

Assembly Bill No. 1902

Passed the Assembly August 22, 2022

Chief Clerk of the Assembly

Passed the Senate August 18, 2022

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2022, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 9001, 9084, 9151, 9152, 9153, 9411, 9412, 9413, 9414, 9415, 9456, and 9481 of, to add Sections 617 and 9413.5 to, and to repeal and add Section 614 of, the Public Resources Code, relating to resource conservation.

LEGISLATIVE COUNSEL’S DIGEST

AB 1902, Aguiar-Curry. Resource conservation: resource conservation districts.

(1) Existing law establishes the Department of Conservation and requires it to provide soil conservation advisory services to local governments, land owners, farmers and ranchers, resource conservation districts, and the general public, as provided.

This bill would delete this provision.

The bill would authorize the department to have certain powers and duties pertaining to resource conservation activities and programs, including serving as a state-level liaison with resource conservation districts. Upon appropriation by the Legislature, as provided, the bill would authorize the department to provide grants and other forms of local assistance to resource conservation districts.

(2) Existing law authorizes a resource conservation district to be formed, as provided, for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities. Existing law authorizes a resource conservation district, among other things, to, with the consent of the owner, construct on privately or publicly owned lands any necessary works for the prevention and control of soil erosion and erosion stabilization. Existing law authorizes directors of the resource conservation districts to accept, administer, and manage soil conversion, water conversion, water distribution, erosion control, or erosion prevention projects, as provided.

This bill would authorize a resource conservation district to be formed to provide resource conservation services for the protection, conservation, restoration, or enhancement of natural resources, as provided. The bill would also authorize a resource conservation district to, with the consent of the owner, construct on privately

or publicly owned lands any necessary works for the protection, conservation, restoration, or enhancement of natural resources, the improvement or enhancement of adaptation or resilience to climate change, or the mitigation or sequestration of carbon emissions, and to develop and implement projects and programs for the conservation, enhancement, restoration, adaptation, and resilience of soil, water, and biodiversity and related natural resource conservation. The bill would authorize directors of the resource conservation districts to accept, administer, and manage specified projects and programs consistent with these purposes, among other things. The bill would authorize a resource conservation district to enter into an interagency agreement with a state agency, as provided.

(3) Existing law authorizes the department to provide grants to resource conservation districts for the purpose of assisting the districts in carrying out any work that they are authorized to undertake. Existing law requires a resource conservation district, in order to qualify for a grant, to provide at least a 25% local match of funding, as provided. Existing law requires the department to give preference in the awarding of grants to those districts that provide a greater percentage of local match funding, as provided.

This bill would delete the requirement that the department give the above described preference in the awarding of grants. The bill would instead authorize the department to waive the local match of funding requirement, described above, if the district meets one of a list of specified conditions, as provided.

(4) Existing law requires the lands included in resource conservation districts to be those generally of value for agricultural purposes, but authorizes other lands to be included if necessary, as provided. Existing law provides that the lands included in any one resource conservation district need not be contiguous, but requires the land to be susceptible of the same general plan or system, as provided.

This bill would instead require the lands to be included in a resource conservation district to be those that further existing law relating to resource conservation districts, including the purposes described above. The bill would delete the requirement that the lands be susceptible of the same general plan or system, as provided.

(5) Existing law authorizes resource conservation districts to develop districtwide comprehensive annual and long-range work plans to address the full range of soil and related resource problems. Existing law prescribes various requirements for the contents of the plans and reports and when specified plans and reports are required to be adopted or completed, as provided.

This bill would instead authorize each resource conservation district to develop a long-range work plan, annual work plan, and annual district report to address specified projects and programs. The bill would require resource conservation districts that prepare long-range work plans and annual work plans to provide, for informational purposes only, long-range work plans, and updates to these plans, and annual work plans to the boards of supervisors of every county with land in the district's jurisdiction and to certain boards and councils of other public agencies, as provided. The bill would update the dates when specified plans and reports are required to be adopted or completed, as provided, among other things.

(6) Existing law provides that the sale or conveyance of any property held by a resource conservation district, when the property is sold for valuable consideration, shall convey good title to the property. Existing law requires the proceeds of a sale of that property to be paid into the county treasury of the principal county for the use of the district.

This bill would require, if the resource conservation district operates in a specified manner, the proceeds of a sale of that property to be paid to the district treasury.

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

SECTION 1. Section 614 of the Public Resources Code is repealed.

SEC. 2. Section 614 is added to the Public Resources Code, to read:

614. The department may do any of the following:

(a) Advise a city, county, city and county, special district, including a resource conservation district, state agency, federal agency, tribal agency, and the general public on issues of conservation importance, including, but not limited to, planning activities and documents.

(b) Review and provide comments to documents prepared in accordance with the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(c) Administer local assistance programs, including grants and contracts.

(d) Serve as a state-level liaison with resource conservation districts.

(e) Provide assistance to resource conservation districts, including, but not limited to, equipment, technology, training, education, technical assistance, financial assistance, assistance to support or improve the district's organization or capacity, and any other goods or services.

(f) Cooperate with and promote coordination of the activities of any federal, state, local, or tribal agency, including cities, counties, special districts, including resource conservation districts, and California Native American tribes on issues of conservation importance.

SEC. 3. Section 617 is added to the Public Resources Code, to read:

617. Upon an appropriation by the Legislature, or as other funds become available and are appropriated for these purposes, the department may provide grants and other forms of local assistance to resource conservation districts.

SEC. 4. Section 9001 of the Public Resources Code is amended to read:

9001. (a) The Legislature hereby declares all of the following:

(1) Resource conservation, enhancement, restoration, adaptation, and resilience are of fundamental importance to the prosperity and welfare of the people of this state. The Legislature believes that the state must assume leadership in formulating and putting into effect a statewide program of soil, water, and biodiversity conservation, enhancement, restoration, adaptation, and resilience and related natural resource conservation.

(2) The climate crisis is happening now, impacting California in unprecedented ways, including intensifying wildfires, mudslides, floods, and drought, sea level rise, and extreme heat, that threaten our economy, communities, public safety, and cultural and natural resources.

(3) Resource conservation districts are important partners to the state in achieving the state's ever-evolving goals to protect,

conserve, restore, and enhance natural resources and to mitigate and adapt to the impacts of climate change.

(4) This division is enacted to accomplish the following purposes:

(A) To provide the means by which the state may cooperate with the United States and with resource conservation districts organized pursuant to this division in securing the adoption in this state of conservation, enhancement, restoration, adaptation, and resilience practices, including, but not limited to, farm, range, open space, urban development, wildlife, recreation, watershed, water quality, and woodland, best adapted to save the basic resources, soil, water, and air of the state from unreasonable and economically preventable waste and destruction.

(B) To provide for the organization and operation of resource conservation districts for the purposes of the protection, conservation, restoration, or enhancement of natural resources, the improvement or enhancement of adaptation or resilience to climate change, the mitigation or sequestration of carbon emissions on natural lands and working lands, soil and water conservation, the control of runoff, the prevention and control of soil erosion, and erosion stabilization, including, but not limited to, these purposes in open areas, agricultural areas, urban development, wildlife areas, recreational developments, watershed management, the protection of water quality and water reclamation, the development of storage and distribution of water, and the treatment of each acre of land according to its needs.

(b) The districts, in addition to any other authority provided by law, may do all of the following:

(1) Ensure consistency with the authorities and policies of the United States, this state, counties, cities, public districts, other resource conservation districts, persons, associations, and corporations.

(2) With the consent of the owner, construct on privately or publicly owned lands any necessary works for the protection, conservation, restoration, or enhancement of natural resources, the improvement or enhancement of adaptation or resilience to climate change, the mitigation or sequestration of carbon emissions, or the prevention and control of soil erosion and erosion stabilization.

(3) Facilitate coordinated resource management efforts for watershed restoration and enhancement.

(4) Develop and implement projects and programs for the conservation, enhancement, restoration, adaptation, and resilience of soil, water, and biodiversity and related natural resource conservation.

(c) The districts shall not conserve water for power purposes or produce or distribute power for their own use or for the use of others.

SEC. 5. Section 9084 of the Public Resources Code is amended to read:

9084. (a) Subject to the availability of funds and any limitations imposed by this division, the department may provide grants to resource conservation districts for the purpose of assisting the districts in carrying out any work that they are authorized to undertake, including, but not limited to, grants for watershed projects.

(b) (1) To qualify for a grant under subdivision (a), a resource conservation district shall do all of the following:

(A) Prepare an annual and a long-range work plan pursuant to Section 9413. The long-range work plan shall reflect input from local agencies and organizations regarding land use and resource conservation goals.

(B) Convene regular meetings in accordance with the open meeting requirements of Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code and the requirements of this division.

(C) Secure sources of local support funding, which may include funding from in-kind contributions and services.

(2) A resource conservation district seeking a grant pursuant to this section shall submit to the department a grant proposal that includes, but is not limited to, all of the following information:

(A) A description of the work for which the grant is sought.

(B) An explanation of the public or private need for the work, including, but not limited to, any relevant information demonstrating the urgency of the project.

(C) An itemized summary of the projected cost of the work.

(D) An estimate of the amount of the projected costs of the work that will be covered by local support funding, including funding from in-kind contributions or services.

(3) (A) Except as provided in subparagraph (B), to qualify for a grant awarded pursuant to this section, a resource conservation

district shall be required to provide at least a 25 percent local match of funding, of which 40 percent of that amount shall be provided in cash.

(B) The department may waive the local match of funding described in subparagraph (A) if the resource conservation district meets either of the following conditions:

(i) The resource conservation district serves either an under-resourced community, as defined in subdivision (g) of Section 71130 or a vulnerable community, as that term was adopted by the Integrated Climate Adaptation and Resiliency Program Technical Advisory Council at the council's April 2, 2018, meeting and recorded in "Defining Vulnerable Communities in the Context of Climate Adaptation" by the Governor's Office of Planning and Research in July 2018.

(ii) The resource conservation district receives no more than one hundred and fifty thousand dollars (\$150,000) annually from taxes or assessments levied by the district or by a city, county, or city and county, which collects taxes or assessments on behalf of the district.

(4) A resource conservation district that receives a grant awarded under this section shall provide the department with an informal accounting summary that describes how the grant money was spent in accordance with the purposes and conditions of the grant.

SEC. 6. Section 9151 of the Public Resources Code is amended to read:

9151. A resource conservation district may be formed pursuant to this division to provide resource conservation services for the protection, conservation, restoration, or enhancement of natural resources. Resource conservation services may include the development and implementation of programs, projects, practices, and activities on public and private lands for all, but not limited to, the following purposes:

(a) The control of runoff, the prevention or control of soil erosion, the development and distribution of water, the implementation of erosion stabilization projects, and the improvement of land capabilities.

(b) Protecting people, communities, ecosystems, and public and private resources from devastating wildfire, flood, drought, and other human-made and natural disasters.

(c) Protecting, conserving, restoring, promoting, and improving the health, resilience, and adaptability to climate change of natural, working, and urban lands.

(d) Protecting and improving water quality, conserving water resources, and developing and distributing water.

(e) Planning, preparing for, and addressing sea level rise, storm surge, and other threats to the conservation and preservation of natural resources in coastal areas.

(f) Protecting, conserving, and restoring California's biodiversity and soil biology, including, but not limited to, plants and wildlife.

(g) Controlling and eradicating invasive species, disease, and pests on natural, working, and urban lands.

(h) Restoring, enhancing, and providing stewardship of forest resources.

(i) Restoring and enhancing of agricultural lands to sustain California's agricultural economy.

(j) Providing technical assistance to landowners and land managers in pursuit of all of the above.

SEC. 7. Section 9152 of the Public Resources Code is amended to read:

9152. The lands included in a district shall be those that further the purpose of this chapter, including, but not limited to, those purposes specified in Sections 9001 and 9151.

SEC. 8. Section 9153 of the Public Resources Code is amended to read:

9153. The lands included in any one district need not be contiguous. No lands may be included in more than one district.

SEC. 9. Section 9411 of the Public Resources Code is amended to read:

9411. The directors may disseminate information relating to soil and water conservation and erosion stabilization, and those purposes identified in Sections 9001 and 9151, and may conduct demonstrational projects within, or adjacent to, the district on public land, with the consent of the agency administering or having jurisdiction thereof, or on private lands, with the consent of the owners thereof, independently or in cooperation with the United States, this state or any political subdivision or public district thereof, or any person.

SEC. 10. Section 9412 of the Public Resources Code is amended to read:

9412. Each district may provide technical assistance to private landowners or land occupants within the district to support practices that minimize soil and related resource degradation and support increased resiliency and adaptation to climate change. When in the judgment of the directors it is for the benefit of the district so to do, the directors may give assistance to a private landowner or land occupant within the district in seeds, plants, materials, and labor, and may loan or rent to that private landowner or that land occupant agricultural machinery or other equipment. Assistance shall not be given or loans shall not be made unless the landowner or land occupant receiving the aid or assistance agrees to devote and use the aid or assistance on their lands within the district in furtherance of objectives of the district and in accordance with district plans or regulations. Notwithstanding the fact that the landowner or land occupant is also a director, any landowner is qualified to and may receive assistance or loans under this section.

SEC. 11. Section 9413 of the Public Resources Code is amended to read:

9413. (a) Each district may develop a long-range work plan, annual work plan, and annual district report, as provided in this section. These plans and the annual district report shall address the full range of projects and programs pursuant to Section 9151 that are found to occur in the district.

(b) If a district develops a long-range work plan pursuant to subdivision (a), the long-range work plan shall be adopted and updated every five years. Districts may amend the long-range plan before the five-year update in order to address substantive changes occurring since the adoption of the most recent long-range work plan. A district that prepares long-range work plans shall provide, either in digital or hard-copy format, for informational purposes only, long-range work plans and updates to these plans to the boards of supervisors and to the boards and councils of other public agencies with jurisdiction over resource conservation and management of every county with land in the district's jurisdiction. The long-range plans shall serve the following functions:

- (1) Identification of resource issues within the district for purposes of local, state, and federal resource conservation planning.
- (2) Establishment of long-range district goals.
- (3) Provision of a framework for directors to identify priorities for annual district activities.

(4) Provision of information to federal, state, and local governments and the public concerning district programs and goals.

(5) Setting forth a basis for evaluating annual work plan achievements and allocating available funding to the district.

(6) Involvement of other agencies and organizations in the district planning process in order to help ensure support in implementing district plans.

(c) If a district develops an annual work plan pursuant to subdivision (a), the annual work plan shall be adopted on or before September 30 of each year in a format that shall be consistent with the district's long-range work plan. A district that prepares annual work plans shall provide on an annual basis, either in digital or hard-copy format, for informational purposes only, annual work plans to the boards of supervisors and to the boards and councils of other public agencies with jurisdiction over resource conservation and management of every county with land in the district's jurisdiction. The annual work plans shall serve the following functions:

(1) Identification of high priority actions to be undertaken by the district during the year covered by the plan.

(2) Identification of the person or persons responsible for undertaking each planned task, how it will be performed, when it will be completed, what constitutes completion, and the cost.

(3) Demonstration of the relationship of annual tasks to the long-range district goals identified in the long-range work plan.

(4) Provision of assistance to the local field office of the Natural Resources Conservation Service of the United States Department of Agriculture, and coordination of activities with the California Conservation Corps, and to the University of California Cooperative Extension, if applicable, in adjusting staff and program priorities to match district goals.

(5) Informing the public of the district's goals for the year and the anticipated schedule of board of directors' public meetings.

(6) Involvement of other agencies and organizations in the district planning process in order to help ensure support in implementing district plans.

(7) Provision of a basis for assisting the state in determining district eligibility for state funding under this division.

(d) If a district develops an annual district report pursuant to subdivision (a), the annual district report shall be completed on or

before September 30 of each year in a format consistent with the long-range and annual plans, so that progress made during the reporting period towards district goals can be readily determined. The annual report shall serve the following functions:

(1) To report on the district's achievements during the reporting period to the department, the board of supervisors and to the boards and councils of other public agencies with jurisdiction over resource conservation and management of land within the district's jurisdiction of any county in which the district is located, and any agency that provides financial assistance.

(2) To increase public awareness of district activities.

(3) To compare district accomplishments during the reporting period with annual work plan objectives for that period and to identify potential objectives for the next annual work plan.

SEC. 12. Section 9413.5 is added to the Public Resources Code, to read:

9413.5. Each district may enter into an interagency agreement with a state agency, for purposes of this chapter, consistent with the requirements of Chapter 3 (commencing with Section 11250) of Part 1 of Division 3 of Title 2 of the Government Code and the Department of General Services' State Contracting Manual.

SEC. 13. Section 9414 of the Public Resources Code is amended to read:

9414. The directors may accept, by purchase, lease, or gift, and administer any project or program consistent with Sections 9001 and 9151 located within the district undertaken by the United States or any of its agencies, or by this state or any of its agencies.

SEC. 14. Section 9415 of the Public Resources Code is amended to read:

9415. The directors may manage, as agents of the United States or any of its agencies, or of this state or any of its agencies, any project or program consistent with Sections 9001 and 9151, within or adjacent to the district; and may act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, or administration of any project or program consistent with Sections 9001 and 9151 within or adjacent to the district.

SEC. 15. Section 9456 of the Public Resources Code is amended to read:

9456. The proceeds of a sale described in Section 9455 shall be paid into the county treasury of the principal county for the use of the district, or to the district treasury, if the district operates pursuant to subdivision (b) of Section 9521.

SEC. 16. Section 9481 of the Public Resources Code is amended to read:

9481. The inclusion of additional lands in a district shall be made in accordance with the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code, except that unless otherwise provided in this chapter, the lands included in any district need not be contiguous.

Approved _____, 2022

Governor