

**ASSEMBLY WATER, PARKS AND WILDLIFE COMMITTEE
2007-08 MID-SESSION LEGISLATIVE SUMMARY**

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KEY ISSUES BEFORE THE WATER, PARKS & WILDLIFE COMMITTEE

First year of the 2007 Legislative Session

WATER MANAGEMENT

Flood Protection: Flood Protection Bill Package Passes

The Legislature in 2007, culminating a multi-year effort, passed a package of bills strengthening California's flood protection which were signed into law by the Governor. After several significant bills related to Central Valley flood protection failed in 2006, several authors introduced new flood protection bills early in 2007, including:

- AB 5 (Wolk): State and Local Plans of Flood Protection
- AB 70 (Jones): Flood Liability (not heard in WPW Committee)
- AB 156 (Laird): State Plan of Flood Control (Administration bill)
- AB 162 (Wolk): Planning for Floods in Land-use General Plans
- SB 5 (Machado): State and Local Responsibilities for Flood Control
- SB 17 (Florez): Reclamation Board Reform

These bills progressed through the legislative process in each bill's house of origin and, when considered in the first policy committee in the second house, the authors began discussing how to proceed together. Each policy committee considered the bills in full, with the analyses on several of the bills reflecting similar, if not identical, comments. Near the end of session, Assemblymember Wolk and Senator Machado agreed to pursue one bill (SB 5) that included two key parts – a plan for development of a Central Valley Flood Protection Plan and the subsequent adoption of certain requirements for and/or limitations on land-use development in identified floodplains. The other flood bills were then made consistent, while addressing separate flood issues. The Governor signed the bills as a package on October 10.

Sacramento-San Joaquin Delta

This year, the Sacramento-San Joaquin Delta (Delta) once again has played a central role in debates over California water policy.

As reports of the Delta ecosystem decline continued, the Public Policy Institute of California (PPIC) issued a February report discussing how current Delta policy and uses are unsustainable. The PPIC report highlighted the risks of mass levee failure, transforming the Delta into a deep inland sea and destroying the most valuable estuary ecosystem on the west coast of North and South America. It identified nine alternatives for changing Delta policy and recommended five of those alternatives for further study. The WPW Committee held a joint Assembly-Senate informational hearing on the Delta in March, presenting the PPIC report and a Delta land-use study by UC Berkeley's Delta Initiative, among other Delta presentations.

March also saw the initiation of an effort to develop a new, long-term vision for the Delta. After the 2005-06 session, the Governor signed SB 1574 (Kuehl) and an executive order to create a Blue Ribbon Task Force (BRTF) to develop such a vision. He appointed members of the task force and a stakeholder coordinating group, which held public meetings throughout the year. The BRTF adopted a Delta Vision on November 30. This new vision introduces several new approaches for Delta management that the Legislature is likely to consider in the year ahead.

On the legislative front, there was only limited legislation introduced affecting the Delta, in light of the developing Delta Vision effort. Most of the bills addressed secondary Delta issues – SB 8 (Kuehl-environmental justice), SB 34 (Torlakson-“beneficiary pays” in Delta finance plan), SB 1002 (Perata-appropriations of bond funds for Delta projects). The exception is SB 27 (Simitian), which started out as a bill to authorize the Peripheral Canal. It arrived – and was parked – in the WPW Committee toward the end of the year as a bill requiring actions by the Schwarzenegger Administration to give the Legislature enough information to make major Delta decisions in 2008.

Judicial action provided the most significant impetus in 2007 for changing Delta policy. In March, the Superior Court for Alameda County found that the Department of Water Resources (DWR) had failed to comply with the California Endangered Species Act and ordered the State Water Project (SWP) Delta export pumps shut down within 60 days. DWR appealed that decision, obtaining a stay of the shut-down order.

The Federal Court issued an even more significant Delta decision, which led the Governor to call a special session on water policy on the last day of the 2007 session. After the U.S. Fish and Wildlife Service issued 2005 biological opinions on delta smelt supporting the Bureau of Reclamation’s new long-term, Central Valley Project (CVP) water supply contracts and continued cooperative CVP-SWP Delta pumping operations, environmental advocates filed suit. In spring 2007, Judge Oliver Wanger (E.D.Cal.-Fresno) found that those biological opinions did not comply with the federal Endangered Species Act. At the end of a hearing on how to remedy those legal deficiencies on August 31, Judge Wanger issued an oral decision imposing limitations on the Delta pumps, which DWR has estimated may lead to as much as a 30% reduction in SWP water supplies in 2008. Governor Schwarzenegger then called the special session on water on September 11 (see further discussion of special session below).

Climate Change and Water Resources

After passage of AB 32 (Nuñez/Pavley) in 2006, discussion as to climate change’s effects on California’s water resources increased. DWR had completed a 2006 initial study of the issue, which also contributed to the discussion. The Governor asserted that California needed to build storage reservoirs in order to prepare for climate change’s reduction of the Sierra snowpack and increased rain and floods. WPW Committee Chair Lois Wolk introduced a bill to incorporate climate change into existing water planning efforts in California – AB 224 – which was held in Senate Appropriations Committee in the last week of session. Senator Perata’s bond funding appropriation bill (SB 1002) included funding for DWR to complete further work on climate change’s effects on water resources.

The WPW Committee held a February informational hearing, presenting the latest information on climate change and water resources from California's scientific community (*e.g.* UC Berkeley, Lawrence Livermore National Laboratory). The hearing also included presentations from the California Energy Commission on its study of the effects of water use on energy use and climate change. That study showed that water use in California expends 19% of the state's electrical energy. Certain large water agencies explained how they have invested in preparing for climate change. In an effort to offer this climate change information to the public, the Committee placed the hearing presentations on the Committee website.

Extraordinary Session on California Water Policy

Governor Schwarzenegger on September 11th called a special session of the Legislature to address four issues:

- restoration of the Sacramento-San Joaquin Delta, including improvement of Delta water supply reliability and quality
- improvement of California's water management system, including development of new surface and groundwater storage and improved conveyance facilities
- appropriation of funding to improve water resource management, build additional water storage facilities, develop groundwater aquifers, improve groundwater quality and flood protection, and restore the Sacramento-San Joaquin Delta and other important ecosystem restoration projects
- placement of a general obligation and/or a lease revenue bond on the ballot

In response, Speaker Nuñez appointed a "water working group" of Democratic Assembly members with diverse interests in water policy, chaired by Assemblymember John Laird. Republican leader Mike Villines appointed a separate group of Republican members. Assemblymembers initially introduced five water bills for the Special Session:

- AB 1XX (Laird): Water Resource Bond
- AB 2XX (Laird): Principles for Ensuring California's Water Future
- AB 3XX (Laird): Sacramento-San Joaquin Delta Sustainability
- AB 4XX (Villines): Water Resource Bond
- AB 5XX (DeVore): Nuclear Energy for Water Desalination

The Speaker appointed the members of the water working group and Republican members identified by Minority Leader Villines to a "Special Committee on Water." The Special Committee, chaired by Assemblymember Wolk, held an informational hearing on California's water challenges.

While the Assembly considered a broad array of water issues, the Senate concentrated on passing a bond measure for funding of water infrastructure needs, including integrated regional water management projects and Delta sustainability. Senate President Pro Tempore Don Perata authored the Senate Democrats' bond measure (SB 2XX), while Senator Dave Cogdill authored a Republican alternative (SB 3XX). Neither measure passed to the Assembly, but discussions with the Governor continued through the Fall. In December, the California Chamber of Commerce submitted to the Attorney General four alternative proposals for an \$11.7 billion bond initiative for title and summary.

Other Water Supply Issues

The WPW Committee also considered several other significant water policy issues – conservation, groundwater management and recycling – via consideration of bills.

Assemblymember Laird authored AB 1420 that conditioned state water project funding on the recipient's implementation of best management practices for conservation. Assemblymember Ira Ruskin's AB 662 successfully passed to require the California Energy Commission to adopt water efficiency standards.

Senator Darrell Steinberg authored a bill to create a statewide network of groundwater monitoring, relying primarily on local agencies to report groundwater elevations. SB 178 (Steinberg) reintroduced Senator Kuehl's previous effort to gather groundwater information, but the Governor vetoed both the Steinberg bill and the Kuehl bill (SB 862) that would also have provided for other water planning and information efforts.

In an effort to promote more water recycling, Assemblymember Hector De La Torre authored AB 1481 to create an alternative statewide permit system for recycled water use projects from the State Water Resources Control Board. Generally, regional water quality boards have the responsibility for issuing permits for such projects, but this bill would allow water recycling project proponents to obtain a state permit as an alternative to the regional board process.

BOND IMPLEMENTATION

After passage of the infrastructure bonds on the November 2006 ballot, a number of legislative proposals were introduced to implement various sections of the bonds. The WPW Committee heard at least a dozen bills on bond implementation. Early in the Session, the Committee held two informational hearings on the bonds to provide guidance to the Legislature on the implementation process. At the first hearing on March 6th, the Committee received a briefing from the Legislative Analyst's Office (LAO) and heard testimony from the Administration, including the Resources Agency, the Department of Parks & Recreation (DPR), and DWR. At the second hearing on March 13th, committee staff presented an in-depth overview on flood protection and the Delta, followed by presentations from the LAO and the Administration, including the Resources Agency, DWR, CBDA, and the Department of Fish and Game (DFG). Documents from these informational hearings are posted on the Committee's website.

Water and Flood Bonds

Both Proposition 1E and Proposition 84 included funding for flood protection and water resource management. Legislative proposals related to the flood and water management bonds included AB 1452 (Wolk) and AB 1489 (Huffman). AB 1452, as heard by the WPW Committee and passed by the Assembly, set priorities for State funding of Central Valley flood activities and established criteria for "early implementation" flood projects. This bill was subsequently amended in the Senate to deal with a different subject matter. AB 1489, as heard by the WPW Committee and passed by the Assembly, established a groundwater quality program for the \$60 million in bond funds authorized for groundwater contamination projects, established criteria for integrated regional water management grants, required studies funded with the \$65 million made available for statewide water planning to include analysis of greenhouse gas emissions, and required expenditures for the San Joaquin River to be consistent with the 2006 litigation

settlement. AB 1489 was substantially amended in the Senate and ultimately held on the Senate Appropriations Committee suspense file.

The State Budget appropriated substantial funding for flood protection from the flood bonds. Several water program bond funding initiatives were taken out of the budget by the Senate, anticipating bond appropriations in a bill authored by the Senate leader – SB 1002 (Perata). That bill – which included funding for the Delta, climate change, drinking water, and water storage studies – was vetoed after the Senate failed to pass a bond measure during the 2nd Extraordinary Session on water policy.

Park Bonds

Proposition 84 made available \$400 million in competitive grants for local park projects. The Proposition states that these funds may be allocated pursuant to existing park programs or new legislation. Proposition 1C also makes available \$200 million for housing-related park projects, and authorizes up to an additional \$200 million to be made available for, among other things, park projects designed to encourage infill development.

Three bills related to implementation of these local park bond monies were heard by the WPW Committee: AB 31 (De Leon), AB 1252 (Caballero), and SB 732 (Steinberg). All three of these bills ultimately failed to pass in 2007 and became 2-year bills. AB 31, in its latest amended version, would require the \$400 million in Proposition 84 local park bond funds to be allocated by DPR through the Statewide Parks Development and Community Revitalization Act of 2007. The Act would require that the funds be distributed between three categories of counties based on county population (greater than 1 million people, between 200,000 and 1,000,000 people, and less than 200,000 people). The bill also would require that the funds be competitively awarded within each of these three categories to neighborhood or regional parks serving critically underserved communities, as defined. Amendments adopted in the Senate during the last week of the 2007 Session also require funds made available by Proposition 84 for the California River Parkways Act to be similarly distributed among the three categories of counties based on county population. After these amendments were adopted, AB 31 was re-referred to the Senate Rules Committee where it remained.

AB 1252, as passed by the Assembly required the \$200 million in housing-related park bonds made available in Proposition 1C to be distributed by the Department on Housing and Community Development (HCD), in consultation with DPR, according to criteria similar to HCD's Workforce Housing program. Communities that meet certain requirements for affordable housing would receive local park bond funds. Funds would also be required to go to projects in park-poor communities. AB 1252 was gutted and amended in the Senate to instead mirror the contents of AB 31, absent the River Parkway provisions. After these amendments were adopted, AB 1252 was held on the Senate floor.

SB 732, as heard by the WPW Committee, also contained provisions to implement the Proposition 84 local park bond funds, similar to the provisions contained in the Senate version of AB 31. However, these provisions were stricken from SB 732 when it was heard in the Assembly Appropriations Committee.

Proposition 84 also makes \$400 million available for state parks. Expenditure of these funds is not dependent on implementing legislation, though the Legislature could provide additional guidance to the Administration on how these funds should be allocated. The Governor's budget proposed only minor expenditures of these funds in 2007/08. The WPW Committee heard one bill, AB 1426 (Wolk), which stated Legislative intent that a proportional amount of these funds be spent on state parks in the Central Valley. That provision was removed from the bill in the Assembly Appropriations Committee. However, AB 1426, which states Legislative policy direction for implementation of DPR's Central Valley Vision and makes establishment of state parks in the Central Valley a state priority, did pass and was signed by the Governor.

Natural History Museums and Research Facilities

Proposition 84 makes available \$100 million in bond funds to DPR for grants for nature education and research facilities and equipment, including natural history museums, aquariums, research facilities, and botanical gardens. The WPW Committee heard two bills designed to implement this program. AB 772 (Portantino), as initially proposed, would have limited eligibility for these funds primarily to large established institutions in heavily urbanized counties or cities, and also added zoos and children's museums to the list of eligible entities. Amendments taken in the WPW Committee, among other things, eliminated the heavily urbanized restrictions. This bill was ultimately held in the Assembly Appropriations Committee on suspense.

SB 732 (Steinberg) also included provisions to implement the nature museum funding, based primarily on the existing language of Proposition 84, but also authorizing DPR to give additional consideration to projects that will serve underserved communities. SB 732 ultimately did not pass the Legislature in 2007 and was moved to the Assembly floor inactive file during the final week of the Session.

Sustainable Communities and Planning Incentives Programs

Proposition 84 makes bond funding available for each of two new programs that require implementing legislation. Chapter 9 of the Proposition, under the general heading of "Sustainable Communities and Climate Change Reduction," makes \$90 million available for "urban greening projects," and \$90 million for "planning grants and planning incentives," including revolving loans.

The WPW Committee heard several bills designed to implement these provisions, including AB 1253 (Caballero) and SB 732 (Steinberg). AB 1253 authorized the Secretary of Resources to award planning grants to local communities that have updated general plans and certified housing elements, and have demonstrated achievement in meeting certain housing-related criteria. AB 1253 was gutted and amended in the Senate to address another subject. SB 732 takes an integrated approach that would have both the urban greening and planning incentives programs administered by a statewide Sustainable Communities Council. SB 732 was held on the Assembly floor inactive file the last week of the Session and could be revisited by the Legislature in 2008.

FISH AND WILDLIFE ISSUES

Fisheries

Several key policy proposals involving the health of California's fisheries were considered by the WPW Committee in 2007. Chief among these were AB 1032 (Wolk) which proposed protections for wild trout and salmon from the effects of instream suction dredge mining, AB 1187 (De Saulnier) which increases the penalties for poaching of sturgeon, AB 1144 (Maze) which establishes standards for commercial fishing businesses, and AB 1280 (Laird) which authorizes funds in the Ocean Protection Trust Fund to be used for development of fishery management plans. All four of these bills passed and were sent to the Governor. The Governor signed AB 1187, AB 1144 and AB 1280, but vetoed AB 1032.

AB 1032 would have established interim protections for wild trout, coho salmon and other sensitive species by restricting motorized suction dredging in key wild trout and salmon spawning streams pending DFG's completion of a court-ordered environmental review and update of their existing suction dredge regulations. According to declarations filed by DFG's chief fisheries biologist and other fishery experts in court, suction dredging under the existing regulations is causing harm to coho salmon, a listed species. AB 1032 also would have provided a means for funding the court-ordered environmental review through a combination of increased suction dredge permit fees and authorizing use of funds in the Salmon and Steelhead Restoration Trust Fund Account for this purpose. Since AB 1032 was vetoed it is unclear where the funding will come from for DFG to comply with the court order, which requires that the environmental review and regulatory update be completed by July 2008.

The WPW Committee also heard SB 562 (Wiggins) which proposed to appropriate \$5.2 million of the funds made available in Proposition 84 for salmon restoration projects. The Governor's budget initially proposed to appropriate \$11 million of these funds in 2007/08, but those funds were removed from the budget after efforts to reach agreement on timber harvest plan rules to protect salmon habitat proved unsuccessful. SB 562 was then amended late in the Session in an effort to appropriate up to half of these salmon restoration funds, while negotiations continued on the timber harvest rules. SB 562 was heard in the WPW Committee and passed by the Assembly late on the last night of the Session, but did not make it back to the Senate in time to be taken up before the Legislature adjourned. The legislation was then reintroduced as part of the Special Session in September in the form of SB 2X5. This bill was approved by the Senate but was not heard in the Assembly.

In a related development, environmental groups filed a lawsuit on November 15, 2007 in San Francisco Superior Court challenging the new timber harvest rules on the grounds that the rules imperil protected Coho Salmon and alleging that the Board of Forestry and Department of Forestry failed to comply with the State Forest Practices Act and the California Environmental Quality Act in adopting the rules. In separate litigation, the 3rd District Court of Appeal on November 20, 2007 upheld the state Fish and Game Commission's decision to list the coho salmon under the California Endangered Species Act.

Prospect Island Fish Kill

On December 6, 2007, the WPW Committee held an investigatory hearing into the massive fish kill which occurred on Prospect Island in the north Delta in late November. The incident was brought to light by local fishermen who spotted large numbers of dead fish floating in shallow water on the island. The cause of the fish deaths was the decision by the Bureau of Reclamation to repair the levee and drain the island, which had been flooded since a levee break in January of 2006. Tens of thousands of fish died as the waters receded. The Bureau, after consulting with state and federal fish and wildlife regulatory agencies, decided not to implement a fish salvage effort. After extensive news coverage and pressure from fishing groups, the Bureau eventually allowed volunteer fishermen to mount an emergency rescue operation which managed to save several thousand fish, including large numbers of adult striped bass and numerous smaller fish, including splittail and shad.

The WPW Committee heard testimony from state and federal governmental agencies, fishing groups and local representatives concerning the incident. The hearing highlighted the need for better coordination and communication between government agencies and local communities in the Delta, the need for a new Delta governance structure responsible for ensuring overall stewardship and protection of the public trust resources of the Delta, and the need for better advance contingency planning to avoid and better respond to future emergencies. The hearing also highlighted the importance of both game and non-game fish species to the state, and the unfortunate fact that the destruction of the fish on Prospect Island came at a time when numerous fish species are declining in the Delta. The Chair of the Committee pledged to work on addressing these issues in the Legislature.

Prospect Island was initially purchased for the purpose of restoring fish and wildlife habitat in the Delta, but plans for restoration of the site were never implemented. When state and federal agencies failed to act, nature took its course and flooded the island. The Bureau now plans to put the island up for sale. The future of Prospect Island, and how it fits into the state's overall vision for ecosystem restoration in the Delta, remains unresolved at this time.

Wildlife Conservation

California faces increasing challenges to protect wildlife habitat, as development and growth continues in the state. The importance of protecting wildlife corridors and preserving habitat linkages was elevated with the passage of the infrastructure bonds on the November 2006 ballot, which included financing for new roads and other infrastructure projects. Several bills aimed at enhancing the state's ability to conserve wildlife habitat were heard in the WPW Committee in 2007. AB 828 (Ruskin) proposed to require DFG to investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages. It also required DFG to develop and maintain a standardized spatial data system on vegetation and land cover, identifying those areas most essential for habitat connectivity, including wildlife corridors and habitat linkages, and to make that data available to the public. AB 828 passed but was vetoed by the Governor. The Wildlife Conservation Board in August did approve a grant to DFG that will fund a portion of this work.

AB 350 (Blakeslee) would have required DFG to develop a fine-scale, multiple-attribute, statewide vegetation layer map to help identify habitat and wildlife corridors. DFG has already

begun development of this project, and has also entered into a memorandum of understanding with other state and federal agencies to establish a cooperative vegetation and habitat mapping initiative to facilitate statewide data collection, and to establish common mapping and classification standards. According to the author, this bill would build upon existing DFG statewide vegetation and mapping data collection activities. AB 350 passed the WPW Committee but was held on the Assembly Appropriations Committee suspense file.

The WPW Committee also approved legislation to implement the California Wildlife Action Plan, a plan prepared and adopted by DFG with funds made available through the federal State Wildlife Grants program. These plans are designed to provide comprehensive guidance to state wildlife programs, with a focus on nongame wildlife that are not already listed as endangered or threatened. AB 923 (Wolk) directed DFG to take necessary steps to implement and prioritize the plan, with the assistance of a broad-based stakeholder advisory group. AB 923 passed the committee but was held in the Senate Appropriations Committee on suspense.

Hunting and Trapping

Several bills related to California's hunting and trapping laws were considered by the WPW Committee in 2007. Arguably the most significant and high profile of these bills was AB 821 (Nava), which requires the use of non-lead ammunition when hunting big game in the California Condor range. Ingestion of lead bullet fragments has been identified as a leading threat to condor survival in the wild. This bill passed the WPW Committee and the full Legislature after considerable debate and was signed by the Governor.

AB 815 (Berryhill) would preempt most local ordinances effecting hunting or fishing by prohibiting a city or county from adopting an ordinance or regulation that affects the taking of fish and game within its jurisdiction, unless the ordinance or regulation is within the police powers of the local government, does not conflict with general laws, has as its principal purpose the protection of public health and safety, and has only an incidental effect upon hunting and fishing. Local ordinances on hunting or fishing would also be prohibited if they affect lands owned or managed by the state or federal government, private lands outside the geographical limits of a city where hunting and fishing may safely occur, private lands inside the geographical limits of a city where limited hunting and fishing may safely occur taking into account any restrictions on equipment that are intended to protect the public, and areas where hunting and fishing may occur without endangering public health and safety. The bill designates the Fish and Game Commission as the only entity in the state authorized to adopt or promulgate regulations regarding hunting and fishing. AB 815 passed the Assembly but was held in the Senate Natural Resources and Water Committee.

AB 912 (Parra) requires the Fish and Game Commission (FGC) to create a mentored hunting program that allows apprentices to hunt for up to one year without first completing a hunting safety course if they are under the supervision of a hunting mentor. This bill was not heard in the WPW Committee and is now a two-year bill.

Two bills related to trapping of mammals were heard and passed by the WPW Committee but were vetoed by the Governor. AB 449 (Strickland) would have required persons trapping certain nongame and furbearing mammals for profit to use methods of euthanasia approved by the

American Veterinary Medical Association (AVMA) and clarified, if such methods are not available, when specified methods of gunshot may be used. AB 1477 (Soto) would have required persons who trap animals for profit to complete 20 hours of continuing education.

Other notable wildlife legislation passed in 2007 includes SB 880 (Calderon) which legalizes the importation and sale of kangaroo products in California. This bill was amended to add a three year sunset, and to require the Australian government to certify to DFG that the annual harvest in future years does not exceed the quota for 2007. As amended this bill passed and was signed by the Governor.

Salton Sea

In May 2007, the Resources Agency released its preferred alternative for restoration of the Salton Sea. The proposal includes construction of a saline habitat complex and a smaller marine sea, strategies for addressing air quality problems, and various ecosystem restoration projects. The estimated cost of the preferred alternative is close to \$10 billion, which would be spread over 70 years. The Legislature faces a number of policy issues related to restoration of the Salton Sea. The statewide, national, and even international importance of the Sea for wildlife, particularly birds, is well-recognized. However, the State also faces other critical state water and wildlife funding needs. There is also continued debate as to which aspects of the Salton Sea restoration proposal would provide primarily public benefits and are therefore appropriately funded by the State, and which aspects provide primarily local benefits and should therefore be funded by local beneficiaries. A significant share of the cost will also need to be born by the federal government.

Proposition 84 makes \$47 million in bond funds available for Salton Sea restoration. The WPW Committee approved legislation in 2007 designed to provide interim guidance for expenditure of these funds, pending further discussions on establishment of a long term governance structure for restoration. SB 187 (Ducheny) authorized Proposition 84 bond funds made available for the Salton Sea to be continuously appropriated for certain early phase ecosystem restoration projects identified in the Resources Agency's report and consistent with the Agency's preferred alternative. The bill also called on the Secretary of Resources to continue to serve as lead agency until a more permanent governance structure is established. SB 187 passed the WPW Committee but was held in the Assembly Appropriations Committee where it became a 2-year bill. Interested parties plan to continue discussions during the Fall interim on options for a governance structure. If agreement is reached on an appropriate governance structure, SB 187 could be a vehicle for implementing such an agreement in 2008.

Other Fish and Game Related Bills

The WPW Committee unanimously passed AB 1683 (Wolk) which enhances DFG's authority to take actions necessary to stop the spread of quagga mussels, a highly invasive species threatening California's water delivery and natural ecosystems. This bill is an urgency measure and took effect immediately upon signature by the Governor.

Finally, the WPW Committee authored code clean-up legislation in 2007, sponsored by DFG, to update the Fish and Game Code. This bill, AB 1729, was signed into law by the Governor.

PARKS & RECREATION

State Parks

The WPW Committee heard several bills designed to address threats to state parks. These measures illustrate the increasing pressures on state parks from competing uses in and around state park lands. Three bills in particular are indicative of the challenges the state faces in accomplishing the mission of state parks and protecting these public trust values, in light of other conflicting and potentially incompatible uses. SB 404 (Kehoe) would require legislative approval before any designated wilderness areas within state parks could be "dedesignated." One of the catalysts for this bill was San Diego Gas & Electric Company's application to the California Public Utilities Commission (PUC) to build an electricity transmission line through designated state wilderness lands in Anza Borrego State Park. This bill failed passage in the WPW Committee by one vote and is now a two-year bill.

AB 1457 (Huffman) would prohibit a state or local agency from funding or authorizing construction of a road that would physically encroach upon, traverse, bisect or impair a state park, unless the director of DPR makes a determination that the project includes all feasible planning to minimize harm to the park, there are no feasible alternatives to the project that would avoid harm to the park, and the road is necessary for use of the state park, for fire prevention, or for utilities located on the state park property. This bill was held in WPW Committee at the request of the author and is now a 2-year bill. One of the catalysts for this bill was a proposal for construction of a toll-road through San Onofre State Beach, home of the infamous Trestles surfing beach, although proponents pointed out that the toll road proposal is just one of several proposals that would encroach upon state park lands.

AB 576 (Carter) would prohibit an animal feeding operation, or dairy, within 2.5 miles of Colonel Allensworth State Historic Park in Tulare County. This park preserves and honors a unique part of African American state history. The town of Allensworth is the only town settled and founded entirely by African Americans, led by Colonel Allensworth, a former slave and decorated Civil War hero. Over a hundred people from all over the state attended the WPW Committee hearing on this bill, which was sponsored by the Legislative Black Caucus. AB 576 passed the committee and made it all the way through the legislative process but was held on the Assembly floor the last week of Session, making it a two year bill.

These three park related bills are each eligible to be reconsidered when the Legislature reconvenes in January 2008.

Off-Highway Vehicle Recreation

One of the more contentious debates of the year involved legislation to reform the Off-Highway Motor Vehicle Recreation program within DPR. SB 742, which was authored by Senator Steinberg and co-authored by Assemblywoman Wolk, was the vehicle for this stakeholder driven process. Beginning early in the year, representatives of OHV rider groups, environmental groups, DPR, and committee staff from the Senate and Assembly began meeting to discuss the program and attempt to work toward a consensus. Since the program was scheduled to sunset the end of 2007, it was necessary that legislation be enacted this year. Issues addressed included

the makeup and role of the OHV Commission; the distribution of grant funds for OHV trails, restoration, and law enforcement; penalties for OHV violations; and funding for the program.

The final bill, which was passed and signed into law, makes significant changes to the program. Key provisions include: 1) changes the makeup of the OHV Commission to a majority of Governor's appointees, subject to Senate confirmation, 2) changes the role of the Commission to more of an advisory body, 3) increases the registration fees for OHV vehicles (green sticker fees), 4) specifies the percentages of grant funds that shall be awarded for OHV trails and maintenance, restoration of lands damaged by OHV use, law enforcement and education, 5) prohibits state OHV trust funds from being used for creation of new OHV trails on federally designated road-less areas, 6) increases the penalties for OHV violations, 7) changes the methodology for determining the amount of fuel tax funds allocated to the OHV program, and 8) extends the sunset for 10 years. While OHV rider and environmental groups directly involved in the negotiations supported the final bill, some groups felt the bill should have gone further, particularly in the area of enforcement. This is a program the Legislature will want to monitor closely in the coming years as the changes enacted through SB 742 are implemented.

UPCOMING ISSUES IN 2008

Depending on the outcome of the Special Session on water, water resource management and water supply issues will likely continue to be hot topics of legislative debate in 2008. The future of the Delta will also be of great importance, as the Legislature evaluates the work of the Governor's Delta Blue Ribbon Task Force. Other issues not fully addressed in 2007 that will need to be revisited in 2008 include climate change and water resources, implementation of the settlement agreement on restoration of the San Joaquin River, creation of a long-term governance structure for the Salton Sea, and restoration of the Klamath River and the state's salmon fisheries. Legislation to implement funding made available through Proposition 84 for local parks, sustainable communities, planning incentive grants, and natural history museums will also need to be revisited. Other continuing issues include improving the state's ability to prevent and control the spread of invasive species, and enhancing the state's ability to protect public trust resources, including parks and wildlife species.

Finally, on November 7, 2007, the state experienced an oil spill crisis in the San Francisco Bay, when a ship hit the Bay Bridge and spilled over 58,000 gallons of bunker fuel oil into the Bay. The investigation of this incident and the subsequent oil spill response effort revealed a number of problems that the Legislature will be looking to address through proposed public policy changes in 2008.

**ALL BILLS IN ASSEMBLY WATER, PARKS &
WILDLIFE COMMITTEE
2007**

FISH AND WILDLIFE

Fisheries

AB 1032 (Wolk) Dredging: Closed Waters: Wild Trout and Salmon: Aquatic and Amphibian. Closes five designated wild trout waters, and portions of the Klamath, Scott and Salmon Rivers and their tributaries, to motorized suction gold dredging for up to three years; authorizes the Department of Fish and Game (DFG) to use funds in the Salmon and Steelhead Trout Restoration Account to conduct a court-ordered environmental review and update of DFG's existing suction dredge regulations; increases the fees for suction dredge permits.
Vetoed – October 13, 2007

AB 1144 (Maze) Fishing Licenses and Permits. Deletes a reference to reduced fee fishing licenses for persons receiving aid to the aged, makes changes relating to late fees for renewal of commercial fishing licenses, and establishes conditions for commercial fish business licenses.
Chapter 279, Statutes of 2007

AB 1187 (DeSaulnier) Sturgeon: Striped Bass: Salmon: Lobster: Black Bass: Penalties. Increases the penalties for illegal sale or possession of sturgeon or lobster; makes it prima facie evidence that possession of certain fish in excess of certain limits is possession for commercial purposes, and makes it unlawful, with certain exceptions, to take or possess for commercial purposes sturgeon and certain other fish species, including Sacramento perch, crappie, black bass and sunfish. *Chapter 328, Statutes of 2007*

AB 1270 (Mullin) Bay-Delta Sport Fishing Enhancement Stamp Account: Unspent Funds. Requires that 25% of the unspent funds in the Bay-Delta Sport Fishing Enhancement Stamp Account be spent for replenishment of bay striped bass and sturgeon. *Held on Assembly Appropriations Committee Suspense File.*

AB 1280 (Laird) Ocean Resources: California Ocean Protection Trust Fund. Adds grants or loans for development and implementation of fishery management plans under the Marine Life Management Act to the list of projects or activities for which the Ocean Protection Council may expend monies from the California Ocean Protection Trust Fund. Specifies the plans shall promote long-term stewardship and encourage collaboration with fishery participants to increase environmental and economic sustainability. *Chapter 374, Statutes of 2007*

SB 384 (Cogdill) Wild Trout. Revises provisions of existing law relating to the designation and management of wild trout streams. Replaces references to "catch and release fisheries" with "wild trout waters" or "wild trout fisheries" and makes other conforming changes. Revises the current

requirement that DFG determine whether a trout stream should be managed as a wild trout fishery or with planting of trout, to instead refer to the planting of native trout to supplement wild populations. Eliminates the requirement that DFG, in making recommendations to the Fish and Game (FGC) for designation of wild trout streams, give highest priority to designation of zero-limit fisheries. Requires DFG to prepare and complete management plans for all wild trout waters within specified time limits. *Chapter 432, Statutes of 2007*

SB 562 (Wiggins) Salmon Restoration Funds. Appropriates \$5.293 million out of the \$45 million in bond funds made available by Proposition 84 for coastal salmon and steelhead fishery restoration projects. *In Senate, Unfinished Business.*

SJR 4 (Wiggins) Klamath River Salmon: Congressional Relief. Expresses support for the effort in the United States Congress to provide assistance to fishing communities, businesses, and individuals to mitigate the economic losses caused by declining Klamath River fall Chinook salmon. *Held in Assembly WPW Committee – this resolution was not heard.*

Wildlife

AB 222 (Emmerson) Undomesticated Burros. Authorizes a state or local agency to capture and relocate undomesticated burros, from private lands upon request of the landowner, and where necessary for the health and safety of the burros if specified conditions exist. *Chapter 128, Statutes of 2007*

AB 449 (Strickland) Trapping: Mammals: Control Methods. Requires persons trapping certain nongame and furbearing mammals for profit to use methods of euthanasia approved by the American Veterinary Medical Association and clarifies, if such methods are not available, when specified methods of gunshot may be used. *Vetoed – October 13, 2007*

AB 450 (Strickland) Wild Animal Facilities: Inspection. Extends the date by which DFG is required to enter into memoranda of understanding with eligible local entities to conduct inspections of wild animal facilities, if DFG elects not to inspect each facility itself, from January 1, 2007 to January 1, 2009. This provision was added also to AB 1729 (WPW Committee). *Held on Senate floor – 2 year bill.*

AB 815 (Berryhill) Hunting or Fishing: Local Regulation. Prohibits a city or county from adopting an ordinance or regulation within its jurisdiction that affects the taking of fish or game except under narrow specified circumstances relating to public health and safety. Affirms the Legislature's delegation of regulatory powers to the Fish and Game Commission over hunting and fishing. *Held in Senate Natural Resources and Water Committee – 2 year bill.*

AB 821 (Nava) Ridley-Tree Condor Preservation Act. Enacts the Ridley-Tree Condor Preservation Act requiring the use of non-lead center-fire rifle and pistol ammunition when taking big game or coyotes within the known range of the California Condor, as specified. Requires the Fish and Game Commission, to the extent funding is available, to provide hunters in these areas with nonlead ammunition at no or reduced charge through a coupon program. *Chapter 570, Statutes of 2007*

AB 912 (Parra) Mentored Hunting Program. Requires the Fish and Game Commission to create a mentored hunting program that allows apprentices to hunt for up to one year without first completing a hunting safety course if they are under the supervision of a hunting mentor. *Held in Assembly WPW Committee – 2 year bill -- this bill was not heard.*

AB 923 (Wolk) California Comprehensive Wildlife Action Plan. Requires the DFG to implement the California Wildlife Action Plan. Requires DFG to create a stakeholder advisory committee, to review and update the Plan every five years, and to report to the Legislature by January 1, 2009. *Held on Senate Appropriations Committee Suspense File.*

AB 1387 (Runner) National Guard: Benefits. Authorizes a California resident who is a member of the California National Guard to pay a reduced fee for a hunting or sport fishing license. Requires the Department of Parks and Recreation (DPR) to create a state parks pass for use by members of the National Guard to park free of charge in any parking facility located within any unit of the state park system. *Held on Assembly Appropriations Committee Suspense File.*

AB 1477 (Soto) Trapping. Requires a person who traps fur-bearing animals for profit to complete continuing education requirements, and establishes standards for handling of nontarget animals. *Vetoed – October 10, 2007*

AB 1683 (Wolk) Fish and Game: Dreissenid Mussels. Authorizes the DFG to conduct inspections, order quarantines, and take other actions necessary to prevent the spread of invasive quagga or zebra mussels. Prohibits the possession, importation, shipment, transportation, or placement of dreissenid mussels in any waters in the state. Requires the concurrence of the Secretary of Resources for closures and restrictions permitted in this bill. Creates an exemption for a public or private agency that operates a water supply system from those enforcement activities, if the operator of the facilities has prepared and implemented a prescribed plan to control or eradicate dreissenid mussels. *Chapter 419, Statutes of 2007*

SB 880 (Calderon) Crime. Repeals, until January 1, 2011, the state prohibition and criminal penalty on the importation or sale of kangaroo parts or products in California. Requires the Australian government to file a document with DFG certifying that the harvest for that year is within certain limits. *Chapter 576, Statutes of 2007*

Wildlife Habitat

AB 350 (Blakeslee) Vegetation Mapping. Requires DFG to develop a fine-scale multiple-attribute statewide vegetation layer map for habitat and wildlife corridor identification. Declares legislative intent that the map build on the progress of DFG in mapping the state as part of its vegetation classification and mapping program. *Held on Assembly Appropriations Committee Suspense File.*

AB 424 (Gaines) Wetlands: Mitigation Banking: Notice. As approved by the WPW Committee and the Assembly, prohibited DFG from approving a wetlands mitigation bank, including approval of a bank site under the Sacramento-San Joaquin Valley Wetlands Mitigation Bank Act,

unless the memorandum of understanding or other agreement for the bank site required DFG within 60 days of the date of the agreement to send a notice to each city or county if the mitigation takes place in the entity's approved sphere of influence. Also required a local agency to notify DFG of the local agency's approval of a proposed zoning ordinance or other land use change that may affect wetlands habitat located in the agency's sphere of influence. This bill was amended in the Senate to delete these provisions and address an unrelated revenue and taxation issue. *Held in Senate Revenue and Taxation Committee – 2 year bill.*

AB 828 (Ruskin) Wildlife Conservation. Requires DFG to investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages. Requires DFG to develop and maintain a standardized spatial data system on vegetation and land cover, identifying those areas most essential for habitat connectivity, including wildlife corridors and habitat linkages, and to make that data available to the public. *Vetoed – October 13, 2007*

AB 1074 (Houston) California State Conservation Permit. Requires establishment of California State Conservation Permit system to assist landowners who wish to do conservation projects on their private land. *Held in Senate Natural Resources and Water Committee – 2 year bill.*

AB 1143 (Maze) State Lands: Acquisition: Warning Signage: Mountain Lion Habitat. As heard by this Committee, required DFG and DPR to determine whether property that is proposed for acquisition is mountain lion habitat, and if so to require and provide funding for posting of warning signs. As amended in the Senate, requires DFG to determine if the property proposed for acquisition presents a significant potential threat to public health or safety and if so requires signage that reflects that determination at public access points. *Held on Senate Appropriations Committee Suspense File.*

AB 1246 (Blakeslee) Land Use: Natural Resources: Transfer of Property Interests. Authorizes a state or local public agency that, in the development of its own project is required to transfer an interest in real property to mitigate an adverse impact on natural resources, to transfer the interest to a nonprofit organization, if the nonprofit meets specified requirements, including that the nonprofit is a 501(c)(3) tax exempt organization qualified to do business in the state, is a qualified organization under federal tax law, and has as its principal purpose protection or stewardship of natural, cultural or historical land or resources. *Chapter 330, Statutes of 2007*

AB 1253 (Caballero) Sustainable Communities and Urban Greening: Grant Program. As heard in this Committee, created the Sustainable Communities Regional and Local Land Use Planning Program for the purpose of allocating the \$90 million in bond funds made available for sustainable communities and regional and local land use planning by Proposition 84. The Senate amendments delete these provisions and instead enact provisions related to the Salinas Valley State Prison Wastewater Treatment Plant in the City of Soledad.

Department of Fish and Game

AB 1729 (Water, Parks & Wildlife Committee) Fish and Wildlife. Makes numerous technical and substantive changes to update the Fish and Game Code. *Chapter 285, Statutes of 2007*

PARKS & RECREATION

AB 31 (De Leon) Statewide Park Development and Community Revitalization Act. As heard in this Committee, required the \$400 million in local park bonds authorized by Proposition 84 to be allocated according to the Urban Park Act, and amended the definition of "heavily urbanized county" for purposes of eligibility. As amended in the Senate, requires that these funds be awarded as competitive grants for new neighborhood and regional parks serving critically underserved communities, as defined, pursuant to the Statewide Park Development and Community Revitalization Act of 2007, and also provides for allocation of bond funds appropriated for river parkways. *Held in Senate Rules Committee – 2 year bill.*

AB 63 (Emmerson) Parks and Recreation: Glen Helen Regional Park. As introduced and heard in this Committee, authorized San Bernardino County to transfer park land for road access in exchange for acquisition of property of equal or greater recreation value. As amended, authorizes not more than 16 acres for a road easement, or a fee interest in the property for which a road easement has been granted or in a portion thereof, provided the county transfers not more than 7 acres of parkland in Glen Helen Regional Park pursuant to specified conditions, including the acquisition of substitute parkland. *Chapter 310, Statutes of 2007*

AB 123 (Nunez) Parklands: Westside Park. Authorizes the City of Huntington Park to transfer parkland to the Los Angeles Unified School District in exchange for replacement parkland. *Chapter 260, Statutes of 2007*

AB 257 (Anderson) Parks: Veterans: Park Passes. Eliminates the one-time fee for a disabled veteran park pass for a specific class of disabled veteran. Adds recipients of a Congressional Medal of Honor to the list of veterans eligible for a free park pass. *Chapter 129, Statutes of 2007*

AB 451 (Garcia) Public Resources: Global Positioning System Pilot Program. Requires the Mount San Jacinto Winter Park Authority, in collaboration with DPR, to establish a Global Position System Pilot Program to enhance the ability of search and rescue personnel to locate and rescue persons who are lost in the Mount San Jacinto State Wilderness. *Held in Assembly WPW Committee – 2 year bill – this bill was not heard.*

AB 492 (Garcia) Off-Highway Vehicle Trust Fund: Grants. Authorizes the issuance of grants from the Off-Highway Motor Vehicle Trust Fund for park units that are not classified as State Vehicular Recreation Areas, but where off-highway recreational vehicle use is permitted. *Held in Assembly WPW Committee – 2 year bill – this bill was not heard.*

AB 576 (Carter) Colonel Allensworth State Historic Park: Proximity to Animal Feeding Operations. Prohibits a person from having an animal feeding operation, or a concentrated animal feeding operation, within 2.5 miles of the boundary of Colonel Allensworth State Historic Park. *Held on Assembly Floor Inactive file – 2 year bill.*

AB 600 (Garcia) Housing: Homebuyer Assistance. As heard by this Committee, provided that bond funds authorized by Proposition 1C for housing-related park projects should be administered by the Department of Housing and Community Development (HCD). Required that grants be

provided to cities and counties that have deficient parks or deficient park acreage and issue building permits for housing developments consisting of new units that are affordable to low or very low-income households. This bill was subsequently amended to delete these provisions and instead address HCD's Building Equity and Growth in Neighborhoods Program. *Held in Assembly Rules Committee.*

AB 772 (Portantino) Park and Nature Education Centers Grant Program. Creates the Park and Nature Education Centers Grant Program to allocate \$100 million in Proposition 84 bond for natural history museums and research facilities. Defines eligible institutions and requires that a certain percentage of the funds to allocated to institutions meeting specified criteria. *Held on Assembly Appropriations Committee Suspense File.*

AB 838 (Blakeslee) Parks and Recreation: Easements. Authorizes DPR to acquire conservation easements on real property if DPR determines that an easement is necessary to protect a unit of the state park system from an incompatible use or to preserve and enhance the natural resource, cultural or historic value of the state park unit. *Held on Senate Appropriations Committee Suspense File.*

AB 958 (Evans) Spud Point Marina. Makes changes to several statutes pertaining to Sonoma County's Spud Point Marina state loan, to implement provisions of a settlement agreement between the Department of Boating and Waterways and the County that renegotiated the terms of the loan. Authorizes Sonoma County to charge berthing rates and other charges, with certain restrictions, to generate the revenue needed to repay the loan. *Vetoed – October 10, 2007*

AB 990 (Berg) Spud Point Marina. Revises existing provisions regarding loan payments on the loan for the construction of the commercial fishing vessel marina at Spud Point to provide that, notwithstanding any requirement that any loan be repaid in full, those loan payments may be renegotiated. *Held in Assembly WPW Committee – 2 year bill – this bill was not heard.*

AB 1252 (Caballero) Housing-Related Parks Program. As heard by this Committee, created the Housing-related Parks Program to be administered by DPR using funds authorized in Proposition 1C, to provide grants to cities and counties for creation or rehabilitation of parks in conjunction with eligible housing projects. Subsequent amendments deleted these provisions and instead establish criteria for allocation and award of grant funds made available under Proposition 84 for local park projects. *Held on Senate Floor – 2 year bill.*

AB 1303 (Smyth) Urban Greening. Requires the DPR to establish a local assistance program to offer competitive grants to cities, counties and park districts to implement provisions of Proposition 84 that provide funding for urban greening projects. *Held on Assembly Appropriations Committee Suspense File.*

AB 1315 (Ruskin) Bond Funds: Housing and Emergency Shelter Trust Fund Act: Parks. Requires that in implementing provisions of Proposition 1C that makes available funding for housing-related parks projects and infill incentives, that priority be given to park projects around transportation hubs and train stations, projects connecting infill development and schools, projects

mitigating traffic in school routes, and projects connecting urban areas with open-space parks and trails. *Held in Assembly WPW Committee – this bill was not heard – 2 year bill.*

AB 1362 (Smyth) Parks and Recreation. Extends the sunset date to January 1, 2014 on the Department of Finance's authority to delegate to DPR the right to exercise the same authority granted to the Division of the State Architect and the Real Estate Services Division in the Department of General Services to plan, design, construct and administer contracts and professional services for legislatively approved capital outlay projects. *Chapter 147, Statutes of 2007*

AB 1426 (Wolk) Parks. Central Valley Vision. Requires DPR to develop a detailed plan to implement the Central Valley Vision, a comprehensive plan for increasing state parks and recreational opportunities within the Central Valley. *Chapter 546, Statutes of 2007*

AB 1457 (Huffman) Parks and Recreation: State Parks: Roads. Prohibits a state or local agency from funding or authorizing construction of a road that will physically encroach upon, traverse, bisect or impair a state park, unless DPR makes a specific determination. *Held in Assembly WPW Committee – 2 year bill.*

AB 1536 (Smyth) Parks: Housing and Emergency Shelter Trust Fund Act of 2006. Designates DPR as the primary agency authorized to administer the housing-related park grants authorized in Proposition 1C. *Held in Assembly WPW Committee – this bill was not heard – 2 year bill.*

SB 373 (Kehoe) Natural Community Conservation Planning. Converts lands that are designated as of January 1, 2008, as open space lands in a document entitled "Declaration of Land" approved by the San Diego City Council and filed with the City Clerk in San Diego, to dedicated lands under the City Charter of the City of San Diego. *Chapter 644, Statutes of 2007*

SB 404 (Kehoe) California Wilderness Act. Provides that the boundaries of a wilderness area shall not be modified or adjusted in a manner that results in a de-designation of a previously designated wilderness area, unless the State Park and Recreation Commission makes a recommendation for that modification or adjustment to the Legislature, and the Legislature approves the recommendation in a statute. *Failed passage in Assembly WPW Committee, reconsideration granted – 2 year bill.*

SB 421 (Ducheny) Department of Parks and Recreation: Acquisition of Property. Authorizes DPR to acquire real property that is subject to a conservation easement or deed restriction if the Director of DPR determines that the restriction is consistent with the purposes for which the property is to be acquired. *Chapter 647, Statutes of 2007*

SB 669 (Torlakson) Continuous Regional Recreation Corridors. Requires the Great California Delta Trail Plan to promote water conservation, greater infill and compact development, protect natural resources and agricultural lands, and revitalize urban and community centers, in a manner that is consistent with the Delta Resources Management Plan as developed by the Delta Protection Commission. *Vetoed – October 13, 2007*

SB 742 (Steinberg) Off-Highway Motor Vehicle Recreation. Makes major revisions to the Off-Highway Motor Vehicle Recreation program in DPR and extends the sunset date. Modifies the role of the Off-Highway Motor Vehicle Commission. *Chapter 541, Statutes of 2007*

SB 898 (Simitian) Beverage Containers: Solid Waste Cleanup: Marinas and Harbors. Makes changes to both solid waste provisions and harbors and navigation law intended to reduce the volume of debris in California marine waters. *Chapter 695, Statutes of 2007*

AJR 21 (Portantino) Federal Lands Recreation Enhancement Act. Memorializes the President and Congress to repeal the Federal Lands Recreation Enhancement Act, and prohibit the charging of recreational visitor fees on any federal lands in California except National Parks. States several findings, including that such fees constitute double taxation and are a regressive tax. *Failed passage in Senate Natural Resources and Water Committee.*

WATER

Bay-Delta

SB 8 (Kuehl) California Bay-Delta Authority Act. Adds environmental justice as an element of the California Bay-Delta Program and holds all involved agencies responsible for implementing the environmental justice element. *Vetoed – October 13, 2007*

SB 27 (Simitian) Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2008. States the intent of the legislature to enact legislation, in 2008, to begin implementing a program for sustainable management of the Sacramento-San Joaquin River Delta. *Held in Assembly WPW Committee – 2 year bill – this bill was not heard.*

SB 34 (Torlakson) Sacramento-San Joaquin Delta: Strategic Financing Plan. Clarifies requirement for a Delta strategic plan as to "beneficiaries pay" principle. Requires the Secretary of Resources to include recommendations as to which persons should pay a fee for the Sacramento-San Joaquin Delta and fee categories to create a dedicated revenue stream for Delta levee projects. *Vetoed – October 13, 2007*

SB 1002 (Perata) Water Quality, Flood Control, Water Storage, and Wildlife. Appropriates \$610.89 million in bond funding from Proposition 1E, Proposition 84, and Proposition 13 for a variety of water-related projects, particularly related to the Sacramento-San Joaquin Delta (Delta). Authorized expenditures include Delta emergency preparedness supplies and projects, stormwater flood management projects including groundwater recharge and water quality improvements, small community drinking water system improvements, projects to reduce groundwater contamination, integrated regional water management projects, Delta drinking water quality projects, projects to address levee breaches and to acquire or protect Delta islands, feasibility studies related to water surface storage, statewide planning studies to develop options for reoperation of flood and water supply systems and groundwater, evaluation and adaptation related

to climate change water impacts, projects to reduce ecosystem conflicts in the Delta, projects on the Santa Ana River, and to address nitrate contamination in Tulare County and the Salinas Valley. *Vetoed – October 14, 2007*

Water Management

AB 224 (Wolk) Water Supply Planning. Incorporates the effects of climate change into water supply planning. Requires the Department of Water Resources (DWR) to include an analysis of the potential effects of climate change in all relevant reports or plans it is required to prepare. Prohibits DWR from approving an integrated regional water management planning grant after January 1, 2010 under certain conditions unless the applicant includes certain information regarding climate change. Requires DWR, in cooperation with state agencies, to complete a study that quantifies energy savings and greenhouse gas emission reductions from water recycling and water conservation. Requires the State Water Resources Control Board to consider climate change in its triennial review of water quality standards. Directs water suppliers that are required to prepare urban or agricultural water management plans to identify, to the extent practicable, the possible effects of climate change on water supply unless specified exemptions apply. *Held on Senate Appropriations Committee Suspense File.*

AB 566 (Plescia) Water Conservation. Mandates inclusion of climate information from the California Irrigation Management Information System in new model water conservation ordinances. *Chapter 319, Statutes of 2007*

AB 662 (Ruskin) Water Conservation. Requires the California Energy Commission to set water efficiency standards for appliances. *Chapter 531, Statutes of 2007*

AB 877 (Parra) San Joaquin Valley: Water Supply. Requires DWR to study the economic impacts of water supply reductions in the San Joaquin Valley; makes legislative findings regarding the importance of San Joaquin Valley water supply. *Held in Senate Natural Resources and Water Committee.*

AB 938 (Charles Calderon) Regional Water Management. As introduced and heard in this Committee, authorized every local water district in California to acquire, construct, operate, maintain and furnish facilities for the diversion of urban runoff. As subsequently amended in the Assembly and Senate, allows counties or cities to convene watershed water quality committees. Requires the committees to prepare work plans that, if approved by the Regional Water Quality Control Board (RWQCB), give the committee three years to prepare a watershed water quality management plan for submission to the RWQCB. Allows cities, counties, and special districts that provide water, sanitation, or refuse collection services to impose user-based or regulatory fees. *Held in Senate Environmental Quality Committee.*

AB 1173 (Keene) Water Charges: Multiunit Residential Structures. Requires new multi-unit residences to have water meters for each unit or allocate water costs by formula. *Held on Assembly Appropriations Committee Suspense File.*

AB 1250 (Parra) Project Solicitation and Evaluation Guidelines. Clarifies that state agency guidelines for approving grants apply to regional water management and projects. *Held on Assembly Appropriations Committee Suspense File.*

AB 1297 (Arambula) Water: Regional Water Management Plans. Specifies how the 5% cap on funding for developing an integrated regional water management plan applies to Proposition 84's regional funding allocations. *Held on Assembly Appropriations Committee Suspense File.*

AB 1376 (Berryhill) Urban Water Management Plan: Comments. Requires urban water suppliers to notify affected cities and counties regarding proposed urban water management plans at least 60 days before required public hearings. *Chapter 64, Statutes of 2007*

AB 1404 (Laird) Water Diversion and Use Measurement Information. As introduced and heard in this Committee, the bill proposed a comprehensive system, by 2012, for reporting water use that combined efforts of DWR, the State Water Resources Control Board and the Department of Public Health. Senate amendments reduced the scope of a bill to require a feasibility study of a coordinated water use reporting database and adjusted water use measurement and reporting requirements. *Chapter 675, Statutes of 2007*

AB 1406 (Huffman) Recycled Water: Toilet and Urinal Flushing. Encourages use of recycled water for toilets in condominiums; adds condominiums to the list of "structures" where use of potable water for toilets is deemed "unreasonable." *Chapter 537, Statutes of 2007*

AB 1420 (Laird) Water Demand Management Measures: Water Management Grant or Loan. As heard in this Committee, augments requirements for incorporation of conservation measures into urban water management and integrated regional water management (IRWM), including bond funding arising out of Proposition 84. Conditioned IRWM funding from Proposition 84 on the applicant's implementation of water demand management measures. As amended in the Senate, clarifies that DWR will determine eligibility for funding. Also requires DWR to submit recommendations to the Legislature relating to the adoption, implementation, and reporting of water demand management measures by urban water suppliers. *Chapter 628, Statutes of 2007*

AB 1435 (Salas) Water Charges: Conservation Rate Structure. Requires each local water purveyor that supplies water to retail customers to institute a conservation rate structure based on the amount of water used for other than agricultural purposes for each customer with a water meter. *Held in Senate Natural Resources and Water Committee.*

AB 1481 (De La Torre) Waste Discharge and Water Reclamation Requirements: Recycled Water: Landscape Irrigation. As heard by this Committee, required the State Water Resources Control Board to adopt a general permit, with general waste discharge, for landscape irrigation uses of recycled water. As amended in the Senate, removes language describing the permit as having the purpose of prescribing general waste discharge requirements and refers instead only to landscape irrigation uses of recycled water. *Chapter 535, Statutes of 2007*

AB 1489 (Huffman) Resource Bond Funds: Integrated Regional Water Management Planning. Establishes standards and guidance for implementation of specified provisions of Proposition 84; (2) alters the activities funded by Proposition 84; and (3) repeals the Integrated Regional Water Management Act of 2002, replacing it with the Integrated Regional Water Management Planning Act. *Held on Senate Appropriations Committee Suspense File.*

AB 1664 (Strickland) State Bond Funds: Public Water Systems or Publicly Owned Treatment Works. Gives an unspecified preference for state bond funds available for the improvement or construction of a public water system or treatment facility to an applicant that is required to increase its sewer or water rates by more than 100% in order to comply with an enforcement order. *Held in Assembly WPW Committee – 2 year bill – this bill was not heard.*

SB 178 (Steinberg) Groundwater. Establishes a statewide groundwater monitoring program by incorporating existing groundwater management programs and agencies into one comprehensive scheme, with oversight by DWR. *Vetoed – October 14, 2007*

SB 821 (Kuehl) Land Use: Water Supplies: Report. Requires the California Research Bureau to study water use by new residential developments and large scale development projects under current law. *Held in Assembly Appropriations Committee.*

SB 862 (Kuehl) Water Resources. Makes a number of changes regarding state water reports and planning. Requires DWR, among other things, to produce a State Water Project Reliability Report. Establishes consequences for failing to file statements of annual diversion or use. Requires DWR to include a discussion of quantities of energy required and produced by water management strategies in the California Water Plan. Modifies requirements of groundwater, agricultural, and urban water management plans. *Vetoed – October 13, 2007*

SB 1050 (Senate Natural Resources and Water Committee) Water Meters. Clarifies existing law to explicitly allow water purveyors to charge a fixed-rate component to cover fixed costs, in addition to rates based on actual volume of water delivered. *Chapter 157, Statutes of 2007*

Flood Protection

AB 5 (Wolk) Flood Protection. As introduced and heard in this Committee, authorized adoption of local flood protection plans and required creation of a Central Valley Flood Protection Plan. As subsequently amended in the Assembly and Senate, reforms the Reclamation Board, adjusts statutory framework for State flood control projects in the Central Valley. Corrects errors in three other bills that are part of this year's flood package - AB 156 (Laird), SB 5 (Machado) and SB 17 (Flores). *Chapter 366, Statutes of 2007*

AB 26 (Nakanishi) Flood Control: Natural Community Conservation Plan. Requires the Department of Water Resources to enter into a planning agreement with the State Reclamation Board, to prepare a natural community conservation plan (NCCP) that encompasses the Sacramento and San Joaquin Drainage District. Requires DFG and the State Reclamation Board, when developing the NCCP, to prepare a long-term streambed alteration agreement applicable to

all flood control facilities and levees covered in the NCCP. *Held in Assembly Appropriations Committee.*

AB 156 (Laird) Flood Control. Gives several specific authorizations to DWR and the State Reclamation Board to carry out their flood control duties. Requires local agencies to make greater efforts to plan for flood emergencies before state funds are allocated to upgrade levees operated and maintained by those local agencies. *Chapter 368, Statutes of 2007*

AB 162 (Wolk) Land Use: Water Supply. Requires cities and counties to increase their attention to flood-related matters in the land use, conservation, safety, and housing elements of their general plans. *Chapter 369, Statutes of 2007*

AB 930 (Jones) Sacramento Area Flood Control Agency: Projects . Clarifies the authorization act for the Sacramento Area Flood Control Agency (SAFCA) to expand the definition of authorized "projects" to include acquisition of easements, provided they are consistent with certain local plans. Clarifies that SAFCA's power of eminent domain does not go beyond the agency's boundaries. *Chapter 619, Statutes of 2007*

AB 1380 (Ruskin) Safe Drinking Water, Water Quality and Supply, Flood Control. Provides that, in implementing specified provisions of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, priority shall be given to projects that benefit underserved communities, specific types of urban areas, or that target at-risk youth. *Held in Assembly WPW Committee – 2 year bill – this bill was not heard.*

AB 1452 (Wolk) Central Valley Flood Protection. As introduced, would have established priorities for the allocation of bond proceeds authorized by Proposition 1E and Proposition 84 on the November 2006 statewide ballot, including a more specific focus on the needs of the Central Valley, and establishes criteria for the implementation of non-emergency flood protection projects. *Contents deleted, amended substantially and held in Senate Rules Committee.*

AB 1507 (Emmerson) Floodplain Management: Alluvial Fan Taskforce. This bill requires the Director of DWR to reestablish, until January 1, 2009, the Alluvial Fan Task Force to develop a model ordinance on alluvial flooding and to report its findings to the Legislature by December 30, 2008. *Held on Assembly Appropriations Committee Suspense File.*

SB 5 (Machado) Flood Management. Requires DWR and the Central Valley Flood Protection Board to prepare and adopt a Central Valley Flood Protection Plan (CVFPP) by 2012, and establishes certain flood protection requirements for certain local land-use decisions consistent with the CVFPP. *Chapter 364, Statutes of 2007*

SB 17 (Flores) Flood Protection. Reforms and renames the Reclamation Board the Central Valley Flood Protection Board (board). Requires the board to function independently from DWR and prohibits DWR from overturning any board action. Redefines board appointments, including Senate confirmation, professional qualifications, and *ex officio* legislative appointments. Establishes rules regarding evidentiary hearings and *ex parte* contacts. *Chapter 365, Statutes of 2007*

SB 276 (Steinberg) Flood Control Projects. Authorizes State participation in the Folsom Dam modification project to provide a higher level of flood protection on the American River for Sacramento. Authorizes the Sacramento and American River flood projects to include modifications necessary to provide a 200-year level of flood protection within the Natomas Basin. Requires State-local cost-sharing. *Chapter 641, Statutes of 2007*

SB 378 (Steinberg) Disaster Preparedness and Flood Prevention Bond Act of 2006. Provides statutory direction and places additional requirements DWR and the State Water Resources Control Board with regard to the implementation and awarding of specified grants made available by Proposition 1E. *Held in Assembly WPW Committee – 2 year bill.*

SB 732 (Steinberg) Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006. Implements several new programs for which funding is made available under Proposition 84: provides for allocation of \$90 million available for nature education and research facilities; establishes the Sustainable Communities Council with responsibility to administer urban greening and planning incentive grants; requires DWR to conduct a study to reduce flood risks and increase water supply reliability; states legislative intent that any public funds under Proposition 84 made available to investor-owned utilities regulated by the Public Utilities Commission should be for the benefit the ratepayers or the public and not the investors; identifies additional factors for consideration in future integrated regional water management guidelines; requires each state agency distributing grants or loans from Proposition 84 to develop project solicitation and evaluation guidelines; requires the Department of Health Care to develop guidelines in collaboration with the Department of Toxic Substances Control for purposes of implementing the groundwater contamination provision of Proposition 84. *Assembly Floor Inactive File.*

Water Districts

AB 390 (Ruskin) Wholesale Regional Water System Security and Reliability Act. Removes Los Trancos County Water District from the group of wholesale customers of San Francisco's Hetch Hetchy water system. *Chapter 52, Statutes of 2007*

MISCELLANEOUS

SB 187 (Ducheny) Salton Sea Restoration Fund. Limits the activities and expenditures of Proposition 84 bond funds made available for the Salton Sea to funding those activities identified in a specific preferred alternative report and funding plan for completion in the first 5 years of implementation. Requires the Resources Agency to act as the lead agency and work cooperatively with designated staff from DWR and DFG, unless and until legislation is enacted establishing a new governance structure for restoration that is consistent with the preferred alternative report and funding plan. *Held in Assembly Appropriations Committee – 2 year bill.*

SB 258 (Ducheny) Water Use Fees. Requires the State Water Resources Control Board to prepare and submit a report to the Legislature with regard to the alternatives for financing the Division of Water Rights. *Held in Assembly WPW Committee – 2 year bill.*

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