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**SB-1027 San Diego River Conservancy.** (2021-2022)

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**Senate Bill No. 1027**

**CHAPTER 448**

An act to amend Sections 32632, 32634, and 32644 of the Public Resources Code, relating to the San Diego River Conservancy.

[ Approved by Governor September 19, 2022. Filed with Secretary of State September 19, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1027, Atkins. San Diego River Conservancy.

The San Diego River Conservancy Act establishes the San Diego River Conservancy in the Natural Resources Agency, and prescribes the territory, functions, and duties of the conservancy with regard to, among other things, the acquisition, protection, and management of public lands within the San Diego River area, as defined. The act provides that the conservancy has all rights and powers, expressed or implied, necessary to carry out the purposes of the act. The act limits the jurisdiction of the conservancy to the San Diego River area.

This bill would modify the definition of the San Diego River area and would limit the jurisdiction of the conservancy to the San Diego River watershed. The bill would also revise the definition of a tribal nation under the act to mean a Kumeyaay Band that is a federally recognized tribe or a nonfederally recognized California Native American tribe, as specified.

Under the act, the governing board of the conservancy consists of 15 voting members and 2 nonvoting members, as specified.

This bill would add one voting member, a member of the City Council of El Cajon, elected by a majority of the membership of the council, to the governing board.

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

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

**SECTION 1.** Section 32632 of the Public Resources Code is amended to read:

**32632.** For the purposes of this division, the following terms have the following meanings:

- (a) "Conservancy" means the San Diego River Conservancy established by this division.
- (b) "Fund" means the San Diego River Conservancy Fund established pursuant to Section 32657.
- (c) "Governing board" means the governing board of the conservancy.
- (d) "Historic flumes" means both of the following:

(1) The Padre Dam flume built by Native Americans along the San Diego River to convey water from the Mission Dam to the Mission San Diego de Alcalá in the early 1800s.

(2) The flume built by the San Diego Flume Company in the late 1880s to convey water from a diverting dam on the upper San Diego River to the eastern edge of the City of San Diego.

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

(f) "Nonprofit organization" means a private, nonprofit organization that qualifies for exempt status under Section 501(c)(3) of the Internal Revenue Code, as amended, and that has among its principal charitable purposes the preservation of land for scientific, historic, educational, recreational, scenic, or open-space opportunities, the protection of the natural environment, or preservation or enhancement of wildlife.

(g) "San Diego River area" or "area" means those lands located within the watershed of the San Diego River, from its headwaters near Julian to the Pacific Ocean at Dog Beach in San Diego.

(h) "Tribal nation" means a Kumeyaay Band that is a federally recognized tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission. The Kumeyaay Band must be located within traditionally and culturally affiliated ancestral Kumeyaay territory within the County of San Diego.

**SEC. 2.** Section 32634 of the Public Resources Code is amended to read:

**32634.** (a) The governing board of the conservancy shall consist of 16 voting members and two nonvoting members.

(b) The voting members of the board shall consist of the following:

(1) The Secretary of the Natural Resources Agency, or their designee.

(2) The Director of Finance, or their designee.

(3) The Director of Parks and Recreation, or their designee.

(4) The Director of Fish and Wildlife, or their designee.

(5) A representative of the Colorado Desert District of the Department of Parks and Recreation, or their designee.

(6) Five members of the public at large, three of whom shall be appointed by the Governor, one of whom shall be appointed by the Senate Committee on Rules, and one of whom shall be appointed by the Speaker of the Assembly.

(7) The Mayor of San Diego, or their designee.

(8) One member of the City Council of El Cajon, elected by a majority of the membership of the council.

(9) One member of the City Council of San Diego, elected by a majority of the membership of the council.

(10) One member of the Board of Supervisors of the County of San Diego, whose district includes the preponderance of the San Diego River watershed.

(11) One member of the Kumeyaay Diegueño Land Conservancy board of directors, elected by a majority of the membership of that board, or their designee.

(12) One member of the City Council of Santee, elected by a majority of the membership of the council.

(c) The two nonvoting members shall consist of the following:

(1) The Executive Director of the Wildlife Conservation Board, or their designee.

(2) A representative selected by the San Diego Regional Water Quality Control Board.

(d) Two of the three initial appointments by the Governor pursuant to paragraph (4) of subdivision (b) shall be for three-year terms and the third appointment shall be for a two-year term. All subsequent appointments shall be for four-year terms.

(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. Upon the occurrence of those events, the person's membership on the governing board shall automatically terminate.

**SEC. 3.** Section 32644 of the Public Resources Code is amended to read:

**32644.** The jurisdiction of the conservancy is limited to the watershed of the San Diego River.