

2005

2005 Legislative Summary

Assembly Committee on Water, Parks and Wildlife

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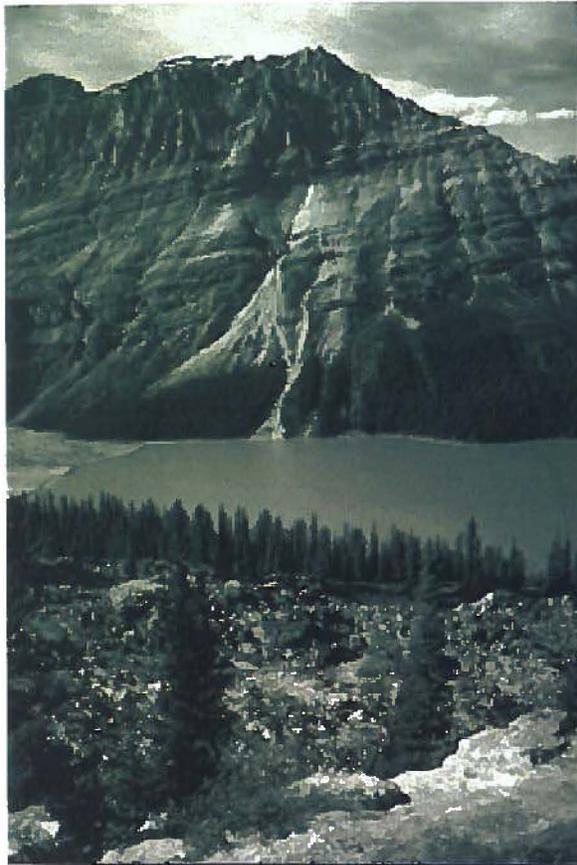


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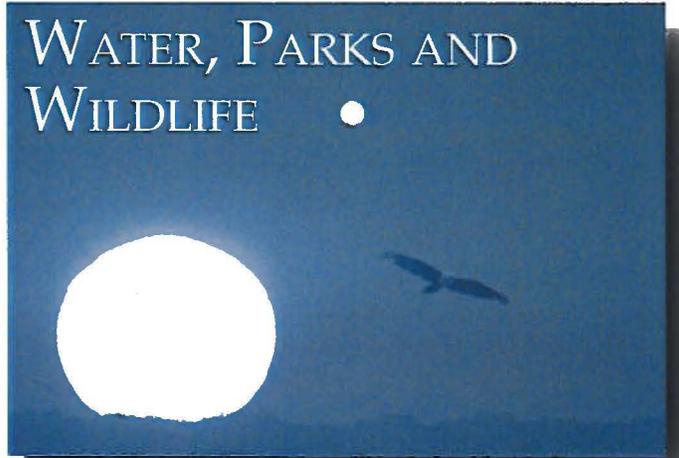
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CALIFORNIA LEGISLATURE

ASSEMBLY
COMMITTEE ON

WATER, PARKS AND
WILDLIFE



2005 LEGISLATIVE SUMMARY

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2005 LEGISLATIVE SUMMARY

LEGISLATION CONSIDERED BY THE ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE Lois Wolk, Chair

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KEY ISSUES BEFORE THE ASSEMBLY WATER, PARKS & WILDLIFE COMMITTEE IN 2005

CALFED Bay-Delta Program

The CALFED Bay-Delta Program experienced a year of upheaval and assessment in 2005. The California Bay-Delta Authority (CBDA) adopted a long-term finance plan, calling for \$8 billion in total funding over the next 10 years, in December 2004. This plan produced substantial controversy, not only as to funding but as to the Program's direction as well. The State and the Federal Government signed a "Record of Decision" (ROD) in August 2000, which inaugurated the Program with the assumption that both governments would contribute substantial funding. When federal and state fiscal conditions changed dramatically, the Program was not able to fulfill its ambitious timeline or set new priorities.

On March 9, the Committee held an informational hearing to assess CALFED's status and direction. Hearing from both State agencies and non-State stakeholders, the Committee learned about the disputes among CALFED participants. The witnesses, however, also informed the Committee that a dispute resolution process had started, with the hope for a consensus plan for new Program priorities (or "sequencing" of Program activities) and funding mechanisms.

Dwindling funding presented CALFED with its greatest challenge. The bond funds that the Program used for its projects were projected to run out in 2007, unless changes occurred. The water committees in both houses pushed for greater contributions from Program beneficiaries, the so-called "beneficiary pays" principle in the 2000 ROD. After the Governor failed to fulfill the Senate's request for a realistic CALFED finance plan, the budget subcommittees in both houses began reducing the CALFED budget, to ensure funding would last until the finance issue was resolved. This Committee's chair, Lois Wolk, participated in the budget deliberations and issued a letter outlining the basis for the cutbacks in May, just before the Governor's "May Revise." The Legislature and the Governor ultimately sustained these budget cuts.

In response to the Legislature's budget cuts and stakeholder disputes, the Governor established a comprehensive review of the entire CALFED Program, including fiscal, governance and programmatic assessments. The Administration engaged a private consultant, the Little Hoover Commission and the Department of Finance to lead these reviews, which occurred over the summer and into the fall. The conclusions of these reviews, which came out this fall, will likely affect legislation and the 2006-07 budget process in the coming year.

Water Management

While the CALFED Bay-Delta Program received the bulk of public attention, other water management issues did arise this year.

The Sacramento-San Joaquin Delta. In addition to the CALFED debate, water management in the Delta by the State Water Project and the federal Central Valley Project came under some scrutiny. As discussed below, the Delta has experienced a substantial decline in its native fishery in recent years. At the same time, the state and federal projects pumped record amounts of water from the Delta. This year, the Legislature funded final planning and construction of operable barriers in the Delta that would support higher levels of Delta pumping. The Department of Water Resources issued a draft environmental impact report analyzing possible increased levels of pumping in conjunction with those barriers. The Committee is likely to further examine this issue in the year ahead, as results from the fishery analysis and the barrier environmental review emerge.

San Joaquin River. As the San Joaquin River litigation (*Natural Resources Defense Council v. Rodgers*) proceeded in federal court, the Legislature considered how to address the long-range water resource issues on the River. In the budget process, the Schwarzenegger Administration submitted an April 1 budget change proposal to initiate a study on restoring the River's fishery and water supply resources. The Legislature did not accept that proposal. During this same period, the Committee considered a bill – **SB 350 (Machado)** – to create a San Joaquin River Fund to support fishery and water supply efforts. After substantial controversy and negotiation, the bill did not move forward.

Colorado River. Although the Legislature was not actively involved in Colorado River issues this year, the River's controversies continued to arise, which may lead to further legislative action in the years ahead. **AB 1466 (Laird)** also addressed a less controversial issue, eradication of tamarisk, an invasive riparian species that consumes River water. More importantly, a Mexican state government agency and others from Mexico filed a lawsuit challenging the State's lining of the All-American canal, claiming that they relied on the seepage to fill their groundwater aquifer and support wetlands south of the border.

Water Storage. The issue of new water storage arose in a number of ways this year. Advocates for new surface storage raised the issue in CALFED budget discussions and in the San Joaquin River basin controversy. Groundwater storage issues also arose in the CALFED context as well as in conjunction with the Legislature's consideration of **SB 820 (Kuehl)**, which would have expanded the collection of information about groundwater supplies. The bill passed the Committee, but ultimately received a veto from the Governor, who commented that he supported better information and management of our groundwater storage resources, but was not satisfied with this bill's approach.

Flood Management

Flood management began emerging as a critical issue this year, but will receive greater legislative attention in the year ahead. The issue arose initially in a January "white

paper” from the Department of Water Resources, which outlined problems with deteriorating Central Valley levees and flood management funding difficulties. The

Administration then introduced a bill to create a Central Valley assessment district to provide greater flood funding – **AB 1665 (Laird)**. Just before the policy committee deadline, the Committee considered and passed a stripped-down AB 1665 and a bill to require local governments to include flood management planning in their general plans – **AB 802 (Wolk)**.

Ultimately, neither flood management bill made it out of the Legislature this year, but Hurricane Katrina, which occurred in the last week of the 2005 session, brought renewed public attention and calls for action on flood management in California. The Committee held three informational hearings on flood issues this year. The first hearing, on August 11, concentrated attention on the Cache Creek basin, where controversy has erupted on how to protect the City of Woodland. After hearing from federal, state and local officials and the Committee chair, the local agencies involved decided to proceed with flood protection analysis as part of their integrated regional water management planning process.

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

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

The third informational flood hearing, which was held in conjunction with the Select Committee on Growth and Infrastructure, addressed the physical conditions of the State’s Central Valley flood management infrastructure. The Department of Water Resources presented substantial information as to the current state of the infrastructure and provided rough estimates of the costs to repair and/or improve such infrastructure. Other witnesses presented additional information and perspective on both the conditions and ways to address these conditions. The second panel, including representatives from the Legislative Analyst’s Office, addressed how best to finance the necessary actions to repair and/or improve the State’s flood infrastructure system.

State Park Issues

Several bills before the Committee this year highlight the increased public demand for state parks, as both a source of recreation and for natural resource protection, and the challenges facing the state park system in meeting these demands in times of limited fiscal resources.

Public/Private Partnerships. Three bills referred to the Committee sought to expand the role of public/private partnerships between state parks and nonprofit organizations as a tool in meeting park needs and stretching the efficient use of state resources. **SB 1103 (Dutton)** would have expanded the ability of the department to enter into agreements with nonprofit cooperative associations to provide educational and interpretive services in state parks. This bill is now a two-year bill in the Committee. **AB 1247 (Wolk)** would have authorized state parks to enter into agreements with nonprofit organizations to raise funds and to operate certain aspects of state park unit operations. This bill passed the Committee but was held in the Assembly Appropriations Committee. **SB 1079 (Campbell)** and **AB 604 (Walters/Campbell)** were both amended to authorize the department to enter into an agreement with a nonprofit organization to develop, maintain and administer the Crystal Cove Historic District within Crystal Cove State Park. **SB 1079** passed the Senate late in the session but was held at the Assembly desk. These bills highlight the need to strike a balance between developing creative ways of meeting park resource needs, while continuing state oversight of what has traditionally been a public responsibility and state function.

Off-Highway Vehicles. The issue of off-highway vehicle recreation also highlights the growing demand for recreation on public lands, and the challenge of providing for appropriate public access while also protecting the environment. The Committee heard three bills this year on off-highway vehicles (OHV). **AB 1086 (Lieber)** increased the penalties for off-highway motor vehicle violations in state and federally designated wilderness areas. **AB 1487 (Wyland)** appropriated funds for a study on the economic impact of off-highway motor vehicle recreation activities on the state's economy. This bill was held in the Senate. **AB 1616 (Niello)** sought to implement recommendations from a pending state audit of the Department of Parks and Recreation's administration and allocation of moneys in the Off-Highway Vehicle Trust Fund. The State Auditor published the results of the audit in August of 2005. Among other things, the audit found that the Off-Highway Motor Vehicle Recreation Commission and the department's Off-Highway Motor Vehicle Recreation Division lack the shared vision, goals and strategies needed to balance off-highway vehicle recreation with concerns for the environment, and that legal requirements to spend designated portions of OHV program revenue for conservation, restoration and law enforcement have not been met.

Crystal Cove State Park. A long standing dispute over public access versus private use of Crystal Cove State Park was finally resolved through the courts this year. Two legislative proposals, **AB 328 and 329 (DeVore)**, would have required continuation of leases to private trailer park tenants residing in the park. These bills were referred to the committee but not heard. In a final court settlement reached in Orange County Superior Court on November 3, 2005, the El Morro Mobile Home Park residents agreed to vacate the premises by March 1, 2006, after which the Department plans to proceed with development of a public campground and day use facilities.

Other Park Issues. Legislation before the Committee this year also included several proposals related specifically to individual park sites. Examples include **AB 359 (Gordon)** to authorize an off-leash dog beach at Dockweiler State Beach in Los Angeles County, and bills to fund local park projects in several districts. The Committee also heard and approved **AB 1039 (Frommer)**, amending the Urban Parks Act, and **AB 672 (Klehs)**, authorizing certain passive recreational uses in areas adjacent to domestic drinking water reservoirs in the bay area.

Fisheries Issues

The most significant fishery issue this year was the precipitous decline in Delta pelagic fish and the food webs that sustain them. The dramatic decline in Delta Smelt and other fish species was initially reported early in the year, and concerns heightened later in the session with Department of Fish and Game (DFG) reports of continued declines following the spring and summer trawls, which produced the lowest number of Delta smelt ever on record. The low numbers were of particular concern in light of the higher than average rainfall, since fish declines during periods of drought often rebound with years of increased runoff. However, that did not occur this year. Fish declines also were accompanied by a dramatic decline in zoo-plankton and photo-plankton, raising concerns of a potential Delta ecosystem collapse.

The Committee held an emergency informational hearing in August, and heard testimony from State agency representatives and independent fishery scientists, who all confirmed the dire Delta fishery conditions. The State agencies unveiled their plans to investigate the causes of the fishery decline, which they preliminarily organized into three categories – invasive species, contaminants and water project operations. They put this Delta fishery investigation on a fast track, with preliminary assessments reported in November. The investigation will continue in the year ahead.

Based in part on the emergency hearing, the Committee approved **AB 466 (Matthews)** which, among other things, authorizes the California Bay-Delta Authority, in collaboration with DFG, to contract with independent scientists to conduct studies on Delta fisheries in an effort to identify the causes of the decline. The Committee will continue to monitor this Delta fishery issue closely.

The Committee also considered and approved bills related to the broader issue of the State's fish hatcheries. As approved by the Committee, **AB 7 (Cogdill)** redirected a portion of the Fish & Game Preservation Fund (the Fund) derived from sport fishing license fee revenues to State fish hatcheries and wild trout. Increased funding earmarked for state hatchery operations was also included in the budget passed by the Legislature but was vetoed by the Governor. After the Bureau of State Audits issued its report on the use of the Fund, the bill was amended. The bill that the Committee ultimately approved on concurrence (and the Governor signed) included specific funding allocations to hatcheries and particular fishery programs and hatchery production targets.

The Committee also approved **AB 193 (Maze)** which authorizes DFG to enter into an agreement with the Friends of Mount Whitney Fish Hatchery, a nonprofit organization, to lease a portion of the hatchery. **AB 193** was amended in the Senate to broaden the authorization for these types of agreements to apply to all state fish hatcheries generally.

However, these amendments were deleted from the bill before it returned to the Assembly for concurrence.

The Committee approved **SB 857 by Senator Kuehl**, to expedite the assessment and removal of road barriers to fish passage at stream crossings on state roads maintained by CALTRANS, and approved a comprehensive measure by Senator Simitian that would establish standards for marine finfish aquaculture. The road barrier bill passed and was signed by the Governor. Senator Simitian's aquaculture bill, **SB 768**, was amended late in the session to address an unrelated issue, so the subject of aquaculture standards may be back before the Committee again next year.

Other fishery related bills approved by the Committee this year include **AB 1431 (Saldana)**, a clean-up bill to legislation enacted in 2004 on regulation of bottom trawl fisheries, **AB 601 (Berg)** which would extend the sunset on the commercial salmon fishing stamp program, and **AB 749 (Leno)** which would establish a pilot program limiting the number of traps for harvest of Dungeness crab to 250 traps per vessel in districts south of Mendocino. AB 1431 was signed into law, AB 601 became a two-year bill, and AB 749 was vetoed. This was the second year in a row that the Governor vetoed legislation to place a trap limit on Dungeness crab harvests.

Wildlife Issues

Several proposals potentially affecting California wildlife were considered by the Committee this year, including proposals to ban remote-access Internet hunting, legalization of domestic ferrets, the proposed hunting of mountain lions, importation of products made from kangaroo hides, and handling of exotic wild animals.

AB 24 (Maze) proposed to establish a lottery system for the issuance of hunting tags to hunt and kill mountain lions. AB 24 would have amended the California Wildlife Protection Act which granted special protected status to mountain lions. The Act was approved by the voters in 1990 and can only be amended by the Legislature if the amendment is in furtherance of the purposes of the initiative and is approved by a 4/5ths vote of the Legislature. AB 24 failed to pass the Committee in this form, but was subsequently amended to instead authorize a study of mountain lions, establish an informational clearinghouse, and require more posting of signs in areas frequented by mountain lions. This version of the bill passed the Committee but was held in the Assembly Appropriations Committee on suspense.

Legislation to legalize possession of domestic ferrets if neutered and vaccinated for rabies was introduced again in 2005 and passed the Committee after amendments were taken to require an environmental assessment of the potential impacts of ferret legalization on native wildlife. As amended in Committee, **AB 647 (Koretz)** provided that the legalization of ferrets would not become operative unless the Secretary of the Resources Agency determined and certified that there was insufficient evidence of a significant risk to California wildlife. The bill as amended passed the Assembly but was held in the Senate Appropriations Committee on suspense.

The Committee again this year approved legislation to legalize the importation, possession and sale of kangaroo hides for commercial purposes. **AB 734 (Parra)** proposed to narrow the current prohibition on kangaroo hides to apply only to endangered species of kangaroos. The hides are valued as a source of leather for high grade soccer shoes and other similar consumer products. California is the only state in the country which currently prohibits the importation of kangaroo hides from non-endangered kangaroos for commercial purposes. The bill passed the Committee but failed passage in the Senate Natural Resources Committee.

Another issue which returned to the Committee after remaining unresolved last year was the issue of whether licensed structural pest control operators and pesticide applicators should be exempt from the current requirement to obtain a trapping license from the Department of Fish and Game if they are engaged in the trapping of mammals. **AB 87 (Bermudez)** was amended in the Committee to exempt structural pest control operators when trapping certain mammals if they are first tested and trained by the Structural Pest Control Board or the Department of Pesticide Regulations on applicable laws and regulations governing the trapping of these mammals. Further amendments clarifying testing, training and reporting requirements were taken in the Senate. However, in the final hours of the Session the bill was moved to the Senate Floor Inactive File and did not pass this year.

The Committee approved legislation introduced in response to several well publicized incidents involving exotic wild animals that resulted in harm to both humans and animals. The incidents included the shooting of an escaped tiger, the mauling of a man by a chimpanzee, and the finding of over 90 dead cats, mostly tigers, at the home of a wild animal facility operator. **AB 820 (Strickland/Chavez)** made numerous changes in the law related to permitting and housing of exotic wild animals, inspections of wild animal facilities, reporting of escaped animals, identification and tracking, and use of lethal force in capturing escaped animals.

The Committee unanimously approved **SB 1028 (Bowen)** banning the shooting or taking of animals through remote access Internet hunting sites. The State Fish and Game Commission also adopted regulations this year banning both hunting and fishing through such Internet sites.

Finally, the Committee heard and approved several bills addressing wildlife habitat issues, including bills on invasive species and road barriers to fish passage. Legislation to ban the use of lead ammunition in the range of the California Condor and to phase out the use of lead ammunition statewide was also referred to the Committee but the hearing on this measure was postponed at the request of the author. The Fish and Game Commission is currently undertaking a study of the effects of lead based ammunition on California Condors in response to a petition filed with the Commission last year.

**ALL BILLS IN
ASSEMBLY WATER, PARKS & WILDLIFE COMMITTEE
2005**

FISH AND WILDLIFE

Fisheries

AB 7 (Cogdill) Hatcheries. Requires that 33 1/3% of fees from sport fishing licenses be deposited into the Hatchery & Inland Fisheries Fund, to be used for fish hatcheries and the Heritage and Wild Trout Program, and for related enforcement actions and restoration of naturally indigenous genetic trout stock to their original CA watersheds. Also sets fish hatchery production goals. (Status: Chapter 689, Statutes of 2005)

AB 193 (Maze) Hatcheries. Authorizes the Department of General Services (DGS) with consent of the Department of Fish and Game (DFG) to lease the Mount Whitney Fish Hatchery or a portion thereof to the Friends of the Mount Whitney Hatchery for a term not to exceed 25 years with possibility of renewal. (Status: Chapter 563, Statutes of 2005)

AB 601 (Berg) Commercial Salmon Stamp. Extends the sunset date on the Commercial Salmon Trollers Enhancement and Restoration Program and the Commercial Salmon Stamp until January 1, 2012. (Status: Senate Floor Inactive File. 2-year bill)

AB 749 (Leno) Dungeness Crab. Prohibits a person operating a vessel for the commercial take of Dungeness crab from using more than 250 traps during a season in District 10 and south (south of Mendocino County), and establishes fines for violations. Requires the Fish and Game Commission (FGC), after consultation with the Dungeness crab review panel and others, on or after March 15, 2008, to consider whether the 250 trap limit should be adjusted. States Legislative intent that a trap limit of 250 apply for District 10 and south until FGC adopts another limit or other regulatory controls. Also extends the sunset date on related provisions regulating the Dungeness crab fishery from April 1, 2006 to April 1, 2012. (Status: Vetoed, October 7, 2005)

AB 848 (Berg) Ocean Ecosystem Conservation. Establishes the Ocean Ecosystem Resource Information System within the Department of Fish and Game or the Coastal Conservancy, as determined by the Resources Agency and subject to availability of funds, on or before January 1, 2008, for the purposes of ecosystem conservation and management of off-shore ocean waters and marine resources. (Status: Assembly Appropriations Committee)

AB 849 (Berg) Fish & Game Marine Research. As introduced and heard in this Committee, declared that the policy of this state is to facilitate collaboration between fishing men and women and scientists and researchers in conducting ocean and marine fisheries research. Amended in the Senate to deal instead with gender-neutral marriage. (Status: Vetoed, September 29, 2005)

AB 1431 (Saldana) Bottom Trawl Fisheries. Makes several changes to laws regulating use of bottom trawling gear for commercial take of halibut, prawns and pink shrimp, including permit requirements, applicant eligibility and transfers. Also specifies the type of bycatch reduction device approved for use in taking prawns and pink shrimp, and repeals provisions regarding minimum size and weight of trawl nets in halibut trawling grounds, instead authorizing FGC to determine these conditions by regulation. (Status: Chapter 334, Statutes of 2005)

SB 768 (Simitian) Marine Aquaculture. As passed by this Committee, established standards for a programmatic environmental impact report (EIR) DFG is required under current law to prepare for marine finfish aquaculture, and established criteria for leases approved and regulations adopted by FGC relating to marine finfish aquaculture. Assembly amendments strike these provisions and instead address the subject of identity theft. (Status: Assembly Floor Inactive File)

Wildlife

AB 24 (Maze) Mountain Lions. Requires DFG to contract with the University of California or other qualified research entity to conduct a study related to mountain lions, and to establish a clearinghouse of information on reports of mountain lion attacks on humans, pets and livestock. Also requires DFG to post warning signs in areas where mountain lions have been cited or are known to have existed. Introduced version of this bill would have permitted hunting of mountain lions but amendments taken while the bill was in Committee deleted those provisions. (Status: Assembly Appropriations Committee Suspense File)

AB 87 (Bermudez) Trapping Licenses. Exempts structural pest control operators licensed by the Structural Pest Control Board (SPCB) and persons licensed by the Department of Pesticide Regulation (DPR) from the requirement to obtain a trapping license from DFG when trapping rats, mice, moles, voles, gophers, squirrels, chipmunks, skunks and opossums, upon adoption and implementation of regulations by SPCB governing the trapping of these mammals. Also requires SPCB and DPR to work with DFG to formulate the regulations and to adopt the regulations by July 1, 2006. Requires filing of reports on trapping of mammals. (Status: Senate Floor Inactive File)

AB 647 (Koretz) Ferrets. Legalizes ferrets as pets by removing them from the list of wild animals that are unlawful to import, transport, possess or release into this state if the owner can show proof of rabies vaccination and neutering or spaying if the ferret is over six months old. Requires the Secretary of the Resources Agency to arrange for an initial study to determine whether a negative declaration or an environmental impact report (EIR) is necessary to determine the effects of removing the ferret from the list of prohibited animals. Conditions the legalization of ferrets on the completion of a negative declaration by the Secretary, and states that the legalization will not become operative if the Secretary determines that an EIR is needed. (Status: Senate Appropriations Committee Suspense File)

AB 668 (La Suer) Hunting Education. Requires that an educational course DFG is currently required to provide on hunter safety, conservation and sportsmanship shall

provide no more than 8 hours of instruction. (Status: Assembly Water, Parks & Wildlife Committee)

AB 734 (Parra) Kangaroo Imports. Narrows the prohibition in current law on the importation, possession or sale in California of any kangaroo or part thereof, to apply only to endangered kangaroos. (Status: Senate Natural Resources Committee)

AB 820 (Strickland) Exotic Wild Animals. Makes changes to and enhances enforcement of laws related to importation, transportation and sheltering of exotic wild animals, including, among other things, inspections of wild animal facilities, breeding permits, identification of animals and owners, maintenance of a registry, reporting of escaped animals, disposition of confiscated animals, and increased penalties for violations. (Status: Chapter 698, Statutes of 2005)

AB 1002 (Nava) Condors & Lead Ammunition. Prohibits the possession of lead ammunition when hunting within the range of the California Condor, and phases out the use of lead ammunition statewide. (Status: Assembly Water, Parks & Wildlife Committee)

SB 686 (Machado) Wild Animals. Repeals and readopts Fish and Game Code Section 2118, which lists the wild animals that are unlawful to possess or import without a permit, and replaces the current statutory list with an updated list of prohibited animals as promulgated by the Fish and Game Commission through regulation. (Status: Assembly Floor Inactive File)

SB 1028 (Bowen) Internet Hunting. Makes it unlawful to shoot, shoot at, or kill any bird or mammal with any gun or other device accessed via an Internet connection in California. Also makes it unlawful to operate a shooting range or web site in California for purposes of online shooting, or to import or possess any animal that was taken via an Internet connection. (Status: Chapter 672, Statutes of 2005)

Wildlife Habitat

AB 577 (Wolk) Invasive Species. Requires the Secretary of the Resources Agency and the Secretary of Food and Agriculture to develop a statewide plan for management and control of all invasive species, as defined, that shall be presented to the Legislature on or before January 1, 2007. (Status: Assembly Appropriations Committee Suspense File)

AB 874 (Wolk) Priority Bird Areas. Requires DFG, in cooperation with the Department of Parks and Recreation (DPR), other agencies, joint ventures, and nongovernmental organizations, to publish and publicize a list of priority bird areas in the state, and states legislative intent to encourage public-private partnerships and to facilitate voluntary habitat protection. (Status: Assembly Appropriations Committee Suspense File)

SB 857 (Kuehl) Fish Road Barriers. Requires CALTRANS to complete assessments of potential barriers to passage of anadromous fish prior to commencing any state highway projects, and to submit these assessments to DFG for inclusion in the CALFISH database. Also requires CALTRANS to construct projects without creating barriers to fish passage,

and requires CALTRANS to report to the Legislature on its progress in locating, assessing and remediating fish barriers on existing roads. (Status: Chapter 589, Statutes of 2005)

SB 1081 (Ducheny) Salton Sea. As passed by the Committee, stated Legislative intent and findings regarding restoration of the Salton Sea, and directed preparation of related reports and actions. Among other things, stated Legislative intent that opportunities for local input in restoration planning be improved, and that certain remaining funds from Proposition 50 be used exclusively for restoration of the Salton Sea and not for land acquisition on the lower Colorado River. Directed the Department of Water Resources (DWR) to seek to enter a memorandum of understanding (MOU) with the Salton Sea Authority and federal agencies to establish a coordinated plan for restoration of the Salton Sea. Subsequent amendments deleted these provisions and instead authorized appropriation of \$2 million for a riverfront park in the City of Maywood. (Status: Chapter 688, Statutes of 2005)

PARKS & RECREATION

AB 328 (DeVore) Crystal Cove State Park. Prohibits the Department of Parks and Recreation from converting the El Morro Mobilehome Park in Crystal Cove State Park into a public campground and day use park if certain conditions are met. Requires that rental income from the tenants of the mobilehome park be deposited into the state general fund. (Status: Assembly Water, Parks & Wildlife Committee)

AB 329 (DeVore) Crystal Cove State Park. Prohibits the Department of Parks and Recreation from converting the El Morro Mobilehome Park in Crystal Cove State Park into a public campground and day use park if certain conditions are met. Requires that rental income from the tenants of the mobilehome park shall be deposited into a deferred maintenance account in the State Parks and Recreation Fund. (Status: Assembly Water, Parks & Wildlife Committee)

AB 359 (Gordon) Dog Beach. Authorizes DPR, the Coastal Commission, the County of Los Angeles, the City of Los Angeles, and other interested parties to enter into a Memorandum of Agreement to establish, maintain and evaluate a one year off-leash dog beach pilot program at Dockweiler State Beach in Los Angeles County, with the costs of the program to be paid for with private funding sources. (Status: Senate Natural Resources Committee)

AB 466 (Parra/Matthews) Park Grants. As initially passed by this Committee, required the Department of Parks & Recreation (DPR) to adopt policies and procedures, and to apply specified conditions to funds appropriated in an annual Budget Act for the award of a grant for a state or local park project, including a recreation project, when the project is not evaluated through a competitive review process administered by the Department. Senate amendments strike these provisions and instead authorize reappropriation of General Fund (GF) monies for conservation plans for the University of Merced, dedicate a full-time personnel year (PY) at DFG to processing of environmental documents for SFPUC, authorize expenditure of state matching funds for an alluvial fan floodplain management taskforce, and authorize the California Bay Delta Authority to contract with scientists to study Delta fisheries. (Status: Chapter 567, Statutes of 2005)

AB 558 (Emmerson) City of Redlands Sports Complex. Reappropriates \$2.75 million to the City of Redlands for the Redlands Sports Complex. (Status: Assembly Appropriations Committee Suspense File)

AB 672 (Klehs) Reservoirs, Recreational Uses. Clarifies existing law to permit certain recreational activities, including nonmotorized boats, shoreline fishing and trail access, in areas adjacent to reservoirs owned by public agencies containing water for domestic use. Also requires a public agency that owns a water supply reservoir with a capacity of 3,500 acre feet or more, commencing January 1, 2010 and every ten years thereafter, to adopt a watershed management plan setting forth the recreational and environmental management activities permitted. (Status: Vetoed, October 7, 2005)

AB 676 (Berg) Spud Point Marina. Authorizes the Secretary of the Resources Agency, notwithstanding specified provisions of the Budget Act of 1982, to accept, as settlement of a debt owed to the Department of Boating and Waterways for the Spud Point Marina in Sonoma County, real property in the county that is of value to the state for use as parkland, wildlife habitat, watershed protection, or any other use, as determined by the secretary. (Status: Assembly Water, Parks & Wildlife Committee)

AB 1039 (Frommer) Urban Parks. Amends the Urban Park Act (UPA) of 2001 by expanding the definition of "facilities" to include community gardens, and by expanding the list of criteria for which the Department of Parks & Recreation shall assign higher priority for grant applications to include projects which create a new park in a location where none currently exists. (Status: Senate Floor Inactive File)

AB 1086 (Lieber) Off-Road Vehicles. Enhances the penalties for violation of regulations prohibiting entry of a motor vehicle in federal or state designated wilderness areas. (Status: Chapter 571, Statutes of 2005)

AB 1204 (Laird) Hatton Canyon. Authorizes the Department of Parks and Recreation to convey 130 acres of land known as Hatton Canyon in Monterey County to the Monterey Peninsula Regional Park District for use as a public park. (Status: Assembly Concurrence)

AB 1247 (Wolk) State Parks Non-Profit Partnerships. Authorizes DPR to enter into an operating agreement with a nonprofit public benefit corporation to operate certain aspects of a state park unit, and provides that the Director of DPR or his or her designee shall serve as an ex officio voting member of the Board of the nonprofit corporation. (Status: Assembly Appropriations Committee Suspense File)

AB 1487 (Wyland) Off-Road Vehicles. Requires the Division of Off-Highway Motor Vehicle Recreation within DPR to conduct a study to determine the economic impact of off-highway motor vehicle recreation activities on the state's economy generally and particularly on regions of the state where state off-highway vehicle recreation areas are located, and to report, on or before July 1, 2007, the findings of that study to the Legislature. Appropriates \$150,000 from the Off-Highway Motor Vehicle Trust Fund to the division for purposes of the study. (Status: Senate Natural Resources Committee)

AB 1616 (Niello) Off-Road Vehicles. States Legislative intent that the recommendations of the State Auditor in State Audit 2004-126 be implemented in a timely fashion, and requires the State Auditor, at the earliest possible time, to prepare and submit a report to the Legislature based on the findings of State Audit 2004-126. (Status: Assembly Appropriations Committee Suspense File)

SB 306 (Campbell) Sunset Ridge Park. Authorizes DPR to lease Sunset Ridge Park to the City of Newport Beach for a term of 25 years for development of a local park with regional benefits. (Status: Assembly Appropriations Committee Suspense File)

SB 1081 (Ducheny) Maywood Riverfront Park. Appropriates \$2 million for a riverfront park in the City of Maywood. (Status: Chapter 688, Statutes of 2005)

SB 1103 (Dutton) State Parks Nonprofit Cooperative Associations. Authorizes DPR to enter into agreements with nonprofit cooperating associations for specified purposes, including to provide educational and interpretive materials and services where DPR is unable to obtain a concessionaire to provide those materials and services. (Status: Assembly Water, Parks & Wildlife Committee)

WATER

Bay-Delta

AB 1200 (Laird) Sacramento/San Joaquin Delta. Requires the Department of Water Resources (DWR) to evaluate potential impacts on water supplies from the Sacramento-San Joaquin Delta of specified projections for subsidence, earthquakes, floods, and changes in precipitation, temperature and ocean levels, or a combination of these factors. Requires DWR to evaluate and rate options available to implement specified objectives, including preventing disruption of water supplies from the Delta, improving drinking water quality, reducing salts, and protecting levees. Requires the Department of Fish and Game to evaluate and comparatively rate these options for their ability to restore salmon and other Delta fisheries. (Status: Chapter 573, Statutes of 2005)

AB 1244 (Wolk) California Bay-Delta Authority. Modifies the California Bay-Delta Authority Act to conform with federal law enacted in 2004. Among other things, changes the name of the Act to the CALFED Bay-Delta Authority, extends the sunset clause to January 1, 2010, clarifies the relationship of the Authority with regard to certain federal agencies, makes the federal agency representatives on the Board nonvoting members counted toward a quorum, and makes several changes with regard to administrative, reporting and disclosure requirements. (Status: Assembly Floor Inactive File)

AB 1245 (Wolk) CALFED Environmental Water Accounts. Establishes the California Bay-Delta Environmental Water Account (EWA) Fund in the State Treasury for management of EWA funds, particularly contributions from EWA beneficiaries. Also identifies the purposes for which EWA funds may be used. (Status: Senate Natural Resources Committee)

SB 113 (Machado) CALFED "Beneficiary Pays" Principle. Requires the California Bay-Delta Authority in reviewing annual program plans and projects to consider the extent to which they are consistent with the "beneficiary pays principle." (Status: Assembly Water, Parks & Wildlife Committee)

SB 264 (Machado) Delta Levees. Extends the Delta Flood Protection Fund for the Delta Levees maintenance and subvention program to July 1, 2008. (Status: Chapter 583, Statutes of 2005)

Water Management

AB 371 (Goldberg) Water Recycling. Enacts the Water Recycling Act of 2005, which would further implement a uniform statewide policy regarding water recycling, particularly related to public health standards. Requires the State Water Resources Control Board to structure fees for waste discharge reports filed by publicly owned treatment works to provide incentives for water recycling. Requires adoption of a variety of uniform standards, including for state landscape irrigation piping, plumbing buildings with both potable and recycled water systems (Uniform Plumbing Code), and recycling symbols. (Status: Senate Floor Inactive File.)

AB 554 (Nava) Water District Fees. Authorizes the Ventura County Watershed Protection District to impose fees on a district wide or per zone basis to carry out the objectives and purposes of the Ventura County Watershed Protection Act, consistent with the requirements of Proposition 218. (Status: Chapter 510, Statutes of 2005)

AB 798 (Wolk) Water Bonds. Enacts the Water Quality, Watershed Protection, and Flood Management Bond Act of 2006, which, if approved by the voters, would authorize issuance of bonds for water quality, watershed protection, and flood management. (Status: Assembly Water, Parks & Wildlife Committee)

AB 802 (Wolk) General Plans. Requires the conservation element of a county General Plan to address various flood management issues, including the use of flood water to supplement the supply and recharge groundwater. (Status: Assembly Floor Inactive File)

AB 1003 (Nava) Water District Fees. Authorizes the Ventura County Watershed Protection District to impose fees on a district wide or per zone basis to carry out the objectives and purposes of the Ventura County Watershed Protection Act. (Status: Vetoed, July 26, 2005, but see AB 554 above.)

AB 1290 (LaMalfa) Water Rights Fees. Ends the State Water Resources Control Board's (SWRCB) water rights fees, which are deposited into the Water Rights Fund. Such Fund finances the SWRCB's water rights regulatory and enforcement program. (Status: Assembly Water, Parks & Wildlife Committee)

AB 1466 (Laird) Tamarisk Control Program. In order to maximize water supply, establishes a State of California program to eradicate or control tamarisk in the Colorado River basin, in conjunction with other basin states. (Status: Vetoed, October 7, 2005)

AB 1713 (Villines) Temperance Flat Water Storage Facility. Requires the Department of Water Resources to establish a water storage facility at Temperance Flat. (Status: Assembly Water, Parks & Wildlife Committee)

AB 1724 (Villines) Water Reclamation. Prohibits a regional water board from requiring a holder of a master reclamation permit, or a water district, to provide plans or water reclamation facilities to reclaim or recycle water subject to a permit or passing through a water reclamation facility during periods of excessive rainfall. Permits the Board to require a permittee or district to meet other reasonable standards adopted by the Board pursuant to the Administrative Procedures Act. (Status: Assembly Water, Parks & Wildlife Committee)

AB 1747 (Wolk) Water Recycling. As introduced, changed references in the Water Code for water reclamation, to instead refer to water recycling. As amended and passed by the Legislature, these provisions were stricken and the bill instead authorizes the Rumsey Band of the Wintun Indians to participate in a Joint Powers Authority with the County of Yolo and other public agencies. (Status: Vetoed, October 7, 2005)

SB 409 (Kehoe) Land Use Plans. Requires that the water supply portion of the conservation element of a county general plan be “correlated” with the land use element no later than one year from the date of the next revision of the housing element after January 1, 2007. (Status: Assembly Water, Parks & Wildlife Committee)

SB 820 (Kuehl) Groundwater. Requires reporting of groundwater extractions in all counties, subject to specified exceptions. Establishes penalties for failing to file statements on diversion or uses of water, and for failure of an urban water supplier to submit an urban water management plan. Re-establishes requirements for agricultural water management plans and promotes certain standards for groundwater management plans. Requires DWR to investigate and report on groundwater basins. (Status: Vetoed, October 7, 2005)

SB 1087 (Florez) Housing Elements. Implements current State policy prohibiting a provider of water or sewer services from denying or conditioning approval of an application for service connections if the property developed includes affordable housing, by requiring water or sewer agencies to adopt certain related plans or policies. Also requires water use projections required by the Urban Water Management Planning Act to include projected water use for single-family and multi-family residential housing for lower income households as identified in the housing element of the General Plan. (Status: Chapter 727, Statutes of 2005)

Flood Protection

AB 1665 (Laird) Flood Management. As approved by the Committee, the bill changed the name of the Reclamation Board to the Central Valley Flood Management Board. As currently amended, enacts numerous changes relative to flood management, related to flood infrastructure assessment and planning, flood mapping, notice of flood risk and flood insurance. (Status: Senate Natural Resources Committee)

SB 264 (Machado) Delta Levees. Extends the Delta Flood Protection Fund for the Delta Levees maintenance and subvention program to July 1, 2008. (Status: Chapter 583, Statutes of 2005)

SB 347 (Ortiz) American River Flood Control Project. Clarifies state law authorizing State participation in the American River Flood Control Project, to allow the Reclamation Board to participate in the construction of a permanent bridge across the American River. (Status: Chapter 584, Statutes of 2005)

SB 826 (Maldonado) State Maintenance Areas. Restores requirement that the Department of Water Resources or the Reclamation Board form, operate and maintain a flood management maintenance area, if requested by a local agency before July 1, 2003. (Status: Chapter 687, Statutes of 2005)

SB 831 (Machado) Stockton Flood Control. Authorizes the Reclamation Board to accept the transfer of any project works of the Stockton Metropolitan Area Flood Control Project constructed by the San Joaquin Area Flood Control Agency that is considered an addition or extension to the Bear Creek and Mormon Slough Projects, subject to a hold harmless agreement. (Status: Assembly Water, Parks & Wildlife Committee)

Water Districts

AB 1003 (Nava) Ventura Watershed Protection District. Authorizes the Ventura County Watershed Protection District to impose fees on a district wide or per zone basis to carry out the objectives and purposes of the Ventura County Watershed Protection Act. (Status: Vetoed, July 26, 2005)

SB 376 (Soto) Three Valleys Municipal Water District. Authorizes the Three Valleys Municipal Water District (District) to adopt an assessment including a schedule of annual adjustments, and to make those adjustments in the same manner as allowed for taxes, fees, and charges that are not considered increases under Proposition 218. (Status: Chapter 210, Statutes of 2005)

Miscellaneous

AB 466 (Matthews) Department of Fish and Game. Appropriates \$2.6 million in General Fund (GF) monies to DFG for development of a conservation plan for the University of Merced; authorizes expenditure of state funds by DWR to provide the state matching funds required for federal funding of an alluvial fan floodplain management taskforce; appropriates funds to DFG for a full-time person year (PY) who would be dedicated to review of projects related to the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program; and authorizes the California Bay Delta Authority to contract for studies of Delta fisheries. (Status: Chapter 567, Statutes of 2005)

AB 515 (Richman) State Water Project Solar Panels. Authorizes the Department of Water Resources (DWR) to establish a program for leasing space above or adjacent to State Water Project (SWP) conveyance facilities for installing photovoltaic (PV) panels. Requires DWR to evaluate any proposal for installing PV panels, the cost of which is paid by the project proponent. Provides that DWR may negotiate a charge for use of its facilities and right of way. (Status: Chapter 368, Statutes of 2005)

AB 1128 (Blakeslee) Regional Water Quality Control Board Members. Authorizes a regional water quality control board member to participate in certain board actions involving matters in which the member has a connection if the action would apply on a regional basis. (Status: Senate Environmental Quality Committee)

AB 1421 (Laird) Monterey Peninsula/Water Discharge Permits. As initially passed by the Committee, the bill would have applied to the Monterey Peninsula Water Management District, requiring reservation of water for affordable housing as a condition of approval of a water project. As currently amended, the bill authorizes the State Water Quality Control Board or a regional water quality control board to require replacement water for groundwater or surface water where the water quality has been degraded or the background water quality conditions have otherwise been impacted. (Status: Senate Environmental Quality Committee)

SB 543 (Margett) State Water Project Rights of Way. Establishes a permit program for encroachments on State Water Project rights-of-way, and establishes penalties for encroachments without a permit. (Status: Chapter 263, Statutes of 2005)

SB 557 (Battin) Waste Water Treatment Plants. Allows the City of Palm Springs to sell its wastewater treatment facility to the Desert Water Agency if the city council adopts a resolution by 4/5ths vote finding that the public's interest and convenience require the sale. Waives the 2/3 voter approval otherwise required for the sale. (Status: Vetoed, October 7, 2005)

SB 775 (Cox) Regional Water Quality Control Board Members. Permits a court, upon petition of the owners of at least 15% of the conduits entitled to divert water in a service area, to appoint a watermaster, in lieu of an appointment by the Department of Water Resources. (Status: Assembly Water, Parks & Wildlife Committee)

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