

CALIFORNIA LEGISLATURE  
ASSEMBLY COMMITTEE ON  
**WATER, PARKS AND WILDLIFE**

**2009 – 2010**  
**Legislative Summary**



COMMITTEE MEMBERS

JARED HUFFMAN, CHAIR  
JEAN FULLER, VICE CHAIR  
JOEL ANDERSON  
JUAN ARAMBULA  
TOM BERRYHILL  
BOB BLUMENFIELD  
ANNA CABALLERO  
HECTOR DE LA TORRE  
NATHAN FLETCHER  
MIKE GATTO  
BONNIE LOWENTHAL  
MARY SALAS  
MARIKO YAMADA

COMMITTEE STAFF

CONSULTANTS  
G. DIANE COLBORN  
TINA CANNON LEAHY  
PRINCIPAL ASSISTANT  
KATHY MATSUMOTO



# ASSEMBLY WATER, PARKS AND WILDLIFE COMMITTEE

## TABLE OF CONTENTS

### KEY ISSUES

<b>WATER MANAGEMENT</b> .....	<b>2</b>
Sacramento-San Joaquin Delta .....	2
The Delta Crisis & Delta Vision.....	3
2009 Water Package .....	3
2010 Legislation Related to the Water Package .....	4
Other Delta Issues .....	5
Delta and Statewide Flood Protection.....	7
Local Water Supplies and Transfers .....	7
Water Conservation .....	8
<b>FISH AND WILDLIFE ISSUES</b> .....	<b>8</b>
Fisheries .....	8
Marine Life .....	9
Wildlife Habitat .....	10
Hunting .....	11
Department of Fish and Game Reform.....	11
Omnibus Code Clean-up Bills .....	12
<b>PARKS &amp; RECREATION</b> .....	<b>12</b>
State Parks.....	12
Oversight Hearings .....	14
Upcoming Issues for the 2011-12 Session.....	14
<b>ALL BILLS IN ASSEMBLY WATER, PARKS &amp; WILDLIFE COMMITTEE</b> .....	<b>16</b>

### MEASURES

<b>WATER</b> .....	<b>16</b>
Bay-Delta .....	16
Water Management.....	18
Water Recycling.....	23
Flood Protection.....	24
<b>FISH AND WILDLIFE</b> .....	<b>24</b>
Fisheries .....	24
Wildlife .....	27
Wildlife Habitat .....	29
Department of Fish and Game .....	30
<b>PARKS &amp; RECREATION</b> .....	<b>31</b>
<b>MISCELLANEOUS</b> .....	<b>32</b>
<b>SPECIAL SESSION BILLS</b> .....	<b>32</b>
<b>INDEX OF ASSEMBLY BILLS</b> .....	<b>34</b>
<b>INDEX OF SENATE BILLS</b> .....	<b>36</b>

# **KEY ISSUES BEFORE THE ASSEMBLY WATER, PARKS AND WILDLIFE COMMITTEE**

---

## **2009-10 Legislative Session**

During the 2009-10 Legislative Session the Assembly Water, Parks & Wildlife Committee received 141 bill referrals and held hearings on 116 measures, 64 of which ultimately passed the Legislature and became law. The most significant accomplishment of the Session was arguably the enactment in 2009 of a comprehensive package of water legislation designed to address pressing California water issues, including the crisis in the Sacramento-San Joaquin Delta.

### **WATER MANAGEMENT**

#### **Sacramento-San Joaquin Delta**

The Sacramento–San Joaquin River Delta (Delta) is a regional, state, and national treasure. It is an integral part an ecosystem depended on by more than 750 wildlife species and more than 120 species of fish. As a migratory corridor the Delta hosts two-thirds of the state’s salmon and nearly half of the waterfowl and shorebirds along the Pacific flyway. The Delta spans five counties and is home to more than 500,000 people. It is a place of great scenic beauty, historic towns, productive farms, close-knit communities, and varied recreation.

The Delta is also a highly modified place. Levees built 100 years ago transformed the Delta from marshlands into dry "islands." There are now over 1,300 miles of levees in the Delta and Suisun Marsh. Over years of intensive agriculture, peat soils from some of those islands have dried up and blown away leaving bowls of lands which are in some places 30 feet below the crests of the levees which protect them.

With most of the state's water falling in the north and most of its population in the south, the Delta also sits at the crossroads of California’s vast water supply and delivery infrastructure. The two major water projects, the federal Central Valley Project (CVP) and California’s State Water Project (SWP), operate in a coordinated fashion to store water in major reservoirs upstream of the Delta and then release that water into the Sacramento and San Joaquin Rivers. Once the water reaches the Delta, it is drawn towards pumps located in the south Delta and exported via the state's California Aqueduct and federal Delta-Mendota Canal. These two projects provide at least part of the water supply for two thirds of California's population and three million acres of irrigated agricultural land in central and southern California.

Competing demands on the Delta’s resources have long been sources of bitter conflicts and profound challenges for stakeholders and policy makers. Between the state and



federal governments, at least twenty agencies share and sometimes contest responsibility for Delta issues. Local entities within the Delta's watershed multiply that number several fold. Add affected stakeholders and the increase is exponential. These interests have sparred for decades.

## **The Delta Crisis & Delta Vision**

In 2006 the Legislature and the Governor initiated a process to develop a new long-term vision for the Delta. SB 1574 (Kuehl) required a cabinet committee to present recommendations for a Delta strategic vision. The Governor created a Delta Vision Blue-Ribbon Task Force to advise the Cabinet Committee. The Task Force produced an October 2008 Strategic Plan, which the Cabinet Committee largely adopted and submitted, with its recommendations, to the Legislature on January 3, 2009.

After delivery of the Delta Vision recommendations, the Legislature held informational hearings from Delta experts, Task Force members, and the Schwarzenegger Administration, as well as the public at large, and engaged in vigorous water policy discussions. Following the informational hearings, several legislators began developing detailed legislation which culminated in five bills – AB 39 (Huffman), AB 49 (Feuer), SB 12 (Simitian), SB 229 (Pavley) and SB 458 (Steinberg) – being issued in early August as "pre-print" proposals for public review and discussion over the summer recess. During August 2009, the Assembly Water, Parks and Wildlife Committee and the Senate Natural Resources and Water Committee held joint informational hearings. After these hearings, legislative leadership appointed a conference committee, which convened and held additional public hearings, with legislator discussions of key issues. A conference committee report was reported to the floors of the two houses. Then, the policy provisions of that conference committee report were consolidated into a single vehicle, SB 68 (Steinberg).

## **2009 Water Package**

When the Legislature adjourned without voting on SB 68, Governor Schwarzenegger called a special session, the 7th Extraordinary Session, to finish developing a water policy bill package to address pending Delta and water issues. The 7th Extraordinary Session culminated in the signing of the following historic five-bill package:

- **SB 1 X7 (Simitian) Sacramento-San Joaquin Delta.** Created a new management framework for the Delta to achieve the co-equal goals of a more reliable water supply and restoration of the Delta ecosystem, by creating a Delta Stewardship Council tasked with developing and implementing a long-term management plan for the Delta, creating a Delta Conservancy, restructuring the Delta Protection Commission and requiring it to develop a Delta economic sustainability plan to help inform the Delta Stewardship Council's policies, and requiring the Department of Fish and Game (DFG) and the State Water Resources Control Board (SWRCB) to identify instream flow needs for the Delta.

- **SB 2 X7 (Cogdill) Water Bond.** Placed a \$11.14 billion water bond on the November 2010 ballot. (The bond vote is now postponed to 2012 as a result of AB 1265. See below.)
- **SB 6 X7 (Steinberg) Groundwater Monitoring.** Established a statewide requirement to locally monitor groundwater elevations in all basins and sub basins and conditioned eligibility for certain water grants and loans on voluntary implementation of the groundwater basin or sub basin elevation monitoring program by the prescribed local entity.
- **SB 7 X7 (Steinberg) Water Conservation.** Established water conservation targets and methods for water agencies to achieve a statewide goal of 20% reduction in per capita urban water use by 2020. Required some agricultural water management agencies to implement best management practices and develop water management plans.
- **SB 8 X7 (Steinberg) Water Diversion/Use Reporting and Enforcement.** Eliminated exemptions for Delta water diverters from state water diversion/use reporting requirements. Appropriated funding from the Water Rights Fund for additional enforcement staff for the State Water Resources Control Board (SWRCB).

## 2010 Legislation Related to the Water Package

The period following passage of the 2009 water package showed continued interest by legislators in water issues with many proposing refinements or modifications of package provisions. The two bills most directly affecting the package were AB 1260 (Fuller) and AB 1265 (Caballero), which both passed with a 2/3rds majority on August 9, 2010.

AB 1265 postpones the public vote on the \$11 billion water bond measure component of the 2009 water package, SB 2 X7, from the November 2010 general election to the November 2012 general election. Many legislators voted in favor of the measure after concerns about the continuing sluggishness in the California economy and additional debt pressures on the general fund indicated the bond measure could be headed for defeat. Prior to passage, AB 1265 was amended to include the provisions of AB 2775 (Huffman). Those provisions delete the authorization for joint powers authorities investing in surface storage projects to include nongovernmental partners in their membership and also prohibit those joint powers authorities from including any for-profit corporation, or mutual water company whose shareholders and members include a for-profit corporation or any other private entity.

AB 1260 is a companion bill to AB 1265. Under AB 1260, all of Governor Schwarzenegger's current California Water Commission members, if confirmed by the Senate, will serve until May 14, 2014. This is important because the water bond provides new authorities to the California Water Commissioners by continuously appropriating \$3 billion for public benefits associated with water storage projects that improve the operations of the state water system, are cost-effective, and provide a net improvement in ecosystem and water quality conditions. SB 2 X7 makes the Commissioners responsible

for determining the amount of public benefits and allocating the bond funding accordingly. If the now-delayed bond passes in 2012, the existing Commission members, if confirmed by the Senate, will be able to make the initial funding allocations.

The second half of the legislative session also saw several bills pass which clarified or built upon the Delta water package provisions in SB 1 X7. AB 1677 (Caballero), AB 2277 (Fletcher) and SB 1478 (Senate Natural Resources and Water) all made technical corrections to several sections of SB 1 X7. SB 1450 (Simitian), and AJR 38 (Fuller) provide direction and authority to the Delta Stewardship Council, a newly created body under SB 1 X7. SB 1450 allows the Council to use an expedited contracting process in order to complete the Delta Plan, which is due January 1, 2012. Finally, AJR 38 calls upon the United States Department of Interior to complete its study of the Two-Gates Fish Protections Demonstration Project in the Delta. Investigation of the Two-Gates Project is described as an "early action" under SB 1 X7.

In 2010 the Legislature also reconsidered parts of the water package that did not get enacted in 2009, namely SB 565 (Pavley), which proposed to protect water rights with enhanced reporting requirements and increased penalties for illegal water diversions, and AB 2092 (Huffman), which provided for development of a Delta financing plan. Other Delta bills included AB 1886 (Yamada), which sought to advance the SB 1 X7 requirement for the state to reduce its reliance on the Delta by requiring the Department of Water Resources to report on its progress in achieving reduced Delta reliance as part of the existing California Water Plan and AB 2336 (Fuller) which proposed to direct the Council, in the course of developing and implementing the Delta Plan, to conduct an assessment of certain stressors on native fish populations. None of these measures obtained final passage in 2010.

In addition, the latter half of the session saw the Legislature focusing on 2009 water package implementation oversight with a special emphasis on the Delta Reform Act requirements in SB 1 X7. This Committee held three oversight hearings in 2010 on the Delta, and monitored numerous meetings of the new Delta Stewardship Council, the Bay Delta Conservation Plan Steering Committee, the State Water Resources Control Board, the National Academy of Sciences and others.

For further details on the 2009 water package and oversight activities related to the Delta water package implementation, please see the Committee's 2009 Mid-Session Legislative Summary report and visit the Committee webpage at [www.assembly.ca.gov/acs/newcomframeset.asp?committee=26](http://www.assembly.ca.gov/acs/newcomframeset.asp?committee=26).

## **Other Delta Issues**

In the 2009-2010 Session, bills with a Delta focus were not limited to those directly related to water package implementation. One of the most controversial issues in the Delta was the Bay Delta Conservation Plan (BDCP) process. The BDCP is a planning effort by state and federal water contractors, state and federal agencies, environmental organizations and other non-governmental organizations to develop and implement a Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) in the Delta which would provide 50 year authorizations for SWP Delta facilities that meet

federal Endangered Species Act and California Endangered Species requirements. It is also anticipated that the BDCP HCP/NCCP could provide take authority for federal CVP facilities through a federal ESA consultation and might also provide ESA/CESA coverage for two power plants owned by Mirant Delta LLC.

Part of the BDCP controversy is related to its proposal to build a new isolated water conveyance facility, or "peripheral canal," around the Delta as part of the plan. According to the Public Policy Institute of California, various approaches to a new water conveyance in the Delta have been proposed since the 1940's. As historian Norris Hundley, Jr. writes in his book *The Great Thirst*, it was in 1965 that the Interagency Delta Committee first released a plan for a 43-mile-long, 400 foot wide, 30-foot deep unlined ditch in the shape of the broad eastward-swinging curve that garnered it the name peripheral canal. At that time, many water leaders did not believe that building such a canal would require a vote of the people or legislative approval, but they acknowledged that, at the very least, legislative action would likely be required to secure funding.

In the mid-1970's interest in the peripheral canal was renewed when California began experiencing a severe drought. Thus began the modern renewal of the debate over whether you could improve the quantity and quality of export water supplies and reduce impacts on fish and wildlife species in the Delta by bypassing the central and southern Delta and instead conveying Sacramento River water through a canal which would start near the town of Hood and head south around the eastern edge of the Delta to the SWP/CVP pumping plants near Tracy. After no fewer than fourteen different bills were proposed, four things happened that made the canal look like it would become a reality. First, in January 1980, the senate passed the Peripheral Canal bill. Then in June 1980, as a companion effort, both houses of the legislature passed a bill putting a constitutional amendment on the ballot to protect the Delta and north-coast rivers. Following that, in early July of 1980, the assembly passed the peripheral canal bill and, later that same month, Governor Jerry Brown signed it. However, despite the fact that Proposition 8 protecting the Delta and north-coast rivers passed in November of 1980, opposition to the canal was growing. More than double the number of signatures was gathered to qualify the peripheral canal legislation for a referendum, or veto by the people. On June 8, 1982, Proposition 9 repealed the Peripheral Canal legislation by a margin of three to two. By association Proposition 8 was also invalidated as it was worded not to take effect unless the peripheral canal gained approval.

This session, the 2009 water package legislation followed another period of drought in California. However, the legislation neither required nor prohibited the building of a peripheral canal to take water around the Delta. Instead, it mandated the BDCP process include a reasonable range of flow criteria and Delta water conveyance alternatives as well as other standards. Nevertheless, AB 1594 (Huber) was more direct. It sought to prohibit the construction of a peripheral canal in the Sacramento-San Joaquin Delta without a legislative vote. AB 1594 was held in Water, Parks & Wildlife Committee.

AB 1797 (Berryhill) also focused on Delta water conveyance options. It sought to require the Department of Water Resources to undertake an expedited evaluation and feasibility study of a system of barriers, gates and siphons that would enable water to

continue to be conveyed through the Delta as opposed to around the Delta via a peripheral canal. AB 1797 was held in Assembly Appropriations Committee.

### **Delta and Statewide Flood Protection**

In addition to concerns regarding conveyance in the Delta, are continued challenges related to levee maintenance, flood control, and emergency preparedness in the Delta and elsewhere. SB 808 (Wolk) extended the date on the current Delta levee maintenance subvention program while AB 1788 (Yamada) made it easier for disadvantaged communities to obtain funding for flood protection projects. SB 1443 (Simitian) allows the Sacramento-San Joaquin Delta Multi-Hazard Task Force to keep working until it submits its Delta emergency preparedness and response strategy report. A fourth bill, SB 991 (Wolk) would have appropriated \$30 million in bond funds from Proposition 1E for flood control projects that improve Delta sustainability but that bill was vetoed by the Governor.

### **Local Water Supplies and Transfers**

There were several bills in 2010 that sought to facilitate development of alternative local supplies of water or protection of existing supplies. SB 7 X7 defines alternative sources of water as the use of recycled water, the capture and reuse of stormwater or rainwater, desalination of brackish water, and conjunctive use of surface water and groundwater in a manner that is consistent with the safe yield of the groundwater basin.

With regard to recycled water, the one bill which became law was SB 918 (Pavley). SB 918 requires the State Department of Public Health to establish standards for recycled water, including recycled water used for groundwater recharge. Other water recycling bills which either failed passage or were vetoed by the Governor included AB 1774 (Saldaña) and SB 1173 (Wolk). AB 1774 would have allowed public agencies to require state agencies within their jurisdictions to use such recycled water for landscape irrigation and SB 1173 would have prohibited the use of "raw water," such as untreated river water, for nonpotable uses if recycled water was available.

One bill addressed the emerging area of rainwater recapture but was vetoed by the Governor. AB 1834 (Solorio) would have authorized landowners to install, maintain, and operate rainwater capture systems meeting certain requirements. AB 1834 also provided for a statewide stakeholder process to consider and address potential issues arising out of expansion of rainwater and stormwater recapture.

Groundwater issues surfaced in two bills with one bill addressing both water transfers and possible related groundwater impacts. AB 2049 (Arambula) sought to prohibit permanent transfers of water from agricultural to municipal use without a social, environmental and economic analysis. AB 2049 also would have prohibited the substitution of groundwater for transferred surface water unless the groundwater was monitored. AB 2049 failed passage on the Assembly floor. AB 2304 (Huffman) added protection of priority groundwater recharge areas to the components which could be included in a groundwater management plan. AB 2304 was vetoed.



Local water protection came to the forefront with AB 1366 (Feuer). AB 1366, signed by the Governor in 2009, authorizes local agencies with salinity problems to control salinity inputs into their sewers, including certain regulation of self-regenerating water softeners. An alternative bill, AB 1202 (Anderson) would have required a study of water softener efficiency but was held in Committee.

## **Water Conservation**

As California attempts to manage its scarce water supplies, the emphasis on water measurement and conservation is increasing. This emerging ethic was reflected in various pieces of legislation. AB 975 (Fong) requires water corporations regulated by the Public Utilities Commission to install water meters on new service connections and on unmetered connections by 2020. AB 1061 (Lieu) voids and makes unenforceable provisions of common interest governing documents that prohibit the use of low water using plants. AB 2409 (Nestande) prevents urban agencies from treating pools and spas the same as decorative water features in their water contingency analyses. The concern was that a drought response plan might require decorative water features, such as fountains and ponds, to be shut down or drained.

Four other water conservation-related bills which failed passage were AB 300 (Caballero), AB 1408 (Krekorian), AB 1975 (Fong) and AB 2422 (Tom Berryhill). AB 300 and AB 1408 offered alternative ways to minimize water costs of new residential developments through water conservation measures. AB 1975 sought to require the installation of water meters on individual units in multiunit buildings. AB 2422 (Tom Berryhill) took issue with the plant water use classifications in DWR's Model Water Efficient Landscape Ordinance (Model Ordinance) and sought to prohibit DWR from making any future amendments or updates to the Model Ordinance, or any rule, regulation or guideline related to it, unless a scientific panel peer reviewed the proposed change.

## **FISH AND WILDLIFE ISSUES**

### **Fisheries**

Several bills to improve state fisheries management were initiated by fishing participants themselves in the 2009-10 Session. Examples include AB 571 (Saldana), legislation sponsored by commercial lobster fishermen to require payment of a new fee to take lobster for commercial purposes, with the revenues dedicated to improving the long-term sustainability and management of the California spiny lobster fishery. After AB 571 was vetoed in 2009, a similar measure, AB 408, was introduced in 2010. In addition to the new commercial lobster fee, AB 408 also created an advisory committee to advise DFG on project expenditures. AB 408 was also vetoed by the Governor.

AB 2063 (Huffman) was cosponsored by recreational fishing groups California Trout and Trout Unlimited and proposed to renew the state's commitment to salmon recovery and name Chinook salmon as the official state anadromous fish. AB 2063 proclaimed and reaffirmed a state goal to recover salmon populations to sustainable levels sufficient to support viable commercial, recreational and tribal fisheries, and to make substantial

progress toward meeting that goal within a decade. AB 2063 also stated legislative intent that DFG use best available science, including a life cycle analysis and scientifically defensible hatchery operations, in prioritizing and focusing salmon recovery efforts. AB 2063 passed the Legislature with bipartisan support but was vetoed by the Governor.

The Dungeness crab fishery was also the focus of legislation in 2010. Legislation enacted in 2008 established a Dungeness crab taskforce which was tasked with developing recommendations on management of the crab fishery. The taskforce met and deliberated in 2009 and produced a report with recommendations to the Legislature in early 2010. Recommendations of the task force, including a recommendation for DFG to conduct a pilot project with tiered pot limits, were amended into SB 1093 (Wiggins). SB 1093 passed the Assembly and was approved by Senate policy and fiscal committees but failed passage on the Senate floor the final night of the session. In the absence of legislation, the task force also sunsets under existing law effective January 1, 2011. In the hopes of building on the substantial progress made by the task force in working toward a consensus, crab fishery participants have indicated they plan to bring this issue back to the Legislature in 2011.

Other fishery related bills of note enacted in the 2009-10 session include: AB 1217 (Monning), which required the Ocean Protection Council to develop and implement a voluntary sustainable seafood promotion program; and AB 1052 (Caballero) which required DFG to develop an expenditure plan to spend down funds in the Bay-Delta Sportfishing Enhancement Stamp and also repealed the stamp requirement. A measure which was vetoed, SB 21 (Simitian) would have required DFG to include information on how to report derelict fishing gear on fishing licenses and brochures. SB 21 followed a more comprehensive measure on derelict fishing gear, SB 899 (Simitian) of 2008, which was also vetoed by the Governor.

Other fishery related bills which did not make it all the way through the legislative process this Session included SB 778 (Wiggins) which proposed to increase the commercial salmon stamp to \$350, and AB 489 (Huffman) which proposed to change California's commercial fish landing fees to an ad valorem based fee system. These measures failed passage on the Assembly and Senate floors respectively.

## **Marine Life**

Bills of importance to marine ecosystems this session included AB 2503 (John Perez), which establishes a process whereby decommissioned offshore oil platforms may be permitted to remain partially in place if there is a finding that partial removal will provide a "net benefit" to the marine environment as compared to full removal. Commonly known as "rigs to reefs", this bill also requires that a portion of the cost savings which the oil company would receive from being allowed to leave the rig in place be shared with the state, a California Marine Endowment created by the bill, and the local county closest to where the rig is located. AB 2503 passed the Legislature with broad bipartisan support and was signed by the Governor. While it is unknown at this time how many oil platforms will qualify for partial removal, it is possible that significant funding for marine conservation could be raised as a result of passage of this bill.

The Legislature also approved two resolutions: AJR 44 (Hill), memorializing the Legislature's opposition to a proposal before the International Whaling Commission to lift the current moratorium on commercial whaling; and SJR 18 (Simitian), requesting Congress to develop a comprehensive federal regulatory framework for marine aquaculture that is at least as protective as California's Sustainable Oceans Act to address environmental and economic concerns with marine aquaculture. Both resolutions were chaptered.

## **Wildlife Habitat**

Several bills with potentially significant implications for wildlife habitat were enacted this session. Key among them are: SB 448 (Pavley), which creates a "safe harbor" for landowners who voluntarily take actions to protect wildlife habitat values on their lands; SB 1303 (Wolk) which extends the sunset on the "accidental take" exemption in the California Endangered Species Act (CESA) for routine agricultural activities, and also encourages approval and public education of voluntary programs for agricultural activities that promote wildlife habitat; SB 481 (Cox) which clarifies application of state law to federally permitted actions taken by airports to remove birds for public safety purposes; SB 670 (Wiggins) which placed a moratorium on recreational instream suction dredge mining until DFG completes an environmental review and updates its suction dredge regulations; and SB 34 X8 (Padilla) which seeks to facilitate siting of renewable energy projects in the California desert that are eligible for federal American Recovery and Reinvestment Act (ARRA) stimulus funding, by allowing project developers to pay in-lieu fees to DFG which would be used for mitigation of wildlife habitat impacts. SB 1334 (Wolk) would also have required Natural Community Conservation Plan (NCCP) planning to include cooperation with local entities that have land use permit authority over plan activities but was vetoed.

SB 34 X8 (Padilla) was passed by the Legislature in 2010 as part of the 8<sup>th</sup> Extraordinary Session. This bill authorizes DFG, in consultation with the California Energy Commission (CEC), to develop advance mitigation and interim mitigation strategies to mitigate the impacts on endangered and threatened species of solar energy projects that are eligible for ARRA funding, and are proposed for siting in the California desert in the Desert Renewable Energy Conservation Plan (DRECP) planning area. The DRECP is a regional NCCP/Habitat Conservation Plan (HCP) being developed by state and federal agencies in the Mojave Desert region of California. SB 34 X8 authorizes developers of solar energy projects proposed for siting in the DRECP area to meet their CESA mitigation obligations by voluntarily paying fees for deposit into a fund which would be used by DFG to complete mitigation actions. Late in the session efforts were made to expand the approach authorized in SB 34 X8 to other renewable energy projects through amendments to AB 1012 (V. Manual Perez). However, that measure failed to pass off the Senate floor before the session adjourned at midnight on the last night of the session, as did a companion measure, SB 722 (Simitian), which proposed to increase California's Renewables Portfolio Standard (RPS) goal from 20 percent by 2010 to 33 percent by 2020.

The Legislature in 2010 also passed and the Governor signed into law SB 51 (Ducheny) creating the Salton Sea Restoration Council as a new state agency responsible for

overseeing restoration of the Salton Sea. Among other things, the Council is tasked with reporting to the Governor and the Legislature by June 30, 2013, with a recommended restoration plan. The governance structure created by the bill includes a 16 member executive committee which serves as the governing body for the Council, a science committee, a local government forum, and a stakeholder forum.

## **Hunting**

Several bills relating to hunting were considered and passed by the Legislature in the 2009-10 Session, including: AB 708 (Huffman) which increases the penalties for egregious poaching; AB 979 (T. Berryhill) which clarifies state preemption, with certain exceptions, of local hunting ordinances; AB 1254 (T. Berryhill) which requires DFG to provide incentives to hunter education instructors; and SB 1179 (Hollingsworth) which authorizes DFG to provide two free annual hunting days for hunters who meet specified requirements relating to hunter safety.

Other hunting related bills which were considered but did not pass include SB 904 (Hollingsworth) which proposed to decrease the permit fees for commercial hunt clubs, and ACA 11 (B. Berryhill) which proposed to amend the California constitution to create a constitutional right to hunt (see also related measure AB 2427 (B. Berryhill)). The Committee also heard and passed AB 2223 (Nava) which would require use of non-lead shot when hunting birds and small mammals in state wildlife areas. AB 2223 passed the Assembly but failed passage in the Senate Natural Resources and Water Committee.

## **Department of Fish and Game Reform**

Over the last couple decades, numerous reports and studies have documented the need for restructuring and reform of the Department of Fish and Game, in order to better enable the Department to meet the demands of the 21<sup>st</sup> Century for wildlife conservation and emerging challenges in preserving biodiversity and ecosystem sustainability. Reports on this need have been produced by the Legislative Analyst's Office, the Little Hoover Commission, the State Auditor, legislative committees and others. This Committee in February 2010 held a day long oversight hearing on the challenges facing DFG and the Fish and Game Commission (FGC) in meeting their public trust mandate to protect the fish and wildlife resources of the state and their habitats for the people of the state. The Committee heard from a wide variety of witnesses, including the directors of the Department and Commission, former fish and game directors from other states, academic experts in the field of biological science, legal experts, and a diverse panel of stakeholders, including representatives from conservation, hunting, energy and agricultural groups. A number of common themes emerged from the hearing including the following:

- The need for new dedicated, stable funding sources.
- The need for new management models to better manage wildlife in an era of scarcity and multiple threats.
- Recognition of the state's ongoing legal public trust responsibility under the constitution to protect fish and wildlife.

- The need for greater conservation planning efforts statewide, including monitoring and data collection.
- The need for greater clarity between the role of DFG and FGC.
- The need to expedite, prioritize and incentivize the permitting process for voluntary habitat restoration.
- The need for enhanced enforcement of Fish and Game laws.
- The need to strengthen DFG's inhouse science capacity and partnerships with other academic institutions, like UC and CSU.
- The need for database system modernization, transparency, coordination and public access as a high priority.

The Committee also heard that other states are experiencing similar challenges and have developed new and innovative ways to address those challenges through new funding mechanisms and changes in the structures of their resource agencies.

Following the hearing, the Committee Chair, Assemblyman Huffman, introduced AB 2376, calling on the Natural Resources Agency Secretary to create a cabinet-level committee to study and develop a new strategic vision for the Department and Commission, and to report to the Legislature and Governor with recommendations by January 1, 2012. The bill also provides for the Governor to appoint a blue ribbon taskforce and broad-based stakeholder advisory group to assist in this process. AB 2376 passed the Legislature on the final night of the 2009-10 Session and was signed into law by the Governor.

### **Omnibus Code Clean-up Bills**

The Committee this Session sponsored and passed several code cleanup bills to make technical changes to update and improve the Water Code and the Fish and Game Code. Measures sponsored by the Committee this session included AB 1442 in 2009 which made numerous changes to update and improve implementation of California's fish and game laws, and AB 2776 in 2010 which proposed numerous technical changes to improve and update the Water Code. AB 2776 was amended in the Senate to address a different subject matter, however, the original Water Code cleanup provisions in AB 2776 were subsequently amended into SB 1169 (Lowenthal) which became law.

The Committee also heard and passed SB 717 (Runner) in 2009, which made numerous changes to update the Harbors and Navigation Code, and SB 1478 (Committee on Natural Resources & Water) in 2010, which made additional technical corrections to the Water Code.

## **PARKS & RECREATION**

### **State Parks**

The budget challenges facing the Department of Parks & Recreation (DPR) were the most significant state park issues in the 2009-10 Session. The 2009-10 state budget reduced DPR's General Fund budget by \$14.2 million in 2009, with another \$8 million in



reductions anticipated for 2010-11. The cuts were imposed on top of years of inadequate funding for ongoing maintenance, leading to a deferred maintenance backlog of over \$1.2 billion. The Governor at the beginning of 2009 proposed that all General Fund support for DPR be eliminated, which would have resulted in the closure of over 200 parks, effectively shutting down the system. The Legislature worked in 2009 to minimize the cuts to parks and sent the Governor a budget that included an \$8 million General Fund reduction for state parks. The Governor deepened the cut to \$14.2 million. With the signing of the budget in July of 2009, the Administration announced that as many as 100 state parks would be required to close.

This Committee held an informational hearing on September 22, 2009 on the proposed state park closures. The hearing examined the fiscal situation for parks and the legal obstacles and costs involved in the proposed closures. The hearing also explored different strategies for supporting state parks during challenging economic times, including opportunities for public/private partnerships and federal government assistance. Following the hearing, the Governor backed off the closures and announced on September 25, 2009 that no state parks would be completely closed, but that regular maintenance, hours of operation, campgrounds, vehicles and other services at parks would be reduced. The Governor also indicated he would look for ways to restore the cuts in the following fiscal year. While the Administration backed off the threatened closures, virtually every park in the state experienced reduced hours of operation, closed campgrounds, reduced services, and more deferred maintenance.

The proposed state budget released by the Governor in 2010 proposed to restore funding to DPR but to replace all General Fund support for parks with revenue from offshore oil drilling that the state would receive if the Tranquillon Ridge offshore oil drilling project off the coast of Santa Barbara were approved. That project had previously been rejected by the State Lands Commission but was proposed for reconsideration. The Governor's proposal to fund state parks with revenue from offshore oil drilling was controversial and strongly opposed by a number of park and environmental advocacy groups and by members of the Legislature who rejected the proposal. Then in May 2010, following the massive Deep Horizon oil spill in the Gulf of Mexico, the Governor announced that he was withdrawing his support for the Tranquillon Ridge project. The state budget which was finally passed in October 2010 included a \$4 million General Fund reduction for State Parks.

In light of the ongoing budget challenges facing state parks, a coalition of park advocacy groups, environmental organizations and businesses sponsored and qualified a ballot initiative for the November 2010 general election that would have raised significant funds for support of state parks if approved by the voters. Proposition 21 proposed to add an \$18 surcharge to California vehicle registration fees and dedicate the funds raised to support of state parks and wildlife conservation. In exchange for payment of the fee, every Californian with a California registered vehicle would receive free day use access to all state parks year round. It was estimated the initiative would raise approximately \$500 million annually, 85% of which would be dedicated to support of state parks. Of the remainder, 7%, or an estimated \$35 million, would go to support of DFG habitat lands, 4% or \$20 million to the Ocean Protection Council, 2% or \$10 million to state land conservancies, and 2% or \$10 million to the Wildlife Conservation Fund. On

August 10, 2010 this Committee held a joint informational hearing with the Senate Natural Resources and Water Committee on Proposition 21. The hearing included presentations from the Legislative Analyst's Office and DPR on the fiscal history and implications of Proposition 21, panel presentations from both proponents and opponents of the initiative, and public comments. However, the voters in the November 2010 general election rejected Proposition 21, leaving the future of state park funding still unresolved.

On the policy front, the Committee heard and approved two bills in 2009 designed to protect state parks from other competing uses that threaten to impair state parks and the state's investment in these resources. Both bills were vetoed. SB 372 (Kehoe) would have prohibited a significant modification or adjustment in the boundaries of a state park unit that is incompatible with state park purposes, or removal of a state park from the state park system, unless the change is recommended by the State Park & Recreation Commission and approved by the Legislature. SB 679 (Wolk) would have prohibited land acquired for the state park system from being disposed of or used for other than park purposes without the substitution of other comparable land, or if substitute land was not available, without full compensation to the state. As development pressures continue, State Parks will undoubtedly face further threats from other competing uses, as state parks often become the path of least resistance for extension of infrastructure such as roads or utility transmission lines, and other forms of development. Recent examples include proposals for a toll road through San Onofre State Park, for utility transmission towers in Anza Borrego State Park, the border fence in Border Field State Park, and widening of Highway 101 through Richardson Grove State Park. Clarifying state policy with regard to threats to state parks, whose mission is to preserve state natural and historical resources for present and future generations in perpetuity, continues to be a need and challenge the state has yet to resolve.

### **Oversight Hearings**

The Committee held 15 oversight hearings in the 2009-10 Session, including 10 hearings on the Delta, 6 of which were held in 2009 and 4 in 2010, 3 hearings on state parks, an in-depth hearing on California's salmon crisis following the closure of the salmon season, a day long oversight hearing on the Department of Fish and Game and the Fish and Game Commission, and a joint hearing with the Assembly Environmental Safety and Toxic Materials Committee on the federal American Recovery and Reinvestment Act (ARRA). The ARRA hearing focused on setting state priorities for federal economic stimulus funding for water, environmental safety and other resource priorities under the subject matter jurisdiction of the two committees. For more information on the issues explored at any of these hearings please visit the Committee's webpage.

### **Upcoming Issues for the 2011-12 Session**

As competition increases for scarce surface water resources, additional legislation which resolves issues related to the conservation, development, and protection of local water supplies, including rainwater and surface water recapture and groundwater, is likely.

Moreover, managing surface water supplies in a sustainable manner remains a challenge until the State can adequately account for and evaluate surface water diversions and effectively deter and prosecute illegal water diversions.

Continuing interest in the Delta and 2009 Water Package is also expected as implementation of that landmark legislation progresses and gives rise to new issues or needed refinements. That implementation includes the Delta Stewardship Council developing a long-term Delta Plan by January 1, 2012; the Delta Protection Commission preparing an economic sustainability plan for the Delta; the Delta Conservancy working in collaboration and cooperation with local governments to protect, preserve and improve habitat, agriculture, recreation, and communities in the Delta; and the BDCP process developing its HCP/NCCP.

With the enactment of AB 2376, reform and financing of the Department of Fish and Game is likely to be a significant focus of attention in the coming session. How best to care for and protect California's valued but neglected state parks will also be a continuing focus.

Balancing the need to meet California's goals for renewable energy development while simultaneously protecting valuable natural resource habitat lands in the California desert and other parts of the state will continue to be a challenge, as the Legislature and resource land managers review how legislation such as SB 34 X8 is implemented. Emerging concepts such as advance mitigation, regional conservation planning, and integrated resource management also promise to be issues of interest on the agenda for the coming session.

In addition to restoration of the Delta, the Legislature will also likely be faced with decisions relating to restoration of the Salton Sea and the Klamath River. The future of California's salmon runs and the state's commercial and recreational salmon fisheries also hangs in the balance. The FDA is also considering approval of the first genetically engineered fish for human consumption, which could affect related state laws and regulations on transgenic fish.

DFG is expected to complete its EIR and to propose new regulations for recreational suction dredge mining in 2011 or 2012.

Overlying and intertwined with all these issues are the effects of climate change. While thus far the main focus of the state with regard to climate change has been on reducing emissions and on laws like AB 32, the state has just begun to address the need for climate change adaptation. While continued diligence will be needed on reducing emissions, greater focus is also needed on climate change adaptation, particularly in the field of ecosystem management and conservation of the habitats on which wildlife depend.

# ALL BILLS IN ASSEMBLY WATER, PARKS & WILDLIFE COMMITTEE 2009-2010 LEGISLATIVE SESSION

## WATER

### Bay-Delta

**AB 13 (Salas) Sacramento-San Joaquin Delta Conservancy.** Creates a new conservancy for the Sacramento-San Joaquin Delta (Delta). *Held in Senate Natural Resources and Water Committee.*

**AB 39 (Huffman) Sacramento-San Joaquin Delta: Plan.** Requires development of a new plan for the Sacramento-San Joaquin Delta (Delta). *Failed Conference on the Assembly Floor.*

**AB 900 (De León) Water Diversion: Statements of Water Diversion and Use.** As heard by the Committee, required measurement and reporting of water diversions within the Sacramento-San Joaquin Delta (Delta) to the State Water Resources Control Board (SWRCB). Amended in the Senate to address a different subject: property tax refund provisions related to overpayment by the citizens of the city of Bell. *Chapter 223, Statutes of 2010.*

**AB 1260 (Fuller) California Water Commission. Terms of Office.** Extends the term of office for commission members appointed and confirmed prior to January 1, 2011 to May 14, 2014. *Chapter 1260, Statutes of 2010.*

**AB 1265 (Caballero). Postpones SB 2 X7 Water Bond Until 2012.** Postpones submission of an \$11 billion water bond to the voters from the November 2010 general election to the November 2012 general election. Also amends the bond act to prohibit the inclusion of nongovernmental, private, and for-profit entities from Joint Powers Authorities receiving bond funds for surface storage projects. *Chapter 126, Statutes of 2010.*

**AB 1365 (Tom Berryhill) Sacramento-San Joaquin Delta.** Authorizes funding to the Department of Water Resources for the purposes of acquiring land or other property interests in certain properties in Bouldin Island, Webb Tract, Holland Tract, and Bacon Island in the Sacramento-San Joaquin Delta, and to initiate and implement improvements on those properties for the purposes of flood control, habitat enhancement, reduction of greenhouse gas emissions, recreation, and other visions for a sustainable Delta. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**AB 1594 (Huber) Sacramento-San Joaquin Delta: Peripheral Canal.** Prohibits the construction of a peripheral canal in the Sacramento-San Joaquin Delta unless certain requirements are met. *Held in Assembly Water, Parks and Wildlife Committee.*

**AB 1677 (Caballero) Sacramento-San Joaquin Delta.** Makes technical corrections to the Delta Protection Commission and Delta Conservancy portions of SB 1 (Simitian), Chapter 5, Statutes of 2009-10 Seventh Extraordinary Session by correcting a town name and the reference to a federal agency; also deletes a section addressing urban water management plans to remove a conflict with SB 1478 (Senate Natural Resources and Water Committee), which addresses that issue. *Chapter 39, Statutes of 2010.*

**AB 1797 (Bill Berryhill) State Water Resources Development System: Delta Corridors Plan.** Requires the Department of Water Resources to undertake an expedited evaluation and feasibility study with regard to the implementation of Delta Corridors Plan as part of the State Water Resources Development System, and prepare and submit to the Legislature, on or before January 1, 2012, a report that includes its feasibility findings. *Held in Assembly Appropriations Committee.*

**AB 1886 (Yamada) Water Use: Sacramento-San Joaquin Delta Watershed.** Requires the Department of Water Resources in preparing and updating the California Water Plan, to prepare and submit to the Legislature a detailed report that describes the actions it has taken to reduce its reliance on Delta water supplies. *Held In Assembly Appropriations Committee.*

**AB 2092 (Huffman) Delta Plan: Financing.** Requires the Delta Stewardship Council, by January 1, 2013, to develop a long-term finance plan to pay for the costs of implementing the Delta Plan, including all projects, programs, and related administrative costs identified in the Delta Plan. *Failed passage on Senate Floor.*

**AB 2336 (Fuller) Delta Stewardship Council: Striped Bass.** As amended in Committee, requires The Delta Stewardship Council, in the course of developing and adopting the Delta Plan, to direct the State Water Resources Control Board to conduct an assessment of certain stressors on populations of native fish species in the Delta, the Sacramento and San Joaquin rivers and their tributaries, and recommend changes in statute and actions by state agencies to remedy the situation. *Held in Senate Natural Resources and Water Committee.*

**AB 2775 (Huffman) Safe, Clean, and Reliable Drinking Water Supply Act of 2010: Surface Storage Projects: Joint Powers Authorities.** As heard in the Committee, the bill would have repealed an obsolete section of the Fish and Game Code relating to permits for certain restricted animals possessed prior to 1975. Amended in Senate to delete a provision in the Safe, Clean and Reliable Drinking Water Supply Act authorizing Joint Powers Authorities to include in their membership governmental and nongovernmental partners that are not located within their respective hydrologic regions in financing surface storage projects. Also prohibits a joint powers authority from including a for-profit corporation, or a mutual water company that includes a for-profit corporation or private entity. These JPA provisions were amended into AB 1265 (Caballero) which passed. *Held on Senate Floor.*

**AJR 38 (Caballero) Public resources: Two-Gates Fish Protection Demonstration Project.** Requests the United States Department of the Interior to complete its study of the Two-Gates Fish Protection Demonstration Project in the Sacramento-San Joaquin Delta Estuary. *Resolution Chapter 121, September 7, 2010.*



**SB 12 (Simitian) Sacramento San Joaquin Delta: Governance.** Establishes a new governance system for the Sacramento-San Joaquin Delta (Delta), including a new Council, a Delta Water Master and an independent science program. Note: Contents of this measure were amended into SB 68 (Steinberg). *Held on Assembly Inactive File.*

**SB 68 (Steinberg) Delta Reform.** As heard by Committee, contained contents, with modifications, of SB 12, SB 229, SB 458, AB 39 and AB 49. Gutted and amended to deal with community redevelopment. *Chapter 652, Statutes of 2009.*

**SB 457 (Wolk) Sacramento-San Joaquin Delta: Delta Protection Commission.** Reforms the Delta Protection Commission (DPC) to conform with other changes to Delta resource management and governance. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**SB 458 (Wolk) Sacramento San Joaquin Delta: Conservancy.** Establishes the Sacramento-San Joaquin Delta Conservancy (Conservancy) in the Natural Resources Agency, and reforms DPC to conform with other changes to Delta resource management and governance. (Contents of SB 457 incorporated over summer.) Note: Authorship of this bill changed to Steinberg and then contents of this measure were amended into SB 68 (Steinberg). *Held on the Assembly Inactive File.*

**SB 808 (Wolk) Delta Levee Maintenance.** Extends the inoperative date on the current Delta levee maintenance subvention program, and the current reimbursement rates, from July 1, 2010 to July 1, 2013; and requires reimbursements to reflect the priorities of, and be consistent with, the Delta Plan. *Chapter 23, Statutes of 2010.*

**SB 991 (Wolk) Delta Flood Control.** Appropriates \$30 million in bond funds from Proposition 1E for flood control projects that improve the sustainability of the Delta, including projects that reduce the risk of levee failure that would jeopardize water conveyance, and requires DWR to expedite the evaluation of nonurban levees on the west bank of the Sacramento River. *Vetoed – September 30, 2010.*

**SB 1443 (Simitian) Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force.** Extends the expiration date of the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force from 1 January 2011, to the date it submits to the Legislature its report on the emergency preparedness and response strategy for the Delta region. *Chapter 293, Statutes of 2010.*

**SB 1450 (Simitian) Water: Delta Stewardship Council: Contracts.** Allows the Delta Stewardship Council to use expedited contracting processes to hire either consultant services or architectural and engineering (A&E) services for development of a long-term management plan for the Sacramento-San Joaquin Delta Estuary (Delta Plan), which is due January 1, 2012. *Chapter 336, Statutes of 2010.*

## **Water Management**

**AB 49 (Feuer) Water Conservation.** Requires achievement of a 20% reduction in urban per capita water use in California by 2020. *Held on Senate Inactive File.*

**AB 55 (Jeffries) Water Supply Planning.** Imposes new duties on local agencies to determine whether a project is subject to water supply assessment requirements under the California Environmental Quality Act with the revision of the definition of "project." *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**SB 229 (Pavley) SWRCB Enforcement Tools.** Provides a comprehensive plan for water diversion and use, establishes a groundwater monitoring program, which expands the role of the Department of Water Resources, and provides civil liability penalties to be adjusted for inflation. Note: The contents of this measure were amended into SB 68 (Steinberg). *Conference Committee Report held on Senate Inactive File.*

**AB 234 (Huffman) Energy and Water Use Efficiency.** As heard by the Committee, required the California Energy Commission to coordinate use of federal funding for energy efficiency with related water efficiency projects through the State Water Resources Control Board. As amended in the Senate, requires the Office of Spill Prevention and Response administrator to adopt regulations requiring booms be deployed before all oil transfer operations unless this pre-booming is determined not to be safe and effective. Requires the State Lands Commission, on or before March 1, 2011, to report to the Legislature on regulatory action and statutory recommendations to ensure maximum safety and prevention of harm during offshore drilling. *Vetoed – September 30, 2010.*

**AB 300 (Caballero) Subdivisions: Water Supply.** Requires local agencies to reduce the projected water demand from a development project, as defined, based on the project applicant's voluntary water demand management measures, if a project applicant elects to include voluntary demand management measures, until January 1, 2020. *Held in Senate Natural Resources and Water Committee.*

**AB 626 (Eng) Bond Revenues: Grants.** Directs the Department of Water Resources (DWR) to achieve the 10% statewide allocation of Prop 84 implementation grants, planning grants, local groundwater assistance grants, and CALFED scientific research grants to address the critical water supply needs of disadvantaged communities required by current state law by awarding the grants for those purposes to disadvantaged communities within a hydrologic region in a total dollar amount that is equivalent to 10% of the total dollar amount of grants awarded in that region. *Chapter 367, Statutes of 2009.*

**AB 934 (Gilmore) San Joaquin Valley: Water Supply.** Requires the Department of Water Resources to study the economic impacts of water supply reductions in the San Joaquin Valley. *Held in Assembly Appropriations Committee.*

**AB 958 (Eng) Design-build: Metropolitan Water District of Southern California: Solar Energy Systems.** Authorizes metropolitan water districts to use a design-build procedure for contracts involving the design, construction, fabrication, and installation of a solar energy system in excess of \$1 million. *Vetoed – October 11, 2010.*

**AB 975 (Fong) Public Utilities: Water Meters.** Requires water corporations regulated by the Public Utilities Commission (Commission) to install water meters on new service connections and on unmetered connections by 2020. *Chapter 495, Statutes of 2009.*

**AB 1061 (Lieu) Common Interest Developments: Water-Efficient Landscapes.** Makes provisions of common interest development governing documents that interfere with water-efficient landscaping void and unenforceable. *Chapter 503, Statutes of 2009.*

**AB 1187 (Huffman) Safe, Clean, Reliable Drinking Water Supply Act of 2010.** Enacts the Safe, Clean, Reliable Drinking Water Supply Act of 2010 which authorizes for the purposes of financing specified water supply reliability and water source protection programs, the issuance of bonds in the amount of \$10,035,000,000 pursuant to the State General Obligation Bond Law. *Held in the Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**AB 1202 (Anderson) Department of Water Resources: Water Usage and Efficiency Study.** Requires the Department of Water Resources to study whether the Legislature should establish a statewide water usage and water efficiency measuring system. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**AB 1242 (Ruskin) State Water Policy.** Establishes a human right to clean and accessible water for the health and well-being of the individual and family. *Vetoed – October 12, 2009.*

**AB 1260 (Fuller) California Water Commission: Terms of Office.** Extends the terms of the current California Water Commission (CWC) members, all of whom were appointed by Governor Schwarzenegger, until May 14, 2014, and then resume the staggering of CWC member terms. *Chapter 125, Statutes of 2010.*

**AB 1265 (Caballero) Safe, Clean, and Reliable Drinking Water Supply Act of 2012: Surface Storage Projects: Submission to Voters.** Changes submission to the voters of the Safe, Clean, and Reliable Drinking Water Supply Act (Water Bond) from November 2010 to November 2012 and prohibits a joint powers authority that receives public funding under the Water Bond for a surface water storage project from including for-profit entities among its members. *Chapter 126, Statutes of 2010.*

**AB 1347 (Price) Water Resources: Desalination.** Authorizes the Department of Water Resources to conduct a program of investigation, study, and evaluation in the field of desalination, to provide assistance to persons or entities seeking to construct desalination facilities, and to finance, construct, and operate desalination facilities after submission of a written report and specific authorization from the Legislature; also repeals requirements to convene a Water Desalination Task Force. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**AB 1366 (Feuer) Residential Self-Generating Water Softeners.** Authorizes local agencies that maintain a community sewer system to control salinity inputs from residential self-regenerating water softeners, to protect the quality of the waters of the State. *Chapter 527, Statutes of 2009.*

**AB 1408 (Krekorian) Subdivisions: Water Demand Mitigation Fund.** Allows local agencies to incorporate water demand reductions into water supply verifications for new developments, if the developer agrees to install conservation measures or pay into a Water Conservation Mitigation Fund operated by the water supplier that will achieve 100% elimination of new water demand from proposed development. *Held on the Assembly Inactive file.*

**AB 1438 (Conway) Safe Drinking Water Revolving Fund.** Expands eligibility for grants under the State's Safe Drinking Water Revolving Fund. *Chapter 531, Statutes of 2009.*

**AB 1465 (Hill) Urban Water Management Planning.** Revises the best management practices (BMPs), or water demand management measures, of the Urban Water Management Planning Act to reflect the revisions to the memorandum of understanding (MOU) signed by the California Urban Water Conservation Council (CUWCC) in December 2008. *Chapter 534, Statutes of 2009.*

**AB 1482 (Anderson) Department of Water Resources: Water Softener Study.** Requires the Department of Water Resources (DWR) to study, in consultation with the Pacific Water Quality Association, whether the Legislature should establish a rating system to measure the efficiency levels of self-regenerating water softener systems, and authorizes DWR to fund the study from private sources. *Held in Assembly Appropriations Committee.*

**AB 1975 (Fong) Building Standards: Water Charges and Meters: Multiunit Structures.** Requires the Department of Housing and Community Development to adopt building standards requiring the installation of individual water meters or submeters in newly constructed multi-unit residential buildings. *Held in the Senate Appropriations Committee.*

**AB 1834 (Solorio) Rainwater Capture Act of 2010.** Authorizes a landowner to install, maintain, and operate, on the landowner's property, a rainwater capture system meeting specified requirements. *Vetoed – September 30, 2010.*

**AB 2049 (Arambula) Transfers of Water: Agricultural Use to Municipal Use.** Prohibits a transfer or assignment of surface water or water rights from an agricultural use to a municipal use, for a period of twenty years or more, without an economic, social, and environmental analysis of the effect of the transfer upon the service area losing the water supply. Prohibits the substitution of groundwater supplies for such transferred water unless the groundwater is monitored. *Failed passage on Assembly floor.*

**AB 2277 (Fletcher) Water Conservation: Urban Retail Water Suppliers.** Updates SB 1 X7 requirements for urban water suppliers to consider military base water conservation targets set by Presidential Executive Order. Specifically, changes a reference from the now-obsolete Presidential Executive Order 13423 to Presidential Executive Order 13514. *Chapter 257, Statutes of 2010.*

**AB 2304 (Huffman) Groundwater Management Plans: Components.** Adds protection of priority groundwater recharge areas to the components which may be included in groundwater management plans. Amended in Senate to also require a local agency that develops a groundwater management plan and drafts a resolution to adopt a plan, to provide a copy of a

resolution of intention to the Department of Water Resources, and to interested parties. *Vetoed – September 30, 2010.*

**AB 2409 (Nestande) Urban Water Suppliers: Water Shortage Contingency Analysis.**

Requires urban water agencies in preparing water contingency analyses included in urban water management plans (UWMPs) to analyze and define water features artificially supplied with water, such as ponds, lakes, waterfalls and fountains, separately from swimming pools and spas.

*Chapter 42, Statutes of 2010.*

**AB 2422 (Tom Berryhill) Urban Water Demand Management: Model Water Efficient Landscape Ordinance: Scientific Panel.**

Requires the Department of Water Resources, on or before July 1, 2011, to convene an expert scientific panel to review, and provide recommendations for updates to the model water efficient landscape ordinance and proposed rules, regulations, and guidelines relating to urban residential water demand management. Also requires the department to submit specified proposed updates, rules, regulations, and guidelines to the panel and to consider the panel's findings and recommendations and take specified actions based on those findings and recommendations. *Failed passage in Assembly Water, Parks & Wildlife Committee.*

**AB 2483 (Coto) Santa Clara Valley Water District.** Revises and recasts the Santa Clara Valley Water District Act. *Held on Senate Inactive File.*

**AB 2776 (AWPW/Huffman) Water Code/Water Transfers.** As introduced and heard by the Committee, made technical and clarifying changes to update the Water Code. Amended in the Senate to address water transfers, similar to language of AB 2049 (Arambula). *Held in Senate Appropriations Committee.*

**ACA 12 (Logue) Water: Area of Origin Statutes.** Prohibits the Legislature from amending, repealing, or changing the scope or effect of any provision protecting the area of origin for water unless the bill is passed in each house by a  $\frac{2}{3}$  vote of the membership of each house. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**SB 133 (Corbett) Groundwater Wells: Alameda County.** Transfers authority to regulate groundwater wells from the cities of Fremont, Newark and Union City to Alameda County Water District. *Chapter 563, Statutes of 2009.*

**SB 261 (Dutton) Water Management Plans: Conservation.** Sets a statewide goal to achieve a 20% reduction in per capita urban water use by 2020, relying on local water agency efforts, and requires agricultural water management plans. *Held in Assembly Appropriations Committee.*

**SB 310 (Ducheny) Stormwater: Watershed Improvement Plans.** Authorizes local government agencies that have permits for stormwater system discharges to create a watershed improvement plan to improve stormwater management. *Chapter 577, Statutes of 2009.*

**SB 1169 (Lowenthal) Water Code.** Makes numerous technical and clarifying changes to update and improve the Water Code. *Chapter 288, Statutes of 2010.*



**SB 1478 (Senate NR&W Committee) Water Conservation: Urban Water Management.**

Makes a technical correction to a provision of the Water Code governing water conservation to grant an urban wholesale water supplier the same six-month extension to adopt an urban water management plan (UWMP) that was granted to urban retail water suppliers. *Chapter 295, Statutes of 2010.*

## **Water Recycling**

**AB 410 (De La Torre) Recycled Water.** Allocations of integrated regional water management funding in Proposition 84 (2006) and sets recycled water targets for 2020 and 2030. *Held in Senate Appropriations Committee.*

**AB 450 (De La Torre) Recycled Water.** Directs oil refineries to use recycled water where available in lieu of potable water. *Held in Assembly Appropriations Committee.*

**AB 969 (Charles Calderon) Recycled Water Targets.** Repeals statewide targets for recycled water and obsolete provisions for recycled water task force. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**AB 1774 (Saldaña) Recycled Water: State Agency Landscape Irrigation.**

Declares the use of potable domestic water for the irrigation of landscaping to be a waste or an unreasonable use of water if recycled water is available for that use. Authorizes a public agency, including local public agencies, to require a state agency whose property is located within the jurisdiction of the public agency to use recycled water for landscape irrigation of that property if certain requirements are met. *Held in Senate Natural Resources and Water Committee.*

**SB 283 (Desaulnier) Building Standards: Recycled Water Systems.** Extends deadline and allows greater flexibility for Department of Water Resources (DWR) to recommend changes to plumbing regulations for recycled water piping. *Chapter 178, Statutes of 2009.*

**SB 918 (Pavley) Water Recycling.** Requires the State Department of Public Health (DPH) to establish standards for various types of water recycling including indirect potable reuse by groundwater recharge and surface water augmentation. *Chapter 700, Statutes of 2010.*

**SB 565 (Pavley) Water Resources.** Provides increased consequences for failing to report water diversions and uses and provides the State Water Resources Control Board (SWRCB) with new authorities and resources to investigate and prosecute unauthorized diversions and uses. *Held on Assembly Floor.*

**SB 1173 (Wolk) Recycled Water.** Prohibits, conditionally, the use of raw water for nonpotable use if recycled water is available; defines "raw water", and adds reliability to the criteria by which the State Water Resources Control Board (SWRCB) determines the availability of recycled water. *Vetoed – September 29, 2010.*

## Flood Protection

**AB 74 (Chesbro) Sacramento Valley Flood Management: Middle Creek/Hamilton City.** Clarifies law as to State liability for Central Valley flood control subvention projects and authorizes two flood management projects in the Sacramento River watershed. *Chapter 216, Statutes of 2009.*

**AB 1165 (Yamada) Flood Protection.** Makes various corrections and addresses certain issues arising out of the comprehensive 2007 flood legislation package. *Chapter 275, Statutes of 2009.*

**AB 1425 (Fuller) Water: Central Valley Flood Protection Board: Notice to Applicants.** Requires the Central Valley Flood Protection Board to acknowledge receipt in writing within 14 days of receipt of all applications for flood control works within the board's jurisdiction. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**AB 1426 (Fuller) Flood Control: Bonds.** Extends the time required before a delinquent sale on land in the San Joaquin Drainage District can occur after an assessment is not paid by specified dates. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**AB 1788 (Yamada) Water Development Projects: State Financial Assistance.** Authorize the state to pay up to 70% of nonfederal costs for flood protection projects in disadvantaged communities, as defined in Section 79505.5, upon the recommendation of the department or the board if either entity determines that the project will increase the level of flood protection within the benefit area of the project. *Chapter 579, Statutes of 2010.*

**SB 619 (Strickland) Flood Control: County of Santa Barbara: Lower Mission Creek.** Authorizes the state to provide subvention funds to the County of Santa Barbara or local agencies in the county for a flood control project on Lower Mission Creek. *Chapter 195, Statutes of 2009.*

**SB 808 (Wolk) Delta Levee Maintenance.** (See "Bay-Delta" section.)

**SB 991 (Wolk) Delta Flood Control.** (See "Bay-Delta" section.)

## FISH AND WILDLIFE

### Fisheries

**AB 291 (Saldaña) Commerical Fishing: Lobster Management.** Revises the prescribed dimensions and related construction requirements for wire lobster traps, and would add provisions relating to the use of a wire to hold the escape gap in place. *Chapter 565, Statutes of 2010.*

**AB 408 (Saldaña) Commercial Fishing: Lobster Management Enhancement.** Requires the payment of a \$300 Lobster Management Enhancement Supplement fee as a condition of taking lobster for commercial purposes, to be used to fund projects to improve the long-term sustainability and management of the California spiny lobster fishery. *Vetoed – September 30, 2010.*

**AB 489 (Huffman) Commercial Fishing: Landing Taxes.** Converts the landing fees paid by commercial fishermen from the current per pound tax rates set in code to an ex-vessel price based on the landed value of the fish. *Held on Senate Floor Inactive File.*

**AB 571 (Saldana) Commercial Fishing: Lobster Management Enhancement Supplement Fee.** Requires, for a period of five years beginning in 2010, the payment of a \$300 fee for purchase of a lobster permit, thereby increasing the base permit fee to \$565, to fund projects to improve long-term conservation and management of the California spiny lobster fishery. *Vetoed – October 11, 2010.*

**AB 804 (Hall) Invasive Aquatic Species: Mussels.** Provides that an operator of water delivery and storage facilities who has prepared and implemented a plan to control and eradicate dreissenid mussels in accordance with existing law is immune from civil or criminal liability for introduction of mussels as a result of operation of those facilities, and exempts such operators from prohibitions on possession, importation, shipment or transport of mussels and other requirements. *Vetoed – October 12, 2009.*

**AB 825 (Blakeslee) Crab Traps.** Permits the incidental take of rock crab with Dungeness crab traps, and vice versa, and repeals the prohibition on possession of both species aboard the same vessel at the same time. *Chapter 478, Statutes of 2009.*

**AB 1052 (Caballero) Bay-Delta Sport Fishing Enhancement Stamp.** Repeals requirement for a Bay-Delta Stamp to be purchased as a condition of fishing in the Delta and its tributaries effective January 1, 2010, but continues authorization for expenditure of existing stamp revenues for the long-term sustainable benefit of Bay-Delta sport fisheries, and continues the advisory committee. Requires DFG to submit an annual accounting and status report, to post information on its Web site on projects funded, and to develop a grants program and spending plan for expenditure of funds in the stamp account. *Chapter 381, Statutes of 2009.*

**AB 1189 (Skinner) Fish Passage Barriers.** Requires the California Department of Transportation (Caltrans) to assess and remediate fish barriers associated with any state or federally funded transportation project, including repairs, retrofits, alterations, maintenance and construction, if the project affects a stream crossing on a stream where anadromous fish are or historically were found. *Failed passage in Assembly Transportation Committee.*

**AB 1217 (Monning) Sustainable Seafood.** Requires the Ocean Protection Council (OPC) to develop and implement a voluntary sustainable seafood promotion program. *Chapter 279, Statutes of 2009.*

**AB 1253 (Fuller) Striped Bass.** Requires the CalFed Science Program to evaluate the effects of predation on native fish species in the Delta. The introduced version would have removed restrictions on the commercial possession or sale of striped bass, and on the taking of striped bass with nets, prohibited the possession, transport or planting of striped bass, and prohibited state funds from being used to benefit a striped bass fishery. *Held in Senate Appropriations Committee.*

**AB 1929 (Hall) Invasive Aquatic Species: Mussels.** Provides that an operator of water delivery and storage facilities who has prepared and implemented a plan to control and eradicate dreissenid mussels in accordance with existing law is immune from civil or criminal liability for introduction of mussels as a result of operation of those facilities, and exempts such operators from prohibitions on possession, importation, shipment or transport of mussels and other requirements. Also provides that, pursuant to Government Code Section 818.4, neither DFG nor any other state agency exercising authority under this section shall be liable with regard to any determination or authorization made pursuant to this section. *Chapter 152, Statutes of 2010.*

**AB 2063 (Huffman) Fish: Chinook Salmon.** Declares Chinook salmon (*Oncorhynchus tshawytscha*) the official state anadromous fish, and proclaims a legislative goal of restoring Chinook and Coho salmon populations to sustainable levels, sufficient to support viable recreational, commercial, and tribal fisheries. Directs the Department of Fish and Game to use best available science, including a life cycle analysis and scientifically defensible hatchery operations, in determining where to focus and prioritize conservation planning efforts for salmon recovery. *Vetoed – September 28, 2010.*

**AB 2503 (J. Perez) Ocean Resources: Artificial Reefs.** Establishes a program to allow for the partial removal of existing off-shore oil platforms, and requires that any cost savings realized from partial removal be split between the state and the platform owner. Specifies that any state proceeds would largely be provided to a new endowment corporation, the California Endowment for Marine Preservation, to be used for ocean-related purposes. *Chapter 687, Statutes of 2010.*

**AB 2615 (Chesbro) Ocean Resources: Fishing.** Encourages the Ocean Protection Council (OPC) to give priority for assistance from the OPC to specified fishing related priorities, and makes legislative findings regarding local sustainable fisheries. *Held in Senate Rules Committee.*

**AJR 8 (Monning) Marine Mammal Protection: Swordfish Importation.** Requests the National Marine Fisheries Service (NMFS) and the Department of the Treasury to enforce provisions of the Marine Mammal Protection Act (MMPA) and immediately ban the importation of swordfish from other countries that have not provided proof of the effects of commercial swordfish fishing methodologies on marine mammals. *Resolution Chapter 94, Statutes of 2009.*

**AJR 44 (Hill) Commercial Whaling: Moratoriums.** States that the State of California opposes any proposal that would result in the International Whaling Commission's lifting of the commercial whaling moratorium, which would legalize commercial whaling, authorize new whaling quotas for nations that have been violating the current moratorium, and allow whale hunting in the Southern Ocean Whale Sanctuary, and makes related legislative statements. *Resolution Chapter 145, Statutes of 2010.*

**SB 21 (Simitian) Fishing Gear.** Directs the Department of Fish and Game (DFG) to publicize (on commercial fishing licenses and all appropriate official brochures) telephone numbers and Web addresses to which derelict fishing gear can be reported. *Vetoed – September 29, 2010.*

**SB 539 (Wiggins) Salmon and Steelhead Trout: Ocean Protection Trust Fund.** Authorizes moneys deposited in the Ocean Protection Trust Fund to be expended, upon appropriation of the Legislature and approval of the Ocean Protection Council (OPC), for grants, loans, or direct

expenditures on projects to restore native salmon and steelhead trout populations or restore the health of the state's salmon fishery. *Held in Assembly Appropriations Committee.*

**SB 778 (Wiggins) Commercial Fishing: Salmon Stamp.** Increased the price for purchase of a commercial salmon stamp to \$350. Gutted and amended to deal with air pollution. *Held in Assembly Rules Committee.*

**SB 1093 (Wiggins) Dungeness Crab: Pilot Program.** Extends the sunset on the Dungeness crab task force to 1 January 2015, and authorizes the Department of Fish and Game (DFG) to institute a pilot program for Dungeness crab trap limits. *Failed passage on the Senate Floor.*

**SJR 18 (Simitian) Marine Aquaculture.** Requests the Congress of the United States to develop a comprehensive federal regulatory framework for marine aquaculture that undergoes complete environmental review and is at least as protective as that codified in California's Sustainable Oceans Act to address environmental and economic concerns. *Chapter 30, Statutes of 2010.*

## Wildlife

**AB 708 (Huffman) Fish and Wildlife: Poaching.** Increases penalties for serious poaching violations by establishing minimum fines and increasing maximum penalties for poaching committed for profit or personal gain, for taking or possessing three times the legal bag limit, and for the torture or mutilation of wildlife. *Chapter 290, Statutes of 2009.*

**AB 979 (Tom Berryhill) Hunting or Fishing: Local Regulation.** Declares that the state fully occupies the fields of hunting and fishing, and that all local regulations are subject to that provision. *Vetoed – September 28, 2010.*

**AB 1254 (Tom Berryhill) Fish and Game Commission: Wildlife.** Modifies requirements for annual Fish and Game Commission (FGC) meetings; requires the Department of Fish and Game (DFG) to offer special hunting opportunities as incentives to hunter education instructors; and, authorizes DFG to temporarily suspend or seek reimbursement of county expenditures of fish and wildlife propagation fund monies if it determines pursuant to an audit that the county's expenditures are not in compliance with fish and game laws. *Chapter 419, Statutes of 2010.*

**AB 1423 (Tom Berryhill) Commercial Hunting Clubs; Shared Habitat Alliance for Recreational Enhancement Program; Interference with Hunting.** Modifies commercial hunt club licensure requirements by adding several exemptions and adding a fee schedule; modifies and requires implementation of the Shared Habitat Alliance for Recreational Enhancement Program (SHARE Program); and makes it unlawful to interfere with a field trial or hunting dog training. *Chapter 394, Statutes of 2009.*

**AB 1956 (Monning) California Condors: Feeding.** Allows a nonprofit organization promoting the recovery of California condors that participates in a memorandum of understanding with the Department of Fish and Game and that possesses a special permit authorized by the State Veterinarian to haul dead animals. *Vetoed – September 30, 2010.*

**AB 1995 (Gaines) Licenses: Automated License Data System.** Authorizes a person who purchases a fishing or hunting stamp, or a fishing or hunting license, through the Department of Fish and Game's Automated License Data System, that is lost or destroyed, to purchase a replacement stamp or license for a reduced fee. Clarifies existing law which exempts a non-resident or temporary hunting or fishing license from the prohibition on purchase of more than one license, permit or tag within one year. *Chapter 148, Statutes of 2010.*

**AB 2223 (Nava) Wildlife Management Areas: Nontoxic Shot.** Bans the possession or use of shotgun shells loaded with anything other than nontoxic shot when taking migratory game birds, resident small game, or non-game species under the authority of a hunting license within a State wildlife management area, effective July 1, 2011. *Failed passage in Senate Natural Resources and Water Committee.*

**AB 2427 (B. Berryhill) Hunting or Taking Game.** Prohibits the Fish and Game Commission from imposing an absolute prohibition on hunting or taking game, and prohibits policies of the Department of Fish and Game (DFG) from including an absolute prohibition on hunting or taking game. *Failed passage in Assembly Water, Parks and Wildlife Committee.*

**ACA 11 (Bill Berryhill) Hunting and Taking Game.** If approved by the voters would establish a constitutional right to hunt and take game in the state. *Failed passage in Assembly Water, Parks and Wildlife Committee.*

**SB 286 (Aanestad) Scientific Collector Permits.** Authorizes the issuance of a scientific collector's permit to a small business, aquarium, or other institution in the name of the principal scientific investigator. *Chapter 346, Statutes of 2009.*

**SB 481 (Cox) Airports: Wildlife.** Provides that a federally certified airport that takes wildlife pursuant to a federal depredation permit does not violate state fish and game laws if certain conditions are met. *Chapter 186, Statutes of 2009.*

**SB 589 (Harman) Game Hunting.** Establishes an Upland Game Bird Account and a Big Game Management Account within the Fish and Game Preservation Fund (FGPF). *Vetoed – October 11, 2009.*

**SB 609 (Hollingsworth) Importation of Crocodile and Alligator Parts.** Extends the sunset on the current law that allows for the importation and sale of alligator and crocodile products in California for an additional five years to 2015. *Chapter 15, Statutes of 2009.*

**SB 904 (Hollingsworth) Hunting: Commercial Hunting Clubs.** Reduces the license fee for a commercial hunt club with more than 11 properties from \$2,000 to \$1,000, making the \$1,000 fee applicable to any club with 6 or more properties. *Failed passage in Assembly Water, Parks & Wildlife Committee.*

**SB 1058 (Harman) Hunting and Fishing.** Establishes an Upland Game Bird Account and a Big Game Management Account within the Fish and Game Preservation Fund, and requires that funds from the sale of upland game bird validations and stamps or big game tags, respectively, be deposited into these two funds. *Chapter 408, Statutes of 2010.*

**SB 1179 (Hollingsworth) Free Hunting Days.** Authorizes the Department of Fish and Game (DFG) to designate two free hunting days per year, during which California residents who meet certain conditions would be allowed to hunt for free without obtaining a hunting license. Unlicensed hunters would be required to be accompanied by a licensed hunter who is at least 21 years of age, complete a hunting education course, and register with DFG prior to participating in a free hunt day. *Chapter 410, Statutes of 2010.*

**SB 1345 (Calderon) Prohibited Importation of Dead Animal Parts.** Extends to 2016 the exemption from a ban on importing kangaroo parts contained in the existing law, if reporting requirements are met. Requires that the Department of Fish and Game receive confirmation, in writing, from the Australian government regarding yearly kangaroo harvest quota level, its sustainability and consistency with Australian laws. *Chapter 412, Statutes of 2010.*

**SB 1349 (Cogdill) Endangered Species: Experimental Populations: Chinook Salmon.** Amends the California Endangered Species Act (CESA) to authorize take of an experimental population of Chinook salmon to be introduced as part of the San Joaquin River restoration. Makes legislative findings that amending CESA to authorize this taking is meant to aid in the implementation of the historic San Joaquin River settlement and does not create any precedent as to future application. *Chapter 291, Statutes of 2010.*

## **Wildlife Habitat**

**AB 444 (Caballero) Mitigation Lands: Long-Term Management Funds.** Clarifies that funds set aside for long term management of mitigation lands conveyed to a nonprofit organization may also be conveyed to the nonprofit, and authorizes the nonprofit to hold, manage, invest, and disburse the funds for management and stewardship of the land or easement for which the funds were set aside. *Vetoed – October 12, 2009.*

**AB 1101 (Duvall) Streambed Alteration Agreements.** Allows streambed alteration agreements to be extended for more than five years by mutual agreement, without having to meet the conditions otherwise required for an extension. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**SB 34 X8 (Padilla) Energy: Solar Thermal and Photovoltaic Powerplants: Siting: California Endangered Species Act: Mitigation Measures.** Allows developers of some renewable energy projects proposed for siting in the California desert that are eligible for federal American Recovery and Reinvestment Act funding to pay in-lieu fees to be used by the Department of Fish and Game (DFG) to acquire and restore habitat lands for species impacted by the projects; allows applicants to voluntarily pay California Energy Commission's (CEC) costs to have outside consultants to expedite siting application review; makes other procedural changes at CEC. *Chapter 9, Statutes of 2009-10 Eighth Extraordinary Session.*

**SB 51 (Ducheny) Salton Sea.** Establishes the Salton Sea Restoration Council (Council) as a state agency in the Natural Resources Agency to oversee restoration of the Salton Sea. *Chapter 303, Statutes of 2010.*

**SB 448 (Pavley) Safe Harbor Agreements.** Enacts the California State Safe Harbor Agreement Program Act. *Chapter 184, Statutes of 2009.*

**SB 670 (Wiggins) Vacuum or Suction Dredging.** Places a statewide temporary moratorium on the use of any vacuum or suction dredge equipment in any river, stream or lake until the director of the Department of Fish and Game (DFG) completes a court ordered environmental review of its existing suction dredge regulations and updates the regulations. This bill has an urgency clause and takes effect immediately. *Chapter 62, Statutes of 2009.*

**SB 1303 (Wolk) Protected Species: Accidental Take: Agricultural Activities.** Extends the repeal date on the exemption in the California Endangered Species Act (CESA) for accidental take of species resulting from otherwise lawful routine and ongoing agricultural activities to 2014, and encourages public education of voluntary programs for agricultural activities that promote wildlife habitat. *Chapter 290, Statutes of 2010.*

**SB 1334 (Wolk) Natural Community Conservation Plans.** Requires Natural Community Conservation Plan (NCCP) planning to include cooperation with local entities. Specifically, requires the Department of Fish and Game when it makes findings that an NCCP meets state law, to specify that development of the NCCP included cooperation with a local agency that has land use permit authority over plan activities. *Vetoed – September 29, 2010.*

## **Department of Fish and Game**

**AB 883 (Huffman) Natural Resources Agency: Fish and Wildlife Resources.** Requires the Secretary of the Natural Resources Agency to convene an advisory stakeholder committee to study and make recommendations to the Legislature and Governor with regard to actions to improve the state's management of fish and wildlife resources. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**AB 1442 (AWPW Committee) Fish and Game Code.** Makes several changes to update, correct and improve the Fish and Game Code, and makes technical corrections to the Government Code. *Chapter 294, Statutes of 2009.*

**AB 1443 (Huffman) Fish and Wildlife: Enforcement.** As heard by this Committee, made several changes to the Fish and Game Code to facilitate effective enforcement of California's fish and game laws. Amended in the Senate to deal instead with tribal-state gaming compacts, then amended again to deal with driving under the influence of alcohol. *Failed passage in Senate Public Safety Committee.*

**AB 2376 (Huffman) Fish and Wildlife: Strategic Vision.** Directs the Secretary of the Natural Resources Agency to convene a committee to develop a strategic plan for the Department of Fish and Game and the Fish and Game Commission. Also requires the Governor or the committee to appoint a "blue ribbon" citizen commission and a stakeholder advisory group to assist in the development of the strategic plan. *Chapter 424, Statutes of 2010.*



## **PARKS & RECREATION**

**AB 80 (Blakeslee) Reservoirs: Recreational Use.** Amends water storage and treatment requirements for the Nacimiento and Lake Lopez Reservoirs. *Held on Assembly Floor Inactive File.*

**AB 102 (Smyth) Santa Susana State Park.** Requires the Director of the Department of Parks and Recreation (DPR) to establish the Santa Susana State Park Advisory Committee no later than February 1, 2012. *Held in Senate Natural Resources and Water Committee.*

**AB 889 (Jones) Open-space Preservation: Bushy Lake and Urban American River Parkway.** This urgency bill amends and updates the American River Parkway Plan (ARPP) via the American River Parkway Preservation Act (ARPPA) and the Bushy Lake Preservation Act (BLPA). *Chapter 482, Statutes of 2009.*

**AB 1114 (Gilmore) Parks and Recreation: Grant Funding: Liquidating Encumbrances.** Extends the time period to liquidate encumbrances to June 30, 2011 rather than June 30, 2010, for two Proposition 40 grants totaling \$3,039,000 to the Community Action Partnership of Kern County for a youth center. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**AB 1115 (Fuentes) Natural Resources: Outdoor Recreation.** Allows all state conservancies to compete for grants of funds for projects of an outdoor recreational nature from a 6% contingency fund established pursuant to the California Outdoor Recreation Resources Plan Act (CORRPA) and funded by the federal Land and Water Conservation Fund (LWCF). *Vetoed – October 11, 2009.*

**AB 1302 (Monning) Parks: Recreational Activities.** Authorizes the Department of Parks and Recreation to encourage and assist every state department, commission, board, agency, and officer in coordination of regional recreational activities. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**AB 1345 (Swanson) State Park Systems: Beaches.** Requires the Department of Parks and Recreation to erect on a state beach, or any other unit of the state park system that encompasses a beach, signs that warn the public of dangerous, unsafe, or contaminated waters or waters that are closed to public access due to safety concerns. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

**AB 1818 (Blumenfield) Santa Monica Mountains Conservancy: Upper Los Angeles River and Watershed Protection Program.** Establishes the Upper Los Angeles River and Watershed Protection Program, administered by the Santa Monica Mountains Conservancy, to address the resource protection, recreation, water conservation, and water quality goals of the Upper Los Angeles River watershed. *Held in Assembly Appropriations Committee.*

**SB 4 (Oropeza) State Beaches and Parks: Smoking Ban.** Makes it an infraction to smoke on a state beach or other state park unit. *Vetoed – May 3, 2010.*

**SB 372 (Kehoe) State Park System Units.** Prohibits a modification or adjustment in the boundaries or uses of a state park unit that is incompatible with state park purposes and would significantly reduce the public use, or material, cultural, or historic significance of the park, or the removal of a state park unit from the state park system, unless the State Park and Recreation Commission (Commission) recommends the change and the change is approved by the Legislature. *Vetoed – October 11, 2009.*

**SB 679 (Wolk) State Parks: Limits on Disposition or Use.** Prohibits land acquired for the state park system from being disposed of or used for other than park purposes without the substitution of other land that the State Park and Recreation Commission has certified meets certain criteria, or payment of compensation if substitute land is not available. *Vetoed – October 11, 2009.*

**SB 1124 (Negrete McLeod) Land Conservation: California Wildlife, Coastal, and Park Land Conservation Act: County of San Bernardino.** Authorizes San Bernardino County to exchange lands purchased with state park bond funds (Proposition 70) if the county meets certain requirements relating to conservation easements and deed restrictions on lands retained, sold and acquired. *Chapter 321, Statutes of 2010.*

## MISCELLANEOUS

**SB 717 (Runner) Boating and Waterways.** Makes numerous changes to the Harbors and Navigation Code relating to Department of Boating and Waterway (DBW) loans from the Harbors & Watercraft Revolving Fund (HWRP), modifies the penalties for misdemeanor and felony convictions of boating violations, modifies the age requirement for use of personal flotation devices, and makes other related changes. *Chapter 610, Statutes of 2009.*

**SB 889 (Aanestad) Vacuum or Suction Dredge Equipment: Permits: Refund.** Requires the Department of Fish and Game (DFG) to refund the amount of permit fees paid by persons who purchased a suction dredge permit in 2009 prior to the placement of the current moratorium on suction dredge mining. *Failed passage in Water, Parks & Wildlife Committee.*

## SPECIAL SESSION BILLS

The Committee did not hear any bills from the 7<sup>th</sup> Extraordinary Session but did hold informational hearings during the regular session leading into the extraordinary session. For informational purposes, this list identifies the special session bills that the Senate and the Assembly passed:

**SB 1 X7 (Simitian) Sacramento-San Joaquin Delta.** Reformed the State's Delta management and policy; reformed the Delta Protection Commission; created a Delta Conservancy, Delta Stewardship Council, and Delta Watermaster; required development of new Delta Plan while considering proposal for Bay-Delta Conservation Plan. *Chapter 5, 2009-10 7<sup>th</sup> Ex. Session.*

**SB 2 X7 (Cogdill) Water Bond.** Places a \$11.14 billion bond measure on the November 2010 ballot, with allocations for drought relief, regional water supply, Delta ecosystem and economy

projects, water storage, conservation and watershed protection, groundwater quality, and water recycling. *Chapter 3, 2009-10 7<sup>th</sup> Ex. Session*

**SB 6 X7 (Steinberg) Groundwater Monitoring.** Establishes statewide groundwater elevation monitoring system, relying on local agency volunteers for monitoring. Creates penalties for certain basins that refuse to monitor groundwater elevation. *Chapter 1, 2009-10 7<sup>th</sup> Ex. Session*

**SB 7 X7 (Steinberg) Water Conservation.** Establishes water conservation targets and methods for water agencies, in order to achieve a statewide goal of reducing per capita urban use by 20% by 2020. Requires certain agricultural water management agencies to implement certain best management practices and develop water management plans. *Chapter 4, 2009-10 7<sup>th</sup> Ex. Session*

**SB 8 X7 (Steinberg) Water Diversion/Use Reporting & Enforcement.** Eliminates exemptions for Delta water diverters from state water diversion/use reporting requirements. Appropriates funding from Water Rights Fund for additional enforcement staff for the State Water Resources Control Board. *Chapter 2, 2009-10 7<sup>th</sup> Ex. Session*

For additional information regarding these bills and deliberations on the 2009 Delta/Water Legislation, please visit the Committee's webpage at [www.assembly.ca.gov/acs/newcomframeset.asp?committee=26](http://www.assembly.ca.gov/acs/newcomframeset.asp?committee=26)

## INDEX OF ASSEMBLY BILLS

BILL	AUTHOR	SUBJECT	PAGE
AB 13	(Salas)	Sacramento-San Joaquin Delta Conservancy .....	16
AB 39	(Huffman)	Sacramento-San Joaquin Delta: Plan .....	3, 16
AB 49	(Feuer)	Water Conservation.....	3, 18
AB 55	(Jeffries)	Water Supply Planning.....	19
AB 74	(Chesbro)	Sacramento Valley Flood Management: Middle Creek/Hamilton City .....	24
AB 80	(Blakeslee)	Reservoirs: Recreational Use.....	31
AB 102	(Smyth)	Santa Susana State Park.....	31
AB 234	(Huffman)	Energy and Water Use Efficiency.....	19
AB 291	(Saldana)	Commerical Fishing: Lobster Management .....	24
AB 300	(Caballero)	Subdivisions: Water Supply .....	8, 19
AB 408	(Saldaña)	Commercial Fishing: Lobster Management Enhancement .....	8, 24
AB 410	(De La Torre)	Recycled Water .....	23
AB 444	(Caballero)	Mitigation Lands: Long-Term Management Funds.....	29
AB 450	(De La Torre)	Recycled Water .....	23
AB 489	(Huffman)	Commercial Fishing: Landing Taxes.....	9, 25
AB 571	(Saldana)	Commercial Fishing: Lobster Management Enhancement Supplement Fee .....	8, 25
AB 626	(Eng)	Bond Revenues: Grants .....	19
AB 708	(Huffman)	Fish and Wildlife: Poaching .....	11, 27
AB 804	(Hall)	Invasive Aquatic Species: Mussels .....	27
AB 825	(Blakeslee)	Crab Traps .....	25
AB 883	(Huffman)	Natural Res. Agency: Fish and Wildlife Resources.....	30
AB 889	(Jones)	Open-space Preservation: Bushy Lake and Urban American River Parkway .....	31
AB 900	(De León)	Water Diversion: Statements of Water Diversion and Use .....	16
AB 934	(Gilmore)	San Joaquin Valley: Water Supply .....	19
AB 958	(Eng)	Design-build: Metropolitan Water District of Southern California: Solar Energy Systems .....	19
AB 969	(Charles Calderon)	Recycled Water Targets .....	23
AB 975	(Fong)	Public Utilities: Water Meters.....	8, 20
AB 979	(Tom Berryhill)	Hunting or Fishing: Local Regulation.....	11, 27
AB 1012	(V. Manual Perez)	.....	10
AB 1052	(Caballero)	Bay-Delta Sport Fishing Enhancement Stamp .....	9, 25
AB 1061	(Lieu)	Common Interest Developments: Water-Efficient Landscapes .....	8, 20
AB 1101	(Duvall)	Streambed Alteration Agreements .....	29
AB 1114	(Gilmore)	Parks and Recreation: Grant Funding: Liquidating Encumbrances .....	31
AB 1115	(Fuentes)	Natural Resources: Outdoor Recreation .....	31
AB 1165	(Yamada)	Flood Protection.....	24
AB 1187	(Huffman)	Safe, Clean, Reliable Drinking Water Supply Act of 2010 .....	20
AB 1189	(Skinner)	Fish Passage Barriers.....	25
AB 1202	(Anderson)	DWR Water Usage and Efficiency Study.....	20
AB 1217	(Monning)	Sustainable Seafood.....	9, 25
AB 1242	(Ruskin)	State Water Policy .....	20
AB 1253	(Fuller)	Striped Bass .....	25
AB 1254	(Tom Berryhill)	Fish and Game Commission: Wildlife .....	11, 27
AB 1260	(Fuller)	California Water Commission: Terms of Office .....	4, 16, 20
AB 1265	(Caballero)	2010 Water Bond: Submission to Voters in 2012 .....	4, 16, 20
AB 1302	(Monning)	Parks: Recreational Activities.....	31
AB 1345	(Swanson)	State Park Systems: Beaches .....	31
AB 1347	(Price)	Water Resources: Desalination .....	20
AB 1365	(Tom Berryhill)	Sacramento – San Joaquin Delta .....	16
AB 1366	(Feuer)	Residential Self-Generating Water Softeners.....	8, 20
AB 1408	(Krekorian)	Subdivisions: Water Demand Mitigation Fund.....	8, 21
AB 1423	(Tom Berryhill)	Commercial Hunting Clubs.....	27

BILL	AUTHOR	SUBJECT	PAGE
AB 1425	(Fuller)	Water: Central Valley Flood Protection Board: Notice to Applicants.....	24
AB 1426	(Fuller)	Flood Control: Bonds .....	24
AB 1438	(Conway)	Safe Drinking Water Revolving Fund .....	21
AB 1442	(AWPW Committee)	Fish and Game Code.....	12, 30
AB 1443	(Huffman)	Fish and Wildlife: Enforcement.....	30
AB 1465	(Hill)	Urban Water Management Planning.....	21
AB 1482	(Anderson)	Department of Water Resources: Water Softener Study.....	21
AB 1594	(Huber)	Sacramento-San Joaquin Delta: Peripheral Canal.....	6, 16
AB 1677	(Caballero)	Sacramento-San Joaquin Delta .....	5, 17
AB 1774	(Saldaña)	Recycled Water: State Agency Landscape Irrigation .....	7, 23
AB 1788	(Yamada)	Water Development Projects: State Financial Assistance.....	7, 24
AB 1797	(B. Berryhill)	State Water Resources Development Sys: Delta Corridors Plan.....	6, 17
AB 1818	(Blumenfield)	Santa Monica Mtns. Conservancy: Upper LA River and Watershed Protection Program .....	31
AB 1834	(Solorio)	Rainwater Capture Act of 2010.....	7, 21
AB 1886	(Yamada)	Water Use: Sacramento-San Joaquin Delta Watershed .....	5, 17
AB 1929	(Hall)	Invasive Aquatic Species: Mussels .....	26
AB 1956	(Monning)	California Condors: Feeding .....	27
AB 1975	(Fong)	Building Standards: Water Charges and Meters: Multiunit Structures .....	8, 21
AB 1995	(Gaines)	Licenses: Automated License Data System .....	28
AB 2049	(Arambula)	Transfers of Water: Agricultural Use to Municipal Use .....	7, 21, 22
AB 2063	(Huffman)	Fish: Chinook Salmon .....	8, 26
AB 2092	(Huffman)	Delta Plan: Financing.....	5, 17
AB 2223	(Nava)	Wildlife Management Areas: Nontoxic Shot.....	11, 28
AB 2277	(Fletcher)	Water Conservation: Urban Retail Water Suppliers .....	5, 21
AB 2304	(Huffman)	Groundwater Management Plans: Components.....	21
AB 2336	(Fuller)	Delta Stewardship Council: Striped Bass .....	5, 17
AB 2376	(Huffman)	Fish and Wildlife: Strategic Vision.....	12, 15, 30
AB 2409	(Nestande)	Urban Water Suppliers: Water Shortage Contingency Analysis .....	8, 22
AB 2422	(Tom Berryhill)	Urban Water Demand Mgmt: Model Water Efficient Landscape Ordinance: Scientific Panel .....	8, 22
AB 2427	(B. Berryhill)	Hunting or Taking Game .....	28
AB 2483	(Coto)	Santa Clara Valley Water District .....	22
AB 2503	(J. Perez)	Ocean Resources: Artificial Reefs .....	9, 26
AB 2615	(Chesbro)	Ocean Resources: Fishing.....	26
AB 2775	(Huffman)	2010 Water Bond: Surface Storage Projects: Joint Powers Authorities .....	4, 17
AB 2776	(AWPW/Huffman)	Water Code/Water Transfers.....	12, 22
ACA 11	(Bill Berryhill)	Hunting and Taking Game .....	11, 28
ACA 12	(Logue)	Water: Area of Origin Statutes.....	22
AJR 38	(Caballero)	Public resources: Two-Gates Fish Protection Demonstration Project.....	5, 17
AJR 44	(Hill)	Commercial Whaling: Moratoriums.....	10, 26
AJR 8	(Monning)	Marine Mammal Protection: Swordfish Importation .....	26

# INDEX OF SENATE BILLS

BILL	AUTHOR	SUBJECT	PAGE
SB 4	(Oropeza)	State Beaches and Parks: Smoking Ban .....	31
SB 12	(Simitian)	Sacramento San Joaquin Delta: Governance .....	3, 18
SB 21	(Simitian)	Fishing Gear .....	9, 26
SB 51	(Ducheny)	Salton Sea .....	10, 29
SB 68	(Steinberg)	Delta Reform .....	3, 18
SB 133	(Corbett)	Groundwater Wells: Alameda County .....	22
SB 229	(Pavley)	SWRCB Enforcement Tools .....	3, 19
SB 261	(Dutton)	Water Management Plans: Conservation .....	22
SB 283	(Desaulnier)	Building Standards: Recycled Water Systems .....	23
SB 286	(Aanestad)	Scientific Collector Permits.....	28
SB 310	(Ducheny)	Stormwater: Watershed Improvement Plans.....	22
SB 372	(Kehoe)	State Park System Units.....	14, 32
SB 448	(Pavley)	Safe Harbor Agreements .....	10, 30
SB 457	(Wolk)	Sacramento-San Joaquin Delta: Delta Protection Commission.....	18
SB 458	(Wolk)	Sacramento San Joaquin Delta: Conservancy .....	18
SB 458	(Steinberg)	Sacramento San Joaquin Delta: Conservancy.....	3
SB 481	(Cox)	Airports: Wildlife .....	10, 28
SB 539	(Wiggins)	Salmon and Steelhead Trout: Ocean Protection Trust Fund.....	26
SB 565	(Pavley)	Water Recycling .....	5, 23
SB 589	(Harman)	Game Hunting .....	28
SB 609	(Hollingsworth)	Importation of Crocodile and Alligator Parts.....	28
SB 619	(Strickland)	Flood Control: Co. of Santa Barbara: Lower Mission Creek.....	24
SB 670	(Wiggins)	Vacuum or Suction Dredging .....	10, 30
SB 679	(Wolk)	State Parks: Limits on Disposition or Use.....	14, 32
SB 717	(Runner)	Boating and Waterways.....	12, 32
SB 722	(Simitian)	Renewable Energy.....	10
SB 778	(Wiggins)	Commercial Fishing: Salmon Stamp .....	9, 27
SB 808	(Wolk)	Delta Levee Maintenance.....	7, 18
SB 889	(Aanestad)	Vacuum or Suction Dredge Equipment: Permits: Refund.....	32
SB 899	(Simitian)	Derelict Fishing Gear.....	9
SB 904	(Hollingsworth)	Hunting: Commercial Hunting Clubs .....	11, 28
SB 918	(Pavley)	Water Recycling .....	7, 23
SB 991	(Wolk)	Delta Flood Control.....	7, 18
SB 1058	(Harman)	Hunting and Fishing .....	28
SB 1093	(Wiggins)	Dungeness Crab: Pilot Program.....	9, 27
SB 1124	(Negrete McLeod)	Land Conservation: CA Wildlife, Coastal, & Park Land Conservation Act: Co. of San Bernardino.....	32
SB 1169	(Lowenthal)	Water Code .....	12, 22
SB 1173	(Wolk)	Recycled Water .....	7, 23
SB 1179	(Hollingsworth)	Free Hunting Days .....	11, 29
SB 1303	(Wolk)	Protected Species: Accidental Take: Agricultural Activities .....	10, 30
SB 1334	(Wolk)	Natural Community Conservation Plans .....	10, 30
SB 1345	(Calderon)	Prohibited Importation of Dead Animal Parts .....	29
SB 1349	(Cogdill)	Endangered Species: Experimental Populations: Chinook Salmon .....	29
SB 1443	(Simitian)	Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force.....	7, 18
SB 1450	(Simitian)	Water: Delta Stewardship Council: Contracts .....	5, 18
SB 1478	(Senate NR&W Cmte)	Water Conservation: Urban Water Mgmt.....	5, 12, 23
SB 1574	(Kuehl)	Delta Strategic Vision.....	3
SJR 18	(Simitian)	Marine Aquaculture .....	10, 27
SB 1 X7	(Simitian)	Sacramento-San Joaquin Delta .....	3, 5, 32
SB 2 X7	(Cogdill)	Water Bond .....	4, 33
SB 6 X7	(Steinberg)	Groundwater Monitoring .....	4, 33
SB 7 X7	(Steinberg)	Water Conservation .....	4, 7, 33
SB 8 X7	(Steinberg)	Water Diversion/Use Reporting & Enforcement .....	4, 33
SB 34 X8	(Padilla)	Solar Powerplant Siting: CA Endangered Species Act Mitigation .....	10, 15, 29