Date of Hearing: March 28, 2023

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE
Rebecca Bauer-Kahan, Chair
AB 809 (Bennett) – As Amended March 22, 2023

SUBJECT: Salmonid populations: California Monitoring Program Fund

SUMMARY: Codifies the existing California Monitoring Program (CMP) related to salmonids and establish a fund to support CMP. Specifically, **this bill**:

1) Establishes the CMP and tasks CMP with collecting data on anadromous salmonid populations, in coordination with relevant federal and state agencies, to inform salmon and steelhead recovery, conservation, and management activities.

2) Establishes the California Monitoring Program Fund (Fund) in the state treasury for this monitoring and allows the following to be deposited within the Fund:

    a) Sums the Legislature appropriates;

    b) Moneys received from federal, state, or other sources, including bond funds, for the purposes of the program;

    c) Grants, awards, donations, gifts, transfers, or moneys derived from private sources for the purpose of the CMP; and

    d) Moneys derived from interest, dividends, or other income from the above sources.

3) Makes operation of this bill contingent upon an appropriation from the annual budget.

4) Makes legislative findings and declarations related to salmon and steelhead trout monitoring.

EXISTING LAW:

1) Provides, under state and federal endangered species acts, for the listing and protection of species determined through biological scientific analysis to be endangered or threatened with extinction [Fish and Game Code (FGC) §§ 2070–2079.1; U.S. Code Title 16 § 1533].

2) Allows the Department of Fish and Wildlife (DFW) to develop and implement nonregulatory recovery plans for the conservation and survival of species listed as endangered or threatened (FGC § 2079.1).

3) Establishes the Trout and Steelhead Conservation and Management Planning Act of 1979, which includes a requirement for focused management and monitoring efforts for trout (FGC §§ 1725–1730).

4) Indicates allowed uses of the money in the Habitat Conservation Fund to include the acquisition, restoration, or enhancement of aquatic habitat for spawning and rearing of anadromous salmonids and trout resources, among other uses (FGC § 2786).

5) Governs the expenditure of any funds received by the State of California from the specified sources for the purposes of salmon and steelhead trout conservation and restoration (PRC § 6217.1)

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

1) **Purpose of this bill.** AB 809 codifies the CMP in the DFW and establishes a fund to support the program. According to the author, "California's wild salmon and steelhead populations are on the brink of extinction. Nearly all the state's population of these species have declined due to habitat degradation, climate change and migration barriers. These fish are critical to the ecosystem and human health alike. […] [This bill] will codify [CMP] into statute and give the program more reliable funding and steadier implementation. It will also create a dedicated program fund allowing the state to make direct investments, ensuring a robust, comprehensive and long-term monitoring program."

2) **Background.** The group salmonid is comprised of all the fishes in the family *Salmonidae* and includes salmon, trout, chars, freshwater whitefishes, and graylings. Some members of the *Salmonidae* family live entirely in freshwater while some are anadromous—meaning that they migrate between rivers and the sea during their lifecycle. A California Trout report indicates that there are 32 distinct types of salmonids in California and of these salmonids, 22 are endemic to California and only five are shared with neighboring states.[1]

   Despite their adaptability, ease of hatching and raising, and economic importance, salmonids are in severe decline in many of their native habitats—many are now extinct. The reasons for this are complex and multiple, but boil down to a combination of human competition for use of high quality water, alteration of the landscapes through which rivers and streams flow, overfishing, use of production hatcheries to maintain fisheries, and introductions of non-native species as predators or competitors. The top three anthropogenic threats, after climate change, vary by anadromous and inland species due to their different life histories. The top threats to anadromous species are overwhelmingly estuary alteration, major dams, and agriculture, while inland species face threats from non-native species, fire, and hatcheries.[2]

   Endangered species protections. As of January 2023, there are 18 populations of salmonid in California that are considered endangered or threatened by the state or federal government.[3] The California Endangered Species Act (CESA) and the federal Endangered Species Act (ESA) generally provide a scientific basis for determining the biological status of species that potentially face extinction. Although there are differences between the federal and state acts, the overarching intent of both is to regulate and impose mitigation activities on activities that could contribute to the local extinction of species. Under CESA, species whose survival are imperiled may be categorized as "endangered" or "threatened" or "candidate" and once categorized, the take of those species may be prohibited unless authorized by a permit issued by the appropriate regulatory agency.

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[1] California Trout and UC Davis, SOS II: Fish in Hot Water, https://caltrout.org/sos
[2] Ibid
[3] DFW, State and Federally Listed Endangered and Threatened Animals of California.

California Monitoring Program. CESA allows for and ESA requires recovery plans for the conservation and survival of listed species. Recovery plans that call for monitoring provide some measure of progress toward recovery. For salmonids, there are related monitoring needs for other management activities such as hatchery operations and fisheries management. The CMP was created in 2011 to meet these monitoring needs. The CMP measures anadromous salmonid viability in four population characteristics: abundance, productivity, spatial structure, and diversity. DFW uses the population and habitat data collected through the CMP to assess the efficacy of investments in habitat protection to make informed decisions regarding the future of species' recovery plans. This data is shared in a timely manner to inform management decisions. Although the program has existed since 2011, the program is not codified in statute. Instead, it is organized by a set of guidance documents, Fish Bulletin 180 and Fish Bulletin 182.[4][5]

CMP Funding. The CMP was funded by Proposition 84 and the federal Pacific Coastal Salmon Recovery Funds (PCSRF). Several years ago, Proposition 84 funds expired and the only remaining source of funds for CMP is currently PCSRF. PCSRF are awarded to the states by National Oceanic Atmospheric Administration via an application process and a portion of the award is allocated to monitoring efforts. While PCSRF has been a consistent source of funding for CMP, the amount awarded fluctuates on an annual basis and is not guaranteed. There are currently no annual state funds available to support CMP and this bill is contingent upon an appropriation in the annual Budget Act or another statute for purposes of this bill.

3) **Arguments in Support.** Several organizations write in support saying that, "[b]y facilitating the delivery of more reliable funding to the CMP, AB 809 will ensure continuous operation of [the CMP] and eliminate data gaps. The critical data collected by the CMP allows the State to make strategic investments in watershed and fishery restoration that will effectively support salmon and steelhead recovery."

4) **Related Legislation.** SB 1250 (Hueso), 2013–14 Session, would have made $31,400,000 available for projects that help restore coastal salmonid populations from funds allocated to the State Coastal Conservancy. SB 1250 was held in the Senate Committee on Natural Resources and Water.

   SB 69 (Wiener), 2019–20 Session, among other provisions, would have required DFW to develop and implement a plan to improve the survival of hatchery-produced salmon and would have required the State Board of Forestry and Fire Protection to evaluate and update forest practice rules that establish requirements specific to watersheds with listed anadromous salmonids. SB 69 was held in Assembly Appropriations.

   SB 2261 (Keene), Chapter 1545, Statutes of 1988, creates the salmon, steelhead trout, and

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[4] Fish Bulletin 180, California Coastal Salmonid Monitoring Program, https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=30284&inline
[5] Fish Bulletin 182, Steelhead Viability Monitoring in the Southern Coastal Area, https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=199225&inline

anadromous fisheries program with a goal of protecting and increasing salmon, steelhead trout, and other anadromous fisheries.

REGISTERED SUPPORT / OPPOSITION:

Support

California Trout (Co-Sponsor)
The Nature Conservancy (Co-Sponsor)
Trout Unlimited (Co-Sponsor)
Defenders of Wildlife
Friends of The River
Marin Resource Conservation District
Midpeninsula Regional Open Space District
Northern California Water Association
Pacific Coast Federation of Fishermen's Associations
Planning and Conservation League
Salmonid Restoration Federation
Sierra Club California
Sonoma Land Trust

Opposition

None on file

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