

SECTION 1.

Division 23.6 (commencing with Section 33810) is added to the Public Resources Code, to read:

DIVISION 23.6. Salton Sea Conservancy

CHAPTER 1. General Provisions

33810.

This division shall be known, and may be cited, as the Salton Sea Conservancy Act.

CHAPTER 2. Definitions

33811.

For purposes of this division, the following definitions apply:

- (a) "Board" means the board of directors governing the Salton Sea Conservancy.
- (b) "Conservancy" means the Salton Sea Conservancy established pursuant to Section 33812.
- (c) "Fund" means the Salton Sea Conservancy Fund established pursuant to Section 33825.
- (d) "Local public agency" includes, but is not limited to, a city, county, city and county, district, association of governments, or joint powers authority.
- (e) "Long-Range Plan" means the plan prepared by the Salton Sea Management Program to comply with State Water Resources Control Board Order (revised) WR 2017-01342002-0013. The plan must be consistent with the requirements of the order and the Salton Sea Restoration Act established pursuant to Chapter 13 (commencing with Section 2930) of Division 3 of the Fish and Game Code, including the objectives set forth in subdivision (c) of Section 2931 of the Fish and Game Code.
- (f) "Nonprofit organization" means a private, nonprofit organization that qualifies for tax exempt status under Section 501(c)(3) of Title 26 of the Internal Revenue Code.
- (g) "Region" or "Salton Sea region" means the geographic boundaries of the Salton Sea ecosystem, as described in subdivision (d) of Section 2931 of the Fish and Game Code.
- (h) "Salton Sea Management Program Phase I: 10-Year Plan" means the plan for action over the 10-year period from 2018 to 2028. The plan's goal is to improve conditions around the Salton Sea by constructing projects that create habitat and reduce dust from exposed lakebed on 30,000 acres.
- (i) "Tribe" means any federally recognized Native American tribe or a nonfederally recognized Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission.
- (j) [The Imperial Streams Salton Sea and Tributaries Feasibility Study means the study being conducted by the United States Army Corp of Engineers in partnership with the State of California and the Salton Sea Authority together as joint local sponsors, pursuant to a Resolution of the U.S. Senate Committee on Environment and Public Works, 114th Congress, 2nd Session \(April 28, 2016\).](#)

CHAPTER 3. Salton Sea Conservancy

33812.

(a) The Salton Sea Conservancy is hereby created as a state agency within the Natural Resources Agency to ~~support implementation of~~ [operate, maintain, and manage projects completed pursuant to the Salton Sea Management Program Phase I: 10-Year Plan and the Long-Range Plan and The Imperial Streams Salton Sea and Tributaries Feasibility Study.](#)

(b) The conservancy's jurisdiction is limited to the Salton Sea region.

33813.

The conservancy shall carry out programs, projects, and activities to further the conservancy's purposes specified in Section 33812. This may include any, any combination, or all of the following:

- (a) Expending funds and awarding grants and loans to develop and implement programs and projects that are designed to further the conservancy's purposes specified in Section 33812.
- (b) Engaging community members and stakeholders through education, outreach, opportunities to provide input, and volunteering on programs and projects.

(c) Coordinating, collaborating, and partnering with federal, tribal, state, regional, and local jurisdictions and stakeholders to develop and implement programs ~~and that enhance beneficial uses and improve the operational efficiency of the completed~~ projects.

~~(d) Identifying and working to resolve any barriers or impediments to progress, including capacity or organizational deficiencies.~~

CHAPTER 4. Governing Board

33814.

(a) The conservancy shall be governed by a board of directors.

(1) The board shall consist of ~~eight~~nine voting members appointed as follows:

(A) One public member appointed by the Governor subject to confirmation by the Senate, who is not an elected official and who resides within the conservancy's territory.

(B) One public member appointed by the Speaker of the Assembly, who is not an elected official and who resides within the conservancy's territory.

(C) One public member appointed by the Senate Committee on Rules, who is not an elected official and who resides within the conservancy's territory.

~~(D) Five members~~One member of the board or a designee who is appointed ~~from local governments surrounding~~by the Riverside County Board of Supervisors, who is a resident of that county.

(E) One member of the board or a designee who is appointed by the Imperial County Board of Supervisors, who is a resident of that county.

(F) One member of the board or a designee who is appointed by the Coachella Valley Water District, who is a resident of the District.

(G) One member of the board or a designee who is appointed by the Imperial Irrigation District, who resides within the District's boundaries.

(H) One member of the board or a designee who is appointed by the Torres Martinez Desert Cahuilla,

(I) One member of a non-governmental organization focused on Environmental Justice work in the Salton Sea, area tribes, local environmental justice organizations, and others. Region appointed by the Secretary of Natural Resources

(2) The board shall also consist of five ex officio, nonvoting members designated as follows:

(A) The Director of Finance, or the director's designee.

(B) The Secretary of the Natural Resources Agency, or the secretary's designee.

(C) The Director of Fish and Wildlife, or the director's designee.

(D) The Director of Water Resources, or the director's designee.

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

(b) Each member of the board appointed pursuant to paragraph (1) of subdivision (a) shall serve a four-year term.

33815.

Annually, the voting members of the board shall elect from among the voting members of the board a chairperson and vice chairperson, and other officers, as necessary. If the office of the chairperson or vice chairperson becomes vacant, a new chairperson or vice chairperson shall be elected by the voting members of the board to serve for the remainder of the term.

33816.

A majority of the voting members shall constitute a quorum for the transaction of the business of the conservancy. The board shall not transact the business of the conservancy if a quorum is not present

at the time a vote is taken. A decision of the board requires an affirmative vote of five of the voting membership, and the vote is binding with respect to all matters acted on by the conservancy.

33817.

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

33818.

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

33819.

The board shall maintain a headquarters office within the Salton Sea region. The conservancy may rent or own real and personal property and equipment pursuant to applicable statutes and regulations.

33820.

-(a) The board shall determine the qualifications of, and shall appoint, an executive officer of the conservancy, who shall be exempt from civil service. The board shall employ other staff as necessary to execute the powers and functions provided for in this division.

(b). Within two years of hiring an executive officer, the board shall prepare and adopt a strategic plan to achieve the goals of the conservancy. The plan shall describe its interaction with local, regional, state, and federal agencies. The strategic plan shall establish priorities and criteria for operations, maintenance, and management of projects based upon an assessment of project requirements, institutional capabilities, and funding needs throughout the Salton Sea region. The strategic plan shall be consistent with the Salton Sea Management Plan, the Long-Range Plan, the Imperial Streams Salton Sea and Tributaries Feasibility Study, and shall outline a plan that avoids any duplication of roles between the Conservancy, the Salton Sea Management Program, and the Salton Sea Authority.

33821.

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

33822.

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

33823.

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

33824.

The board shall hold its regular meetings within the Salton Sea region.

CHAPTER 5. Powers, Duties, and Limitations

33825.

The Salton Sea Conservancy Fund is hereby created in the State Treasury. Moneys in the fund shall be available, upon appropriation by the Legislature, only for the purposes of this division.

33826.

The conservancy may engage in partnerships with nonprofit organizations, local public agencies including the Salton Sea Authority, and landowners.

33827.

In implementing this division, the conservancy shall cooperate and consult with the city or county in which a grant is proposed to be expended or an interest in real property is proposed to be acquired, and shall, as necessary or appropriate, coordinate its efforts with the Salton Sea Authority and other state agencies, in cooperation with the Secretary of the Natural Resources Agency.

33828.

(a) The conservancy may require a grantee to enter into an agreement with the conservancy on terms and conditions specified by the conservancy.

(b) The conservancy may require a cost-share or local funding requirement for a grant. The conservancy may make that cost-share or local funding requirement contingent upon the total amount of funding available, the fiscal resources of the applicant, or the urgency of the project. The conservancy may waive cost-share requirements.

(c) The conservancy may fund or award grants for plans and feasibility studies consistent with its plans.

(d) The conservancy may seek repayment or reimbursement of funds granted on terms and conditions it deems appropriate. The proceeds of repayment shall be deposited in the fund.

(e) The conservancy may require any funds [advanced](#) that exceed the costs of eligible or approved projects or of acquisition to be returned to the conservancy, ~~to be available for expenditure when appropriated by the Legislature.~~

33829.

(a) The conservancy may provide grants and loans to state agencies, local public agencies, tribes, and nonprofit organizations to further the purposes of this division.

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

(1) The intended use of the property.

(2) The manner in which the land will be managed.

(3) How the cost of ongoing operations, maintenance, and management will be provided, including an analysis of the maintaining entity's financial capacity to support those ongoing costs.

33830.

The conservancy may sue and be sued.

33831.

The conservancy may acquire from willing sellers or transferors interests in real property and improve, lease, or transfer interests in real property, in order to carry out the purposes of this division.

33832.

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

33833.

The conservancy shall not exercise the power of eminent domain.

33834.

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

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

(c) The conservancy may create and manage endowments.

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

33835.

Notwithstanding Section 10231.5 of the Government Code, on or before January 1, 2025, and annually thereafter, the conservancy shall prepare and submit a report to the Governor and the Legislature, pursuant to Section 9795 of the Government Code, on its [implementationsupport of the operations, maintenance, and management of projects completed under the](#) Salton Sea Management Program Phase I: 10-Year Plan ~~and~~ the Long-Range Plan, [or projects completed pursuant to the Imperial Streams Salton Sea and Tributaries Feasibility Study](#) that includes all of the following:

(a) A schedule of projects undertaken by the conservancy and a schedule of grants and loans made by the conservancy.

(b) The program or goal specified by the 10-Year Plan ~~or~~, the Long-Range Plan or the Imperial Streams Salton Sea and Tributaries Feasibility Study under which each project, grant, or loan was carried out and the manner and extent to which the goals of the project, grant, or loan, and the goals of this division, were achieved and the actual cost thereof, including an accounting.

(c) A schedule of grants awarded to the conservancy and the disposition of the funds granted.

(d) The disposition of the funds appropriated to the conservancy in the fiscal year preceding the year in which the report is made.

~~(e) A review of local, state, and federal government actions taken to implement the 10-Year Plan or the Long-Range Plan.~~

~~ff~~

~~(e) A detailed workplan for the upcoming year that identifies projects for delivery, objectives, major tasks, and expected completion dates.~~

~~(gf) An identification of additional funding, legislation, or other resources required that would more effectively enable the conservancy or local governments to carry out the purposes of this division.~~

33836.

(a) The conservancy may expend funds and award grants and loans to develop projects and programs that are designed to further the purposes of this division.

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

33837.

(a) Nothing in this chapter shall limit or alter (1) The state's obligations to the Salton Sea as identified in any state plan or contractual commitment related to the management of the Salton Sea, including the Salton Sea Management Plan, the Long-Range Plan or an applicable State Water Resources Control Board order, including Orders WRO 2002-0013 and WRO 2017-0134 and orders issued on or after January 1, 2023.(2) The State's required consultation and coordination of restoration projects with the Salton Sea Authority pursuant to Chapter 402, Statutes of 2013.

338XX (Salton Sea Authority governance balancing and State appropriations - TBD)