

ASSEMBLY WATER, PARKS AND WILDLIFE COMMITTEE

2005-06 END OF SESSION SUMMARY

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KEY ISSUES BEFORE THE ASSEMBLY WATER, PARKS & WILDLIFE COMMITTEE 2005-2006 Legislative Session

WATER AND FLOOD ISSUES

FLOOD PROTECTION

Flood management emerged as the largest water issue facing the Legislature in this session, after the Department of Water Resources (DWR) issued a January 2005 "white paper," which outlined problems with deteriorating Central Valley levees and flood management funding difficulties. The Administration then introduced a bill to create a Central Valley assessment district to provide greater flood funding – **AB 1665 (Laird)**. Just before the 2005 policy committee deadline, the Committee considered and passed a stripped-down AB 1665 and a bill to require local governments to include flood management planning in their general plans – **AB 802 (Wolk)**. Those bills did not pass in 2005, but were resurrected in 2006.

Hurricane Katrina, which occurred in the last week of the 2005 session, brought renewed public attention and calls for action on flood management in California. The Committee held three informational hearings on flood issues in 2005. The first hearing, in August, concentrated attention on the Cache Creek basin, where controversy has erupted on how to protect the City of Woodland. After hearing from federal, state and local officials and the Committee chair, local agencies decided to proceed with flood protection analysis as part of their integrated regional water management planning process.

The second hearing, held in conjunction with the Committees on Judiciary and Insurance, examined the State's liability for Central Valley levee failures, which arose in the 2003 *Paterno* decision from the Third District Court of Appeal. *Paterno v. State*, 113 Cal.App.4th 998 (3rd Dist. 2003), *rev. denied* March 17, 2004. In 2005, the Legislature agreed to pay \$464 million to settle the *Paterno* litigation and another \$45 million to settle levee failure claims from the 1997 flood at Arboga. At this second hearing, the Committees considered several issues:

1. the current flood management system conditions that may lead to further liability;
2. the basis for State liability;
3. the role of federal flood insurance in potentially reducing the State's liability; and
4. the effect of increasing floodplain development, including "the disconnect" between floodplain land-use decisions by local governments and flood management decisions by the State.

The third informational flood hearing, which was held in conjunction with the Select Committee on Growth and Infrastructure, addressed the physical conditions of the State's Central Valley flood management infrastructure. The Department of Water Resources presented substantial information as to the current state of the infrastructure and provided rough estimates of the costs to repair and/or improve such infrastructure.

Other witnesses presented additional information and perspective on both the conditions and ways to address these conditions. The second panel, including representatives from the Legislative Analyst's Office, addressed how best to finance the necessary actions to repair and/or improve the State's flood infrastructure system.

These interim hearings on flood management/protection led to a comprehensive package of bills related to five issue areas in flood protection – financing, floodplain land-use, flood planning/mapping and emergency response. The package of bills from Assembly Democrats addressed the following issues:

- *Flood Infrastructure Funding* to finance comprehensive levee assessment, flood mapping and levee repair, cost-sharing with the Federal Government (AB 140/Flood Bond and AB 142/Appropriation, Nuñez).
- *Proposition 218 Adjustments* to allow local governments to impose assessments to build or repair flood protection infrastructure. (ACA 13/30)
- *Beneficiary-pays flood fee assessment* to study how to structure a broad fee assessment to fund Delta levee repair and maintenance. (AB 2208, Jones)
- *Delta Levee Subventions Extension* to extend State funding for 75% of Delta levee maintenance or improvement projects. (AB 798, Wolk)
- *Local Land-Use Decisions* for new developments to require sufficient information for a certification that the area will enjoy 200-year flood protection before approval. (AB 1899, Wolk)
- *Local Flood Planning* to require local governments to incorporate flood planning into general plans in order to minimize and prepare for floods in flood-prone areas. (AB 802, Wolk)
- *Comprehensive Assessment of Central Valley levees* to allow the State to determine where Californians are most at risk. (AB 1665, Laird)
- *Comprehensive Mapping of floodplains* to provide the information the State needs to inform its citizens of where they suffer the greatest risk, requiring preparation for the eventual flood. (AB 1665, Laird)
- *Flood Insurance* to mandate flood insurance for homeowners living in floodplains with less than 200-year flood protection. (AB 1898, Jones)
- *Comprehensive Flood Liability Reform* to spread liability for flood protection, so the State and local governments can share liability. (AB 3050/1528, Jones)
- *Emergency Response Plans* to be required for local agencies to receive State flood funding. (AB 2500, Laird)
- *Developer Notice of Flood Risk* addressed the responsibilities of developers of new homes in floodplains. (AB 3022, Umberg)

After Governor Schwarzenegger replaced the entire Reclamation Board in Fall 2005, Senator Dean Florez (D-Shafter) authored a bill to reform the Reclamation Board and require a State Plan of Flood Control for the Central Valley (SB 1796), but the bill was vetoed. Assembly Republicans also proposed several bills to address Central Valley flood issues, including the following:

- *Flood Facility Maintenance & Wildlife*. Develop a Natural Community Conservation Plan for Central Valley flood facility maintenance activities to

address threatened/endangered species concerns. (AB 1877, Nakanishi) (Held in Assembly Appropriations Committee)

- *Unlawful Entry on Levees.* Makes it an infraction to unlawfully enter a levee, on which signs forbidding trespass are displayed, or to damage or otherwise impair the functions of a levee with the exception of emergency service workers. (AB 2000, La Malfa) (Held in Senate Natural Resources Committee)
- *CEQA Exemption.* Establish protection of public health and safety as the highest consideration for the Reclamation Board in setting standards for maintenance and operation of flood protection facilities. Exempt routine levee maintenance from the California Environmental Quality Act (CEQA). (AB 2026/Aghazarian) (Held in Assembly Natural Resources Committee)
- *Allowance of Net Loss of Habitat.* Reverse state policy to allow net loss of habitat caused by Delta flood protection projects. (AB 2027, La Malfa) (Held in Assembly Water, Parks & Wildlife Committee)
- *No State Funding for Transfer of Flood Control Projects.* Prohibits transfer of flood control facility to nonpublic entity as part of any State-funded flood control or environmental restoration project. (AB 2162/Maze) (Held in Assembly Water, Parks & Wildlife Committee)
- *Reclamation Board Mitigation Plan Limitations.* Bars Reclamation Board from requiring any mitigation plan to acquire or designate preservation of lands in excess of the acreage adversely affected by a flood project. (AB 3025, La Malfa) (Held in Assembly Water, Parks & Wildlife Committee)

With all these bills under consideration, the Legislature spent substantial resources in 2006 on developing legislation, including a flood protection bond measure and appropriation, as discussed below. During the last weeks of session, the Assembly passed SB 1796, the Reclamation Board reform bill, and the Senate sent all of the Assembly Democrat flood bills to the Senate Rules Committee. Senate Rules combined provisions of several of the flood bills into AB 1665, which passed the Senate and was sent to the Assembly Water, Parks & Wildlife Committee for consideration on the last night of session. AB 1665 was presented by Assembly members Laird and Jones but did not receive a motion, and was therefore held.

INFRASTRUCTURE BONDS

The Governor in January 2006 released a proposal for financing California's flood protection and water supply needs with \$3 billion in general obligation bonds in 2006 and \$6 billion in 2010. The Committee held three informational hearings on the Governor's flood, water and park bond proposals. Background papers summarizing the Committee's analyses, recommendations and public comments on the bond proposals are posted on the Committee's website.

Extensive negotiations between the Administration and Legislature led ultimately to passage of legislation placing **Proposition 1E** on the November 2006 ballot. Proposition 1E was approved by the voters and authorizes the expenditure of \$4 billion in bonds for flood protection infrastructure. The Legislature and Governor also placed **Proposition 1C** on the November ballot to authorize up to \$2.85 billion in bond funding for housing

projects, of which \$200 million will be made available for affordable housing related park grants and \$200 million for creation of new parks to encourage infill development.

A separate initiative measure sponsored by conservation groups also qualified for the November 2006 ballot and was approved by the voters. **Proposition 84**, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 authorizes over \$5 billion in bonds for various natural resource conservation purposes. The Committee held a joint informational hearing with the Senate Natural Resources and Water Committee on Proposition 84 in July of 2006. The LAO noted that while there is some overlap between Propositions 84 and 1E in the area of flood protection, DWR's estimates of the funding necessary to repair and upgrade the Central Valley and Delta levee systems significantly exceed the amount of bond funding provided for these purposes in both Propositions 84 and 1E combined.

Legislation was proposed in 2006 to implement provisions of Proposition 1E and Proposition 84 relating to local assistance park grants. **SB 153 (Chesbro)** proposed to allocate a portion of the local park funding in these measures based on population and a portion as competitive local assistance grants under various urban parks and rural community programs. SB 153 was referred to the Committee during the last week of the Legislative session but the author elected not to present it for hearing. Now that Proposition 84 and Proposition 1E have been approved by the voters, the Legislature may wish to consider enacting implementing legislation in 2007.

WATER MANAGEMENT

A wide variety of water management issues arose during this session, affecting all parts of California.

Sacramento-San Joaquin River Delta (Delta). Issues surrounding the Delta demanded significant legislative attention, second only to flood management. This session started with the introduction of a "finance plan" for the CALFED Bay-Delta Program, calling for \$8 billion in total funding over the next 10 years. This plan produced substantial controversy, not only as to funding but as to the Program's direction as well. The Committee held two Delta-related hearings, in March (CALFED) and August (Delta Ecosystem Crisis) 2005.

The State and the Federal Government signed a "Record of Decision" (ROD) in August 2000, which inaugurated the CALFED Bay-Delta Program with the assumption that both governments would contribute substantial funding. When federal and state fiscal conditions changed dramatically, the Program was not able to fulfill its ambitious timeline or set new priorities.

CALFED Funding. Dwindling funding presented CALFED with its greatest challenge, particularly in 2005. The bond funds that the Program used for its projects were projected to run out in 2007, unless changes occurred. The water committees in both houses pushed for greater contributions from Program beneficiaries, the so-called "beneficiary pays" principle in the 2000 ROD. After the Governor failed to fulfill the Senate's request for a realistic CALFED finance plan, the budget subcommittees in both

houses began reducing the CALFED budget, to ensure funding would last until the finance issue was resolved. This Committee's chair, Lois Wolk, participated in the budget deliberations and issued a letter outlining the basis for the cutbacks in May, just before the Governor's "May Revise." The Legislature and the Governor ultimately sustained these budget cuts.

CALFED Program Review. In response to the Legislature's budget cuts and stakeholder disputes, the Governor established a comprehensive review of the entire CALFED Program, including fiscal, governance and programmatic assessments. The Administration engaged a private consultant, the Little Hoover Commission and the Department of Finance to lead these reviews, which occurred over the summer and into the fall. The conclusions of these reviews led to some changes in the 2006-07 State Budget and some legislative discussion of CALFED program restructuring. The Budget moved much of the CALFED funding to the Resources Agency, to place more responsibility for Delta leadership on the Resources Secretary. Legislation to reorganize CALFED governance (AB 1244, Wolk), however, did not proceed, leaving the California Bay-Delta Authority in place but without a budget.

Delta Ecosystem Crisis. The CALFED debate proceeded in the context of a reported collapse of the Delta ecosystem, labeled the "Pelagic Organism Decline" or "POD" by the Department of Fish and Game. An urgent investigation identified three categories of causes for the crisis – water project operations, toxic contaminants, and invasive species. That investigation continues, while the Legislature conditioned spending on the South Delta Improvement Program on a 2006-07 action plan to stabilize the Delta ecosystem as the POD investigation proceeds.

Delta Vision. With the ecosystem crisis and other significant Delta events in recent years, the DWR director and the Resources Secretary began, in 2006, discussing the need for a new "vision" for the future of the Delta. DWR suggested that **AB 1200 (Laird)**, which required assessment of risk of Delta levee failure, provided a basis for setting such a vision. The Governor, however, never proposed development of a new Delta vision. After much public discussion of a new Delta vision, Senator Sheila Kuehl amended **SB 1574 (Kuehl)** in this Committee to require the development of a "blueprint" for a sustainable Delta. Ultimately, the Governor signed SB 1574 – and an accompanying executive order – to require development of a "strategic vision" for the Delta, through a cabinet committee and a public task force.

Delta Levees. After Hurricane Katrina, public attention focused on the failure risks for Delta levees, which protect some lands lying below sea level – particularly after DWR presented a "scenario" showing the effects of massive levee failure caused by an earthquake. Concurrently, a generous Delta levee subvention funding formula was scheduled to expire on July 1, 2008. One bill extended the life of the Delta Flood Protection Fund to 2008 – **SB 264 (Machado)**. A second bill – **AB 798 (Wolk)** – extended the funding formula and the Fund to 2010, requiring DWR to recommend funding priorities for State funding for maintenance of privately owned Delta levees.

San Joaquin River. After almost two decades of San Joaquin River litigation (*Natural Resources Defense Council v. Rodgers*), the parties achieved a settlement during this

session. In 2005, the Committee considered a bill – **SB 350 (Machado)** – to create a San Joaquin River Fund to support fishery *and* water supply efforts. After substantial controversy and negotiation, the bill did not move forward. In Fall 2005, Senator Dianne Feinstein and Congressman George Radanovich proposed legislation to impose a litigation settlement. Legislative leaders (including this Committee's Chair), the Attorney General and the Administration all objected to a forced settlement, particularly if State sovereignty was compromised. The parties then began serious settlement discussion, as the Federal Judge set a February 14, 2006, trial date. These discussions led to a final court approval in October 2006. In the meantime, the Legislature adopted the Administration budget proposals to provide some funding for the settlement and San Joaquin River restoration, which had failed in 2005. This settlement is likely to lead to additional state legislation in the years ahead.

Colorado River. Although the Legislature was not actively involved in Colorado River issues this session, the River's controversies continued to arise, which may lead to further legislative action in the years ahead. **AB 1466 (Laird)** also addressed a less controversial issue, eradication of tamarisk, an invasive riparian species that consumes River water. After the Governor vetoed AB 1466, Assembly member Laird amended a new version into AB 984, which the Governor signed in September 2006. More importantly, a Mexican state government agency and others from Mexico filed a lawsuit challenging the State's lining of the All-American Canal, claiming that they relied on the seepage to fill their groundwater aquifer and support wetlands south of the border. That lawsuit remains pending, with the Ninth Circuit Court of Appeals imposing a stay on the lining project.

Water Storage. The issue of new water storage arose this session in a number of ways. Advocates for new surface storage raised the issue in CALFED budget discussions, infrastructure bond funding, and the San Joaquin River basin controversy. The Committee passed **SB 902 (Denham)** as legislative intent to put a bond measure on the ballot for a San Joaquin River reservoir at Temperance Flat. Some commentators attributed the failure of a broader water bond to the legislative divisions related to surface water reservoirs/dams.

Groundwater Storage. Groundwater storage issues also arose in the CALFED context as well as in conjunction with the Legislature's consideration of infrastructure bonds. **SB 820 (Kuehl)** would have expanded the collection of information about groundwater extraction. The bill passed this Committee, but ultimately received a veto from the Governor, who commented that he supported better information and management of our groundwater storage resources, but was not satisfied with this bill's approach. In response, Senator Sheila Kuehl authored **SB 1640 (Kuehl)**, which included much of the same provisions but introduced a different concept for groundwater information. SB 1640 proposed a comprehensive State program to coordinate local agency collection of information as to groundwater depth. The Governor vetoed SB 1640 as well.

UPCOMING WATER ISSUES

In the next session, water issues will continue to take center stage in legislative debate. The passage of the \$4.1 billion infrastructure bond will require the Legislature to

determine how best to spend this funding, which will lead to further discussion of the flood issues raised during the 2005-06 session. Flood protection therefore may be the most significant issue, particularly in the first year. With increasingly apparent climate change, the need to change the way California provides flood protection in light of these effects also may require legislative attention.

The two other major issues that will arise relate to the San Joaquin River and the Sacramento-San Joaquin Delta. State legislation will be required to implement the San Joaquin River settlement agreement. In addition, after the Administration completes its Delta visioning process in early 2008, the Legislature will need to make a judgment as to whether and how to adopt that Delta vision, including reorganization of the CALFED Bay-Delta Program.

DEPARTMENT OF FISH AND GAME

FUNDING ISSUES

The Department of Fish and Game's chronic funding challenges were a subject of much interest in the 2005-06 legislative session. A State Auditor report released in June 2005 found, among other things, that between fiscal years 2001-02 and 2003-04 Fish and Game Preservation fund (FGPF) reserves decreased significantly, General Fund appropriations to DFG were reduced, and DFG spent more from its dedicated accounts than it collected. In addition, DFG in some cases used dedicated funds to cover deficit spending in other accounts. These problems were caused in part by a lack of sufficient funding to DFG to cover the full costs of programs mandated by the Legislature, and in some cases by a lack of sufficient fee revenue for fee supported programs. Some of DFG's funding shortfalls were addressed with one time augmentations in the 2006-07 budget, and through legislation enacted in 2006, but the Department continues to face significant challenges in meeting its ongoing funding needs.

AB 7 (Cogdill), enacted in 2005, requires 33% of FGPF revenues derived from sport fishing license fee revenues to be used only for state fish hatcheries and wild trout programs. This and other reductions in funding in previous years caused a shortfall in funding for other DFG programs. The shortfall was addressed in part with General Fund augmentations to DFG in the 2006-07 budget. Major budget actions benefiting DFG this year included a \$10 million augmentation for non-game fish and wildlife programs, of which up to \$1.5 million may be used for best management practices for mosquito abatement to reduce West Nile virus, a one-time \$10 million General Fund appropriation and an ongoing \$4 million appropriation for salmon and steelhead restoration, a \$5.6 million augmentation for the Marine Life Protection Act and \$5 million for other marine programs, \$30 million for fish and game wardens, \$25.8 million from the General Fund to bring each of the sub-accounts in the FGPF into balance and to make up for declining sport fishing license revenue, and \$9 million from the General Fund to backfill costs of implementing AB 7. The budget also provided \$8.8 million for levee repairs on DFG lands, \$1.1 million for avian influenza monitoring in migratory birds, and \$5 million for San Joaquin River restoration.

Additional legislative efforts to provide funding for DFG included **SB 1125 (Chesbro)** which would have dedicated a portion of tidelands oil revenues to DFG for various programs. SB 1125 passed the Assembly Water, Parks & Wildlife Committee but was held in the Assembly Appropriations Committee. **SB 1535 (Kuehl)** initially proposed to increase various DFG fees, including environmental filing fees for CEQA document review, commercial fishery landing fees, and timber harvest plan fees. The bill was amended to remove the increase in the landing fees and timber harvest plan fees. As approved by the committee and passed by the Legislature, SB 1535 increased the filing fees for DFG review of CEQA documents for the first time since 1990. SB 1535 also requires DFG to report annually to the Legislature on the fund condition of each subaccount within the FGPF.

KLAMATH RIVER SALMON

Commercial salmon fisheries in California faced an economic crisis in 2006 as a result of the National Marine Fisheries Service's virtual closure of the 2006 ocean salmon season, due to precipitous declines in the numbers of salmon returning to spawn in the Klamath River. **AJR 53**, coauthored by Assembly members Berg, Wolk and Canciamilla called on Congress to approve legislation making federal disaster assistance available for salmon fishermen and providing funds for Klamath River restoration. **SB 1127 (Chesbro)** also proposed to make state funding available for grants and loans to fishermen and businesses impacted by the fishing restrictions. SB 1127 was held in the Assembly Appropriations Committee the last week of the session. On August 10, 2006 the U.S. Commerce Secretary declared a state of emergency, paving the way for Congress to pursue appropriation of federal disaster assistance. As of the time of this writing, efforts are under way in Congress to secure funding but final action is still pending.

Restoration of the Klamath River is likely to be a significant issue in the coming year. Passage of salmon in the Klamath River has been blocked by a series of hydroelectric dams on the river. Toxic algae blooms in reservoirs behind the dams have contributed to fish kills and are also toxic to humans. Salmon are also adversely affected by flow and temperature levels in the river, which in turn contribute to the growth of certain parasites in the river that are harmful to salmon. Stakeholders affected by the Klamath River, including commercial fishing groups, farmers, the energy company that operates the dams (PacifiCorp), tribal representatives, rafting enthusiasts, and environmental groups have been meeting in confidential negotiations in an effort to hammer out a compromise. Options being considered include potential removal of some of the dams on the river. Simultaneously, the energy company's Federal Energy Resources Commission (FERC) license to operate the dams is up for renewal. An administrative law judge in September 2006 held the company is required to install fish ladders as a condition of the license renewal. The Governors of California and Oregon have called for a summit to be held in December 2006 on Klamath River restoration.

SAN JOAQUIN RIVER RESTORATION

The Committee heard several bills during the 2005-06 session related to restoration of the San Joaquin River. These bills did not move forward while litigation was pending. Shortly after the Legislature adjourned in September 2006, parties to long standing litigation over the San Joaquin River announced that a settlement had been reached in the case with an agreement to restore the river. The agreement, which is contingent on approval of federal legislation and funding, includes the goal of restoring Spring and Fall runs of Chinook salmon, releasing water to currently dry stretches of the river, and undertaking channel improvements to enable restored flows. One of the goals of the settlement is to reintroduce salmon to the river by December 31, 2012.

Implementation of the settlement agreement is dependent on appropriation of necessary funding, which may include federal appropriations of up to \$250 million. Proposition 84 which was approved by voters on the California November ballot contains \$100 million for San Joaquin River restoration. Proposition 1E also includes some funds which could be used for related levee work. The settlement can be voided by either party if federal implementing legislation is not enacted by December 31, 2006. According to the parties, an MOU has been negotiated defining the state's role and the participation of DWR and DFG in implementation. Additional state legislation and state budget actions may be needed in 2007 to facilitate implementation of the settlement.

This Committee's Chairwoman, Lois Wolk, accepted an invitation to testify at a Congressional hearing of the House Committee on Resources regarding the San Joaquin River settlement on September 21, 2006 in Washington, D.C. Chairwoman Wolk in her testimony addressed the settlement's benefits to the state of California and the importance of state and federal collaboration in promoting effective and balanced use of the San Joaquin River's water for agriculture, cities and fish. She also noted the role that state legislative and budget actions may play in implementation of the settlement agreement.

MITIGATION ENDOWMENTS

The Committee sponsored a bipartisan committee bill in 2006 to clarify DFG's authority to enter into agreements with eligible nonprofit organizations and local public entities to manage mitigation endowment accounts. AB 2916 also proposed adoption of standards which all entities managing these accounts would be required to meet. AB 2916 sought to address problems which have occurred when DFG holds these accounts and the money is invested in the state short term pooled money investment (PMI) account. The endowment accounts are designed as non-wasting accounts, where the principal is invested and the interest on the account is used to fund the long term management and maintenance of the lands for conservation purposes. With investment of these accounts limited to the state PMI, the accounts have been unable to earn sufficient interest to fund sustainable long term land management. In addition, nonprofits and local agencies have had problems receiving timely disbursement of funds from the accounts to cover the costs of land management. As a result, land trusts and other nonprofits and local public agencies have been reluctant to assume management of mitigation lands, creating

potential problems for DFG, which does not have the resources to manage all of these lands on its own without the assistance of other land conservation partners.

AB 2916 passed the Assembly and the Senate Natural Resources Committee without any no votes, but failed passage in the Senate Appropriations Committee where it was held on the Appropriations Suspense file. The committee may wish to revisit this issue next year, with the goal of negotiating a legislative or administrative solution that will facilitate the long-term stewardship of these lands, enabling them to serve their intended purpose of providing environmental mitigation and sustainable wildlife habitat.

OTHER FISHERIES ISSUES

The Committee heard and passed legislation on a number of other important fishery issues, including legislation regulating the Dungeness crab fishery and clarifying the geographic reach of state Dungeness crab vessel permits (**AB 749 (Leno)** which was vetoed and **AB 2773 (Berg)**), legislation to extend the commercial salmon stamp and steelhead trout report card programs (**AB 601 and AB 2773 (Berg)**), legislation establishing standards for marine aquaculture activities (**SB 768 and SB 201 (Simitian)**) and legislation requiring treatment of ship ballast water to control invasive species (**SB 497 (Simitian)**).

The alarming decline in pelagic fish in the Delta, including the endangered Delta Smelt, prompted the state to initiate interdisciplinary scientific studies to try and identify the cause or causes of the decline. The Committee held an informational hearing in August 2005 and heard testimony from state agency representatives and independent fishery scientists, all of whom confirmed the dire conditions. In 2005, the Committee approved **AB 466 (Matthews)** authorizing the California Bay-Delta Authority, in collaboration with DFG, to contract with independent scientists to conduct further studies. The studies continued throughout 2006. Unfortunately, so did the decline in Delta smelt and other pelagic fish. To date, scientists have been unable to pin point the specific cause of the decline, and suspect multiple causes are contributing factors, including the timing and amount of water exports, pesticide contamination, and invasive species. In 2006, the Committee also approved **SB 1574 (Kuehl)**, which requires development of a strategic vision for the Delta, including, among other things, a sustainable Delta ecosystem.

OTHER WILDLIFE ISSUES

The Committee heard numerous bills relating to conservation of specific wildlife species. **AB 2123 by Assemblyman Nava** would have required the use on non-lead ammunition in portions of the California Condor range, in order to minimize the threat of lead poisoning to condors who feed on carrion shot with lead bullets. AB 2123 fell one vote short of the votes necessary for passage out of the Committee. **AB 1924 (Koretz)** sought to protect the habitat of philopatric birds by making it unlawful to destroy the nests of such birds at any time. This bill also failed passage. Bills passed by the Committee included **SB 1485 (Hollingsworth)** which repeals the state prohibition on importation of alligators & crocodiles, **AB 2485 (Jones)** which increases protections for sea otters, and **AB 874 (Wolk)** which enacts the Avian Influenza Wildlife Surveillance Act.

The Committee heard several bills related to hunting, including a bill in 2006 that allows an out-of-state resident to purchase a hunting license tag to take an antelope or elk, and legislation in 2005 banning remote Internet hunting. Legislation to exempt structural pest control operators and pesticide applicators from the requirement to obtain a DFG trapping license when trapping certain household rodents also passed the Legislature in 2006 after stalling in the Senate the first year. Finally, for the first time in over 12 years, the committee did *not* hear any proposals in 2006 to legalize ferrets.

PARKS AND RECREATION

FUNDING ISSUES

Securing a stable funding source for ongoing operations and maintenance at state parks continues to be a challenge. This year's debate over the Governor's infrastructure plan highlighted the growing deferred maintenance backlog at state parks, which is now estimated at close to \$1 billion. In response, \$250 million was added on a one-time basis to the state's 2006-07 fiscal budget for State Park deferred maintenance.

OFF-HIGHWAY VEHICLES

The Committee heard several bills on off-highway vehicle recreation. The Off-highway Vehicle Recreation division within the Department of Parks & Recreation, and the Off-highway Vehicle Commission were both slated to sunset the end of 2006. A state audit released in 2005 also raised critical questions regarding the grants program administered by the Department and Commission. Bills heard by the Committee included proposals to increase the penalties for trespass and other violations committed by off-highway vehicle users, bills to eliminate or modify the makeup of the Off-Highway Vehicle Commission, and bills to modify the grants program. The Legislature decided instead to hold off on making any substantive changes to the program pending the results of a fuel tax study which is expected to provide more data on off-highway vehicle uses and trends. Legislation was passed to extend the OHV Division and the Commission for one year only pending the results of the study. Consequently, these issues will likely be back before the Legislature next session.

URBAN PARKS

Legislation to modify the Urban Parks Act passed the committee as **AB 1039** (later amended into **AB 1559 (Frommer)**). The changes add community gardens to the types of facilities covered by the program, and modify the list of criteria that are to be considered in determining which projects are entitled to priority for funding.

HETCH HETCHY RESTORATION

Hetch Hetchy Valley in Yosemite National Park was flooded in 1934, with the construction of O'Shaughnessy Dam, to provide water and power to San Francisco and other Bay Area communities. In recent years a number of studies have looked at the feasibility of restoring Hetch Hetchy Valley. In July 2006 the State Resources Agency released a report entitled "Hetch Hetchy Restoration Study." The report reviewed and summarized the findings of the many Hetch Hetchy restoration studies produced over the past two decades, and identified gaps in information and areas where additional studies

are needed. The report, among other things, found that restoration is technically feasible, and found no fatal flaws in the restoration concept that would preclude further study. However, the report also found that more studies are needed to determine financial feasibility and before any decisions regarding restoration or specific alternatives can be made. The study recommended that future studies be carried out to a consistent level across all issues, beginning with benefits, and suggested that future studies of Hetch Hetchy restoration be supported by a robust stakeholder process and include the involvement of the federal government in addition to the state.

The Committee held an informational hearing on October 10, 2006 to review the State's report, receive public comments, and identify potential next steps. In addition to members of the Legislature, the hearing was attended by Congressman George Miller. Witnesses providing testimony included representatives from the state Department of Water Resources and Department of Parks & Recreation, who coauthored the report, federal agency witnesses from the U.S. Bureau of Reclamation and the National Park Service, and numerous local and regional stakeholders. Representatives from the University of California and the California Research Bureau also testified regarding potential next steps and the types of processes that could be established to guide future studies and involve stakeholders and the public. Options include establishment of a Blue Ribbon Taskforce, another more focused government study, and creation of a stakeholder collaborative group.

OTHER PARK AND RECREATION ISSUES

The Committee approved legislation to ensure public access to the California Coastal trail (**AB 3028 (Laird)**), to require construction of a contiguous trail around the Delta (**SB 1556 (Torlakson)**), and to authorize the voluntary designation of state natural landmarks (**AB 2900 (Plescia)**). Other key state park issues in 2005-06 included the dispute over rehabilitation of Crystal Cove State Park, which was finally resolved, and the Orange County Transportation Authority's proposal to put a toll road through San Onofre Beach State Park, site of the infamous Trestle's surfing beach. Although efforts were made to address the toll road issue in the Assembly Budget Subcommittee on Resources this year, that dispute is still ongoing.

UPCOMING ISSUES IN 2007

Key long-term issues that will be before the Assembly Water, Parks & Wildlife Committee in 2007 include the continuing debate over flood protection policy, particularly in the Central Valley, the state's plan for water supply and water storage, the impacts of global warming on both water resources and flood risk, and the future of the Delta. Other specific issues include implementation of the San Joaquin River settlement agreement, restoration of the Klamath River, options for Salton Sea restoration, and implementation of resource bond measures on the November 2006 ballot passed by the voters. Legislation can also be anticipated on mitigation lands management, salmon fisheries, and off-highway vehicle recreation. The diversity and complexity of California's natural environment will again present the Committee with a multitude of issues affecting California's water, parks & wildlife in the coming session.

**ALL BILLS IN
ASSEMBLY WATER, PARKS & WILDLIFE COMMITTEE
2005 – 2006 LEGISLATIVE SESSION**

FISH AND WILDLIFE

FISHERIES

AB 7 (Cogdill) Hatcheries

Requires that 33 1/3% of fees from sport fishing licenses be deposited into the Hatchery & Inland Fisheries Fund, to be used for fish hatcheries and the Heritage and Wild Trout Program, and for related enforcement actions and restoration of naturally indigenous genetic trout stock to their original CA watersheds. Also sets fish hatchery production goals. *Chapter 689, Statutes of 2005*

AB 193 (Maze) Hatcheries

Authorizes the Department of General Services (DGS) with consent of the Department of Fish and Game (DFG) to lease the Mount Whitney Fish Hatchery or a portion thereof to the Friends of the Mount Whitney Hatchery for a term not to exceed 25 years with possibility of renewal. *Chapter 563, Statutes of 2005*

AB 601 (Berg) Commercial Salmon Stamp

Extends the sunset date on the Commercial Salmon Trollers Enhancement and Restoration Program and the Commercial Salmon Stamp until January 1, 2012. *Chapter 16, Statutes of 2006*

AB 749 (Leno) Dungeness Crab

Prohibits a person operating a vessel for the commercial take of Dungeness crab from using more than 250 traps during a season in District 10 and south (south of Mendocino County), and establishes fines for violations. Requires the Fish and Game Commission (FGC), after consultation with the Dungeness crab review panel and others, on or after March 15, 2008, to consider whether the 250 trap limit should be adjusted. States legislative intent that a trap limit of 250 apply for District 10 and south until FGC adopts another limit or other regulatory controls. Also extends the sunset date on related provisions regulating the Dungeness crab fishery from April 1, 2006 to April 1, 2012. *Vetoed, October 7, 2005*

AB 848 (Berg) Ocean Ecosystem Conservation.

Establishes the Ocean Ecosystem Resource Information System within DFG or the Coastal Conservancy, as determined by the Resources Agency and subject to availability of funds, on or before January 1, 2008, for the purposes of ecosystem conservation and management of off-shore ocean waters and marine resources. *Held in Assembly Appropriations Committee.*

AB 849 (Berg) Fish & Game Marine Research

As introduced and heard in this Committee, declared that the policy of this state is to facilitate collaboration between fishing men and women and scientists and researchers in

conducting ocean and marine fisheries research. Amended in the Senate to deal instead with gender-neutral marriage. *Vetoed, September 29, 2005*

AB 1431 (Saldana) Bottom Trawl Fisheries

Makes several changes to laws regulating use of bottom trawling gear for commercial take of halibut, prawns and pink shrimp, including permit requirements, applicant eligibility and transfers. Also specifies the type of bycatch reduction device approved for use in taking prawns and pink shrimp, and repeals provisions regarding minimum size and weight of trawl nets in halibut trawling grounds, instead authorizing FGC to determine these conditions by regulation. *Chapter 334, Statutes of 2005*

AB 2268 (Saldana) Sport Fishing: Licenses: Exceptions

Authorizes DFG to issue a sport fishing license free of charge to an eligible nonprofit organization for day-fishing trips that provide recreational rehabilitation therapy for active duty members of the United States (U.S.) military who are currently receiving inpatient care in a military or Veterans Administration hospital, and veterans with service-connected disabilities. *Chapter 769, Statutes of 2006*

AB 2299 (Harman) California Coastal Act: Aquaculture

As passed by the Committee, this bill appropriated \$300,000 from the General Fund to DFG to prepare a Programmatic Environmental Impact Report for commercial aquaculture operations in coastal waters. As amended, this bill also deletes an industry matching funds requirement, and authorizes DFG to also expend available grant money to prepare the environmental impact report. *Held in Assembly Appropriations Committee.*

AB 2685 (Cogdill) Sport Fishing: License Revenues: Reports

Increases, from biennially to annually, the frequency with which DFG is required to report to the Legislature on revenue generated by sport fishing license fees for fish hatcheries and the Heritage and Wild Trout Program required by AB 7 (Cogdill) - Chapter 689, Statutes of 2005. *Chapter 422, Statutes of 2006*

AB 2773 (Berg) Fish and Game: Steelhead Trout: Dungeness Crab

Extends the steelhead trout report-restoration card program to 2013, modifies the requirements for recording information on the cards, appropriates funds from steelhead trout fishing report-restoration card revenues, and makes other changes relating to the steelhead trout report-restoration card program. Clarifies that California Dungeness crab vessel permits are valid only in state waters and in the Pacific Ocean in federal waters south of the border with Oregon. *Chapter 297, Statutes of 2006*

AB 2774 (Berg) The California Dungeness Crab Council

Creates the California Dungeness Crab Council to represent commercial Dungeness crab fishermen, and authorized to levy an assessment on Dungeness crab landings. *Held in Assembly Water, Parks & Wildlife Committee – this bill was not heard.*

AJR 53 (Berg) Klamath River salmon: Congressional Relief

Expresses the Legislature's support to the U.S. Congress for federal assistance to fishing communities, businesses, and individuals to mitigate the economic losses caused by declining Klamath River fall Chinook salmon and for providing financial assistance and

direction for the recovery and restoration of the salmon populations of the Klamath basin. *Held in Senate Natural Resources and Water Committee.*

SB 768 (Simitian) Marine Aquaculture

As passed by this Committee, established standards for a programmatic environmental impact report DFG is required under current law to prepare for marine finfish aquaculture, and established criteria for leases approved and regulations adopted by FGC relating to marine finfish aquaculture. Assembly amendments strike these provisions and instead address the subject of identity theft. The aquaculture provisions were amended into SB 201 (Simitian), which was signed into law as Chapter 36, Statutes of 2006. *Vetoed, September 30, 2006*

WILDLIFE

AB 24 (Maze) Mountain Lions

Requires DFG to contract with the University of California or other qualified research entity to conduct a study related to mountain lions, and to establish a clearinghouse of information on reports of mountain lion attacks on humans, pets and livestock. Also requires DFG to post warning signs in areas where mountain lions have been cited or are known to have existed. Introduced version of this bill would have permitted hunting of mountain lions but amendments taken while the bill was in this Committee deleted those provisions. *Held in Assembly Appropriations Committee.*

AB 87 (Bermudez) Trapping Licenses

Exempts structural pest control operators licensed by the Structural Pest Control Board (SPCB) and persons licensed by the Department of Pesticide Regulation (DP&R) from the requirement to obtain a trapping license from DFG when trapping rats, mice, moles, voles or gophers. *Chapter 406, Statutes of 2006*

AB 647 (Koretz) Ferrets

Legalizes ferrets as pets by removing them from the list of wild animals that are unlawful to import, transport, possess or release into this state if the owner can show proof of rabies vaccination and neutering or spaying if the ferret is over six months old. Requires the Secretary of the Resources Agency to arrange for an initial study to determine whether a negative declaration or an environmental impact report (EIR) is necessary to determine the effects of removing the ferret from the list of prohibited animals. Conditions the legalization of ferrets on the completion of a negative declaration by the Secretary, and states that the legalization will not become operative if the Secretary determines that an EIR is needed. *Held in Senate Appropriations Committee.*

AB 668 (La Suer) Hunting Education

Requires that an educational course DFG is currently required to provide on hunter safety, conservation and sportsmanship shall provide no more than 8 hours of instruction. *Held in Assembly Water, Parks & Wildlife Committee - this bill was not heard.*

AB 734 (Dymally) Kangaroo Imports

Narrows the prohibition in current law on the importation, possession or sale in California of any kangaroo or part thereof, to apply only to endangered kangaroos. *Failed passage in Senate Natural Resources & Water Committee.*

AB 820 (Strickland) Exotic Wild Animals

Makes changes to and enhances enforcement of laws related to importation, transportation and sheltering of exotic wild animals, including, among other things, inspections of wild animal facilities, breeding permits, identification of animals and owners, maintenance of a registry, reporting of escaped animals, disposition of confiscated animals, and increased penalties for violations. *Chapter 698, Statutes of 2005*

AB 874 (Wolk) Avian Influenza

Establishes the Avian Influenza Wildlife Surveillance Act and requires the Resources Agency, in cooperation with the DFG, other state and federal agencies, and the University of California, to develop and implement a plan for surveillance, monitoring, response and reporting on avian influenza in wild birds. *Chapter 708, Statutes of 2006*

AB 1002 (Nava) Condors & Lead Ammunition

Prohibits the possession of lead ammunition when hunting within the range of the California Condor, and phases out the use of lead ammunition statewide. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

AB 1924 (Koretz) Birds Nests and Eggs: Penalties

Makes it unlawful to take, possess or destroy the nest or eggs of any bird protected by the Migratory Bird Treaty Act (MBTA), or any bird protected under state law, or any bird listed as endangered or threatened. *Failed passage in Assembly Water, Parks and Wildlife Committee.*

AB 2123 (Nava) Ridley-Tree Condor Preservation Act

Requires the use of nonlead centerfire rifle and pistol ammunition when taking big game or coyotes within Fish and Game Deer Hunting Zones 11 and 13, and certain forest service lands in Santa Barbara County. Requires the FGC to the extent funding is available to provide hunters in these areas with nonlead ammunition at no charge. *Failed passage in Assembly Water, Parks and Wildlife Committee.*

AB 2146 (Canciamilla) Hunting or Fishing: Local hunting ordinances

Prohibits a local government from adopting an ordinance that impacts hunting or fishing, with certain exceptions, and requires local agencies, before taking an action that impedes public access to navigable waters and impacts public hunting or fishing rights, to consult with DFG and notify the Fish and Game Commission (FGC). *Held in Senate Natural Resources and Water Committee.*

AB 2166 (La Suer) Mentored Hunting Programs

Establishes legislative intent to create a mentored hunting program that encourages participation as well as education in safety practices, principles of conservation and sportsmanship. Requires FGC to promulgate regulations to create and implement a

voluntary mentored hunting program. *Held in Assembly Water, Parks and Wildlife Committee - this bill was not heard.*

AB 2273 (Maze) Mountain Lions: Compensation for Injury

Permits any person injured by a mountain lion to apply to the State Government Claims Board for compensation of all reasonable medical, physical and psychological costs incurred as a result of an attack by a mountain lion. Requires a claim to be filed with the California Victim Compensation and Government Claims Board and provides for claims to be paid from the Wildlife Restoration Fund. *Failed passage in Assembly Business and Professions Committee.*

AB 2467 (Maze) Mountain Lions: Memorandum of Understanding

Requires DFG to enter into a memorandum of understanding with the U.S. Fish and Wildlife Service to set forth protocol for responding to mountain lion attacks and to grant the U.S. Fish and Wildlife Service authority to issue depredation permits to take mountain lions in California. *Held in Assembly Water, Parks and Wildlife Committee - this bill was not heard.*

AB 2485 (Jones) Fish and Game: Sea Otters

Establishes the California Sea Otter Fund, which would be funded through a voluntary tax check-off, to provide funds for increased enforcement and research to protect sea otters. Increases the penalties for illegal catching of sea otters, and requires disclosures on cat litter sold in California related to water quality. *Chapter 296, Statutes of 2006*

SB 686 (Machado) Wild Animals

As heard in this committee, repealed and readopted Fish and Game Code Section 2118, which lists the wild animals that are unlawful to possess or import without a permit, and replaced the current statutory list with an updated list of prohibited animals as promulgated by the Fish and Game Commission through regulation. Later amended to instead address economic incentive areas. *Held on Senate Inactive File.*

SB 1028 (Bowen) Internet Hunting

Makes it unlawful to shoot, shoot at, or kill any bird or mammal with any gun or other device accessed via an Internet connection in California. Also makes it unlawful to operate a shooting range or website in California for purposes of online shooting, or to import or possess any animal that was taken via an Internet connection. *Chapter 672, Statutes of 2005*

SB 1032 (Hollingsworth) Antelope and Elk Hunting

Repeals the ban on non-resident purchase of license tags to hunt antelope and elk in California, but limits the number of tags issued annually to nonresidents to one antelope tag and one elk tag. Requires FGC to set the license tag fee for nonresidents at not less than \$350 for an antelope license tag, and \$1,050 for an elk license tag. *Chapter 637, Statutes of 2006*

SB 1200 (Hollingsworth) Hunting: Commercial Hunting Club Licenses

Makes changes as to who is required to obtain a commercial hunting club license. Clarifies that renters or lessees of property on which fees are charged for hunting are

responsible for obtaining the hunting club license. Exempts the landowner from the requirement to obtain a license if the landowner is not involved in operation of the hunting club. Authorizes hunting clubs that lease more than one property to submit a single license application listing each property, provided a separate fee is assessed for each property. *Chapter 396, Statutes of 2006*

SB 1485 (Hollingsworth) Alligators and Crocodiles

Repeals the current prohibition on importation for commercial purposes, possession with intent to sell, or sale within the state, of alligators and crocodiles. Reinstates the prohibition effective January 1, 2010. *Chapter 660, Statutes of 2006*

WILDLIFE HABITAT

AB 577 (Wolk) Invasive Species

Requires the Secretary of the Resources Agency and the Secretary of Food and Agriculture to develop a statewide plan for management and control of all invasive species, as defined, that shall be presented to the Legislature on or before January 1, 2007. *Held in Assembly Appropriations Committee.*

AB 874 (Wolk) Priority Bird Areas

As initially introduced, required DFG, in cooperation with the Department of Parks and Recreation (DPR), other agencies, joint ventures, and nongovernmental organizations, to publish and publicize a list of priority bird areas in the state, and stated legislative intent to encourage public-private partnerships and to facilitate voluntary habitat protection. Was amended instead to establish the Avian Influenza Wildlife Surveillance Act. *Chapter 708, Statutes of 2006*

AB 2699 (Emmerson) Natural Resource: Habitat Mitigation

States legislative intent to enact legislation to ensure proper management of lands acquired for mitigation and of endowment fund moneys for financing maintenance of those lands. *Held on Assembly Inactive File.*

AB 2746 (Blakeslee) Natural Resources: Mitigation for Adverse Impacts

Clarifies that a state or local agency may authorize a nonprofit organization to hold title to and manage real property the agency requires be deeded to it to mitigate any adverse impacts on natural resources caused by permitted development projects. *Chapter 577, Statutes of 2006*

AB 2916 (Assembly Water, Parks and Wildlife Committee) Department of Fish and Game: Endowment Funds

Permits qualified nonprofit organizations and local public entities to enter into agreements with DFG for the administration of mitigation endowment accounts, subject to standards adopted by DFG. *Held in Senate Appropriations Committee.*

SB 857 (Kuehl) Fish Road Barriers

Requires CALTRANS (Department of Transportation) to complete assessments of potential barriers to passage of anadromous fish prior to commencing any state highway projects, and to submit these assessments to DFG for inclusion in the CALFISH

database. Also requires CALTRANS to construct projects without creating barriers to fish passage, and requires CALTRANS to report to the Legislature on its progress in locating, assessing and remediating fish barriers on existing roads. *Chapter 589, Statutes of 2005*

SB 1081 (Ducheny) Salton Sea

As passed by this Committee, stated legislative intent and findings regarding restoration of the Salton Sea, and directed preparation of related reports and actions. Among other things, stated legislative intent that opportunities for local input in restoration planning be improved, and that certain remaining funds from Proposition 50 be used exclusively for restoration of the Salton Sea and not for land acquisition on the lower Colorado River. Directed the Department of Water Resources (DWR) to seek to enter a memorandum of understanding (MOU) with the Salton Sea Authority and federal agencies to establish a coordinated plan for restoration of the Salton Sea. Subsequent amendments deleted these provisions and instead authorized appropriation of \$2 million for a riverfront park in the City of Maywood. *Chapter 688, Statutes of 2005*

SB 1125 (Chesbro) Natural Resources Funding: Tidelands Revenue

Extends the current authority for portions of tideland oil revenues paid to the State to be transferred to the Resources Trust Fund, which authority would otherwise sunset on July 1, 2006, and reallocates those funds for various natural resource purposes. Also creates the Coastal Wetlands Account in the Resources Trust Fund. *Held in Assembly Appropriations Committee.*

SB 1686 (Kuehl) Wildlife Conservation: Project Impact on Greenhouse Gases

Authorizes the Wildlife Conservation Board (WCB) when it prioritizes funds available for proposed acquisitions, to take into account the potential of forestlands to beneficially reduce or sequester greenhouse gas (GHG) emissions. Specifies that WCB may use policies, protocols and other relevant information developed by the California Climate Action Registry in determining a project's potential to reduce or sequester GHG emissions. *Chapter 469, Statutes of 2006*

DEPARTMENT OF FISH AND GAME

AB 466 (Matthews) Department of Fish and Game

Appropriates \$2.6 million in General Fund (GF) monies to DFG for development of a conservation plan for the University of Merced; authorizes expenditure of state funds by DWR to provide the state matching funds required for federal funding of an alluvial fan floodplain management taskforce; appropriates funds to DFG for a full-time person year (PY) who would be dedicated to review of projects related to the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program; and authorizes the California Bay Delta Authority to contract for studies of Delta fisheries. *Chapter 567, Statutes of 2005*

AB 2497 (Laird) Funding for Department of Fish and Game (DFG)

As first heard in this committee, stated legislative intent regarding funding of DFG activities out of user fees and the General Fund (GF). As amended, this bill instead

would require the Secretary of the Resources Agency and the Department of Finance to jointly convene a workgroup to develop recommendations to improve the efficiency of state resource land acquisition transactions, for those departments and conservancies subject to the jurisdiction of the State Public Works Board. Requires the Agency and Department to report to the Governor and the Legislature, on or before January 1, 2008, on the recommendations and outcomes of the workgroup. *Chapter 462, Statutes of 2006*

SB 1535 (Kuehl) Fish and Game

Authorizes the FGC to hire staff, requires FGC to adopt a conflict of interest code, and makes various changes to the numbers, times and locations of FGC meetings and hearings. Makes legislative findings regarding the inadequacy of past and current funding for DFG and states the intent of the Legislature to secure adequate funding for fish and wildlife management and protection activities. Increases environmental filing fees for CEQA document reviews. *Chapter 667, Statutes of 2006*

PARKS & RECREATION

AB 328 (DeVore) Crystal Cove State Park

Prohibits DPR from converting the El Morro Mobilehome Park in Crystal Cove State Park into a public campground and day use park if certain conditions are met. Requires that rental income from the tenants of the mobilehome park be deposited into the state general fund. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

AB 329 (DeVore) Crystal Cove State Park

Prohibits DPR from converting the El Morro Mobilehome Park in Crystal Cove State Park into a public campground and day use park if certain conditions are met. Requires that rental income from the tenants of the mobilehome park shall be deposited into a deferred maintenance account in the State Parks and Recreation Fund. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

AB 359 (Gordon) Dog Beach

Authorizes DPR, the Coastal Commission, the County of Los Angeles, the City of Los Angeles, and other interested parties to enter into a Memorandum of Agreement to establish, maintain and evaluate a one year off-leash dog beach pilot program at Dockweiler State Beach in Los Angeles County, with the costs of the program to be paid for with private funding sources. *Failed passage in Senate Natural Resources Committee.*

AB 466 (Parra/Matthews) Park Grants

As initially passed by this Committee, required DPR to adopt policies and procedures, and to apply specified conditions to funds appropriated in an annual Budget Act for the award of a grant for a state or local park project, including a recreation project, when the project is not evaluated through a competitive review process administered by the Department. Senate amendments strike these provisions and instead authorize reappropriation of GF monies for conservation plans for the University of Merced, dedicate a full-time personnel year (PY) at DFG to processing of environmental

documents for SFPUC, authorize expenditure of state matching funds for an alluvial fan floodplain management taskforce, and authorize the California Bay Delta Authority to contract with scientists to study Delta fisheries. *Chapter 567, Statutes of 2005*

AB 558 (Emmerson) City of Redlands Sports Complex

Reappropriates \$2.75 million to the City of Redlands for the Redlands Sports Complex. *Held in Assembly Appropriations Committee.*

AB 672 (Klehs) Reservoirs, Recreational Uses

Clarifies existing law to permit certain recreational activities, including nonmotorized boats, shoreline fishing and trail access, in areas adjacent to reservoirs owned by public agencies containing water for domestic use. Also requires a public agency that owns a water supply reservoir with a capacity of 3,500 acre feet or more, commencing January 1, 2010 and every ten years thereafter, to adopt a watershed management plan setting forth the recreational and environmental management activities permitted.

Vetoed, October 7, 2005

AB 676 (Berg) Spud Point Marina

Authorizes the Secretary of the Resources Agency, notwithstanding specified provisions of the Budget Act of 1982, to accept, as settlement of a debt owed to the Department of Boating and Waterways for the Spud Point Marina in Sonoma County, real property in the county that is of value to the state for use as parkland, wildlife habitat, watershed protection, or any other use, as determined by the Secretary. *Held in Assembly Water, Parks and Wildlife Committee - this bill was not heard.*

AB 1039 (Nunez) Urban Parks

As passed by this committee, was authored by Assemblyman Frommer and would have amended the Urban Park Act (UPA) of 2001 by expanding the definition of "facilities" to include community gardens, and by expanding the list of criteria for which DPR shall assign higher priority for grant applications to include projects which create a new park in a location where none currently exists. Amended to instead provide for streamlining of environmental laws for transportation projects and levee repair projects, to allow a master environmental impact report (master EIR) to be prepared for Highway 99 projects, and authorizing CALTRANS to participate in a self-certification process for transportation projects. The Urban Park Act provisions were amended into AB 1559 (Frommer), which were enacted into law as Chapter 498, Statutes of 2006. *Chapter 31, Statutes of 2006*

AB 1086 (Lieber) Off-Highway Vehicles

Enhances the penalties for violation of regulations prohibiting entry of a motor vehicle in federal or state designated wilderness areas. *Chapter 571, Statutes of 2005*

AB 1204 (Laird) Hatton Canyon

Authorizes DPR to convey 130 acres of land known as Hatton Canyon in Monterey County to the Monterey Peninsula Regional Park District for use as a public park. *Held on Assembly Inactive File.*

AB 1247 (Wolk) State Parks Non-Profit Partnerships

Authorizes DPR to enter into an operating agreement with a nonprofit public benefit corporation to operate certain aspects of a state park unit, and provides that the Director of DPR or his or her designee shall serve as an ex officio voting member of the Board of the nonprofit corporation. *Held in Assembly Appropriations Committee.*

AB 1487 (Wyland) Off-Highway Vehicles

Requires the Division of Off-Highway Motor Vehicle Recreation within DPR to conduct a study to determine the economic impact of off-highway motor vehicle recreation activities on the state's economy generally and particularly on regions of the state where state off-highway vehicle recreation areas are located, and to report, on or before July 1, 2007, the findings of that study to the Legislature. Appropriates \$150,000 from the Off-Highway Motor Vehicle Trust Fund to the Division for purposes of the study. *Held in Senate Natural Resources and Water Committee.*

AB 1616 (Niello) Off-Highway Vehicles

States legislative intent that the recommendations of the State Auditor in State Audit 2004-126 be implemented in a timely fashion, and requires the State Auditor, at the earliest possible time, to prepare and submit a report to the Legislature based on the findings of State Audit 2004-126. *Held in Assembly Appropriations Committee.*

AB 1864 (Matthews) Park Lands: Fahrens Creek Park

As passed in Committee, the bill would allow the City of Merced, in compliance with the Public Park Preservation Act, to convert up to four acres of park land in Fahrens Creek Park to non-park purposes and the City of Merced must submit a revised map of the park. As amended, the four acres of park land in Fahrens Creek Park would be used to construct a new school. *Chapter 558, Statutes of 2006*

AB 2081 (Vargas) Old Town San Diego State Historic Park

As passed by the Committee, this bill expanded the geographical territory of Old Town San Diego State Historic Park by requiring DPR to acquire land adjacent to the existing park from the California Department of Transportation and the City of San Diego. As amended in the Senate, this bill requires DPR to submit a report to the Legislature, on or before July 1, 2007, assessing the costs and benefits to expanding the territory of Old Town San Diego State Historic Park. *Held in Senate Natural Resources and Water Committee.*

AB 2298 (Niello) Off-Highway Vehicle Trust Fund: Grants

Authorizes the issuance of grants from the Off-Highway Vehicle Trust Fund to park units that are not classified as State Vehicular Recreation Areas, but where off-highway recreational vehicle use is permitted. Creates the Off-Highway Vehicle Trust Fund to allocate grants for park units that are not classified as State Vehicular Recreation Areas, but only where off-highway recreational vehicle use is permitted, and only through grants which are approved for certain activities associated with the use of off-highway motor vehicles. *Held in Assembly Appropriations Committee.*

AB 2337 (Garcia) Vehicles: Off-Highway Motor Vehicles

Extends the life of the Off-Highway Vehicle Commission and the Off-Highway Vehicle Division within DPR until January 1, 2008. Makes other changes to the make up of the Commission. *Held in Assembly Appropriations Committee.*

AB 2782 (Jones) State Parks: Old Sacramento State Historic Park

Authorizes DPR to enter into an agreement with a non profit organization to establish and operate a children's museum in Old Sacramento. *Held in Senate Appropriations Committee.*

AB 2784 (Parra) Parks: Off-Highway Motor Vehicle Recreation

Extends the life of the Off-Highway Vehicle Commission and the Off-Highway Vehicle Division within DPR to January 1, 2008. Also revises the definition of restoration. *Held in Assembly Appropriations Committee.*

AB 2790 (Strickland) Castaic Lake State Recreation Area

Renames the Castaic Lake State Recreation Area the Warren Dorn Castaic Lake State Recreation Area. *Held in Senate Natural Resources and Water Committee.*

AB 2900 (Plescia) California Natural Landmarks Program

Establishes a voluntary California Natural Landmarks Program, patterned after a similar National Natural Landmarks Program administered by the National Park Service. *Chapter 827, Statutes of 2006*

AB 3028 (Laird) California Coastal Trail

Requires transportation agencies with jurisdiction over parts of the California Coastal Trail to include provisions for the trail in their regional transportation plans. Authorizes a state agency providing grant funding or issuing a permit for a development project located along the California Coastal Trail (Trail) to condition to grant award or permit on a requirement that the project provide for public access to the Trail. *Vetoed, September 30, 2006*

SB 153 (Chesbro) Parks and Recreation

Earmarks the proceeds of bond funds authorized for park purposes through two state general obligation bond propositions, if approved by the voters at the November 7, 2006 statewide election. This bill was referred to the Assembly Water, Parks & Wildlife Committee the last week of Session but was not heard. *Held in Assembly Water, Parks & Wildlife Committee.*

SB 306 (Campbell) Sunset Ridge Park

As passed by this committee, authorized DPR to lease Sunset Ridge Park to the City of Newport Beach for a term of 25 years for development of a local park with regional benefits. Later amendments struck these provisions and instead appropriated \$9 million to cover the state's expenses in the special statewide election held November 8, 2005. *Chapter 17, Statutes of 2006*

SB 1081 (Ducheny) Maywood Riverfront Park

Appropriates \$2 million for a riverfront park in the City of Maywood.
Chapter 688, Statutes of 2005

SB 1103 (Dutton) State Parks Nonprofit Cooperative Associations

Authorizes DPR to enter into agreements with nonprofit cooperating associations for specified purposes, including to provide educational and interpretive materials and services where DPR is unable to obtain a concessionaire to provide those materials and services. *Held in Assembly Water, Parks and Wildlife Committee - this bill was not heard.*

SB 1556 (Torlakson) Parks: The Great California Delta Trails System

Requires the Delta Protection Commission to establish a continuous trail around the Sacramento-San Joaquin Delta. *Chapter 839, Statutes of 2006*

SB 1583 (Kuehl) Marvin Braude Bikeway

Names a bicycle path in Los Angeles County after Marvin Braude, a former City Council member. *Chapter 177, Statutes of 2006*

SB 1673 (Kuehl) State Parks: Funding

Authorizes DPR to fund ongoing maintenance and operations of state parks with public funds or philanthropic support and private-public partnerships. *Held in Assembly Water, Parks and Wildlife Committee - this bill was not heard.*

WATER

BAY-DELTA

AB 1200 (Laird) Sacramento/San Joaquin Delta

Requires DWR to evaluate potential impacts on water supplies from the Sacramento-San Joaquin Delta of specified projections for subsidence, earthquakes, floods, and changes in precipitation, temperature and ocean levels, or a combination of these factors. Requires DWR to evaluate and rate options available to implement specified objectives, including preventing disruption of water supplies from the Delta, improving drinking water quality, reducing salts, and protecting levees. Requires DFG to evaluate and comparatively rate these options for their ability to restore salmon and other Delta fisheries. *Chapter 573, Statutes of 2005.*

AB 1244 (Wolk) California Bay-Delta Authority

Reorganizes the State agency (currently the California Bay-Delta Authority) that oversees the CALFED Bay-Delta Program. As introduced, the bill was the Administration's proposal to conform the agency with federal law enacted in 2004. As amended in the Senate, overhauls CALFED governance, including concentration of responsibility with the Resources Secretary and introduction of an invigorated California Water Commission with oversight over state water policy. *Held in Senate Natural Resources and Water Committee.*

AB 1245 (Wolk) CALFED Environmental Water Account

Initially proposed to establish the California Bay-Delta Environmental Water Account (EWA) Fund in the State Treasury for management of EWA funds, including contributions from EWA beneficiaries. As amended, authorizes a joint powers authority created pursuant to an agreement between the City of West Sacramento and certain reclamation districts to accomplish projects necessary to achieve and maintain at least a 200 year level of flood protection and to issue debt prior to January 1, 2009 to finance those projects and to levy assessments. *Chapter 553, Statutes of 2006*

SB 113 (Machado) CALFED "Beneficiary Pays" Principle

Requires the California Bay-Delta Authority in reviewing annual program plans and projects to consider the extent to which they are consistent with the "beneficiary pays principle." *Held in Assembly Water, Parks and Wildlife Committee - this bill was not heard.*

SB 264 (Machado) Delta Levees

Extends the Delta Flood Protection Fund for the Delta Levees Maintenance and Subvention Program to July 1, 2008. *Chapter 583, Statutes of 2005*

SB 1574 (Kuehl) Sacramento San-Joaquin Delta

Requires the Secretary of the Resources Agency to convene a cabinet-level committee to develop a strategic vision for a sustainable Sacramento-San Joaquin Delta, and to report to the Legislature on the vision by December 31, 2008. Requires that the vision include a plan for a sustainable ecosystem, as well as land uses, transportation uses, utility uses, recreational uses, water supply uses, and flood management strategies. *Chapter 535, Statutes of 2006*

WATER MANAGEMENT

AB 371 (Goldberg) Water Recycling

Enacts the Water Recycling Act of 2006 to encourage the production and use of recycled water. Requires recycled water producers who plan to provide recycled water for landscaping purposes within 10 years to notify CALTRANS and the Department of General Services of the areas eligible for services and necessary infrastructure. Requires that pipe installed for recycled water be purple pipe. Requires DWR on or before July 1, 2008, in consultation with the Department of Health Services to adopt and submit to the California Building Standards Commission design standards to safely plumb buildings for both potable and recycled water. Requires adoption of a state version of Appendix J of the Uniform Plumbing Code. *Chapter 541, Statutes of 2006*

AB 479 (Parra) San Joaquin Valley

Requires DWR to study the economic impacts of water supply reduction in the San Joaquin Valley and develop a report for the legislature by December 31, 2008. *Held in Senate Natural Resources and Water Committee.*

AB 984 (Laird) Tamarisk Plant Control

Authorizes DWR, in collaboration with the federal government and other specified entities, to prepare a program for the control and/or eradication of tamarisk in the

Colorado River watershed and to reestablish native vegetation. *Chapter 710, Statutes of 2006*

AB 1290 (LaMalfa) Water Rights Fees

Ends the State Water Resources Control Board's (SWRCB) water rights fees, which are deposited into the Water Rights Fund which finances the SWRCB's water rights regulatory and enforcement program. *Failed passage in Assembly Water, Parks & Wildlife Committee.*

AB 1466 (Laird) Tamarisk Control Program

In order to maximize water supply, establishes a State of California program to eradicate or control tamarisk in the Colorado River basin, in conjunction with other basin states. *Vetoed, October 7, 2005*

AB 1713 (Villines) Temperance Flat Water Storage Facility

Requires DWR to establish a water storage facility at Temperance Flat. *Held in Assembly Water, Parks and Wildlife Committee - this bill was not heard.*

AB 1724 (Villines) Water Reclamation

Prohibits a regional water board from requiring a holder of a master reclamation permit, or a water district, to provide plans or water reclamation facilities to reclaim or recycle water subject to a permit or passing through a water reclamation facility during periods of excessive rainfall. Permits the Board to require a permittee or district to meet other reasonable standards adopted by the Board pursuant to the Administrative Procedures Act. *Held in Assembly Water, Parks and Wildlife Committee - this bill was not heard.*

AB 1747 (Wolk) Water Recycling

As introduced, changed references in the Water Code for water reclamation, to instead refer to water recycling. As amended and passed by the Legislature, these provisions were stricken and the bill instead authorized the Rumsey Band of the Wintun Indians to participate in a Joint Powers Authority with the County of Yolo and other public agencies. *Vetoed, October 7, 2005*

AB 1881 (Laird) Landscape Water Conservation

Prohibits a common interest development from adopting architectural guidelines that prohibit the use of low water using plants. Requires DWR to update the state's model water efficient landscape ordinance and report to the Legislature, and makes other changes regarding the timing of application of the model ordinance to local agencies and charter cities. Requires local governments to adopt the new state model ordinance or equivalent law. Requires the California Energy Commission to adopt regulations by 2010 establishing performance standards and labeling requirements for landscape irrigation equipment and prohibits the sale of certain irrigation equipment after January 1, 2012 unless the equipment meets those regulatory requirements. Requires water purveyors, as a condition of providing new retail water service, to require installation of separate water meters measuring water used for landscaping. *Chapter 559, Statutes of 2006*

AB 2515 (Ruskin) Water Conservation: Report

The energy commission is to develop a report establishing water-efficiency standards for commercial and residential water- using appliances. Overall this bill would expand the role of the Energy Commission and the Public Utilities Commission (PUC) in setting standards for water-use efficiency. As amended, this bill requires the PUC to prepare a report describing the progress of implementing the policy objectives consistent with the state water plan that encourage water conservation consistent with the PUC's Water Action Plan (December 2005) and submit the report to the Legislature, by June 30, 2008. *Chapter 573, Statutes of 2006*

AB 2659 (Ruskin) Bay Area Regional Water System: Capital Improvement Program

As introduced, prohibited the use of state funds or other resources to study the feasibility of restoring Hetch Hetchy until the Legislative Analyst makes certain determinations. As amended, would instead prohibit a state agency from delaying implementation of San Francisco's program of capitol improvement projects designed to restore and improve the bay area regional water system. *Held in Assembly Water, Parks and Wildlife Committee - this bill was not heard.*

AB 3003 (La Malfa) Department of Water Resources: Administrative Expenses

Imposes a 5% cap on DWR's use of bond funds for administrative expenses related to use of funds from a bond approved on or after January 1, 2007. *Chapter 831, Statutes of 2006*

ACR 84 (Walters) Ocean Water Desalination

States the Legislature's support for development of ocean water desalination. *Held in Assembly Water, Parks and Wildlife Committee - this bill was not heard.*

SB 350 (Machado) San Joaquin River Restoration and Water Management

Requires and appropriates bond funds for a San Joaquin River study and establishes a grant program to accomplish river restoration and water supply management improvements. *Held in Assembly Water, Parks and Wildlife Committee.*

SB 409 (Kehoe) Land Use Plans

As introduced, required that the water supply portion of the conservation element of a county general plan be "correlated" with the land use element no later than one year from the date of the next revision of the housing element after January 1, 2007. After failing passage in Committee, the bill was amended to address personal protective equipment for firefighters and removed from Committee. *Chapter 26, Statutes of 2006*

SB 820 (Kuehl) Groundwater

Requires reporting of groundwater extractions in all counties, subject to specified exceptions. Establishes penalties for failing to file statements on diversion or uses of water, and for failure of an urban water supplier to submit an urban water management plan. Re-establishes requirements for agricultural water management plans and promotes certain standards for groundwater management plans. Requires DWR to investigate and report on groundwater basins. *Vetoed, October 7, 2005.*

SB 902 (Denham) The Upper San Joaquin River Storage and San Joaquin River Restoration Bond Act of 2006

As presented to Committee, enacted the Upper San Joaquin River Storage and San Joaquin River Restoration Bond Act of 2006, which would authorize \$1.225 billion in general obligation bonds (subject to voter approval). Committee amended and passed bill to state only legislative intent to submit a bond measure to the voters at the November 7, 2006, statewide general election sale of \$1,225,000,000 in bonds for a water storage program. *Held in Assembly Appropriations Committee.*

SB 1087 (Florez) Housing Elements

Implements current state policy prohibiting a provider of water or sewer services from denying or conditioning approval of an application for service connections if the property developed includes affordable housing, by requiring water or sewer agencies to adopt certain related plans or policies. Also requires water use projections required by the Urban Water Management Planning Act to include projected water use for single-family and multi-family residential housing for lower income households as identified in the housing element of the General Plan. *Chapter 727, Statutes of 2005*

SB 1425 (Kuehl) Groundwater Extraction

Requires the State Water Resources Control Board (SWRCB) to appoint a local agency to receive and maintain groundwater extraction data in the Counties of Riverside, San Bernardino, Los Angeles and Ventura. *Chapter 374, Statutes of 2006*

SB 1506 (Margett) Department of Water Resources: State Water Project: Energy Contracts

Waives provisions of state contracting requirements for DWR to buy and sell electricity and natural gas, and engage in other financial instruments for the operation of the State Water Project. Includes a sunset date of January 1, 2012. *Held in Assembly Water, Parks and Wildlife Committee - this bill was not heard.*

SB 1640 (Kuehl) Groundwater Reporting

Amends disclosure requirements for information related to certain water uses and planning. Among other things, codifies a provision of the 1994 Monterey Agreement litigation settlement, imposes consequences for failing to file annual surface water diversion statements, expands urban water management plans requirements, requires agricultural water suppliers to prepare agricultural water management plans, and establishes a consolidated statewide groundwater monitoring program. *Vetoed, September 30, 2006*

FLOOD PROTECTION

AB 798 (Wolk) Delta Levee Subventions

Extends the sunset on the Delta Flood Protection Fund and the 75-25 state cost-sharing formula for levee maintenance or improvement projects in the Sacramento-San Joaquin Delta (Delta) to 2010, subject to certain conditions. Also requires DWR to recommend priorities for Delta levee subvention funding. *Chapter 548, Statutes of 2006*

AB 802 (Wolk) General Plans

Expands the general plan requirements for flood management in the following ways: (1) Requires the land use element to identify and annually review areas that are subject to flooding as identified by federal and state floodplain maps; (2) Requires the conservation element, upon the next housing element review or after January 1, 2008, to identify rivers, flood corridors, riparian habitat, and land that may accommodate floodwater; (3) Requires the safety element, upon the next housing element review or after January 1, 2008, to identify flood hazard zones and establish policies to avoid or minimize flood risk for new development; (4) Allows the housing element to exclude from the determination of land suitable for urban development those areas where the flood management infrastructure is inadequate and housing development would be impractical; and (5) Requires the Reclamation Board and local flood protection agencies to review safety element documents for cities and counties in the Sacramento and San Joaquin Drainage District, and report recommendations to the planning agency within specified timeframes. *Held in Senate Rules Committee.*

AB 1665 (Laird) Flood Management

As approved by the Committee, this bill changed the name of the Reclamation Board to the Central Valley Flood Management Board. As amended in the Senate, enacts numerous changes relative to Central Valley flood management, including new authorities for DWR and the Reclamation Board, flood planning, flood liability, emergency response planning, flood mapping, notice of flood risk and flood insurance, and a "beneficiaries pay" study for levee costs. *Held in Assembly Water, Parks & Wildlife Committee - heard but not moved out of Committee.*

AB 1877 (Nakanishi) Flood Facility Maintenance & Wildlife

As introduced, bill would have exempted flood facility maintenance activities from streambed alteration regulation. At Committee's suggestion, author amended the bill to require development of a Natural Communities Conservation Plan for Central Valley flood facility maintenance activities. *Held in Assembly Appropriations Committee.*

AB 2000 (La Malfa) Levees: Unlawful Entry

Makes it an infraction to unlawfully enter a levee, on which signs forbidding trespass are displayed, or to damage or otherwise impair the functions of a levee with the exception of emergency service workers. *Held in Senate Natural Resources Committee.*

AB 2026 (Aghazarian) Flood Control

Establishes protection of public health and safety as the highest consideration for the Reclamation Board in setting standards for maintenance and operation of flood protection facilities. Exempts routine levee maintenance from the CA. Environmental Quality Act (CEQA). *Failed passage in Assembly Natural Resources Committee.*

AB 2027 (La Malfa) Flood Control Projects

Changes state policy to allow net loss of habitat caused by Delta flood protection projects. Specifically, this bill deletes the existing prohibition on "net long-term loss of riparian, fisheries, or wildlife habitat" caused by the state Delta Levees Program, including both Delta levee subventions and special flood control projects. *Failed passage in Assembly Water, Parks and Wildlife Committee.*

**AB 2162 (Maze) Flood Control and Environmental Restoration Projects:
Levees: Transfer**

Prohibits transfer of flood control facility to nonpublic entity as part of any state-funded flood control or environmental restoration project. *Failed passage in Assembly Water, Parks & Wildlife Committee.*

**AB 2172 (Evans) St. Helena-Napa River Flood Protection and Estuary
Restoration Project**

Requires the City of St. Helena to give assurances satisfactory to the Secretary of the Army that the local cooperation required by the federal Flood Control Act of 1954 will be furnished by the city in coordination with the St. Helena-Napa River Flood Protection and Estuary Restoration Project in connection with a specified plan of flood control. *Held in Assembly Water, Parks and Wildlife Committee - this bill was not heard.*

AB 2208 (Jones) Levee and Conveyance System: Water User Fees

Requires DWR to study and recommend which beneficiaries should pay for the Central Valley levee and conveyance system maintenance/improvements in a report submitted to the Legislature by January 1, 2008. *Held in Senate Rules Committee.*

AB 2348 (Laird) Flood Control: Pajaro River

Authorizes state funding for a flood control project on the Pajaro River, subject to specified requirements. Provides that the State assumes no liability for damages that may result from the project by authorizing or appropriating subvention funds. *Chapter 354, Statutes of 2006*

AB 3025 (La Malfa) Reclamation Board: Mitigation Plans

Bars Reclamation Board from requiring any mitigation plan to acquire or designate preservation of lands in excess of the acreage adversely affected by a flood project. *Failed passage in Assembly Water, Parks and Wildlife Committee.*

SB 264 (Machado) Delta Levees

Extends the Delta Flood Protection Fund for the Delta Levees Maintenance and Subvention Program to July 1, 2008. *Chapter 583, Statutes of 2005*

SB 347 (Ortiz) American River Flood Control Project

Clarifies state law authorizing state participation in the American River Flood Control Project, to allow the Reclamation Board to participate in the construction of a permanent bridge across the American River. *Chapter 584, Statutes of 2005*

SB 826 (Maldonado) State Maintenance Areas

Restores requirement that DWR or the Reclamation Board form, operate and maintain a flood management maintenance area, if requested by a local agency before July 1, 2003. *Chapter 687, Statutes of 2005*

SB 831 (Machado) Stockton Flood Control

Authorizes the Reclamation Board to accept the transfer of any project works of the Stockton Metropolitan Area Flood Control Project constructed by the San Joaquin Area

Flood Control Agency that is considered an addition or extension to the Bear Creek and Mormon Slough Projects, subject to a hold harmless agreement. *Held on Assembly Inactive File.*

SB 1623 (Cox) Flood Damage Reduction Projects: Folsom Dam and Reservoir

Authorizes DWR and the Reclamation Board to collaborate with the Secretary of the Army, the Secretary of the Interior, and the Sacramento Area Flood Control Agency to adopt changes to the Folsom Dam modification project and related flood damage and restoration projects in the American River watershed. *Held in Assembly Water, Parks and Wildlife Committee - this bill was not heard.*

SB 1796 (Florez) Flood: Reclamation Board

Reforms and renames the Reclamation Board to improve its proficiency, and requires development of a State Plan of Flood Control for the Central Valley. *Vetoed, September 29, 2006*

WATER DISTRICTS

AB 1003 (Nava) Water District Fees: Ventura Watershed Protection District

Authorizes the Ventura County Watershed Protection District to impose fees on a district wide or per zone basis to carry out the objectives and purposes of the Ventura County Watershed Protection Act. *Vetoed, July 26, 2005, but similar provisions were included in AB 554 (Nava) which became law as Chapter 510, Statutes of 2005.*

AB 2236 (Ruskin) Los Trancos County Water District

Removes Los Trancos County Water District from the list of public entities in the Bay Area Water Supply Conservation District as well as the San Francisco Regional Water System Financing Authority. Los Trancos County Water District's water contract will be reallocated to the California Water Service Company. *Chapter 88, Statutes of 2006*

SB 376 (Soto) Three Valleys Municipal Water District

Authorizes the Three Valleys Municipal Water District to adopt an assessment including a schedule of annual adjustments, and to make those adjustments in the same manner as allowed for taxes, fees, and charges that are not considered increases under Proposition 218. *Chapter 210, Statutes of 2005*

SB 511 (Hollingsworth) San Diego County Water Authority

Requires the San Diego County Water Authority (SDWA) to report to the Legislature on changes to its board of directors, regarding the implementation of procedures governing the meetings and actions of the standing committees of its board of directors that were adopted by the board in 2004 or 2005. Requires SDWA to pay the reporting costs. *Chapter 243, Statutes of 2006*

MISCELLANEOUS

AB 515 (Richman) State Water Project Solar Panels

Authorizes DWR to establish a program for leasing space above or adjacent to State Water Project conveyance facilities for installing photovoltaic (PV) panels. Requires DWR to evaluate any proposal for installing PV panels, the cost of which is paid by the project proponent. Provides that DWR may negotiate a charge for use of its facilities and right of way. *Chapter 368, Statutes of 2005*

AB 1128 (Blakeslee) Regional Water Quality Control Board Members

Authorizes a regional water quality control board member to participate in certain board actions involving matters in which the member has a connection if the action would apply on a regional basis. *Held in Senate Environmental Quality Committee.*

AB 1421 (Laird) Monterey Peninsula/Water Discharge Permits

As initially passed by the Committee, the bill would have applied to the Monterey Peninsula Water Management District, requiring reservation of water for affordable housing as a condition of approval of a water project. As amended, this bill authorizes the State Water Quality Control Board or a regional water quality control board to require replacement water for groundwater or surface water where the water quality has been degraded or the background water quality conditions have otherwise been impacted. *Held in Senate Environmental Quality Committee.*

SB 543 (Margett) State Water Project Rights of Way

Establishes a permit program for encroachments on State Water Project rights-of-way, and establishes penalties for encroachments without a permit. *Chapter 263, Statutes of 2005*

SB 557 (Battin) Waste Water Treatment Plants

Allows the City of Palm Springs to sell its wastewater treatment facility to the Desert Water Agency if the city council adopts a resolution by 4/5ths vote finding that the public's interest and convenience require the sale. Waives the 2/3 voter approval otherwise required for the sale. *Vetoed, October 7, 2005*

SB 775 (Cox) Regional Water Quality Control Board Members

Permits a court, upon petition of the owners of at least 15% of the conduits entitled to divert water in a service area, to appoint a watermaster, in lieu of an appointment by DWR. *Chapter 246, Statutes of 2006*

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