

**ASSEMBLY WATER, PARKS AND WILDLIFE COMMITTEE
2007-08 Legislative Summary**

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KEY ISSUES BEFORE THE ASSEMBLY WATER, PARKS AND WILDLIFE COMMITTEE

2007-2008 Legislative Session

The Legislature in the 2007-2008 Session confronted a number of challenging issues within the jurisdiction of the Assembly Water, Parks and Wildlife Committee, including major reform of California's flood protection laws, sustainability of the Sacramento-San Joaquin Delta, expansion of California's water supplies, fisheries restoration, and a multitude of other issues affecting California's water, parks and wildlife. In 2007 a package of bills was signed into law culminating a multi-year effort to strengthen the state's flood protection. Sustainability of the Delta was a major theme in both 2007 and 2008, with creation of a Delta Vision Blue-Ribbon Taskforce, publication of numerous reports highlighting the changing nature, crises and threats facing the Delta, and judicial actions restricting water exports.

The Governor in 2007 called a special session of the Legislature to address water needs, including restoration of the Delta, improvement of California's water management system, new water storage and conveyance facilities, groundwater supplies, ecosystem restoration, and funding for these efforts. One of the Governor's stated goals of the special session was to place a new water bond on the ballot. While that goal was not achieved, the Legislature did make progress on several water related fronts, including establishing priorities for allocation of bond funds previously approved by the voters in 2006 for these purposes.

With the passage of Proposition 1E and Proposition 84 in the 2006 general election, the voters authorized hundreds of millions of dollars in funding for flood protection, water resources infrastructure, local and state parks, ecosystem restoration, and other natural resources protection. Consequently, a major legislative focus in both 2007 and 2008 was on establishing criteria and procedures for allocation of these bond funds for various authorized programs.

All total, the Assembly Water, Parks and Wildlife Committee analyzed 163 legislative proposals in the 2007-2008 Session, 78 of which were ultimately passed and signed into law. The Committee also held 8 informational oversight hearings, on topics ranging from the sustainability of the Delta, to flood protection, water resources and climate change, the state's natural resource infrastructure needs, local and state parks, wildlife habitat and fisheries restoration, and the impacts of past and present gold mining practices on the state's environment and public health and safety.

A summary of all of the bills before the committee during the two year session, and their final status, is included in this report. The following is a summary of key issues and legislative proposals heard by the committee in the 2007-2008 Session.

WATER RESOURCES

Water Supply: Once again, water resource issues took center stage in the Legislature for much of the 2007-08 Session, including the 2nd Extraordinary Session on water. Several issues developed in response to events in the 2005-06 Session. Key issues continued to focus on the Sacramento-San Joaquin Delta (Delta), but the Delta's connection to the State's entire water system translated into a wide range of water issues all over California, from surface water storage to statewide conservation. In light of all the efforts to address the Delta—both inside and outside the Capitol—and the start of a dry period, Californians and their legislators developed greater awareness of the regional interdependence of the state's water resources.

Climate Change: Following the climate change informational hearing, the Committee Chair pursued passage of her AB 224 (Wolk), which would have required state and local water agencies to incorporate climate change into existing water planning efforts. The Wolk bill generated a broader conversation about climate change and water resources, leading to a broad consensus within the water community that adaptation to climate change would be required in the decades ahead. While AB 224 did not pass, the Governor signed SB 1XX (Perata), which included an appropriation of \$10 million for water planning related to climate change.

Sacramento-San Joaquin Delta: Debate about how to resolve “the Delta crisis,” which emerged in 2005, continued during this Session, although mostly outside the Capitol. In October 2006, the Governor signed both an executive order and SB 1574 (Kuehl) requiring an Administration proposal for a new long-term strategic vision for the Delta. The legislation allowed and the executive order required creation of a “Blue-Ribbon Task Force” (Task Force) to develop that Delta Vision. In March 2007, the Committee joined three other Assembly and Senate committees to hold an informational hearing on Delta Vision. That same day, the Governor appointed the Blue-Ribbon Task Force, to start work.

Much of the Delta debate occurred within the context of the Task Force. The Task Force held hearings, considered a substantial amount of information, and adopted a Delta Vision in November 2007, as well as a strategic plan to implement this new Delta Vision in October 2008. One of the Task Force's most significant outcomes was the August 2007 consensus by the stakeholder group that the current Delta management and policies was not sustainable in the long term. This consensus meant that no one advocated—for the first time in decades—to maintain the status quo in the Delta. The cabinet committee, required by SB 1574 to adopt and submit a final Delta Vision to the Legislature, appeared poised, as of this writing, to comply with its December 31, 2008 deadline for submission to the Legislature.

As the Task Force deliberations proceeded, conditions in the Delta worsened. First, in May 2007, DFG reported the spring index for delta smelt at 25, down from the previous year's record low of 341. Only a few years before, this index had been in the thousands. Around that time, federal District Court Judge Oliver Wanger (E.D. Cal.-Fresno) ruled that the Federal Government's biological opinions for water project operations and protection of delta smelt under the Endangered Species Act, were illegal. On August 31, 2007, Judge Wanger imposed restrictions on Delta water export pumping by both the State Water Project (SWP) and the federal Central Valley Project (CVP), leading to a 1/3 cut in SWP water supplies for 2008 and the Governor calling the 2nd Extraordinary Session on water resources.

During the 2nd Extraordinary Session, the Assembly concentrated its attention on the Delta. The Special Committee on Water, impaneled for purposes of considering the issues arising out of the special session, held an informational hearing on "California's Water System and the Sacramento-San Joaquin Delta" in October 2007. In 2008, the Special Committee passed two bills to the Assembly floor – **AB 7xx (Wolk)** on climate change and **SB 1xx (Perata)** on appropriation of water bond funding.

This session's Delta legislation was limited, but nevertheless elicited substantial controversy. **SB 27 (Simitian)** was initially introduced as a proposal to authorize a peripheral canal, to carry state and federal water project water around the Delta to the export pumps in the South Delta. It encountered substantial opposition in the Senate, but arrived at the Committee, in late 2007, as a bill requiring the Governor to take certain actions to prepare for a decision on how to proceed in the Delta. In early 2008, the author amended the bill to restore the peripheral canal provisions and create a governance entity to oversee operation of the conveyance and management of the Delta. The Committee heard that bill, but the bill did not receive a motion, after the author and the chair agreed to work on a more limited version related to Delta emergency response preparedness. This emergency response bill passed the Committee and the Legislature with bi-partisan support and received a signature from the Governor.

The Committee also considered other Delta legislation, which was not enacted:

- **AB 1806 (Wolk):** SWRCB determination of SWP/CVP mitigation
- **AB 2501 (Wolk):** North Delta fishery restoration and recreation area
- **AB 2839 (De León):** Monitoring Of All In-Delta Water Diversions
- **AB 2913 (Salas):** Adjustments to Delta Strategic Plan Requirements
- **SB 8 (Kuehl):** Environmental Justice
- **SB 34 (Torlakson):** Delta Beneficiary Pays Principle in Strategic Plan
- **SB 994 (Florez):** Delta Smelt Hatchery and ESA
- **SB 1102 (Machado):** Bay-Delta Conservancy Program

Water Infrastructure Bonds: After the 2006 passage of the Proposition 84 initiative, which included approximately \$3 billion for a variety of water-related projects, the Legislature opened this session with consideration of the next legislative water bond – for surface water storage in particular. Despite funding available from Proposition 84,

advocates for a new water bond asserted that recent “so-called water bonds” have not included any funding for brick-and-mortar water projects, such as dams and reservoirs. **SB 59 (Cogdill)** introduced the Governor’s first proposal for a water bond, proposing \$3.95 billion in bond funding for two specific reservoirs – Temperance Flat on the San Joaquin River and Sites Reservoir in the hills above the Sacramento Valley. The bill however, did not progress past the Senate’s Natural Resources and Water Committee in early 2007.

During those early months of the Session, the Committee focused on implementation of the bond funding authorized by Propositions 1E and 84 (2006) for both flood and water resources. The Committee held two informational hearings on those issues in March 2007. While the appropriations of flood bond funding proceeded through the 2007-08 State Budget, the bond appropriations for water resource needs were removed from the budget and placed in **SB 1002 (Perata)**, which the Committee heard in June 2007. Bond appropriations require only a majority vote, allowing this bill to pass with less than the votes required for the entire budget. Ultimately, SB 1002 was amended substantially, passed by the Legislature, but vetoed by the Governor after the Senate failed to pass a water bond for the 2008 ballot. In 2008, however, the Legislature approved – and the Governor signed – **SB 1xx (Perata)**, which appropriated more than \$800 million for a wide variety of water-related infrastructure projects authorized by bond measures previously approved by voters.

The debate on water bonds, however, continued until the very final days of this Session. On August 31, 2007, the Governor called the 2nd Extraordinary Session to return to the water bond debate and address four issues related to California water resources:

- 1) protection and restoration of the Sacramento-San Joaquin Delta;
- 2) improvement of the water management system, including surface storage and conveyance;
- 3) appropriations to improve water resource management; and
- 4) placement of a general obligation bond or lease revenue bond on the ballot.

The Senate assumed the lead position on water resource issues, while the Assembly assumed leadership on health care issues of the 1st Extraordinary Session. Several bond bills were introduced in the special session and Senate President Pro Tem Perata’s **SB 2xx**, a \$6.8 billion bond proposal, passed its policy and appropriations committees, but failed to obtain the 2/3 majority required for passage off the Senate floor, due largely to the debate over surface water storage. During the following weekend which was the deadline for the Governor to sign or veto bills, the Governor vetoed many water resource bills because the Legislature had failed to adopt a package that included a water bond. Ironically, those vetoes included SB 1002 (Perata), which would have appropriated \$15 million in bond funding to complete the surface storage feasibility studies.

The water bond debate continued informally and, for the most part, quietly for the next nine months. One of the key issues arising out of the bond proposals for surface water storage was the concept of the State paying a substantial share of reservoir costs in

exchange for “public benefits,” which is a concept that has never been adopted previously. There were December discussions about a bond proposal from Joe Caves (environmental community) and Jim Earp (business community). In February 2008, the California Chamber of Commerce submitted an \$11.7 billion water bond initiative to the Attorney General. The Chamber eventually withdrew that proposal, but continued urging the Governor and the Legislature to put a water bond on the ballot.

United States Senator Dianne Feinstein (D-CA) and the Governor worked together to encourage the Legislature to make progress on water bond discussions. On July 10, 2008, Schwarzenegger and Feinstein proposed a \$9.2 billion water bond, which included \$3 billion in authorization for continuous appropriations to the California Water Commission for surface water storage projects. At the urging of certain Assembly members, Speaker Bass reconvened the Special Session’s Democratic “water working group,” under the leadership of Assemblymembers Jared Huffman and Anna Caballero, to consider how to respond to the Schwarzenegger/Feinstein proposal.

After extended discussions, Assemblymembers Huffman, Caballero and Wolk introduced **AB 8xx**, which proposed \$9.8 billion in water bonds. The Assembly Special Committee on Water held an informational hearing on AB 8XX, hearing from numerous stakeholders, in support and in opposition to a water bond. Ultimately, the Special Committee did not formally hear AB 8XX or AB 9XX, the Republican counterproposal for a water bond. Just as the Secretary of State announced, in late August, that the deadline for putting a water bond on the November 2008 ballot had passed, another proposal, for more than \$13 billion, emerged from Assemblymember Rick Keene. The Secretary of State’s announcement, however, ended further 2008 water bond discussions.

Conservation: Legislative efforts to promote water conservation achieved some progress in this Session, although not as much as the Governor proposed. In 2007, the Governor signed three water conservation bills by Assemblymember Laird. **AB 715 (Laird)** required high-efficiency toilets. **AB 1420 (Laird)** conditioned integrated regional water management funding on the recipient’s implementation of water conservation measures consistent with the Urban Water Conservation MOU. **AB 1404 (Laird)** required study of a comprehensive water use measurement system, which would promote more careful use and conservation of water. In 2008, however, Laird’s groundbreaking conservation bill, **AB 2175**, encountered intense opposition in the Senate, where it died on the Senate floor. This bill attempted to implement the Governor’s March 2008 call to reduce per capita water use by 20% by 2020. It included conservation requirements for both urban users and farmers, who strongly opposed the bill. **AB 2882 (Wolk)**, which the Governor signed, authorized water agencies to adopt rate structures that encourage conservation, consistent with Proposition 218 and based on allocation of a base water supply to each property.

Integrated Regional Water Management: After voters approved \$1 billion in new bond funding for integrated regional water management (IRWM), both policy bills and the State Budget considered how to address IRWM funding. The 2007-08 State Budget appropriated remaining IRWM bond funds from Proposition 50 (2002).

SB 1002 (Perata) would have appropriated some additional Proposition 84 funds for certain IRWM purposes, but was vetoed. Ultimately, **SB 1xx (Perata)** appropriated more than \$200 million for IRWM, to keep making progress on existing projects developed since 2002. On the policy front, **AB 1489 (Huffman)** addressed several IRWM implementation and program issues. It did not proceed in 2007, but SB 1XX incorporated many of its concepts into the bill the Governor ultimately signed.

Groundwater: Continued efforts toward better information and management of California's groundwater resources failed to achieve much progress this Session. **SB 178 (Steinberg)** made a third valiant attempt to increase information on groundwater conditions, achieving neutrality from the California Farm Bureau Federation for the first time in three years. This bill provided for a completely voluntary system of reporting on groundwater elevations, but was vetoed in response to the Senate's failure to pass a water bond. Other bills proposed other incremental steps – updates on groundwater quality (**AB 2222/Caballero**); regular completion of Bulletin 118 (**AB 2691/Eng**); and funding for San Gabriel basin cleanup (**AB 2823/Eng**). Only AB 2222, in a narrowed form, became law.

Flood Protection: This Session's most significant legislative accomplishment in the Committee's jurisdiction was passage of the 2007 flood protection bill package. The issue of flood protection had arisen in 2005, after the Department of Water Resources issued a white paper on flood. Then Hurricane Katrina destroyed New Orleans, and national attention shifted to the flood risks for Sacramento, second only to New Orleans. This attention, and the 2006 voter approval of \$5 billion in bond funding for flood protection, created an opportunity for legislative progress on flood protection. Several bills made progress in the 2005-06 Session, but a substantial flood bill died on the last night of that Session.

At the beginning of the 2007-08 Session, several legislators introduced bills related to Central Valley flood protection. 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
- **AB 1452 (Wolk):** Priorities for State Central Valley flood activities
- **SB 5 (Machado):** State and Local Responsibilities for Flood Control
- **SB 17 (Florez):** Reclamation Board Reform
- **SB 276 (Steinberg):** Authorization of American/Sacramento River Flood Project
- **SB 378 (Steinberg):** Flood Bond Funding Implementation

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, as a package on October 10, the six major flood protection bills that reached his desk – AB 5, AB 70, AB 156, AB 162, SB 5 and SB 17. He subsequently signed **AB 930 (Jones)**, to clarify the jurisdiction of the Sacramento Area Flood Control Agency to acquire flood easements outside its jurisdiction, and **SB 276 (Steinberg)**, to modify the authorization for the Sacramento and American River flood control projects.

In 2008, Senator Machado introduced, in cooperation with the Committee Chair, a flood package clean-up bill – **SB 1360** – relating to technical issues mostly identified by DWR and Central Valley Flood Protection Board. The Governor vetoed the bill, primarily because it included a termination date for the existing Board members.

PARKS

The Committee in the 2007-2008 Session heard numerous measures highlighting the challenges facing state parks, which include the fiscal shortfall and growing backlog in deferred maintenance, and threats to State Parks from competing non-mission uses in and around state parks. Probably the most significant parks legislation enacted in 2007 was a measure to reform the Off-Highway Motor Vehicle (OHV) Recreation program within the Department of Parks and Recreation (DPR). **SB 742 (Steinberg)**, among other things, changed the makeup and responsibilities of the OHV Commission, increased the registration fees for OHV vehicles, specified the proportion of grant funds to be awarded for various purposes, including for OHV trails, restoration of damaged lands, law enforcement and education, and increased the penalties for OHV violations.

Proposed Park Closures: In 2008, in response to the state budget deficit, the Governor proposed the closure of 48 state parks. Strong opposition from the public and the Legislature to the closures led the Governor ultimately to retract that proposal. However, maintenance needs in the state park system continue to be under-funded, with the backlog in deferred maintenance growing to over \$1 billion in the 2007-08 fiscal year. Assemblyman Laird proposed to partially address the lack of stable funding by authorizing the purchase of a state park access pass through the Department of Motor Vehicle's registration process. Citizens would receive free access to state parks in exchange for purchase of the access pass for an additional \$10 registration fee. This proposal was discussed in budget committee hearings and in a joint legislative oversight hearing of the Assembly Water, Parks and Wildlife and Senate Natural Resources and Water Committees on the state of state parks, but was not voted on by the Legislature this session.

Bond Funding: Several measures were proposed to guide allocation of bond funding authorized by the voters with passage of Proposition 84 in the 2006 general election.

AB 31 (De León) establishes a competitive process and eligibility criteria for DPR to award \$400 million in grants for local park projects serving critically underserved communities throughout the state. **AB 2494 (Caballero)** establishes criteria for the award of \$200 million in grants to local communities for housing-related local park projects (funded through Proposition 1C). **SB 732 (Steinberg)** establishes a Sustainable Communities Council and criteria for competitive grants to local communities for local planning and urban greening projects. Legislation to provide grants for outdoor environmental education programs [**AB 2989(Fuentes)**] and for nature education facilities and museums [**AB 2687(Krekorian)**] were approved by the this Committee but held in the Senate Appropriations Committee. Proposition 84 included \$100 million in bond funding for nature education and research facilities. Although AB 2687 did not pass, the bond measure did not require the enactment of implementing legislation to administer these funds, so DPR may still administer a grant program for these purposes once the funds are appropriated.

Threats to Parks: The Committee heard several bills to address threats to parks posed by incompatible non-mission uses in or adjacent to state parks. **AB 1457 (Huffman)** would have prohibited 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 State Park Commission made certain findings regarding the need for the proposal and its impact on the park. This bill was introduced in response to several projects threatening existing state parks, the most well publicized of which is a proposal to put a toll-road through San Onofre State Park, home of the infamous Trestles surfing beach. AB 1457 failed passage in this Committee by one vote. However, the California Coastal Commission subsequently ruled that the toll road project was incompatible with the Coastal Zone Management Act. An appeal of that decision by the project proponents to the federal government is pending at the time of this writing.

SB 404 (Kehoe) as initially heard in the Committee proposed to require legislative approval for the de-designation of a state wilderness area. This measure was introduced in response to a power company proposal to extend the Sunrise Power Project transmission line through state wilderness lands in Anza Borrego State Park. SB 404 failed passage in this Committee by one vote, and was subsequently amended to address another unrelated San Diego County park issue. It now appears that a compromise may have been reached on the Sunrise Power proposal, allowing the transmission line to be constructed over an alternate route that avoids the park. Another bill passed by the Committee and signed into law, **AB 2945 (Laird)**, improves the state's ability to manage state wilderness areas by allowing temporary roads and motorized equipment to be used when necessary for management or emergencies.

AB 576 (Carter), proposed to address another state park threat posed by the proposed construction of a large dairy and animal feeding lot near Colonel Allensworth State Historic Park in Tulare County. Fortunately, a resolution to this problem was ultimately negotiated with the adjoining land owner and the state was able to purchase a conservation easement to protect the park.

The Senate Natural Resources and Water Committee and the Assembly Water, Parks and Wildlife Committee held a joint oversight hearing in August 2008 on the many challenges and threats facing state parks. The hearing provided a good overview, from infrastructure proposals to funding challenges, while also demonstrating why protecting California's state park system in perpetuity is important for the state's citizens and economy.

Other important state park issues addressed by the committee include services provided by volunteers and non-profit cooperative associations in state parks. **SB 1127 (Dutton)** expands the services which can be provided by cooperative associations in state parks to assist DPR. **AB 2537 (Furutani)** extends the sunset date on the existing law authorizing volunteers to work on public works projects, such as coast and creek clean-up days, and to provide volunteer services in state parks. This bill was not heard in this committee but was referred instead to the Assembly Labor and Employment Committee.

The Committee approved and the Governor signed **SB 1285 (Corbett)**, to enhance the standards for appraisals for state conservation land acquisitions. This bill was introduced in response to a Legislative Analyst Office report critical of the state appraisal process for conservation lands. Another bill passed by the Legislature, **AB 2455 (Laird)**, sought to streamline the process for state park acquisitions by creating a new parks acquisition board, patterned after the process currently in place for DFG acquisitions approved through the Wildlife Conservation Board. AB 2455 was vetoed.

FISH AND WILDLIFE

Fisheries

Salmon: Two disasters in particular colored the 2007-2008 legislative year. The first was the precipitous drop in the numbers of Central Valley Chinook salmon returning to spawn, resulting in the almost total closure of the commercial and sport salmon fishing season along the entire coast for the year. This unprecedented action sent shock waves throughout the fishing community, as the Central Valley salmon runs have been the backbone of the fishery even when runs in other parts of the state have plummeted. The closure of the season also had significant economic repercussions for local fishing communities and the state as a whole. Federal disaster assistance was approved to provide temporary assistance to fishing families and businesses. Fishery biologists have pointed to evidence of the detrimental impact of Delta water exports on salmon and other fish species as a key factor in the decline, while other scientists have emphasized ocean conditions as a significant factor. Several reports were published in the latter half of 2008 documenting the status of California's native salmonid species and the most significant factors contributing to their decline. Although no major legislative proposals were enacted in the 2007-08 session to address the causes of the salmon declines, the scientific information provided will hopefully help guide future legislative action to protect these iconic species for the benefit of California's ecosystems and economy.

The Committee in 2007 approved **SB 562 (Wiggins)** to appropriate monies made available by Proposition 84 for salmon restoration projects, but the Senate adjourned

before the bill was taken up. A second attempt to appropriate these funds was then introduced in the September 2007 special session in the form of **SB 5xx (Wiggins)** which was approved by the Senate but not heard in the Assembly. Finally, the Committee in early 2008 heard and passed **SB 527 (Wiggins)** which was signed into law, and appropriated \$5.29 million in Proposition 84 bond funds for salmon recovery projects.

Delta Fisheries: As discussed further above under the water section, declines in Delta fisheries, particularly delta smelt, led to a court order reducing Delta water exports in 2007. In 2008 the Legislature considered **AB 1806 (Wolk)**, which proposed to require the State Water Project and the federal Central Valley Project to mitigate for both direct and indirect adverse impacts to Delta fisheries caused by the large project pumps, as determined by the SWRCB. Although the bill passed the Assembly and Senate policy and fiscal committees, this controversial provision was removed from the bill on the Senate floor. The final version of AB 1806 as passed by the Legislature required DFG to establish and implement protocols for fish rescue and relocation efforts, to prevent mass fish kills such as occurred in the Delta on Prospect Island in the Fall of 2007, when a Bureau of Reclamation initiated levee repair drained a lake killing tens of thousands of fish. Although AB 1806 was vetoed by the Governor, DFG has taken steps to implement fish rescue protocols internally.

The Committee also in 2008 heard **SB 994 (Florez)**, which proposed the construction of a Delta Smelt hatchery to restore and recover Delta Smelt, and to serve as a mitigation bank. The bill would have authorized incidental take authority for entities that make certain levels of financial contributions to the hatchery. This novel bill was controversial and extensively debated in the committee. Although there were numerous questions regarding the viability of the proposal, a majority of the committee voted to move the bill to the Assembly Appropriations Committee to give the author time to attempt to craft amendments to address the concerns. That effort ultimately was unsuccessful and the bill was held in the Assembly Appropriations Committee.

The Legislature also approved legislation this session, **AB 1270 (Mullin)**, extending the sunset on the Bay-Delta Sportfishing Enhancement stamp for one additional year to January 1, 2010, pending the outcome of an audit of the program by the State Auditor. The audit was released in October of 2008 and found significant problems with DFG's administration of the program. Specifically, the audit found that DFG had generated \$8.6 million in revenue and interest since the inception of the program, but had only spent \$1.6 million, leaving a surplus of \$7 million. The audit also found DFG had been slow to identify and approve projects, had not adequately monitored fish stamp project activity, had incorrectly charged some project expenditures to other funding sources, and had inappropriately charged costs to the fish stamp account for activities unrelated to the program. The audit recommended that DFG work with the advisory committee to develop a spending plan and correct accounting and reporting deficiencies. The Legislature will need to address these issues in 2009.

Marine Fisheries

The Committee also heard several bills affecting marine fisheries. **AB 2532 (Laird)** would have authorized DFG to develop alternative management frameworks for marine fisheries, including agreements for co-management with fishery participants as an alternative for fisheries without a current fishery management plan. This bill proposed an alternative approach to fishery management, in light of the current back log in development of fishery management plans. AB 2532 passed but was vetoed by the Governor.

SB 1690 (Wiggins) establishes a Dungeness Crab taskforce to develop, with the help of a facilitator, recommendations to address problems within the Dungeness Crab fishery, including recommendations related to pot limits, season opening and closing times, and other management issues. A report with recommendations is due back to the Legislature and Administration by January 15, 2010.

SB 899 (Simitian) called for establishment of a state program to reduce and recover derelict fishing gear, including creation of a database for tracking derelict gear, requirements for reporting lost gear, and requirements for tagging of gear with the owner's identification. SB 899 was vetoed by the Governor, though it should be noted that an ongoing pilot project on derelict fishing gear operated out of the University of California at Davis received some funding from the Wildlife Conservation Board to continue their work for another year.

Oil Spill Legislation

The second disaster of note this session was the Cosco Busan oil spill, which spilled 58,000 gallons of crude oil into San Francisco Bay and surrounding environs when the ship struck the Bay Bridge in November 2007. The oil spread quickly throughout the bay, into the ocean, and onto numerous beaches and coastal wetland areas. A package of bills was introduced in the Legislature to address problems and gaps identified in the state's response to this environmental disaster.

Two of the bills in the package were referred to this Committee for hearing. **AB 2911 (Wolk)** strengthens the State's response to both inland and marine oil spills, and enhances the State's capacity to conduct search and rescue of oiled wildlife. Specifically, AB 2911 provides for recruitment and training of a larger field team of wildlife specialists and volunteers to assist in oiled wildlife rescue, gives the state Office of Spill Prevention and Response incident command authority for inland oil spills, makes responsible parties pay for inland oil spill response and clean up, doubles civil and criminal penalties for both inland and marine oil spills, and requires that the state oil spill contingency plan be updated to include both inland and marine spill elements.

The Committee also heard and approved **AB 2935 (Huffman)**, which provides procedures for fishery closures in the vicinity of an oil spill to avoid public health risks from consumption of contaminated fish, or the waste of commercial fish tainted with oil. AB 2935 also strengthens oil spill contingency plans with regard to protection of

environmentally and ecologically sensitive areas. Both AB 2911 and AB 2935 were enacted into law.

Invasive Species

This Session saw the first discovery of invasive quagga and zebra mussels in California waters. These highly invasive species have caused billions of dollars in damages to water infrastructures and ecosystems in the great lakes region and other parts of the country. The economic and environmental impact of these invasives on California is potentially catastrophic. The Legislature responded quickly by enacting two measures to address this threat. **AB 1683 (Wolk)**, an urgency measure enacted in 2007 authorizes DFG to conduct inspections, order quarantines, and take other enforcement actions necessary to prevent the spread of the mussels. **AB 2065 (Hancock)**, enacted in 2008, requires owners or managers of a reservoir where recreational, boating or fishing activities are permitted to assess the vulnerability of the reservoir to nonnative mussels and develop and implement a program to prevent their introduction.

Wildlife

Legislation was introduced in both 2007 and 2008 to identify and protect wildlife corridors and habitat linkages. After the legislation was vetoed in 2007, Assemblyman Ruskin reintroduced similar legislation in 2008, which this time the Governor signed into law. **AB 2785** requires DFG to investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages, and to develop and maintain a spatial data system that identifies such areas and makes the data available to the public.

Several measures related to hunting and public access were approved by the committee, including **AB 815 (Berryhill)** which proposed to clarify DFG's and the Fish and Game Commission's exclusive jurisdiction over the taking and possession of fish and game in the state. **AB 2132 (Houston)** proposed to make it unlawful to remove the collar of a hunting dog with the intent of preventing or hindering the owner from locating the dog, and also modify requirements for posting of "no trespassing" signs to give clearer notice to hunters. Both of these measures were vetoed by the Governor.

Landmark legislation, **AB 821 (Nava)**, to protect the California Condor was passed by the Legislature and signed into law by the Governor in 2007, requiring the use of non-lead ammunition when hunting in the California Condor range. In 2008, **AB 2392 (Berryhill)** proposed to narrow the geographic area subject to the lead ammunition ban. That bill was not heard and was held in committee.

The Committee also heard and passed several non-binding resolutions related to wildlife protection this session, including resolutions urging the federal government to review the status of the California gray whale, to provide greater protections to endangered sea turtles and blue-fin tuna, to list the polar bear and penguin species on the endangered

species list, and to enforce California Coastal Commission standards regulating the use of military sonar to prevent harm to marine mammals.

OTHER ISSUES

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. Other alternatives considered would cost less but would not include the same recreational benefits. 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 over which aspects of the restoration proposal would provide primarily public benefits and are therefore appropriately funded by the State, and which provide primarily local benefits and should therefore be funded by local beneficiaries. A significant share of the costs will also need to be born by the federal government.

Proposition 84 makes \$47 million in bond funds available for Salton Sea restoration. This Committee approved **SB 187 (Ducheny)** which was signed into law and requires that any bond funds appropriated for the Salton Sea from Proposition 84 shall be expended for projects that are consistent with legislative intent regarding a preferred restoration alternative, as stated in existing law, and also limits projects funded to those identified as "Period 1" activities in the Resources Agency's report on its preferred alternative. SB 187 also states that the Resources Agency shall continue to serve as the lead agency, until a more permanent governance structure is established. The Legislature has not yet acted to approve a preferred alternative for restoration of the Salton Sea, beyond the Period 1 activities authorized in SB 187, or to establish a governance structure for the restoration plan once approved. Restoration of the Salton Sea therefore remains an issue that the Legislature will need to address in the coming years.

Mining Legacy

In March 2008, the Assembly Committees on Water, Parks and Wildlife, Natural Resources, and Environmental Safety and Toxic Materials held a joint informational hearing on public land and water contamination issues related to historic gold mining activities in California. The committees heard extensive testimony from state and federal experts and others on the adverse impacts of mining on water quality, fisheries, and public health and safety. Over 47,000 abandoned mines are estimated to exist in California, many of which pose significant safety hazards to humans and are a source of environmental pollution. Toxic contaminants from mining, including mercury, asbestos and arsenic impair drinking water, degrade habitat, and contribute to high concentrations of toxic metals in many streams in California. The committees received

recommendations for several steps which could be taken to begin to address these threats, some of which could form the basis for future legislation.

In 2007 the Legislature passed **AB 1032 (Wolk)** to protect native trout and salmon from the detrimental effects of instream suction dredge mining. AB 1032 proposed interim standards to protect coho salmon and other sensitive species by restricting instream motorized suction dredge mining 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. AB 1032 also provided a means for funding the environmental review through a combination of increased suction dredge mining permit fees and authorizing use of funds in the Salmon and Steelhead Restoration Trust Fund Account to be used for this purpose. AB 1032 was vetoed by the Governor. A \$1 million General Fund appropriation to DFG was subsequently included in the 2008/09 budget to fund the environmental review. As of this writing, the review has yet to be performed, although the court order required that it be completed by July 2008. The Senate and Assembly budget committees in 2008 approved budget control language placing a moratorium on the issuance of new suction dredge mining permits until the EIR is completed, however, that language was removed in the final budget negotiations.

UPCOMING ISSUES

Given the current status of the State Budget, the Legislature may not have sufficient time to thoroughly consider and address all of the issues in the Committee's jurisdiction. Many issues, however, will continue to develop and call for legislative attention, including:

Water Supply

- *Sacramento-San Joaquin Delta*: With an administration proposal for a new Delta strategic vision due by 2009, the Delta will continue to be central to California's water challenges. The three categories of Delta issues include:
 - Water/Ecosystem Conflicts and Connections (including water conveyance)
 - Delta Governance
 - Other Infrastructure Issues – levees, highway, recreational facilities
- *Drought Response*: The Governor declared a drought emergency in 2008 and, if dry conditions continue, the water supply challenge will grow.
- *Delta Water Quality*: State agencies have identified contaminants as one of the categories of causes for the Delta ecosystem crisis, and there is continued discussion of the progress of the Central Valley water board's irrigated lands program.
- *San Joaquin River Restoration*: Senator Feinstein anticipates passage of her San Joaquin River settlement legislation early in 2009, which will require further effort in defining the State's role in the River's restoration.

- *Water Conservation:* The Governor continues to call for a 20% reduction in per capita water use by 2020, which calls for legislation.
- *Climate Change:* The Air Resources Board will adopt a scoping plan for AB 32 implementation, which may include efforts by water agencies. There is an urgent need for water agencies to address both mitigation and adaptation for climate change.

Fisheries

- *Salmon Fisheries Recovery:* With California's native salmon and trout species in decline, fisheries restoration will continue to be a vital concern and will require commitment of resources and new policy direction to succeed.
- *Klamath River Restoration:* The federal government, California, Oregon and PacifiCorps recently announced a proposed draft agreement in principle to remove 4 dams on the Klamath River by 2020 to restore fish passage and address water quality issues. The draft agreement is part of a larger restoration effort for the Klamath River watershed. Implementation of the draft agreement is contingent upon, among other things, California's approval of \$250 million in general obligation bonds to help fund dam removal, and approval in Oregon and California of rate surcharges on PacifiCorps' customers.
- *Bay-Delta Sportfishing Enhancement Stamp:* In light of the problems revealed by the state audit and the fact that the stamp and advisory committee will sunset after 2009 unless extended, the Legislature will need to consider legislation to implement the audit's recommendations, and to decide whether the requirement to purchase the stamp should continue.
- *Suction Dredge Mining:* While DFG undertakes the environmental review ordered by the court, suction dredge mining continues to be allowed in key salmon spawning streams where DFG fishery biologists and other experts have indicated suction dredge mining is causing harm to coho salmon and other listed species.

Wildlife

- *Climate Change Adaptation:* There is an urgent need for increased research on the impacts of climate change on wildlife and the ecosystem services they provide, and to guide wildlife managers in assisting species in adapting to and coping with climate change. Identification and protection of wildlife corridors and habitat connectivity to allow for species migration is just one example of the need. The Administration has initiated development of a climate change adaptation strategy, one component of which is a biodiversity plan. There will be a need for legislative oversight and policy direction in setting priorities, standards, protocols and measurements for climate change adaptation efforts.
- *Invasive Species:* California continues to face challenges from invasive species, which will also be exacerbated by climate change. The State has generally dealt with

these threats on a species by species basis but greater coordination and comprehensive planning is needed.

- *Salton Sea Restoration*: The importance of the sea for wildlife habitat and the air and water quality impacts to local communities, along with competing resource needs, will create pressure on the Legislature to make strategic decisions regarding restoration of the Salton Sea.
- *DFG Reform*: It is widely recognized that DFG lacks adequate resources to accomplish its growing mission to protect and manage California's fish and wildlife and their habitats. The lack of a stable dedicated funding source to carry out its public trust responsibilities has contributed to reduced enforcement and an inability to fully implement state policies and laws. More will be required of DFG in the future with the growing challenges of climate change, at the same time that fiscal resources are being reduced in light of the State's budget deficit. The impacts of climate change will exacerbate existing problems and already difficult tradeoffs.

Parks

- State Parks face ongoing fiscal challenges, resulting in a deferred maintenance backlog of over \$1 billion. Lack of maintenance often leads to greater future state costs and negatively impacts public recreational opportunities and experiences. Some ideas for new dedicated funding sources have been proposed in the past but not enacted. State parks provide multiple benefits, including serving as natural places where present and future generations can connect with nature, and experience restoration, renewal and outdoor recreation. They also provide habitat for wildlife and plant species, which in turn provide ecosystem services of benefit to all Californians. While California's state park system is one of the greatest in the world, our parks face increasing threats from competing and often incompatible non-mission uses, which will continue to put pressure on the Legislature to make tough policy choices.

**ALL BILLS IN
ASSEMBLY WATER, PARKS & WILDLIFE COMMITTEE
2007-08 LEGISLATIVE SESSION**

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 in Assembly Appropriations Committee.*

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*

AB 1806 (Wolk) Fishery Resources. Requires DFG to develop and implement protocols for evaluating the need for fish rescue plans and actions in the Sacramento-San Joaquin Delta. Amendments deleted in the Senate would also have required the State Water Resources Control Board to conduct a comprehensive review of conditions in the Delta for fishery resources, and to require the State Water Project and Central Valley Project to mitigate for their direct and indirect adverse impacts to Delta fisheries. *Vetoed – September 30, 2008*

AB 2162 (Mullin) Bay-Delta Sport Fishing. Extends the Bay-Delta Sport Fishing Enhancement Stamp and the Bay-Delta Sport Fishing Enhancement Stamp Fund Advisory Committee until 2010. Requires DFG to submit annual accounting of the funds derived from the Bay-Delta stamp to the Legislature in addition to the Stamp Fund Advisory Committee. *Chapter 637, Statutes of 2008*

AB 2532 (Laird) Fishery Management Plans: Alternative Management Protocols. Authorizes DFG to prepare management frameworks for state fisheries for which fishery management plans have not already been developed. Encourages DFG and the Fish and Game Commission to promote pilot fishery projects managed with fishery participants. *Vetoed – September 30, 2008*

AB 2712 (Plescia) Marine Life Management Act: Forage Species. Requires the level, distribution, or location of forage species catch to consider the ecosystem to ensure that the authorized catch is ecologically sustainable. Prohibits the state from authorizing a catch level that exceeds a specific maximum for any forage species for which a total annual catch limit does not exist as of January 1, 2008. Authorizes DFG to advocate for federal treatment parallel to the provisions of this act for all federally managed forage species. Authorizes the Department to research the effects of forage fishing on the marine ecosystem and populations. *Held in Assembly Water, Parks and Wildlife Committee.*

AB 2935 (Huffman) Oil Spill Prevention and Response. Requires the environmentally and ecologically sensitive element of the state oil spill contingency plan to include the identification, prioritization and protection of environmentally and ecologically sensitive areas in the event of an oil spill. Establishes a process for the closure and reopening of fishing in areas contaminated by oil spills. *Chapter 564, Statutes of 2008*

AJR 66 (Brownley) Fishery Management. Expresses the support of the Legislature for the efforts of the National Marine Fishery Service under the federal Magnuson-Stevens Fishery Conservation and Management Act to strengthen National Standard 1 fishery management guidelines. Memorializes the Pacific Fishery Management Council to adhere to specified fishery management principles to enhance California's coastal fisheries. *Resolution Chapter 148, Statutes of 2008*

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 Commission (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. Appropriates \$5.293 million out of the \$45 million in bond funds made available in Proposition 84 for coastal salmon and steelhead fishery restoration projects. *Chapter 4, Statutes of 2008*

SB 899 (Simitian) Fishing Gear. Requires DFG in collaboration with the Ocean Protection Council to establish a program for prevention and recovery of derelict fishing gear. Requires labeling and reporting of lost fishing gear. *Vetoed – September 30, 2008*

SB 994 (Florez, Ashburn, and Steinberg) Delta Smelt. Enacts the Delta Smelt Preservation and Restoration Act of 2008. Requires DFG to develop a Delta smelt hatchery program. Authorizes the program to operate as a mitigation bank that provides take authorizations to banking partners and obtains funding from banking agreements. *Held in Assembly Appropriations Committee.*

SB 1262 (Cogdill) Sport Fishing: Fish Hatcheries. Excludes fish produced for mitigation purposes from the computation of state restoration goals requiring that 25% of fish produced by state fish hatcheries are used for purpose of initiating and managing naturally indigenous stocks of trout, and makes other modifications to those provisions. *Chapter 350, Statutes of 2008*

SB 1538 (Steinberg) Recovery Strategy Pilot Programs. Extends the sunset date for recovery strategy pilot programs to January 1, 2014. Expands the scope of required information for a recovery strategy to include an explanation of interim long-term goals and objectives for the conservation of the species, an explanation of any recommended activities, objective measurable criteria to determine whether the goals and objectives of the recovery strategy are being met, and a description of actions and recommendations to implement the recovery strategy. Authorizes Fish and Game mitigation endowment account funds, currently required to be held in the state's Pooled Money Investment Account, to be moved to another account within the State Treasury system to allow longer-term investments, with the goal of increasing earnings over time, as determined by DFG. Authorizes DFG to retain appropriate investment advisors acceptable to the Treasurer's Office to develop and maintain investment strategy for the accounts. *Chapter 411, Statutes of 2008*

SB 1690 (Wiggins) Dungeness Crab: Requires the Ocean Protection Council (OPC) to make a grant, upon appropriation of funding by the Legislature, for a Dungeness crab task force, and specifies the membership and duties of the task force. *Chapter 727, Statutes of 2008*

SCR 85 (Kuehl) Pacific Bluefin Tuna. Seeks the assistance of the Governor, FGC, DFG, OPC, the National Oceanic and Atmospheric Administration, the National Marine Fisheries Service, the Inter-American Tropical Tuna Commission, and the Western and Central Pacific Fisheries Council to work with the Pacific Regional Fishery Management Council and other appropriate authorities to stop illegal, unreported, and unregulated Bluefin tuna overfishing, to implement a robust stock assessment of Pacific Bluefin tuna, to evaluate and enhance conservation efforts for the species, and to set and enforce catch limits for Pacific Bluefin tuna in the United States Exclusive Economic Zone.

Resolution Chapter 106, Statutes of 2008

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 Water, Parks and Wildlife 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 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 in Assembly Appropriations Committee.*

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.*

AB 449 (Strickland) Trapping: Mammals: Control Methods. Requires persons trapping certain nongame and fur-bearing 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. As initially heard in the Assembly Water, Parks and Wildlife Committee, proposed to extend the date by which DFG would be required to enter 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. That provision was instead added to AB 1729 (WPW Committee), and this bill was gutted and amended to address chiropractors. *Chapter 12, Statutes of 2008*

AB 815 (Berryhill) Hunting and Fishing. States that the State has fully occupied the fields of hunting and fishing, that all local ordinances and regulations are subject to this section, and that unless otherwise expressly authorized by other state or federal law, FGC and DFG are the only entities authorized to adopt regulations regarding the taking of fish and game on any lands or waters within the state. *Vetoed – September 27, 2008*

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 FGC, 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 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. [See also AB 2785 (Ruskin) of 2008.] *Vetoed – October 13, 2007*

AB 912 (Parra) Mentored Hunting Program. Requires 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. *Held in Assembly WPW Committee – 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 in Senate Appropriations Committee.*

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.*

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 in Senate Appropriations Committee.*

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 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 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.*

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 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*

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*

AB 1970 (Emmerson) Habitat Mitigation. Requires any state or local government or nonprofit organization that accepts management responsibility for mitigation lands to meet specific requirements regarding the preservation and maintenance of these lands set aside by DFG. *Held in Assembly Water, Parks and Wildlife Committee.*

AB 2065 (Hancock) Invasive Aquatic Species: Dreissenid Mussels. Requires any person or federal, state, or local agency, district or authority that owns or manages a public reservoir where specific recreational activities are permitted to assess the vulnerability of the reservoir to the introduction of nonnative dreissenid mussel species and to implement a state mandated local program to prevent the introduction of this species. Makes violations of these requirements subject to an administrative civil penalty of \$1,000 per violation. *Chapter 667, Statutes of 2008*

AB 2132 (Houston) Wildlife: Hunting. Makes it unlawful to remove a hunting dog's collar with the intent to prevent the owner of the dog from locating the dog. Makes it unlawful to discharge any firearm or release any arrow or crossbow bolt over or across any established way in an unsafe manner. Requires signs forbidding trespass to be at least 8-1/2 by 11 inches in size. *Vetoed – September 26, 2008*

AB 2330 (Gaines) Wildlife: Hunting Licenses. Authorizes DFG to allow a purchaser of an annual hunting or fishing license or other entitlement to purchase such license through the internet and to print a valid temporary license that is valid for 30 days at which point it is replaced by the license that is mailed to the purchaser by the Department. *Chapter 98, Statutes of 2008*

AB 2392 (Berryhill) Ridley-Tree Condor Preservation Act. Excludes parts of Madera County from the area of the state where nonlead ammunition is required to be used for hunting to protect the California Condor. *Held in Assembly Water, Parks and Wildlife Committee.*

AB 2770 (La Malfa) Department of Fish and Game: Scientific Collector's Permits. Authorizes the issuance of a permit for scientific purposes to a California certified small business, an aquarium accredited by the Association of Zoos and Aquariums, or other appropriate institution, in the name of the principal scientific investigator or the entity. *Vetoed – September 27, 2008*

AB 2785 (Ruskin) Wildlife Conservation. Requires DFG, contingent on the availability of bond funding, to investigate and identify those areas in the state most essential as wildlife corridors and habitat linkages, and prioritize vegetative data development in those areas. Requires DFG to develop and maintain a spatial data system of this information and to make it available to the public and other governmental entities. Requires DFG to actively pursue grants and cost sharing opportunities with local, state, or federal agencies, or private entities that use the data sets and benefit from their creation and maintenance. *Chapter 333, Statutes of 2008*

AB 2840 (Berg) Humboldt County: South Spit. Names certain specified portions of the South Spit in Humboldt County the Mike Thompson Wildlife Area, South Spit Humboldt Bay, upon the completion of Representative Thompson's legislative service. *Chapter 140, Statutes of 2008*

AB 2911 (Wolk) Oil Spill Prevention and Response: Oiled Wildlife Recovery.

Expands the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act by giving the Administrator of the Office of Spill Prevention and Response (OSPR) authority to serve as a State Incident Commander for inland oil spills; requires the state oil spill contingency plan to be updated to include an inland oil spill element; increases the penalties for marine and inland oil spills; gives OSPR civil administrative penalty authority with regard to inland oil spills; and enhances the responsibilities and resources dedicated to the Oiled Wildlife Care Network for oiled wildlife search and collection.

Chapter 565, Statutes of 2008

AJR 41 (Lieu) Endangered Species. Memorializes the United States Fish and Wildlife Service to extend federal Endangered Species Act protections to advance certain penguin species, and to take specified actions to protect the polar bear. *Resolution Chapter 97, Statutes of 2008*

AJR 49 (Nava) California Gray Whales: Protected Status. Requests the President of the United States and Congress to call upon the National Marine Fisheries Service to undertake a comprehensive assessment of the California gray whale to determine if the status of the gray whale should be changed to endangered. *Resolution Chapter 98, Statutes of 2008*

AJR 62 (Leno) West Coast Sea Turtle Protection. Requests the National Marine Fisheries Service to delay consideration of or deny a swordfish longline exempted fishing permit until certain actions related to protection of the Pacific leatherback sea turtle and the North Pacific Loggerhead sea turtle are completed. *Resolution Chapter 100, Statutes of 2008*

AJR 68 (Brownley) Marine Animals: Sonar. Requests the President and the United States Navy to abide by state laws governing usage of the coastal regions of California, and to adhere to guidelines adopted by the California Coastal Commission for use of sonar by the Navy when conducting training operations off the coast of southern California to protect marine wildlife. *Resolution Chapter 150, Statutes of 2008*

SB 187 (Ducheny) Salton Sea. Provides that any bond funds made available by the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) and deposited in the Salton Sea Restoration Fund (SSRF), shall be expended, upon appropriation by the Legislature in the annual Budget Act, for a restoration project that is consistent with legislative intent regarding a preferred alternative, as specified in existing law, and that expenditures shall be limited to activities identified as "Period 1" activities in the State Resources Agency's report on a preferred alternative for the Salton Sea. *Chapter 374, Statutes of 2008*

SB 880 (Calderon) Kangaroos. 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*

SB 1166 (Cox) Game Refuges. Requires DFG to undertake a process for review and public input on the proposed closure of all but two of the existing state game refuges in the state. Allows law enforcement officers to enter game refuges if necessary to perform their duties. Requires the DFG to issue a report to the Legislature regarding their findings about the potential closure of those state refuges. *Chapter 389, Statutes of 2008*

SB 1172 (Dutton) Wildlife Hunting Revenues. Establishes the Antelope Tag Account, the Elk Tag Account, the Wildlife Management Areas Hunting Programs Account, the Upland Game Bird Account, the Deer Tag Account, the Wild Pig Account, the Bear Tag Account, and the Bighorn Sheep Account within the Fish and Game Preservation Fund to permit separate accountability for the receipt and expenditure of those funds. Requires that funds deposited in each individual account to be used to benefit the category or species for which the account was created. Requires DFG to include adequate funding in its budget proposal for the 2009-2010 fiscal year to develop plans to implement the strategies in the California Comprehensive Wildlife Action Plan. *Held in Assembly Appropriations Committee.*

SB 1424 (Machado) Wild Animals: Permits. Adds and deletes various wild animals from the list of wild animals that are prohibited by law to be imported, transported, possessed or released live unless allowed through a permit. *Held on Assembly Floor Inactive File.*

SB 1436 (Ducheny) California Endangered Species Act: Accidental Take: Agricultural Activities. Extends the sunset date of the section of the California Endangered Species Act that exempts from its provisions the accidental take of candidate, threatened or endangered species during otherwise lawful agricultural activities to January 1, 2011. *Chapter 82, Statutes of 2008*

PARKS & RECREATION

AB 31 (De León) Statewide Park and Community Revitalization Act of 2008. States legislative intent to make available to the Department of Parks & Recreation (DPR), upon appropriation, \$400 million in bond proceeds provided by Proposition 84, to be used to award competitive grants for new parks, new recreational facilities or new recreational opportunities serving critically underserved communities, as defined. Requires DPR to establish a local assistance program to distribute grants to critically underserved communities on a competitive basis. *Chapter 623, Statutes of 2008*

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 75 (Blakeslee) Parks and Recreation: Conservation Easements. Authorizes DPR to acquire conservation easements if the easement is necessary to enhance the value of a unit of the state parks system or protect a unit of the state park system from incompatible use. Authorizes DPR to give grants to state or local government agencies or nonprofit land trust organizations to purchase and hold a conservation easement upon meeting specified requirements. *Failed Passage in Assembly Appropriations Committee.*

AB 123 (Núñez) 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 Water, Parks and Wildlife Committee – 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 Water, Parks and Wildlife Committee – 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.*

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 be allocated to institutions meeting specified criteria. *Held in Assembly Appropriations Committee.*

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 in Senate Appropriations Committee.*

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 1252 (Caballero) Housing and Emergency Shelter Trust Fund Act of 2006. As heard by the Assembly Water, Parks and Wildlife Committee, proposed to create the Housing-related Parks Program to be administered by DPR using funds authorized in Housing and Emergency Trust Fund Act of 2006 (Proposition 1C), to give grants to cities and counties for parks in conjunction with eligible housing projects. This bill was gutted and amended in the Senate to instead appropriate additional funds authorized by Proposition 1C and the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006 (Proposition 1B). *Chapter 39, Statutes of 2008*

AB 1253 (Caballero) Sustainable Communities and Urban Greening. As initially heard by the 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 deleted these provisions and instead enacted provisions related to the Salinas Valley State Prison Wastewater Treatment Plant in the City of Soledad. *Chapter 695, Statutes of 2007*

AB 1303 (Smyth) Urban Greening. Requires 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 in Assembly Appropriations Committee.*

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 Water, Parks and Wildlife Committee – this bill was not heard.*

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) State Parks. 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 the State Park Commission makes a specific determination. *Failed Passage in Assembly Water, Parks and Wildlife Committee.*

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 Water, Parks and Wildlife Committee – this bill was not heard.*

AB 1842 (Smyth) Santa Susana State Park. Requires DPR to take actions to convert the Santa Susana Field Laboratory hazardous waste and radioactive waste site in Ventura County into a unit of the state park system. Creates the Santa Susana Park Advisory Committee to help the Department plan for the conversion of the Field Laboratory into a State Park. Requires the Field Laboratory site's contamination to be cleaned to the standards of the Department of Toxic Substances Control before the site is converted into a State Park. *Held in Assembly Committee on Appropriations.*

AB 2005 (Jefferies) State Parks: Transfer to Local Governments. Requires DPR to respond within 30 days to a request from a city, county, district or other public agency to enter into negotiations regarding the operation of a state park that is scheduled for closure due to budget constraints. *Failed Passage in Assembly Water, Parks and Wildlife Committee.*

AB 2121 (Aghazarian) State Parks: Disabled Passes. Requires DPR to issue a state park system pass to persons with disabilities who apply and meet specific requirements. *Held in Assembly Appropriations Committee.*

AB 2265 (Jones) State Property: Old Sacramento State Historic Park. Authorizes the Director of DPR, with approval of the Director of General Services, to exchange or sell Old Sacramento State Historic Park property that is part of the Old Sacramento Historic District in the City of Sacramento to the City of Sacramento. Deposits net proceeds from this property transfer into the State Park Contingent Fund to be used for development or construction within Old Sacramento State Historic Park. Authorizes DPR to enter into an operating agreement with a nonprofit organization in order to establish and maintain a children's museum in Old Sacramento State Historic Park in the City of Sacramento.
Vetoed – September 30, 2008

AB 2426 (Cook) Alcoholic Beverages in State Parks. This bill, as heard in the Assembly Water, Parks & Wildlife Committee, authorized DPR to ban the possession of open containers of alcoholic beverages in a state park if the state park district superintendent posted an order, in accordance with state park regulations, outlawing alcoholic beverages. This bill was subsequently amended to instead address licenses for out-of-state winery and distilled spirits producers. *Chapter 461, Statutes of 2008*

AB 2494 (Caballero) Housing-Related Parks Program. Creates statutory framework for spending the funds in the Housing Urban-Suburban-Rural Parks Account (Proposition 1C Housing Bond). Establishes the Housing-Related Parks Program to provide incentive grants for the creation, development, or rehabilitation of park and recreation facilities to cities and counties that issue building permits for housing developments consisting of newly constructed units that are affordable to very low or low-income households.
Chapter 641, Statutes of 2008

AB 2559 (Smyth) State Parks: Concession Contracts. Permits DPR to enter into a concession contract for a term of 50 years if the concession contract is for the construction, development, and operation of multiple-unit lodging facilities that are expected to exceed an initial cost of \$1,500,000 in capital improvements to begin operation. Prohibits a term for this type of concession contract from exceeding 50 years without specific authorization by statute. *Chapter 101, Statutes of 2008*

AB 2687 (Krekorian) Parks and Nature Education Facilities. Requires DPR to establish a program to offer grants on a competitive basis to eligible nature education facilities and museums, with funds authorized for this purpose in Proposition 84. Describes eligible projects as grants for building, structures, and exhibit galleries that present collections to inspire and educate the public and for marine wildlife conservation research equipment and facilities. *Held in Senate Rules Committee.*

AB 2945 (Laird) State Wilderness Areas. Authorizes the presence of temporary roads, and the use of motorized vehicles, motorized equipment, and motorized transport within a wilderness area when necessary in specified emergencies or when it is the "minimum tool" necessary to meet management requirements. Reappropriates bond funds appropriated in prior budget acts for various state park projects. *Chapter 689, Statutes of 2008*

AB 2989 (Fuentes) Parks and Recreation: Outdoor Environmental Education and Recreation Program. Establishes the Outdoor Environmental Education and Recreation Program, to be administered by the Director of Parks and Recreation, to provide grants to public entities or nonprofit organizations to implement outdoor recreation and education programs for underserved and at-risk youth populations. *Held in Senate Appropriations Committee.*

AJR 21 (Portantino) Federal Lands Recreation Enhancement Act. As heard by the this Committee, memorialized 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. Failed passage in Senate Natural Resources Committee and was subsequently gutted and amended to instead address partnerships between University of California campuses and historically black colleges. *Resolution Chapter 126, Statutes of 2008*

HR 32 (Brownley) National Park System. Expresses the State Assembly's support for full appropriation of moneys in the Land and Water Conservation Fund to outdoor resources, and in particular for the land acquisition priorities of the National Park Service and matching grants programs with the states. *Adopted – August 12, 2008*

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) Wilderness and State Parks. As initially heard by the Assembly Water, Parks & Wildlife Committee, prohibited the boundaries of a wilderness area from being modified or adjusted in a manner that results in dedesignation 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. As amended by the author and passed by this committee, provides that, notwithstanding other provisions of law relating to disposition of state-owned real property, a specific 2.5 acre parcel of state-owned property in the City of San Diego adjacent to Old Towne State Park, shall be operated only for park purposes in perpetuity, consistent with any covenants, conditions and restrictions in the deed. *Vetoed – September 30, 2008*

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 732 (Steinberg) Proposition 84 Implementation. As heard in Assembly Water, Parks and Wildlife Committee, proposed to implement several new programs for which funding is made available under Proposition 84, including nature education facilities, sustainable communities, urban greening, flood risk and water supply reliability studies, integrated regional water management, and other programs. As finally amended, establishes the Strategic Growth Council (Council), requires the Council to take certain actions with regard to coordinating specified programs of member state agencies, and requires the Council to manage and award grants and loans to support the planning and development of sustainable communities, and for urban greening projects. *Chapter 729, Statutes of 2008.*

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 665, Statutes of 2007*

SB 1127(Dutton) State Parks: Cooperating Associations. Expands DPR's authority to enter into cooperative agreements with nonprofit public benefit corporations to sell materials or services to the public in a unit of the state park system. *Chapter 141, Statutes of 2008*

SB 1285 (Corbett) Resource Conservation Lands: Acquisitions. Requires the Department of General Services (DGS) to convene a workgroup to develop and adopt standards subject to the approval of the Resources Agency for appraisal of resource conservation acquisitions. Adds DPR and state conservancies to the state agencies and departments required to obtain an independent appraisal prior to approving the acquisition of conservation lands where the agency or department is proposing to spend more than \$25 million for the acquisition. *Chapter 711, Statutes of 2008*

SB 1431 (Wiggins) Parks and Recreation: Easements. Authorizes DPR to acquire "conservation easements" if the easement is determined to be necessary to protect a unit of the state park system from incompatible use or to preserve and enhance the natural resource, cultural or historic value of the unit. Authorizes DPR to give grants to a state or local government agency or a nonprofit land trust organization to purchase and hold a

conservation easement if specific requirements are met. Requires DPR to adopt guidelines for the purchase of conservation easements by July 1, 2009. *Chapter 135, Statutes of 2008*

WATER

Delta

AB 2501(Wolk) Water Resources. As last amended, appropriates \$294.76 M from propositions 50, 1E, and 84 to the Department of Water Resources (DWR) for flood emergency preparedness; planning and local groundwater assistance grants; increased ability to respond/prevent levee breaches; acquisition, preservation, protection, and restoration of Sacramento-San Joaquin Delta (Delta) resources; planning and feasibility studies regarding new surface storage under the California Bay-Delta Program; potential options for reoperation of the state's flood protection and water supply systems; and implementation of the Delta Vision. *Held in Senate Natural Resources and Water Committee.*

AB 2502 (Wolk) Sacramento-San Joaquin Delta Ecological Restoration and Recreation Areas. Authorizes the Director of Parks and Recreation (DPR) to acquire property interests to be designated "Delta Ecological Restoration and Recreation Areas" in the Counties of Sacramento, Solano, and Yolo, including Liberty Island, Prospect Island, and Little Holland Tract, for the purpose of ecological restoration, management and outdoor recreation. *Held in Assembly Appropriations Committee.*

AB 2913 (Salas) Sacramento-San Joaquin Delta: Strategic Plan. Expands existing requirements for the Secretary of the Resources Agency to develop a strategic plan that characterizes a sustainably managed delta, to address certain financing and governance issues. Author also introduced same bill in AB 6xx, as part of the 2nd Extraordinary Session. *Held in Senate Natural Resources and Water Committee.*

AB 2938 (De León) Water Diversions: Fish Monitoring. Requires the Department of Fish and Game to design and implement a prescribed monitoring program to evaluate the potential effects that diversions of water from the Delta may have on fish species. Earlier versions included requirements for fish screens on Delta diversions. *Held in Senate Appropriations Committee.*

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) Delta Emergency Response. Requires the Office of Emergency Services to establish an interagency Multi-Hazard Coordination Task Force to develop an emergency response strategy for the Delta. *Chapter 608, Statutes of 2008*

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 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 wide range of water-related projects, particularly related to the Delta. *Vetoed – October 14, 2007*

SB 1102 (Machado) California Bay-Delta Authority Act. Repeals the California Bay-Delta Authority Act. Transfers all responsibilities for the CALFED Bay-Delta Program to the Secretary of the Resources Agency, making the secretary legal successor to the Authority. Requires the secretary to continue managing CALFED science program as previously required. *Vetoed – September 30, 2008*

Water Resources Management

AB 224 (Wolk) Water Plans and Climate Change. Enacts the Climate Change and Water Resource Protection Act of 2008, which incorporates climate change analysis into all existing water resource planning efforts. Requires DWR to include such analysis in relevant water reports and study the climate change effects of alternative water development projects. Required local agencies to incorporate climate change into existing water plans and barred integrated regional water management funding, after 2010, for projects without such analysis. Author also introduced same bill, as amended, as AB 7xx in the 2nd Extraordinary Session. *Held in Senate Appropriations Committee.*

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*

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 (Calderon) Regional Water Management. As heard in Assembly Water, Parks and Wildlife Committee, authorized every local water district in California to acquire, construct, operate, maintain, and furnish facilities for the diversion of urban runoff. This bill was subsequently gutted and amended in the Senate to instead make legislative findings and declarations regarding uncontrolled pollutants in urban runoff, stormwater, and other forms of runoff, and statements of legislative intent regarding the provision of tools to help remedy pollution from these sources. *Held in Senate Rules Committee.*

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

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

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 in Assembly Appropriations Committee.*

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 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. Adds condominiums to the list of "structures" where use of potable water for toilets is deemed "unreasonable" if recycled water is available, in order to encourage recycled water use. *Chapter 537, Statutes of 2007*

AB 1420 (Laird) Water Demand Management Measures: Water Management Grant or Loan. As heard in this Committee, augmented requirements for incorporation of conservation measures into urban water management and integrated regional water management (IRWM), including bond funding arising out of Proposition 84, and 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. Requires the State Water Resources Control Board (SWRCB) to adopt a general permit for landscape irrigation uses of recycled water, as an alternative to existing regional board process. *Chapter 535, Statutes of 2007*

AB 1489 (Huffman) Resource Bond Funds. As heard by this Committee, established standards/guidance for implementation of integrated regional water management projects funded by Proposition 84. (The author subsequently amended this substance into AB 1654 and SB 1xx (Perata).) *Held in Senate Appropriations Committee.*

AB 1664 (Strickland) State Bond Funds: Public Water Systems or Publicly-Owned Treatment Works. Gives 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 Water, Parks and Wildlife Committee – this bill was not heard.*

AB 2046 (Jones) Water Supply Assessments: Groundwater. Authorizes Urban Water Management Plans to include contaminated groundwater as part of the planned water supply if specific actions for treatment are included. Requires water supply assessments and written water supply verifications to include certain information as to remediation of groundwater contamination if the local agency includes such contaminated groundwater in its estimates of future water supply. *Vetoed – September 30, 2008*

AB 2175 (Laird and Feuer) Water Conservation. Requires the state to achieve a 20% reduction in urban per capita water use by December 31, 2020 and also requires agricultural water suppliers to implement water use efficiency best management practices by July 31, 2012. *Held in Senate Rules Committee.*

AB 2219 (Parra) Subdivisions: Water Supply. Requires – until January 1, 2016 – a city or county to approve a subdivider's water savings projections attributable to voluntary demand management measures after verification for accuracy. Requires estimates of future water supply to reduce the projected water demand for the project based on the project applicant's voluntary water demand management measures. *Held in Senate Appropriations Committee.*

AB 2222 (Caballero) Groundwater Quality: Monitoring. Requires SWRCB to report on groundwater contamination, recommend methods of expanding public information accessibility on groundwater conditions, and recommend funding options to extend the comprehensive monitoring program. *Chapter 670, Statutes of 2008.*

AB 2270 (Laird and Feuer) Recycled Water: Water Quality. Requires DWR to establish statewide water recycling targets every five years. Requires urban water suppliers to include recycled water use information in urban water management plans. Allows local agencies to control salinity discharges, including from water softeners, into public sewer systems, under certain conditions. *Vetoed – September 30, 2008.*

AB 2434 (La Malfa) Department of Water Resources: Ostrom Point Dam Feasibility. Requires DWR to conduct a feasibility study regarding the construction of a dam at Ostrom Point in Big Valley, California when funding becomes available. *Held in Assembly Appropriations Committee.*

AB 2437 (Ruskin) Regional Water Systems. Authorizes San Francisco, in its annual report on the Hetch Hetchy system, to identify any project behind schedule and describe its plan/timeline for either compensating for the delay or adopting a revised schedule. Extends the sunset for the Wholesale Regional Water System Security and Reliability Act from December 31, 2010 to January 1, 2015. *Chapter 99, Statutes of 2008*

AB 2686 (Nava) Santa Ynez Valley Water District. Reorganizes certain water districts into the Santa Ynez Valley Water District in Santa Barbara County. Authorizes the district to exercise certain powers, including groundwater management. *Vetoed – September 30, 2008.*

AB 2691 (Eng) Groundwater. Requires DWR to update its Bulletin 118, regarding California's groundwater resources and report its findings no later than January 1, 2010, and each subsequent year ending in 5 and 0. *Held in Assembly Appropriations Committee*

AB 2723 (De La Torre) Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006: Dual Piping. Allows use of the \$90 million that Proposition 84 authorized for sustainable land-use plans by DWR to provide grants for planning and development of dual water piping systems that allow delivery of recycled water for nonpotable uses at commercial, industrial and residential buildings built starting January 1, 2009. *Held in Assembly Appropriations Committee.*

AB 2882 (Wolk) Allocation-Based Conservation Water Pricing. Authorizes a public entity to adopt allocation-based conservation water pricing meeting certain requirements, in order to comply with Proposition 218 requirements. Requires revenues from such water pricing not to exceed the reasonable cost of water service, including basic costs and incremental costs, as defined. *Chapter 610, Statutes of 2008*

AB 2970 (Eng) State Water Project: Delivery Capability Report. Requires DWR, beginning in 2009 and every 2 years thereafter, to report on the delivery capability of the State Water Project (SWP), including the total amount of water allocated to each SWP contractor for that year and each of the 10 years immediately preceding the report. Requires the report to include an analysis of the possible effects of climate change on the SWP beginning in 2011. *Vetoed – September 30, 2008*

AJR 70 (Brownley) Los Angeles River. Memorializes Congress and President to support a special case review by the federal Environmental Protection Agency of the U.S. Army Corps of Engineers determination of the navigability of the Los Angeles River. *Resolution Chapter 152, Statutes of 2008*

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 258 (Ducheny) Water Use Fees. Requires the SWRCB to prepare and submit a report to the Legislature with regard to the alternatives for financing the Division of Water Rights. *Held in Assembly Water, Parks and Wildlife Committee.*

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 allow water suppliers 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*

SB 1518 (Correa) Water Meters. This bill, as introduced, would have required separate water meters on individual rental units as a condition of water service to that property. The author subsequently amended the bill to address multipurpose senior services program sites, and then the bill was re-referred to the Committee on Aging and Long-Term Care. *Vetoed – September 27, 2008*

AB 7xx (Wolk) Climate Change and Water. Enacts the Climate Change and Water Resources Protection Act. (See AB 224.) *Held in Senate Rules Committee.*

AB 8xx (Huffman) Safe, Clean, Reliable Drinking Water Supply Act of 2008. Enacts the Safe, Clean, Reliable Drinking Water Supply Act of 2008 which, if approved by the voters, would authorize, for the purposes of financing certain water projects and programs, issuance of general obligation bonds in the amount of \$9,805,000,000. Would have placed bond measure on November 4, 2008, statewide general election. *Held in Assembly Special Committee on Water.*

SB 1xx (Perata) Water Quality, Flood Control, Water Storage, and Wildlife Preservation. Amends integrated regional water management program statute and appropriates \$820,973,000 in funding from currently authorized general obligation bonds for various water-related purposes. *Chapter 1, 2nd Ex. Session, Statutes of 2007-2008*

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 flood bill package: AB 156 (Laird), SB 5 (Machado) and SB 17 (Florez). *Chapter 366, Statutes of 2007*

AB 26 (Nakanishi) Flood Control: Natural Community Conservation Plan. Requires DWR 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, including giving notice of flood risk to residents behind State levees. 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 – this bill was not heard.*

AB 1452 (Wolk) Central Valley Flood Protection. As introduced, would have established priorities for allocation of bond proceeds authorized by Proposition 1E and Proposition 84 on the November 2006 statewide ballot. This bill was gutted and amended in the Senate to instead become a 2008 budget trailer bill relating to sales and use tax law. *Chapter 763, Statutes of 2008*

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 in Assembly Appropriations Committee.*

AB 1898 (Evans) Flood Control Subvention Funds: Napa River. Authorizes state funding of a federally authorized flood control project in the City of St. Helena. *Chapter 632, Statutes of 2008*

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 floodplain 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) Proposition 1E Disaster Preparedness and Flood Prevention. Provides statutory direction and places additional requirements on DWR and SWRCB with regard to the implementation and awarding of specified grants made available by the Disaster Preparedness and Flood Prevention Bond Fund Act of 2006 (Proposition 1E). *Held in Assembly Water, Parks & Wildlife Committee.*

SB 1360 (Machado and Florez) Flood Protection. Makes technical changes and clarifies statutes arising out of the 2007 flood management legislative package. Changes primarily relate to the Central Valley Flood Protection Board and the boundaries of the Sacramento-San Joaquin Drainage District. *Vetoed – September 30, 2008*

MISCELLANEOUS

Boating & Marinas

AB 990 (Berg) Spud Point Marina. Modifies statutes pertaining to Sonoma (County) Spud Point Marina state loan, and codifies changes to the County's authority to operate the Marina, reflective of a settlement agreement between the County and the Department of Boating and Waterways (DBW). *Chapter 298, Statutes of 2008*

AB 3029 (Tran) Small Craft Harbors and Boating: Grants. Authorizes DBW to grant funds to a federally recognized Indian tribe for the construction and development of public small craft launching facilities and for the construction or procurement of vessel pumpout or dump stations. *Held in Senate Appropriations Committee.*

SB 1435 (Ducheny) Marinas and Harbors: Funding. Allows loan funds from DBW to be used for collateral appraisals, permit fees, planning, engineering, and design expenses directly related to developing a recreational marina. *Chapter 178, Statutes of 2008*

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