

## 2015-2016 AB-1716 McCarty (A) , Cooley (A)

98 - Amended Assembly 4/26/16

### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Division 22.2 (commencing with Section 32280) is added to the Public Resources Code, to read:

#### **DIVISION 22.2.** Lower American River Conservancy

**32280.** This division shall be known, and may be cited, as the Lower American River Conservancy Act.

**32280.1.** The Legislature finds and declares all of the following:

(a) The lower American River is one of California's most important natural environments, providing recreational, environmental, and educational opportunities to more than 8,000,000 visitors each year. It also serves as a unique urban greenbelt composed of more than 5,000 acres and lying immediately adjacent ~~to, and within,~~ *to and within* two incorporated cities and the unincorporated County of Sacramento.

(b) The American River Parkway includes natural and recreational resources of statewide interest and is often referred to as "the jewel" of the Sacramento region, and it is managed as such with an intent to fulfill the vision set forth through past collaborative efforts involving advocates and stakeholders, the County of Sacramento, and the Legislature.

(c) The American River Parkway was established by the County of Sacramento, with financial support from the state and other public and private entities.

(d) Since establishing ~~it~~ the American River Parkway in 1959, the County of Sacramento has and will continue to update, maintain, and determine consistency with the American River

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**Parkway Plan and serve as the Parkway Manager to own, manage, operate, and patrol the lands and resources within the American River Parkway.**

(e) The American River Parkway provides additional benefits to the state and the Sacramento region including flood control, water supply, water quality, habitat for anadromous fisheries, including salmon and steelhead, *and* habitat for migratory waterfowl and other ~~wildlife, and others~~ *wildlife*.

(f) The Legislature recognized the statewide importance of the American River Parkway in enacting the Urban American River Parkway Preservation Act (Chapter 10 (commencing with Section 5840) of Division 5), which culminated with the adoption of the American River Parkway Plan, **and the Bushy Lake Preservation Act (Chapter 9 (commencing with Section 5830) of Division 5).**

**(g) The statewide and national importance of the Lower American River Parkway was further recognized when it was designated as part of the California Wild and Scenic Rivers System and the National Wild and Scenic River System. The American River Parkway Plan acts as the management plan for the lower American River under the Wild and Scenic Rivers Act, providing management guidance and direction for state departments and agencies as well as local governments, in carrying out their responsibilities under the State Wild and Scenic River Act.**

~~(g)~~ **(h)** The state has an interest in assisting local agencies in expanding, enhancing, and restoring the natural, recreational, and educational resources ~~in, and adjacent to,~~ *in and adjacent to* the American River Parkway.

~~(h)~~ **(i)** The establishment of the Lower American River Conservancy can provide a state partner to work cooperatively with local agencies, particularly the County of Sacramento in **its role as the Parkway Manager**, and nonprofit organizations to help fund projects and provide grants to restore, enhance, interpret, protect, and ~~increase~~ **improve** public access to the American River Parkway's natural, recreational, educational, and cultural resources.

**32280.5.** For purposes of this division, the following terms have the following meanings:

(a) "American River Parkway" means **those portions of** the area described in the American River Parkway Plan **between Nimbus Dam and the confluence of the American River with the Sacramento River.**

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**(b) "Adjacent to" means lands that are downstream of Nimbus Dam and next to or in the immediate vicinity of the American River Parkway.**

(b) "American River Parkway Plan" has the same meaning as in subdivision (a) of Section 5841.

(c) "Conservancy" means the Lower American River Conservancy established by this division.

**(d) "Parkway Manager" means the Sacramento County Board of Supervisors or their designee.**

(e) "Governing board" means the governing board of the conservancy.

(f) "Nonprofit organization" means ~~any~~ a private, nonprofit organization, with nonprofit status acknowledged by the United States Internal Revenue Service, that qualifies under Section 501(c)(3) of the ~~United States~~ Internal Revenue Code, as amended, and that has among its principal charitable purposes the preservation, restoration, or interpretation of land for scientific, historic, educational, recreational, scenic, or open-space purposes, the protection of the natural environment or biological resources, or both, or the preservation or enhancement of wildlife, or both.

**32281.** (a) ~~There is in the Natural Resources Agency the~~ *The* Lower American River Conservancy, which is created for the purpose of receiving and expending *Conservancy is hereby created in the Natural Resources Agency to receive and expend* proceeds from bonds or other appropriations made in the annual Budget Act or other ~~statutes,~~ *statutes* for the benefit of the American River Parkway.

(b) To the extent permissible under this division, the conservancy shall prioritize expending ~~funds for purposes of developing and implementing a Natural Resource Management Plan and improving moneys to develop and implement a natural resource management plan and to improve~~ access to and protection of the American River Parkway.

**32281.5.** (a) The governing board shall consist of the following members:

(1) Three members of the Board of Supervisors of the County of Sacramento, selected by a majority vote of the ~~Board of Supervisors.~~ *board of supervisors.*

(2) Two representatives of the City of Sacramento, which may include the Mayor and one member of the City Council of the City of Sacramento, or two members of the ~~City Council,~~ *city council,* selected by a majority vote of the ~~City Council.~~ *city council.*

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(3) The Mayor or a member of the City Council of the City of Rancho Cordova, selected by a majority vote of the ~~City Council~~. *city council*.

(4) The Secretary of the Natural Resources Agency, or his or her designee.

(5) The Director of Finance, or his or her designee.

(6) The Director of Parks and Recreation, or his or her designee.

(7) The Director of Fish and Wildlife, or his or her designee.

(8) The Executive Director of the Wildlife Conservation Board, or his or her designee.

(9) The Executive Officer of the State Lands Commission, or his or her designee.

(10) Three members from the public at large, one appointed by the Governor, one appointed by the Senate Committee on Rules, and one appointed by the Speaker of the Assembly.

(b) Public-at-large members appointed pursuant to paragraph (10) of subdivision (a) may serve for one or more four-year terms. **These members should have a demonstrated knowledge of and expertise in the American River Parkway and the American River Parkway Plan.**

(c) Members appointed pursuant to paragraphs (1) to (3), inclusive, of subdivision (a) shall serve at the pleasure of their appointing authority.

(d) All members of the governing board shall be voting members,

(e) A person shall not continue as a member of the governing board if that person ceases to hold the office that qualifies that person for membership. In that event, the person's membership on the governing board shall automatically terminate.

**32282.** The members of the governing board who are not full-time public employees may be compensated for attendance at regular meetings of the conservancy at the rate of one hundred dollars (\$100) per regular meeting, not to exceed 12 regular meetings a year. All members of the governing board may be reimbursed the actual amount of the reasonable and necessary expenditures incurred in attending meetings of the conservancy and carrying out the duties of their office.

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**32282.5.** The governing board shall elect from its own members a ~~chairperson chair~~ and vice ~~chairperson; chair~~, whose terms of office shall be two years, and who may serve more than one term. In the event of a vacancy, a new ~~chairperson chair~~ or vice ~~chairperson chair~~ may be elected by the governing board before the expiration of the two-year term to fill ~~out~~ the remainder of that two-year term.

**32283.** The governing board shall meet at least once each quarter at one or more locations within ~~Sacramento County~~; *the County of Sacramento*. A majority of the membership of the governing body shall constitute a quorum for the transaction of the business of the conservancy. If a quorum is present, a majority vote of the members present is sufficient to transact the business of the governing board. Meetings of the governing board shall be open to the public and subject to the Bagley-Keene Open Meeting Act ~~(Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 (Article 9 (commencing with Section 11120) of Division 3 of Title 2 of the Government Code)~~.

**32284.** The governing board shall adopt rules and procedures necessary to conduct its business.

**32285.** The conservancy shall do all of the following:

(a) Coordinate its activities with the County of Sacramento, each city that includes a portion of the American River Parkway, appropriate local and regional flood control districts, and relevant state agencies.

**(b) Prior to approving funding for any project:**

(i) *Consult with the County of Sacramento ~~on~~ as to whether the conservancy's proposed actions are consistent with the American River Parkway Plan.*

**(ii) A Conservancy staff report shall be drafted and include all findings, written comments, and or reports submitted by the County of Sacramento and or the Parkway Manager as to whether the Conservancy's actions will be consistent with the American River Parkway Plan.**

~~(b)~~

(c) Administer any ~~funds~~ *moneys* appropriated to the conservancy or any revenues generated by the conservancy.

~~(e)~~

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(d) Provide ~~grants funding and assistance~~ to the County of Sacramento for the development, update, adoption, and implementation of a ~~Natural Resource Management Plan~~ *natural resource management plan* for the American River Parkway, and *grants* to other local agencies and nonprofit organizations ~~whose projects are approved by the parkway manager~~ whose projects are approved by the County of Sacramento for implementation of that plan.

**(e) In approving funding for any acquisition project within the American River Parkway, include a requirement that all lands acquired with conservancy moneys be owned by the County of Sacramento.**

**32286.** Consistent with the American River Parkway Plan, the conservancy may do any of the following:

(a) Provide grants to local public agencies and nonprofit organizations ~~whose projects are approved by the parkway manager~~ to be used for one or more of the following purposes:

(1) The ~~acquisition;~~ **acquisition**, restoration, enhancement, and maintenance of fish and wildlife habitat and other natural resources, including resources impacted by wildfire, within and adjacent ~~to;~~ *to* the American River Parkway.

(2) The improvement and expansion of public access, **recreational areas and recreational facilities** including trails.

(3) The enhancement of interpretive and educational facilities related to the American River Parkway and its natural, cultural, and historic resources.

**(4) Control and removal of invasive species and the propagation of native species.**

(a) Improve and enhance lands ~~within;~~ *within* and

(b) Design, implement, and provide grants to local agencies and nonprofit organizations for:

**(i) Stormwater capture and treatment projects to improve the quality of water that flows within and into the American River Parkway. Stormwater projects may include lands within and adjacent to the American River Parkway and its tributaries downstream of Nimbus Dam and within Sacramento County.**

**(ii) Enhancing fish and wildlife habitat and increasing open space.**  
~~multibenefit projects to capture stormwater and improve water quality, enhance fish and wildlife habitat, improve recreational areas, and increase water supply, or a combination of those~~

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~~benefits, on lands within the American River Parkway or lands adjacent to the American River Parkway and within the boundaries of the County of Sacramento.~~

(c) Solicit grants, donations of in-kind services, and other contributions from federal, state, and private sources for the purposes of this division.

(d) Establish necessary advisory boards or committees related to the purposes of this division.

**32287.** The conservancy shall not do any of the following:

(a) Fund or implement projects on lands without the written consent of the landowner.

(b) Regulate the use of lands or ~~waters not under the jurisdiction of the conservancy.~~ *waters.*

(c) Levy any tax or special assessment.

(d) Provide grants or take other actions that are inconsistent with the American River Parkway Plan, the **Bushy Lake Preservation Act** or the Urban American River Parkway Preservation Act (Chapter 10 (commencing with Section 5840) of Division-5), ~~including, but not limited to, a project determined by the Board of Supervisors of the County of Sacramento to be inconsistent with that plan or that act. 5).~~

(e) Own or acquire land.

**32290.** The Lower American River Conservancy Fund is hereby created in the State Treasury. Moneys in the fund shall be available, upon appropriation, for the purposes of this division.

**32291.** Nothing in this act shall supersede or diminish the existing authority of the:

- I. County of Sacramento or any other entity responsible for the management, operation, maintenance, or protection of lands and resources within the American River Parkway.
- II. **County Board of Supervisors acting as the Parkway Manager in its authority to interpret and implement the American River Parkway Plan.**

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