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AB-2849 Sierra Nevada Conservancy: watershed improvement: tribal organization. (2017-2018)

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Assembly Bill No. 2849

CHAPTER 499

An act to amend Sections 33302 and 33321 of, and to add Section 33345.1 to, the Public Resources Code, relating to resource conservation.

[Approved by Governor September 18, 2018. Filed with Secretary of State September 18, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2849, Mark Stone. Sierra Nevada Conservancy: watershed improvement: tribal organization.

Existing law, the Laird-Leslie Sierra Nevada Conservancy Act, establishes the Sierra Nevada Conservancy to undertake various activities related to protection and conservation of the Sierra Nevada Region, as defined, and prescribes the management, powers, and duties of the conservancy. The act authorizes the conservancy to make grants or loans to tribal organizations, among other entities, to carry out the purposes of the act. The act defines "tribal organization" for these purposes to mean an Indian tribe, band, nation, or other organized group or community, or a tribal agency authorized by a tribe, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians and is identified in the Federal Register, as provided. Existing law requires two members of the Senate and two members of the Assembly to be appointed, as provided, to meet with the conservancy and participate in its activities, as specified.

This bill would establish the Sierra Nevada Watershed Improvement Program, to be administered by the conservancy, to protect, conserve, and restore the health and resilience of the watersheds and communities of the region, as prescribed. The bill would define "tribal organization" as an Indian tribe, band, nation, or other organized group or community, or a tribal agency authorized by a tribe and either recognized by the United States and identified within the most current Federal Register, or listed on the contact list maintained by the Native American Heritage Commission as a California Native American tribe, or both. The bill would require the members of the Legislature appointed to meet with conservancy to represent districts from specified geographic regions.

Existing law requires the conservancy to make an annual report to the Legislature and to the Secretary of the Natural Resources Agency regarding expenditures, land management costs, and administrative costs.

This bill would require the conservancy to include the activities of the Sierra Nevada Watershed Improvement Program in the annual report.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 33302 of the Public Resources Code is amended to read:

33302. For the purposes of this division, the following terms have the following meanings:

- (a) "Board" means the Governing Board of the Sierra Nevada Conservancy.
- (b) "Conservancy" means the Sierra Nevada Conservancy.
- (c) "Fund" means the Sierra Nevada Conservancy Fund created pursuant to Section 33355.
- (d) "Local public agency" means a city, county, district, or joint powers authority.
- (e) "Nonprofit organization" means a private, nonprofit organization that qualifies for exempt status under Section 501(c)(3) of Title 26 of the United States Code, and whose charitable purposes are consistent with the purposes of the conservancy as set forth in this division.
- (f) "Region" or "Sierra Nevada Region" means the area lying within the Counties of Alpine, Amador, Butte, Calaveras, El Dorado, Fresno, Inyo, Kern, Lassen, Madera, Mariposa, Modoc, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Tehama, Tulare, Tuolumne, and Yuba, described as the area bounded as follows:

On the east by the eastern boundary of the State of California; the crest of the White/Inyo ranges; and State Routes 395 and 14 south of Olancha; on the south by State Route 58, Tehachapi Creek, and Caliente Creek; on the west by the line of 1,250 feet above sea level from Caliente Creek to the Kern/Tulare County line; the lower level of the western slope's blue oak woodland, from the Kern/Tulare County line to the Sacramento River near the mouth of Seven-Mile Creek north of Red Bluff; the Sacramento River from Seven-Mile Creek north to Cow Creek below Redding; Cow Creek, Little Cow Creek, Dry Creek, and the Shasta National Forest portion of Bear Mountain Road, between the Sacramento River and Shasta Lake; the Pit River Arm of Shasta Lake; the northerly boundary of the Pit River watershed; the southerly and easterly boundaries of Siskiyou County; and within Modoc County, the easterly boundary of the Klamath River watershed; and on the north by the northern boundary of the State of California; excluding both of the following:

- (1) The Lake Tahoe Region, as described in Section 66905.5 of the Government Code, where it is defined as "region."

- (2) The San Joaquin River Parkway, as described in Section 32510.

(g) "Subregions" means the six subregions in which the Sierra Nevada Region is located, described as follows:

- (1) The north Sierra subregion, comprising the Counties of Lassen, Modoc, and Shasta.

- (2) The north central Sierra subregion, comprising the Counties of Butte, Plumas, Sierra, and Tehama.

- (3) The central Sierra subregion, comprising the Counties of El Dorado, Nevada, Placer, and Yuba.

- (4) The south central Sierra subregion, comprising the Counties of Amador, Calaveras, Mariposa, and Tuolumne.

- (5) The east Sierra subregion, comprising the Counties of Alpine, Inyo, and Mono.

- (6) The south Sierra subregion, comprising the Counties of Fresno, Kern, Madera, and Tulare.

(h) "Tribal organization" means an Indian tribe, band, nation, or other organized group or community, or a tribal agency authorized by a tribe, which is one or both of the following:

- (1) Recognized by the United States and identified within the most current Federal Register.

- (2) Listed on the contact list maintained by the Native American Heritage Commission as a California Native American tribe.

SEC. 2. Section 33321 of the Public Resources Code is amended to read:

33321. (a) The board shall consist of 13 voting members and three nonvoting liaison advisers, appointed or designated as follows:

- (1) The 13 voting members of the board shall consist of all of the following:

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

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

- (C) Three public members appointed by the Governor, who are not elected officials, to represent statewide interests.

- (D) One public member appointed by the Speaker of the Assembly, who is not an elected official, to represent statewide interests.

(E) One public member appointed by the Senate Committee on Rules, who is not an elected official, to represent statewide interests.

(F) One member for each of the six subregions who shall be a member of the board of supervisors of a county located within that subregion, and whose supervisorial district shall be at least partially contained within the Sierra Nevada Region. Each member shall be selected by the counties within that subregion, according to the following procedure:

(i) Each county board of supervisors within a subregion shall select a member of their board to determine, with the selected members of the other counties in the subregion, which member of a board of supervisors within the subregion shall be appointed as a member of the conservancy board. An alternate may be appointed. The appointed member and any alternate shall have at least part of his or her supervisorial district within the subregion.

(ii) The initial appointment of a member for each subregion shall be made no later than 60 days after the effective date of this division. A subsequent appointment to a regular term on the board shall be made before the date specified in Section 33322 for the commencement of that term. A vacancy occurring before the end of a term shall be filled for the remainder of the term within 60 days of the vacancy.

(iii) If the boards of supervisors of the subregion do not appoint a member to the board within the timeframe specified in clause (ii), the Governor shall appoint one of the supervisors selected in clause (i) to serve as the board member for the subregion.

(2) The three nonvoting liaison advisers who serve in an advisory, nonvoting capacity shall consist of all of the following:

(A) One representative of the National Park Service, designated by the United States Secretary of the Interior.

(B) One representative of the United States Forest Service, designated by the United States Secretary of Agriculture.

(C) One representative of the United States Bureau of Land Management, designated by the United States Secretary of the Interior.

(b) Appointing powers shall seek to include individuals from a breadth of backgrounds.

(c) Two members of the Senate, appointed by the Senate Committee on Rules, and two members of the Assembly, appointed by the Speaker of the Assembly, shall meet with the conservancy and participate in its activities to the extent that such participation is not incompatible with their respective positions as Members of the Legislature. One appointee from each house of the Legislature shall represent a district either partially or wholly within the Sierra Nevada Conservancy boundary, as described in subdivision (f) of Section 33302, and one appointee from each house shall represent a district from outside the Sierra Nevada Conservancy boundary, as described in subdivision (f) of Section 33302.

SEC. 3. Section 33345.1 is added to the Public Resources Code, to read:

33345.1. (a) The Sierra Nevada Watershed Improvement Program is hereby established, to be administered by the conservancy, to protect, conserve, and restore the health and resilience of the watersheds and communities of the region, in support of the purposes and programs described in Section 33301. In implementing this program, the conservancy shall coordinate and collaborate with other state agencies, federal agencies, and local entities and stakeholders.

(b) In implementing the program, notwithstanding Section 33341, the conservancy may test new funding, policy, planning, and implementation approaches with the area covered by an initiative to test new ways of accomplishing the program objectives and goals described in subdivision (a), with the intent of broadening the scope of the initiative to apply to the entire program area.

(c) The conservancy shall include the activities of the program in its annual report required pursuant to Section 33350.

(d) This section shall not be construed as requiring the Legislature to appropriate additional funds.