

# Memorandum regarding State Conservancies

Prepared by The Dangermond Group  
For the Grassroots Working Group  
November 18, 2010

## Introduction

The Dangermond Group was asked by the Grassroots Working Group to outline the benefits and process for forming a state conservancy and to evaluate whether a state conservancy would make sense as an agency type to take over ownership, management, and operations of the Sacramento County Regional Parks and Open Space lands and facilities. This document presents a brief discussion and background information of state conservancies, discusses approach for formation, and provides our recommendation on whether this approach would work for Sacramento County.

Please note that this document does not contain any legal recommendations and if the Working Group would like to pursue this option, they should consult with legal counsel.

## Background

Currently, there are ten conservancies within the State, established by legislation to help protect regional resources of statewide significance. All are independent agencies within the Resources Agency, and are separately governed by Boards as defined by their authorizing statutes. The conservancies are as follows:

- Baldwin Hills Conservancy
- California Tahoe Conservancy
- Coachella Valley Mountains Conservancy
- Sacramento-San Joaquin Delta Conservancy
- San Diego River Conservancy
- San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy
- San Joaquin River Conservancy
- Santa Monica Mountains Conservancy
- Sierra Nevada Conservancy
- State Coastal Conservancy

The powers of each conservancy differ, and each one is only authorized to undertake duties as expressly granted to it by the State Legislature. Generally, they are authorized to work with local agencies to complete overall conservation and public access plans and help coordinate implementation for the jurisdictional areas the conservancies cover. The conservancies have power to enter into contracts and to hire staff. All conservancies have authorization to acquire and manage lands (although the Sierra Nevada Conservancy may not acquire a fee interest in real property by purchase (PRC 33347 (a)) and to make grants to other agencies or non-profit organizations. Most of the conservancies have goals that include public access and recreation. Generally, the conservancies do not have land use authority and can not supersede any local jurisdictional authority. The Coachella Valley Mountains Conservancy has express authorization to levy taxes within its jurisdiction, with approval, while all the other conservancies only have power to collect fees for the use of land or services provided.

## State Funding

Each of the conservancies is subject to the State of California budget cycle and its budget is ultimately authorized by the State Legislature. Each conservancy has a different budget, with appropriations from different sources. The table below lists the conservancy and the adopted budget for FY '08-'09, '09-'10, and '10-'11. Note that the State Legislature passed the '10-'11 budget approximately 100 days late.

### State Conservancy Budgets (in thousands)

Conservancy	FY 2008-09	FY 2009-10	FY 2010-11
Baldwin Hills	\$502	\$526	\$577
California Tahoe	\$10,794	\$18,794	\$12,387
Coachella Valley Mountains	\$348	\$483	\$5,972
Delta	-	-	\$1,329
San Diego	\$329	\$316	\$1,322
Rivers and Mountains	\$1,094	\$1,073	\$1,174
San Joaquin River	\$397	\$622	\$1,646
Santa Monica Mountains	\$739	\$1,211	\$5,599
Sierra Nevada	\$3,953	\$37,093	\$4,977
State Coastal	\$11,882	\$10,601	\$67,054

Although the conservancy 2010-11 budgets range from a low of \$577,000 to a high of \$67.1 million, most of the monies appropriated are from sources other than the State General Fund. In fact, PRC Section 33216 specifically states that no money be appropriated from the General Fund for the support of the Santa Monica Mountains Conservancy. The majority of funding for the conservancies comes from special funds, including the Environmental License Plate Fund, and several of the existing resources Bond funds, as well as federal funds and reimbursements. Only the Tahoe Conservancy (at \$200,000) and the Delta Conservancy (\$829,000) have any General Fund monies in their budgets for 2010-11.

## Formation

As stated above, each of the state conservancies was formed by legislative statute. Generally, the legislature found and declared that the territory or area of each of the conservancies was special or unique and worthy of statewide status or was an area of multiple jurisdictions that needed overall coordination to assist with resource conservation and public access.

In order to pass legislation, local officials or stakeholders would need to work with at least one member of the local state legislator delegation to help draft legislation that the member could introduce and support. Typically, the stakeholders would then work with the member to garner support throughout the legislature for passage. The process would have to abide by legislative timelines and would need to be introduced in the next legislative session (beginning in January or February of 2011) for passage with the timelines established by the County.

## Recommendations

Although state conservancies have missions relating to regional open space protection and providing recreational access to lands, The Dangermond Group does not recommend that the Working Group pursue a state conservancy option for securing

adequate, stable, long-term funding and support of the Sacramento County Regional Parks and Open Space lands and facilities.

- In order to form a new state conservancy, if precedent is any guide, the legislature would need to find that the existing Sacramento County system is a resource of statewide significance. People may potentially agree on the statewide significance of the American River Parkway<sup>1</sup>, but our scope was to evaluate a method to manage the entire system. While some may argue the significance of the entire system, others may not.
- Our charge was also to evaluate a method which would secure adequate, long-term funding. The State budget process currently is very unstable. As outlined above, only two of the ten conservancies received any general fund money and the amount of support is small compared to the needs of the Sacramento County system. The remainder of funding for the conservancies comes from bond funds or other special funds. Only one conservancy has the authority to levy taxes, and it requires a 2/3rds positive vote. At \$9-11 million dollars, the Regional Parks and Open Space District budget currently exceeds all but two of the conservancies.
- Finally, creation of a state conservancy would affect local control. Although each of the conservancies is an agency within the Resources Agency, they are all governed by independent Boards. The make-up of the Boards is legislated by their governing statutes, though typically includes a mixture of both state and local representatives.

---

<sup>1</sup> Indeed, the California Legislature designated the Lower American River from Nimbus Dam to the Sacramento River as a part of the California Wild and Scenic Rivers System, possessing extraordinary scenic, recreational, fishery, and wildlife values (Section 5093.54, subdivision (e)).