

**Meeting of the Central Valley Flood Protection Board
April 22, 2016**

AB 1716 – Lower American River Conservancy

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Summary

On January 27, 2016, Assemblymen Kevin McCarty, D – Sacramento, and Ken Cooley, D – Rancho Cordova, introduced Assembly Bill 1716 (AB 1716). If passed, the legislation would establish a Lower American River Conservancy (LARC) in the Natural Resources Agency (Agency). The LARC would be governed by a 15 – member board, with the goal of enhancing and protecting the natural habitat and water conveyance of the American River. A copy of AB 1716 is attached hereto as Attachment A.

Background

The American River Parkway (Parkway) is an urban forest, which extends approximately 29 miles from Folsom Dam at the northeast to the American River's confluence with the Sacramento River at the southwest. There are several distinct areas of the Parkway, each having individual features which contribute to their separate identities. The lower American River is classified as a "recreation" river within the State and Federal Wild and Scenic River Systems. The river is the central focus of the Parkway which provides enjoyment to residents and visitors of the Sacramento region. The Parkway is often referred to as "the jewel" of the Sacramento region.

The County of Sacramento (County) has the principal responsibility for administration and management of the Parkway as guided by the American River Parkway Plan (Plan). The Plan is defined to include the American River and adjacent floodplain, from the confluence with the Sacramento River to Folsom Dam. The LARC would not cover the Parkway from the Nimbus Fish Hatchery to the Folsom Dam, however, as this stretch of the Parkway is already managed by the state. The County currently has day-to-day management responsibility for the portion of the Parkway from the Sacramento River confluence to Hazel Avenue, exclusive of the fish hatchery facilities.

AB 1716 would establish in the Agency, the LARC to receive and expend proceeds from bond or other appropriations for the benefit of the Parkway. Over the past two decades, approximately \$760 million in state funds have been made available for river improvements. An estimated \$660 million of those amounts have gone to rivers with conservancies. During that same period, the lower American River has only received about \$3 million. Thus, the legislation can be seen primarily as a vehicle to obtain additional funding to implement improvements to the Parkway as contemplated by the Plan. The Plan was most recently updated in 2008.

Key Elements to the Bill

The governing board would consist of fifteen voting members from the following:

- (1) Three members of the Board of Supervisors of the County, selected by a majority vote of the 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, selected by a majority vote of the City Council.
- (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.
- (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.

The LARC's mandate would include the following responsibilities:

- (a) Coordinate its activities with the County, each city that includes a portion of the Parkway, appropriate local and regional flood control districts, and relevant state agencies.
- (b) Administer any funds appropriated to the conservancy or any revenues generated by the conservancy.
- (c) Provide grants to the County for the development, update, adoption, and implementation of a Natural Resource Management Plan for the Parkway, and to other local agencies and nonprofit organizations whose projects are approved by the parkway manager for implementation of that plan.

The LARC would also have the following discretionary authority consistent with the Plan:

- (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, restoration, enhancement, and maintenance of fish and wildlife habitat and other natural resources, including resources impacted by wildfire, within and adjacent to, the Parkway.
 - (2) The improvement and expansion of public access facilities including trails.
 - (3) The enhancement of interpretive and educational facilities related to the Parkway and its natural, cultural, and historic resources.
- (b) Improve and enhance lands within, and adjacent to, the Parkway.
- (c) Design, implement, and provide grants to local agencies and nonprofit organizations for multi-benefit 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 benefits, on lands within the Parkway or lands adjacent to the Parkway and within the boundaries of the County.
- (d) Solicit grants, donations of in-kind services, and other contributions from federal, state, and private sources for the purposes of this division.
- (e) Establish necessary advisory boards or committees related to the purposes of this division.

The LARC would not have the authority to 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 LARC.
- (c) Levy any tax or special assessment.
- (d) Provide grants or take other actions that are inconsistent with the Plan 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 to be inconsistent with that plan or that act.

(e) Own or acquire land.

Finally, no provision in AB1716 would supersede or diminish the existing authority of the County or any other entity responsible for the management, operation, maintenance, or protection of lands and resources within the Parkway.

Current Status

AB 1716 was referred to the Committee on Natural Resources on February 18, 2016. The first hearing was set for March 28, 2016 but was canceled and has been reset for April 18, 2016. Board Counsel will continue to track this legislation and update the Board on any development(s) as appropriate.