

Senate Bill No. 583

CHAPTER 771

An act to add Division 23.6 (commencing with Section 33810) to the Public Resources Code, relating to conservancies.

[Approved by Governor September 27, 2024. Filed with
Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 583, Padilla. Salton Sea Conservancy.

Existing law authorizes various conservancies to acquire, manage, direct the management of, and conserve lands in the state. Under existing law, the Salton Sea Authority, a joint powers authority, is authorized to form an infrastructure financing district for purposes of restoring the Salton Sea. Existing law creates the Salton Sea Lithium Fund in the State Treasury and continuously appropriates moneys in the fund to the Natural Resources Agency for restoration projects developed or required pursuant to specified plans, State Water Resources Control Board orders, including Order WR 2017-0134, and grants.

This bill would establish the Salton Sea Conservancy within the Natural Resources Agency for specified purposes related to the Salton Sea region, including to operate, maintain, and manage projects, as they are completed, that are planned or built under the authority of the Salton Sea Management Program to fulfill the state's obligations as detailed in State Water Resources Control Board Order WR 2017-0134 and to acquire, hold, and manage land and property rights, including easements and water rights, within the Salton Sea Region after restoration or mitigation projects are built. The bill would require the conservancy to carry out programs, projects, and activities to further those purposes. The bill would require, by January 1, 2026, the conservancy to be governed by a board of directors composed of designated membership, including certain members appointed by certain local agencies. The bill would set forth the powers, duties, and limitations of the board of directors and the conservancy, as provided. The bill would create the Salton Sea Conservancy Fund and would state that the Legislature intends to support the fund through authorized proceeds from the sale of bonds and allocations from the Salton Sea Lithium Fund. The bill would make its provisions operative only if the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 is approved by the voters at the November 5, 2024, statewide general election. By imposing new duties on local agencies, this bill would create a state-mandated local program.

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 the statutory provisions noted above.

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

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) "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.

(f) "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.

(g) "Salton Sea Authority" has the same meaning as subdivision (d) of Section 2941 of the Fish and Game Code.

(h) "Salton Sea Management Program" means the Natural Resources Agency, the Department of Water Resources, and the Department of Fish and Wildlife working under the direction of the Assistant Secretary for Salton Sea Policy to carry out the terms of State Water Resources Control Board Order WR 2017-0134.

(i) “Tribe” means any federally recognized Native American tribe or a nonfederally recognized Native American tribe.

CHAPTER 3. SALTON SEA CONSERVANCY

33812. (a) The Salton Sea Conservancy is hereby created as a state agency within the Natural Resources Agency for both of the following purposes:

(1) To operate, maintain, and manage projects, as they are completed, that are planned or built under the authority of the Salton Sea Management Program to fulfill the state’s obligations as detailed in State Water Resources Control Board Order WR 2017-0134.

(2) To acquire, hold, and manage land and property rights, including easements and water rights, within the Salton Sea region after restoration or mitigation projects are built.

(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 one, 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.

(c) Identifying and working to resolve any barriers or impediments to the conservancy’s progress, including capacity or organizational deficiencies.

CHAPTER 4. GOVERNING BOARD

33814. (a) By January 1, 2026, the conservancy shall be governed by a board of directors.

(1) The board shall consist of 15 voting members appointed as follows:

(A) One public member appointed by the Governor, who is not an elected official and who resides within 50 miles of 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 50 miles of 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 50 miles of the conservancy’s territory.

(D) One member who is appointed by the Riverside County Board of Supervisors and is a resident of that county, or their designee.

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

(F) One member who is appointed by the Coachella Valley Water District and resides within the district’s boundaries, or their designee.

(G) One member who is appointed by the Imperial Irrigation District and resides within the district's boundaries, or their designee.

(H) One member who is appointed by the Torres Martinez Desert Cahuilla Indians, or their designee.

(I) One representative of a nongovernmental organization focused on environmental justice work in the region appointed by the Secretary of the Natural Resources Agency.

(J) One representative of a nongovernmental organization focused on fish and wildlife habitat work in the region appointed by the Secretary of the Natural Resources Agency.

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

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

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

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

(O) The Director of the Department of Parks and Recreation, or the director's designee.

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

(A) The Secretary for Environmental Protection, or the secretary's designee.

(B) The Chairperson of the State Water Resources Control Board, or the chairperson's designee.

(C) The Chairperson of the State Air Resources Board, or the chairperson's designee.

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

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

(F) One representative of the federal Bureau of Reclamation, designated by the United States Secretary of the Interior.

(G) One representative of the United States Army Corps of Engineers, designated by the United States Department of Defense.

(b) The local agencies specified in subparagraphs (D) to (G), inclusive, of paragraph (1) of subdivision (a) shall ensure that one of the appointed members of those agencies is the president of the Salton Sea Authority, so that the president of the Salton Sea Authority is always represented on the board.

(c) The public members appointed by the Governor, the Senate Committee on Rules, and the Speaker of the Assembly, and the representatives of nongovernmental organizations appointed by the Secretary of the Natural Resources Agency, shall each serve a four-year term.

(d) The locally appointed members specified in subparagraphs (D) to (G), inclusive, of paragraph (1) of subdivision (a) shall serve at the pleasure of the appointing board of supervisors or water or irrigation district.

(e) The tribal representative shall serve at the pleasure of the Torres Martinez Desert Cahuilla Indians.

(f) Each voting member specified in subparagraphs (A) to (O), inclusive, of paragraph (1) of subdivision (a) shall have demonstrated interest and expertise in at least one of the conservancy's purposes described in subdivision (a) of Section 33812. This demonstrated interest and expertise shall include, but is not limited to, any of the following:

(1) Experience with any of the following:

(A) A land conservation nonprofit organization.

(B) A public agency focused on land conservation.

(C) Public land management.

(2) Experience as a professional with expertise in one or more functions of the board, including operations and maintenance.

(3) Experience with activities that benefit disadvantaged communities identified pursuant to Section 39711 of the Health and Safety Code.

33815. The Secretary of the Natural Resources Agency, or the secretary's designee, shall serve as the chairperson of the board. The board's voting members shall annually elect from among themselves a vice chairperson of the board. If the vice chairperson's position becomes vacant, a new vice chairperson shall be elected by the board's voting members to serve for the remainder of the term.

33816. Eight 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 eight 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 may 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. The conservancy may also enter into access agreements, such as easements, to further the conservancy's purposes described in subdivision (a) of Section 33812.

33820. (a) Before January 1, 2027, the Secretary of the Natural Resources Agency shall appoint an executive officer of the conservancy. The executive officer shall be exempt from civil service.

(b) On or after January 1, 2027, 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.

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. The Legislature intends to support the fund through authorized proceeds from the sale of bonds and allocations from the Salton Sea Lithium Fund pursuant to Section 2951 of the Fish and Game Code.

33826. The conservancy may engage in partnerships with tribes, 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 with 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 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.

(f) The conservancy may award grant funds to state agencies, local public agencies, tribes, and nonprofit organizations to further the purposes of this division.

(g) The conservancy may provide advance payment of up to one-half of the total grant award for a project that satisfies both of the following criteria:

(1) The project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community.

(2) The total grant award for the project is less than one million dollars (\$1,000,000).

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. (a) The conservancy may acquire from willing sellers or transferors, including state agencies, interests in real property, including access and water rights, and improve, lease, or transfer interests in real property, in order to carry out the purposes of this division.

(b) The conservancy may, before the completion of restoration or mitigation projects, enter into easements for property rights to be assigned to the conservancy after completion by the Salton Sea Management Program.

(c) The acquisition of an interest in real property under this section is not subject to the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code). However, the conservancy may request the State Public Works Board to review and approve specific acquisitions. The conservancy may also request assistance in acquiring real property from the Department of Water Resources.

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, or transferred to, 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, 2027, 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 implementation of Sections 33812 and 33813, including, but not limited to, 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) A schedule of grants awarded to the conservancy and the disposition of the funds granted.

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

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. Nothing in this chapter shall limit or alter any party’s, including the state’s, responsibility under existing law or any party’s authority to carry out any responsibility under existing law.

CHAPTER 6. CONTINGENT OPERATION

33838. This division shall become operative only if the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 (Chapter 83 of the Statutes of 2024) is approved by the voters at the November 5, 2024, statewide general election.

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