or reduction of Pacific Flyway habitat.

21 (e) The general plan, and any development approved or proposed
22 that is consistent with the general plan, will not result in reduced
23 public access, provided the access does not infringe on private
24 property rights.

25 (f) The general plan, and any development approved or proposed
26 that is consistent with the general plan, will not expose the public
27 to increased flood hazards.

28 (g) The general plan, and any development approved or proposed
29 that is consistent with the general plan, will not adversely impact
30 agricultural lands or increase the potential for vandalism, trespass,
31 or the creation of public or private nuisances on public or private
32 land.

33 (h) The general plan, and any development approved or proposed
34 that is consistent with the general plan, will not result in the
35 degradation or impairment of levee integrity.

36 (i) The general plan, and any development approved or proposed
37 that is consistent with the general plan, will not adversely impact
38 navigation.

39 (j) The general plan, and any development approved or proposed
40 that is consistent with the general plan, will not result in any

1 increased requirements or restrictions upon agricultural practices
2 in the primary zone.

3 SEC. 35. Section 29763.3 is added to the Public Resources
4 Code, to read:

5 29763.3. If the commission finds that the general plan is not
6 consistent with the resources management plan, the commission
7 shall remand the general plan back to the originating local
8 government with findings, based on substantial evidence in the
9 record and as approved by the commission, on items to be
10 addressed. The local government shall have 120 days to make
11 changes and resubmit the revised general plan to the commission
12 for review pursuant to Section 29763.

13 SEC. 36. Section 29763.5 of the Public Resources Code is
14 repealed.

15 ~~29763.5. The commission shall act on proposed local~~
16 ~~government general plan amendments within 60 days from the~~
17 ~~date of submittal of the proposed amendments. The commission~~
18 ~~shall approve the proposed general plan amendments by a majority~~
19 ~~vote of the commission membership, with regard to lands within~~
20 ~~the primary zone, only after making all of the following written~~
21 ~~findings as to the potential impact of the proposed amendments,~~
22 ~~to the extent that those impacts will not increase requirements or~~
23 ~~restrictions upon agricultural practices in the primary zone, based~~
24 ~~on substantial evidence in the record:~~

25 ~~(a) The general plan, and any development approved or proposed~~
26 ~~that is consistent with the general plan, are consistent with the~~
27 ~~resource management plan.~~

28 ~~(b) The general plan, and any development approved or proposed~~
29 ~~that is consistent with the general plan, will not result in wetland~~
30 ~~or riparian loss.~~

31 ~~(c) The general plan, and development approved or proposed~~
32 ~~that is consistent with the general plan, will not result in the~~
33 ~~degradation of water quality.~~

34 ~~(d) The general plan, and any development approved or proposed~~
35 ~~that is consistent with the general plan, will not result in increased~~
36 ~~nonpoint source pollution.~~

37 ~~(e) The general plan, and any development approved or proposed~~
38 ~~that is consistent with the general plan, will not result in the~~
39 ~~degradation or reduction of Pacific Flyway habitat.~~

1 ~~(f) The general plan, and any development approved or proposed~~
2 ~~that is consistent with the general plan, will not result in reduced~~
3 ~~public access, provided the access does not infringe on private~~
4 ~~property rights.~~

5 ~~(g) The general plan, and any development approved or proposed~~
6 ~~that is consistent with the general plan, will not expose the public~~
7 ~~to increased flood hazard.~~

8 ~~(h) The general plan, and any development approved or proposed~~
9 ~~that is consistent with the general plan, will not adversely impact~~
10 ~~agricultural lands or increase the potential for vandalism, trespass,~~
11 ~~or the creation of public or private nuisances on public or private~~
12 ~~land.~~

13 ~~(i) The general plan, and any development approved or proposed~~
14 ~~that is consistent with the general plan, will not result in the~~
15 ~~degradation or impairment of levee integrity.~~

16 ~~(j) The general plan, and any development approved or proposed~~
17 ~~that is consistent with the general plan, will not adversely impact~~
18 ~~navigation.~~

19 ~~(k) The general plan, and any development approved or proposed~~
20 ~~that is consistent with the general plan, will not result in any~~
21 ~~increased requirements or restrictions upon agricultural practices~~
22 ~~in the primary zone.~~

23 SEC. 37. Section 29764 of the Public Resources Code is
24 repealed.

25 ~~29764. This division does not confer any permitting authority~~
26 ~~upon the commission or require any local government to conform~~
27 ~~their general plan, or land use entitlement decisions, to the resource~~
28 ~~management plan, except with regard to lands within the primary~~
29 ~~zone. The resource management plan does not preempt local~~
30 ~~government general plans for lands within the secondary zone.~~

31 SEC. 38. Section 29764 is added to the Public Resources Code,
32 to read:

33 29764. Land use authority granted to the commission by this
34 division is limited to the primary zone, and shall not preempt local
35 government general plans for lands within the secondary zone.

36 SEC. 39. Section 29765 of the Public Resources Code is
37 amended to read:

38 29765. (a) Prior to the commission approving the general plan
39 amendments of the local government, the local government may
40 approve development within the primary zone only after making

1 all of the following written findings on the basis of substantial
2 evidence in the record:

3 (a)

4 (1) The development will not result in wetland or riparian loss.

5 (b)

6 (2) The development will not result in the degradation of water
7 quality.

8 (c)

9 (3) The development will not result in increased nonpoint source
10 pollution or soil erosion, including subsidence or sedimentation.

11 (d)

12 (4) The development will not result in degradation or reduction
13 of Pacific Flyway habitat.

14 (e)

15 (5) The development will not result in reduced public access,
16 provided that access does not infringe upon private property rights.

17 (f)

18 (6) The development will not expose the public to increased
19 flood hazards.

20 (g)

21 (7) The development will not adversely impact agricultural
22 lands or increase the potential for vandalism, trespass, or the
23 creation of public or private nuisances on private or public land.

24 (h)

25 (8) The development will not result in the degradation or
26 impairment of levee integrity.

27 (i)

28 (9) The development will not adversely impact navigation.

29 (j)

30 (10) The development will not result in any increased
31 requirements or restrictions upon agricultural practices in the
32 primary zone.

33 (b) *Subsequent to the approval by the commission of a general
34 plan or general plan amendment, additional development shall
35 not occur in the primary zone of the Delta unless the relevant
36 proposed amendment to the general plan is determined to be
37 consistent with the resources management plan.*

38 SEC. 40. Section 29771 of the Public Resources Code is
39 amended to read:

1 29771. After a hearing on an appealed action *pursuant to*
2 *subdivision (a) or (b) of Section 29770*, the commission shall either
3 deny the appeal or remand the matter to the local government or
4 local agency for reconsideration, after making specific findings.
5 Upon remand, the local government or local agency shall modify
6 the appealed action and resubmit the matter for review to the
7 commission. A proposed action appealed pursuant to this section
8 shall not be effective until the commission has adopted written
9 findings, based on substantial evidence in the record, that the action
10 is consistent with the ~~resource~~ *resources* management plan, the
11 approved portions of local government general plans that
12 implement the ~~resource~~ *resources* management plan, and this
13 division.

14 SEC. 41. Section 29773 is added to the Public Resources Code,
15 to read:

16 29773. (a) The commission may review and provide comments
17 and recommendations to the Delta Stewardship Council on any
18 significant project or proposed project within the scope of the Delta
19 Plan, including, but not limited to, actions by state and federal
20 agencies, that may affect the unique cultural, recreational, and
21 agricultural values within the primary and secondary zones. Review
22 and comment authority granted to the commission shall include,
23 but is not limited to, all of the following:

24 (1) Identification of impacts to the cultural, recreational, and
25 agricultural values of the Delta.

26 (2) Recommendations for actions that may avoid, reduce, or
27 mitigate impacts to the cultural, recreational, and agricultural values
28 of the Delta.

29 (3) Review of consistency of the project or proposed project
30 with the resources management plan and the Delta Plan.

31 (4) Identification and recommendation of methods to address
32 Delta community concerns regarding large-scale habitat plan
33 development and implementation.

34 (b) The council shall consider the recommendations of the
35 commission during a public hearing and shall make findings
36 regarding whether the recommendations will be incorporated into
37 the project and whether the recommendations are consistent with
38 the Delta Plan.

39 SEC. 42. Section 29773.5 is added to the Public Resources
40 Code, to read:

1 29773.5. On or before January 1, 2012, the commission shall
2 prepare and submit to the Legislature recommendations regarding
3 the potential expansion of or change to the primary zone. The
4 commission shall consider recommendations on the status of all
5 of the following areas:

- 6 (a) Rio Vista.
- 7 (b) Isleton.
- 8 (c) Bethel Island.
- 9 (d) Brannan-Andrus Island.
- 10 (e) Cosumnes/Mokelumne floodway.
- 11 (f) The San Joaquin/South Delta lowlands.

12 SEC. 43. Section 29778.5 is added to the Public Resources
13 Code, to read:

14 29778.5. The Delta Investment Fund is hereby created in the
15 State Treasury. Any funds within the Delta Investment Fund shall
16 be available, upon appropriation by the Legislature, to the
17 commission for the implementation of the regional economic
18 development plan, developed pursuant to Section 29759, for the
19 purposes of enhancing Delta communities. The Delta Investment
20 Fund may receive funds from federal, state, local, and private
21 sources.

22 SEC. 44. Section 29780 of the Public Resources Code is
23 amended to read:

24 29780. On January 1 of each year, the commission shall submit
25 to the Governor and the Legislature a report describing the progress
26 that has been made in achieving the objectives of this division.
27 The report shall include, but *need* not be limited to, ~~all~~ *both* of the
28 following information:

29 ~~(a) An evaluation of the effectiveness of the resource
30 management plan in preserving agricultural lands, restoring delta
31 habitat, improving levee protection and water quality, providing
32 increased public access and recreational opportunities, and in
33 undertaking other functions prescribed in this division.~~

34 (a) *An evaluation of the effectiveness of the commission in
35 undertaking its functions prescribed in this division, including,
36 but not limited to, its mandates as follows:*

37 (1) *Determining the consistency of local general plans with the
38 Delta Plan.*

39 (2) *Outcomes of appealed local land use decisions pursuant to
40 Sections 29770 and 29771.*

- 1 (3) *Outcomes of reviews initiated by the commission.*
- 2 (4) *Facilitating regional economic development.*
- 3 (5) *Supporting other regional activities for the enhancement of*
- 4 *Delta communities.*
- 5 (b) An update of the ~~resource~~ *resources* management plan, using
- 6 baseline conditions set forth in the original resource management
- 7 plan.

8 SEC. 45. Division 22.3 (commencing with Section 32300) is
 9 added to the Public Resources Code, to read:

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DIVISION 22.3. SACRAMENTO-SAN JOAQUIN DELTA
 CONSERVANCY

CHAPTER 1. GENERAL PROVISIONS

32300. This division shall be known, and may be cited, as the Sacramento-San Joaquin Delta Conservancy Act.

32301. The Legislature finds and declares all of the following:

- (a) The Sacramento-San Joaquin Delta is a unique natural resource of local, state, and national significance.
- (b) At 1,300 square miles, the Delta is the largest estuary on the west coast of North and South America.
- (c) Its rivers and labyrinths of sloughs and channels are home to 750 species of plants and wildlife as well as 55 species of fish, provide habitat for 700 native plant and animal species, and are part of the Pacific Flyway.
- (d) The Delta contains more than 500,000 acres of agricultural land, with unique soils, and farmers who are creative and utilize innovative agriculture, such as carbon sequestration crops, subsidence reversal crops, wildlife-friendly crops, and crops direct for marketing to the large urban populations nearby.
- (e) The Delta and Suisun Marsh provide numerous opportunities for recreation, such as boating, kayaking, fishing, hiking, birding, and hunting. Navigable waterways in the Delta are available for public access and currently make up the majority of recreational opportunities. There is a need for land-based recreational access points including parks, picnic areas, and campgrounds.
- (f) The Delta’s history is rich with a distinct natural, agricultural, and cultural heritage. It is home to the community of Locke, the only town in the United States built primarily by early Chinese

1 immigrants. Other legacy communities include Bethel Island,
2 Clarksburg, Courtland, Freeport, Hood, Isleton, Knightsen, Rio
3 Vista, Ryde, and Walnut Grove.

4 (g) The Delta is home to more than 500,000 people and 200,000
5 jobs, and contributes over thirty-five billion dollars
6 (\$35,000,000,000) to the state's economy.

7 (h) In addition, the Delta provides water to more than 25 million
8 Californians and three million acres of agricultural land. It supports
9 a four hundred billion dollar (\$400,000,000,000) economy and is
10 traversed by energy, communications, and transportation facilities
11 vital to the economic health of California.

12 (i) A Sacramento-San Joaquin Delta Conservancy can support
13 efforts that advance both environmental protection and the
14 economic well-being of Delta residents in a complementary
15 manner, including all of the following:

- 16 (1) Protect and enhance habitat and habitat restoration.
- 17 (2) Protect and preserve Delta agriculture and working
18 landscapes.
- 19 (3) Undertake efforts to enhance public use and enjoyment of
20 lands owned by the public, including linkages to areas outside the
21 Delta.
- 22 (4) Provide increased opportunities for tourism and recreation.
- 23 (5) Promote Delta legacy communities and economic vitality
24 in the Delta in coordination with the Delta Protection Commission.
- 25 (6) Increase the resilience of the Delta to the effects of natural
26 disasters such as floods and earthquakes, in coordination with the
27 Delta Protection Commission.
- 28 (7) Protect and improve water quality.
- 29 (8) Assist the Delta regional economy through the operation of
30 the conservancy's program.
- 31 (9) Identify priority projects and initiatives for which funding
32 is needed.
- 33 (10) Protect, conserve, and restore the region's physical,
34 agricultural, cultural, historical, and living resources.
- 35 (11) Assist local entities in the implementation of their habitat
36 conservation plans (HCPs) and natural community conservation
37 plans (NCCPs).
- 38 (12) Facilitate take protection and safe harbor agreements under
39 the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531
40 et seq.) and the California Endangered Species Act (Chapter 1.5

1 (commencing with Section 2050) of Division 3 of the Fish and
2 Game Code) for adjacent landowners and local public agencies.

3 (13) Promote environmental education.

4 (j) The voluntary acquisition of wildlife and agricultural
5 conservation easements in the Delta promotes and enhances the
6 traditional Delta values associated with agriculture, habitat, and
7 recreation.

8

9

CHAPTER 2. DEFINITIONS

10

11 32310. For the purposes of this division, the following terms
12 have the following meanings:

13 (a) "Board" means the governing board of the Sacramento-San
14 Joaquin Delta Conservancy.

15 (b) "Conservancy" means the Sacramento-San Joaquin Delta
16 Conservancy.

17 (c) "Delta" means the Sacramento-San Joaquin Delta as defined
18 in Section 12220 of the Water Code.

19 (d) "Fund" means the Sacramento-San Joaquin Delta
20 Conservancy Fund created pursuant to Section 32360.

21 (e) "Local public agency" means a city, county, special district,
22 or joint powers authority.

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

31 (g) "Suisun Marsh" means the area defined in Section 29101
32 and protected by Division 19 (commencing with Section 29000).

33 (h) "Tribal organization" means an Indian tribe, band, nation,
34 or other organized group or community, or a tribal agency
35 authorized by a tribe, which is recognized as eligible for special
36 programs and services provided by the United States to Indians
37 because of their status as Indians and is identified on pages 52829
38 to 52835, inclusive, of Number 250 of Volume 53 (December
39 29,1988) of the Federal Register, as that list may be updated or
40 amended from time to time.

1 CHAPTER 3. SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY

2
3 32320. There is in the Natural Resources Agency the
4 Sacramento-San Joaquin Delta Conservancy, which is created as
5 a state agency to work in collaboration and cooperation with local
6 governments and interested parties.

7 32322. (a) The conservancy shall support efforts that advance
8 both environmental protection and the economic well-being of
9 Delta residents in a complementary manner, including all of the
10 following:

- 11 (1) Protect and enhance habitat and habitat restoration.
 - 12 (2) Protect and preserve Delta agriculture and working
13 landscapes.
 - 14 (3) Provide increased opportunities for tourism and recreation
15 in the Delta.
 - 16 (4) Promote Delta legacy communities and economic vitality
17 in the Delta, in coordination with the Delta Protection Commission.
 - 18 (5) Increase the resilience of the Delta to the effects of natural
19 disasters such as floods and earthquakes, in coordination with the
20 Delta Protection Commission.
 - 21 (6) Protect and improve water quality.
 - 22 (7) Assist the Delta regional economy through the operation of
23 the conservancy's program.
 - 24 (8) Identify priority projects and initiatives for which funding
25 is needed.
 - 26 (9) Protect, conserve, and restore the region's physical,
27 agricultural, cultural, historical, and living resources.
 - 28 (10) Assist local entities in the implementation of their habitat
29 conservation plans (HCPs) and natural community conservation
30 plans (NCCPs).
 - 31 (11) Facilitate take protection and safe harbor agreements under
32 the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531
33 et seq.) and the California Endangered Species Act (Chapter 1.5
34 (commencing with Section 2050) of Division 3 of the Fish and
35 Game Code) for adjacent landowners and local public agencies.
 - 36 (12) Promote environmental education through grant funding.
- 37 (b) When implementing subdivision (a), the conservancy shall
38 undertake efforts to enhance public use and enjoyment of lands
39 owned by the public.

CHAPTER 4. GOVERNING BOARD

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3 32330. The board shall consist of 11 voting members and five
4 nonvoting members, appointed or designated as follows:
5 (a) The 11 voting members of the board shall consist of all of
6 the following:
7 (1) The Secretary of the Natural Resources Agency, or his or
8 her designee.
9 (2) The Director of Finance, or his or her designee.
10 (3) One member of the board or a designee who is appointed
11 by the Contra Costa County Board of Supervisors, who is a resident
12 of that county.
13 (4) One member of the board or a designee who is appointed
14 by the Sacramento County Board of Supervisors, who is a resident
15 of that county.
16 (5) One member of the board or a designee who is appointed
17 by the San Joaquin County Board of Supervisors, who is a resident
18 of that county.
19 (6) One member of the board or a designee who is appointed
20 by the Solano County Board of Supervisors, who is a resident of
21 that county.
22 (7) One member of the board or a designee who is appointed
23 by the Yolo County Board of Supervisors, who is a resident of that
24 county.
25 (8) Two public members appointed by the Governor.
26 (9) One public member appointed by the Senate Committee on
27 Rules.
28 (10) One public member appointed by the Speaker of the
29 Assembly.
30 (b) The five nonvoting members shall consist of all of the
31 following:
32 (1) A designee of the San Francisco Bay Conservation and
33 Development Commission for coordination purposes.
34 (2) A designee of the State Coastal Conservancy for coordination
35 purposes.
36 (3) A designee of the Suisun Resource Conservation District
37 for coordination purposes.
38 (4) A Member of the Senate, appointed by the Senate Committee
39 on Rules, and a Member of the Assembly, appointed by the Speaker
40 of the Assembly, shall meet with the conservancy and participate

1 in its activities to the extent that this participation is not
2 incompatible with their positions as Members of the Legislature.
3 The appointed members shall represent a district that encompasses
4 a portion of the Delta.

5 (c) Four nonvoting liaison advisers who shall serve in an
6 advisory, nonvoting capacity shall consist of all of the following:

7 (1) One representative of the United States Fish and Wildlife
8 Service, designated by the United States Secretary of the Interior.

9 (2) One representative of the United States National Marine
10 Fisheries Service, designated by the United States Secretary of the
11 Interior.

12 (3) One representative of the United States Bureau of
13 Reclamation, designated by the United States Secretary of the
14 Interior.

15 (4) One representative of the United States Army Corps of
16 Engineers, designated by the Commanding Officer, United States
17 Army Corps of Engineers, South Pacific Division.

18 (d) The public member appointed by the Governor shall serve
19 at his or her pleasure.

20 (e) The locally appointed members and alternates shall serve at
21 the pleasure of the appointing board of supervisors.

22 (f) The public members appointed by the Senate Committee on
23 Rules and the Speaker of the Assembly shall serve for a term of
24 four years, with a two-term limit.

25 (g) The Members of the Senate and Assembly shall serve for a
26 term of four years, with a two-term limit.

27 (h) Alternates may be appointed by the county boards of
28 supervisors.

29 32332. Annually, the voting members of the board shall elect
30 from among the voting members a chairperson and vice
31 chairperson, and other officers as necessary. If the office of the
32 chairperson or vice chairperson becomes vacant, a new chairperson
33 or vice chairperson shall be elected by the voting members of the
34 board to serve for the remainder of the term. The chairperson shall
35 be selected from among the members specified in paragraphs (3)
36 to (7), inclusive, of subdivision (a) of Section 32330.

37 32334. A majority of the voting members shall constitute a
38 quorum for the transaction of the business of the conservancy. The
39 board shall not transact the business of the conservancy if a quorum
40 is not present at the time a vote is taken. A decision of the board

1 requires an affirmative vote of six of the voting members, and the
2 vote is binding with respect to all matters acted on by the
3 conservancy.

4 32336. The board shall adopt rules and procedures for the
5 conduct of business by the conservancy.

6 32338. The board may establish advisory boards or committees,
7 hold community meetings, and engage in public outreach.

8 32340. The board shall establish and maintain a headquarters
9 office within the Delta. The conservancy may rent or own real and
10 personal property and equipment pursuant to applicable statutes
11 and regulations.

12 32342. The board shall determine the qualifications of, and
13 shall appoint, an executive officer of the conservancy, who shall
14 be exempt from civil service. The board shall employ other staff
15 as necessary to execute the powers and functions provided for in
16 this division.

17 32344. The board may enter into contracts with private entities
18 and public agencies to procure consulting and other services
19 necessary to achieve the purposes of this division.

20 32346. The conservancy's expenses for support and
21 administration may be paid from the conservancy's operating
22 budget and any other funding sources available to the conservancy.

23 32348. The board shall conduct business in accordance with
24 the Bagley-Keene Open Meeting Act (Article 9 (commencing with
25 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
26 the Government Code).

27 32350. The board shall hold its regular meetings within the
28 Delta or the City of Rio Vista.

29

30 CHAPTER 5. POWERS, DUTIES, AND LIMITATIONS

31

32 32360. (a) Except as specified in Section 32360.5, the
33 jurisdiction and activities of the conservancy are limited to the
34 Delta and Suisun Marsh.

35 (b) The Sacramento-San Joaquin Delta Conservancy Fund is
36 hereby created in the State Treasury. Moneys in the fund shall be
37 available, upon appropriation by the Legislature, only for the
38 purposes of this division.

1 (1) Funds provided for ecosystem restoration and enhancement
2 shall be available for projects consistent with the conservancy's
3 strategic plan adopted pursuant to Section 32376.

4 (2) Funds provided for regional sustainability shall be available
5 for projects consistent with the Delta Protection Commission's
6 Regional Sustainability and Land Use Plan.

7 32360.5. In furtherance of the conservancy's role in
8 implementing the Delta Plan, the conservancy may take or fund
9 an action outside the Delta and Suisun Marsh if the board makes
10 all of the following findings:

11 (a) The project implements the ecosystem goals of the Delta
12 Plan.

13 (b) The project is consistent with the requirements of any
14 applicable state and federal permits.

15 (c) The conservancy has given notice to and receives and
16 reviews any comments from affected local jurisdictions and the
17 Delta Protection Commission.

18 (d) The conservancy has given notice to and reviewed any
19 comments received from any state conservancy where the project
20 is located.

21 (e) The project will provide significant benefits to the Delta.

22 32362. The conservancy may engage in partnerships with
23 nonprofit organizations, local public agencies, and landowners.

24 32363. In carrying out this division, the conservancy shall
25 cooperate and consult with the city or county in which a grant is
26 proposed to be expended or an interest in real property is proposed
27 to be acquired, and shall, as necessary or appropriate, coordinate
28 its efforts with other state agencies, in cooperation with the
29 Secretary of the Natural Resources Agency. The conservancy shall,
30 as necessary or appropriate, cooperate and consult with a public
31 water system, levee, flood control, or drainage agency that owns
32 or operates facilities, including lands appurtenant thereto, where
33 a grant is proposed to be expended or an interest in land is proposed
34 to be acquired.

35 32364. (a) The conservancy may provide grants and loans to
36 state agencies, local public agencies, nonprofit organizations, and
37 tribal organizations to further the goals of the conservancy.

38 (b) An entity applying for a grant from the conservancy to
39 acquire an interest in real property shall specify all of the following
40 in the grant application:

- 1 (1) The intended use of the property.
- 2 (2) The manner in which the land will be managed.
- 3 (3) How the cost of ongoing operations, maintenance, and
- 4 management will be provided, including an analysis of the
- 5 maintaining entity's financial capacity to support those ongoing
- 6 costs.
- 7 (4) Grantees shall demonstrate, where applicable, how they will
- 8 provide payments in lieu of taxes, assessments, or charges
- 9 otherwise due to elements of local government.

10 32366. The conservancy may acquire from willing sellers or
11 transferors interests in real property and improve, lease, or transfer
12 interests in real property, in order to carry out the purposes of this
13 division. However, the conservancy shall not acquire a fee interest
14 in real property.

15 32368. The conservancy may enter into an agreement with a
16 public agency, nonprofit organization, or private entity for the
17 construction, management, or maintenance of facilities authorized
18 by the conservancy.

19 32370. The conservancy shall not exercise the power of eminent
20 domain.

21 32372. (a) The conservancy may pursue and accept funds from
22 various sources, including, but not limited to, federal, state, and
23 local funds or grants, private philanthropy, gifts, donations,
24 bequests, devises, subventions, grants, rents, royalties, or other
25 assistance and funds from public and private sources.

26 (b) The conservancy may accept fees levied by others.

27 (c) The conservancy may create and manage endowments.

28 (d) All funds received by the conservancy shall be deposited in
29 the fund for expenditure for the purposes of this division.

30 32376. Within two years of hiring an executive officer, the
31 board shall prepare and adopt a strategic plan to achieve the goals
32 of the conservancy. The plan shall describe its interaction with
33 local, regional, state, and federal land use, recreation, water and
34 flood management, and habitat conservation and protection efforts
35 within and adjacent to the Delta. The strategic plan shall establish
36 priorities and criteria for projects and programs, based upon an
37 assessment of program requirements, institutional capabilities, and
38 funding needs throughout the Delta. The strategic plan shall be
39 consistent with the Delta Plan, the Delta Protection Commission's
40 Regional Sustainability and Land Use Plan, the Central Valley

1 Flood Protection Plan, the Suisun Marsh Preservation Act, and the
2 Habitat Management, Preservation and Restoration Plan for the
3 Suisun Marsh.

4 32378. (a) The conservancy may expend funds and award
5 grants and loans to facilitate collaborative planning efforts and to
6 develop projects and programs that are designed to further the
7 purposes of this division.

8 (b) The conservancy may provide and make available technical
9 information, expertise, and other nonfinancial assistance to public
10 agencies, nonprofit organizations, and tribal organizations, to
11 support program and project development and implementation.

12 32380. The conservancy may acquire water or water rights to
13 support the goals of the conservancy.

14 32381. This division does not grant to the conservancy any of
15 the following:

16 (a) The power of a city or county to regulate land use.

17 (b) The power to regulate any activities on land, except as the
18 owner of an interest in the land, or pursuant to an agreement with,
19 or a license or grant of management authority from, the owner of
20 an interest in the land.

21 (c) The power over water rights held by others.

22 SEC. 46. If the Commission on State Mandates determines
23 that this act contains costs mandated by the state, reimbursement
24 to local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.

27 SEC. 47. This bill shall only become operative if ____ of the
28 2009–10 Regular Session of the Legislature are each enacted and
29 become effective on or before January 1, 2010.