

2014

2013-2014 Legislative Summary

Assembly Committee on Water, Parks and Wildlife

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ASSEMBLY COMMITTEE ON
WATER, PARKS AND WILDLIFE

2013 – 2014
Legislative Summary



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OVERVIEW OF KEY ISSUES IN 2013-14 SESSION – A Time of Change

The 2013-14 Legislative Session heralded many big changes in both the Committee and the Legislature. In August 2012, Assemblymember Ben Hueso (D-San Diego) assumed the Chair but departed for the Senate in March 2013. Assembly Speaker John A. Pérez (D-Los Angeles) then appointed Assemblymember Anthony Rendon (D-Lakewood) as Chair. Among his many accomplishments, Assemblymember Rendon led the Assembly's successful effort to rewrite a water bond for the November 2014 ballot.

The 2013-14 Session also marked the start of the Parks Forward Commission's study on the long term sustainability of California's state parks, and saw the passage of historic legislation on groundwater management, in addition to other legislative actions to provide drought relief and address California's many other natural resource challenges.

This Session also marked major transitions as many in leadership positions termed out. In January 2014 Assembly Democrats unanimously chose Assemblymember Toni Atkins (D-San Diego) as Speaker-elect. On May 12, 2014 she took the official oath of office to become the 69th Speaker of the California Assembly, succeeding Speaker Pérez who had served as the Assembly's leader since March 1, 2010. In July 2014 the Republican caucus selected Assemblymember Kristen Olsen (R-Modesto) to succeed Assemblymember Connie Conway (R-Tulare) as minority party leader. In the Senate Senator Kevin De León (D-Los Angeles) was chosen to succeed Speaker Pro Tempore Darrel Steinberg (D-Sacramento).

WATER ISSUES: *Dominated by Drought*

Unquestionably, the drought set the stage for many Legislative actions that occurred this session. That is not surprising. California water policy has a long history of lurching forward in times of drought and flood. To provide the context for this session's water policy actions, a brief history of water-related events in California leading up to 2013-14 is useful.

Following one of the greatest storms on record in 1986 the state experienced a six-year drought that stretched from 1987 to 1992. As the rivers shrank, water deliveries slowed from the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Delta), which is the hub of the state and federal water projects. Delta water quality also deteriorated and two of its unique fish species – the Delta smelt and winter-run Chinook salmon – were pushed to the brink of extinction. With that impetus, the state reached a historic agreement in 1994, the Bay-Delta Accord. The goal was to try and better manage the Delta. The Accord began a long road toward adoption in 2000 of the CALFED Bay-Delta Program, an integrated joint state and federal approach to improving science, restoration, and operation of the Bay-Delta and its upstream watersheds. That period

also saw passage of Proposition 12, the *Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2000*, which was quickly followed by Proposition 50, the *Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002*.

Then, in 2006, while the horrors of 2005's hurricane Katrina were still fresh, heavy flooding once again hit northern California and served as a grim reminder of the continuing vulnerability of the State's flood control system with a focus on seismic activity as added risk factor. As a 2007 report by the Public Policy Institute of California, *Envisioning Futures for the Sacramento-San Joaquin Delta*, put it: "State policymakers turned inward and realized that the Sacramento Delta held the same loss potential from a major earthquake as New Orleans had experienced from a hurricane."

The Legislature responded by passing a six-bill package of flood legislation that was signed by former Governor Arnold Schwarzenegger in 2007 and had as its general purpose identifying the areas of the state with the greatest flood risk and reducing those risks. The citizens also approved two bond measures in 2006: Proposition 1E, the *Disaster Preparedness and Flood Prevention Bond Act*, which allocated \$4.1 billion for various flood management activities, including \$3 billion specifically for flood protection enhancements to protect the Central Valley, and Proposition 84, the *Safe Drinking Water, Water Quality & Supply, Flood Control, River & Coastal Bond Act*, which allocated another \$5.388 billion for water and other natural resource-related projects and programs, including an additional \$800 million for flood control projects and planning.

Flood was once again followed by drought – this time a three-year drought stretching from 2007 to 2009 during which, among other action, the efficacy of the CALFED Program was called into question. When the Legislature adjourned in 2009 without reaching agreement on a variety of water-related proposals, Governor Schwarzenegger called the 7th Extraordinary Session. During that special session the Legislature took bold steps and passed a 5-bill package that, among other actions, created a new governance entity, the Delta Stewardship Council, which assumed many of the CALFED programs; set up a Delta Conservancy; required a per capita reduction in urban water use of 20% by 2020; required the elevation of all groundwater basins be locally and systematically monitored; and increased the enforcement powers of the State Water Resources Control Board.¹ Notably, the package also included a new water bond proposal, SB 2 (Cogdill) (SB 2 X7)². SB 2 X7 would have placed an \$11.14 billion measure, the *Safe, Clean, and Reliable Drinking Water Supply Act*, on the ballot for the November 2010 general election.

¹ The five bills in the package were SB 1 (Steinberg) regarding Delta governance; SB 2 (Cogdill) 2009 Water Bond; SB 6 (Steinberg) groundwater; SB 7 (Steinberg) water conservation; and, SB 8 (Steinberg) water diversion and use. Additional information on that 5-bill historic water package as well as other "Frequently Asked Questions" regarding water-related issues can be found on the Committee's web site at: <http://awpw.assembly.ca.gov/waterfaq>

² Extraordinary Session measures are often abbreviated by the bill number followed by "X" and the session number.

However, by 2010, economic recovery from what some termed *the Great Recession of 2007 to 2009* was proving slow in coming. Meanwhile, the 2009 Water Bond was being roundly criticized in editorials throughout California for being filled with "pork," specific provisions to benefit certain projects in different members' areas. As the economy sputtered, poll after poll began to show the public had no appetite for a massive bond that would create even greater debt pressure. In response, the Legislature hastily moved the 2009 Water Bond to the 2012 General Election hoping, by that time, the State's financial health would improve.

Unfortunately, 2012 arrived and in June, just 10 days before the start of the new fiscal year, Governor Jerry Brown and the Democratic-controlled Legislature found it necessary to close a nearly \$16 billion budget gap by, among other measures, cutting social services. The Governor warned that even more painful cuts would be necessary unless the public passed a sales and income tax increase for the November ballot that was eventually named Proposition 30. By that time most legislative members were showing little interest in rewriting a water bond and there was serious doubt the Governor would support any financing measure on the November ballot that would create additional debt at a time when he was arguing a revenue increase was necessary to reduce the State's existing red ink. So, in July 2012, the Legislature once again passed an urgency bill moving the 2009 Water Bond to the November 2014 General Election.

In November 2012 Californians passed Proposition 30. By January 2013 the New York Times headline read, "Back from the Fiscal Abyss, California Balances its Budget" and reported that Governor Brown was projecting that the State would begin posting surpluses. Unfortunately, though its fiscal health was improving, its water reliability was declining as California descended into another prolonged drought. Water years 2012 and 2013 were dry statewide³, especially in parts of the San Joaquin Valley and Southern California and by January of water year 2014 California would have the dubious distinction of experiencing the driest 12-month period since record keeping had begun in the Gold Rush of 1849. Many wondered as the 2013-2014 Session began if the combination of increasing revenues and declining snowpack would finally lead to a successful water bond and potentially other broad water policy changes.

AB 1471 – Water Bond

A formal process for considering revising the 2009 Water Bond began in the Assembly during the first part of the session when, in May 2013, then-Speaker John Pérez, appointed our Committee Chair, Assemblymember Anthony Rendon, to lead a regionally-representative subgroup of eight members in a "Water Bond Working Group." The Working Group members organized regional policy meetings with colleagues to discuss the elements of the 2009 Water Bond; potential regional and

³ Water years run from October of the preceding year through September.

statewide funding priority changes since that bond was drafted; and, other principles important to a successful bond effort such as fiscal accountability and transparency.

From the Working Group efforts a set of July 2013 "principles" emerged to guide a new bond including a focus on critical statewide priorities, such as safe drinking water, increased accountability, including prohibiting "earmarks," and pledges to respect water rights and prohibit bond investment in new Delta infrastructure. Those principles were expanded in an August 2013 "framework" document that included a \$5 billion discussion proposal divided evenly between water quality, watershed protection, integrated regional water management, Delta sustainability, and water storage. In September, after the Legislature recessed, Chair Rendon had the Water, Parks and Wildlife Committee convene informational hearings in different parts of the State to receive "Local Perspectives" on a proposed 2014 Water Bond.⁴

In January 2014 when the Legislature reconvened, discussions began in earnest on what a revised Water Bond should look like. By April there were eight substantive proposals to repeal or amend the 2009 Water Bond. **AB 1331 (Rendon)** was the primary Assembly water bond vehicle as it had been subject to multiple Capitol hearings and nine field hearings in various parts of the State. SB 848 (Wolk) was the primary Senate measure and had been drafted through that house's own working group process. In addition six other members had proposals: **AB 1445 (Logue)**; **AB 2043 (Bigelow)**; **AB 2686 (Perea)**; SB 927 (Canella); SB 1250 (Hueso); and SB 1370 (Galgiani).

The overall amount of the proposed bond measures varied from a low of \$5.8 billion for the Logue proposal, which was focused strictly on building dams and improving water quality to a high of over \$10 billion for the Perea proposal. The substantive differences between and among the differing water bond proposals also ranged from the subtle to the significant. But all of the measures had some key issue areas in common. Each of the proposals in the Legislature would have made the "public benefits" of water storage projects eligible for some level of funding. But there were differences in whether that funding would be continuously appropriated to the California Water Commission (CWC) or if the Legislature would appropriate the money to the CWC. Those in favor of continuous appropriation said it was necessary to provide certainty since water storage projects were likely to be costly and implemented over time. They didn't want the Legislature to be able to exercise a "veto" through the Legislative appropriations process. Those against continuous appropriation said that legislative engagement was an important check and balance on the CWC, a group of gubernatorial appointees.

Most of the measures also provided funding for groundwater storage and water quality improvements, including groundwater remediation. Many of the measures also

⁴ The Principles, Framework, Regional Informational Hearing agendas, and other Water Bond-related background materials can be found at: <http://awpw.assembly.ca.gov/waterbond>

included funding to address sustainability of the Delta and to implement Integrated Regional Water Management projects and programs. Lastly, some also provided separate chapters of funding for watershed protection projects, water recycling and conservation, and groundwater sustainability.

By the end of June negotiations were tense as the Legislature prepared to adjourn for its July recess. Sticking points included how much funding should be allocated to water storage, and whether it should be continuously appropriated, as well as how funding in the bond might relate (or not relate) to the BDCP, a controversial plan to restore the Delta through a combination of new infrastructure, habitat restoration, and other measures. All of the bond bills prohibited the use of bond funds for the construction of conveyance facilities in the Delta. But a more nuanced discussion was occurring around whether bond funds could directly or indirectly fund other BDCP actions and thus facilitate implementation of the project. Almost all of the parties, including the Governor – who considers BDCP implementation to be a major goal for his Administration – felt that for a bond to be successful it would need to be perceived as "BDCP neutral" and not become a referendum-by-association on that project.

However, time to reach a bond deal was running out. If an agreement could not be reached immediately upon reconvening in August, there was the risk that the Secretary of State would begin printing information for the November election and the electorate might be confused by a Water Bond appearing in a supplemental ballot. Then, on August 5, 2014 Governor Brown waded directly into the bond debate by issuing an email to his campaign supporters calling for a "no-frills, no pork" \$6-billion water bond – which was about \$2-4 billion smaller than any of the primary bond proposals. Up against the wall and with the clock ticking, the Legislature passed SB 1195 (Steinberg) which, for purposes of the 2014 election only, allowed the Secretary of State additional leeway before being required to furnish state ballot pamphlets. The net effect of SB 1195 was to make Wednesday, August 13, 2014 the drop dead date for the Legislature to pass – and the Governor to sign – a new bond, instead of Monday, August 11, 2014.

Late on Wednesday, August 13th, two identical compromise bond measures were submitted leaving the Governor to choose which to sign: **AB 1471 (Rendon, Atkins, Gatto, Perea, Salas, & Gomez)** and SB 866 (Wolk, Steinberg, & Pavley). The twin measures provided \$7.545 billion in bond funding for water-related projects and programs including \$7.12 billion in new bond funding and a reversion of \$425 million in existing bond funding. The funding purposes included clean drinking water (\$520 million); protecting rivers, lakes, streams, coastal waters, and watersheds (\$1.495 billion); integrated regional water management (\$810 million); water storage (\$2.7 billion); water recycling (\$725 million); groundwater sustainability (\$900 million); and, flood management (\$395 million). One major change was that the Legislature had opted not to include a separate chapter on the Delta. That evening Governor Brown signed AB 1471 and vetoed SB 866. AB 1471 repealed the Water Bond previously

approved by the Legislature and, as Proposition 1 on the November 4, 2014 statewide ballot, passed with 67.2% of the vote.

California Water Action Plan & Governor's Budget

As the first part of the Session began and California descended further into the drought, the Governor's Office convened its agencies to develop a California Water Action Plan to guide the State's water policy and investments for the next five years. A draft of that plan was released on October 31, 2013. Contemporaneously with finalizing the Action Plan, the Governor's office was also developing their proposed 2014-2015 budget.⁵ On January 10, 2014 the proposed budget was released and included references in both the Cap and Trade and Natural Resources sections directed at implementing Action Plan-related activities. Two weeks later the final Action Plan was released.⁶

The Action Plan identified eight broad challenges facing California: uncertain water supplies; water scarcity/drought; declining groundwater supplies; poor water quality; declining native fish species and loss of wildlife habitat; floods; supply disruptions (such as from earthquake or flood); and, population growth and climate change further increasing the severity of risks. To begin to address these challenges over the next five years, the Plan outlined ten actions:

1. Make conservation a way of life;
2. Increase regional self-reliance and integrated water management across all levels of government;
3. Achieve the co-equal goals for the Delta;
4. Protect and restore important ecosystems;
5. Manage and prepare for dry periods;
6. Expand water storage capacity and improve groundwater management;
7. Provide safe water for all communities;
8. Increase flood protection;
9. Increase operational and regulatory efficiency;
10. Identify sustainable and integrated funding opportunities.

The Action Plan funding in the Governor's proposed budget relied in part on \$70 million in Cap and Trade Revenues generated under the California Global Warming Solutions Act of 2006 (AB 32) as well as \$618.7 million in other funds, including bond funds and General Fund dollars. The Cap and Trade funds were targeted at water and energy efficiencies that would reduce greenhouse gas emissions as well as wetland and ecosystem improvements that could sequester carbon. The remaining funds addressed groundwater, safe drinking water, integrated regional water management, and a variety of Action Plan issues.

⁵ <http://www.ebudget.ca.gov/>

⁶ http://resources.ca.gov/california_water_action_plan/

Perhaps the most surprising and boldest step the Brown Administration took under the umbrella of the Action Plan and Governor's budget was a clear directive to improve sustainable groundwater management. Stating groundwater is "a critical buffer to the impacts of prolonged dry periods and climate change on our water system," the Administration pledged to "take steps, including sponsoring legislation, if necessary, to define local and regional responsibilities and to give local and regional agencies the authority to manage groundwater sustainably and ensure no groundwater basin is in danger of being permanently damaged by over drafting." However, the recommendation didn't end there. The action continued by stating that where "a basin is at risk of permanent damage, and local and regional entities have not made sufficient progress to correct the problem, the state should protect the basin and its users until an adequate local program is in place."

The Governor's proposed budget then included, among other actions, \$1.9 million General Fund and ten positions for the State Water Resources Control Board (State Water Board) "to act as a backstop when local or regional agencies are unable or unwilling to sustainably manage groundwater basins. The Water Board will protect groundwater basins at risk of permanent damage until local or regional agencies are able to do so." This set the stage for the sustainable groundwater management legislation that would come later in the year. However, the State Water Board enforcement monies were but one example of the power of the budget in this year's Legislative session. Perhaps another more striking example was the move of the Drinking Water Program (DWP) from the Department of Public Health (DPH) to the State Water Board.

Drinking Water Program Move

In 2008, AB 2222 (Caballero), Chapter 670, Statutes of 2008, required the State Water Board to submit a report to the Legislature identifying communities that rely on contaminated groundwater as a primary source of drinking water; the principal contaminants in groundwater; and, potential solutions and funding sources to clean up groundwater. In addition, SB 1 (Perata) Chapter 1, Statutes of 2007-08 Second Extraordinary Session (an omnibus funding bill), directed the State Water Board, in consultation with other agencies as specified, to develop pilot projects in the Tulare Lake Basin and the Salinas Valley that focused on nitrate contamination. SB 1 X2 also appropriated two million dollars to DPH to contract with the State Water Board for the purposes of carrying out the pilot project study.

As required by AB 2222 and SB 1 X2, the State Water Board issued *Communities that Rely on Contaminated Groundwater* in January 2013. According to the report, most of the community public water systems with violations of drinking water quality standards are located in the Southern California Inland Empire, the east side of San Joaquin Valley, the Salinas Valley, and the Santa Maria Valley. The top groundwater pollutant identified was nitrate from synthetic and natural fertilizers. The findings from the report, and a UC

Davis study that it was based upon, suggested that drinking water contamination in California disproportionately affects small, rural and low-income communities that depend on groundwater for most of their drinking water supply. In response, on February 20, 2013, multiple Californian lawmakers rolled out a nine-bill package of legislation entitled "Clean Water for Californians." Two of those bills, **AB 145 (Perea and Rendon)** and SB 117 (Rubio) captured the frustration lawmakers had been experiencing trying to work with DPH on solutions for groundwater pollution and, instead, proposed moving the DWP over to the State Water Board.

While neither bill made it to the Governor's desk in 2013, he was nevertheless persuaded. Under the Action Plan heading "Provide Safe Water for All Communities" the item "Consolidate Water Quality Programs" appeared with the following explanation:

*"The administration is pursuing consolidation of the drinking water and surface and groundwater quality programs into a single agency to achieve broader program efficiencies and synergies that will best position the state to respond to existing and future challenges. This initiative will also better restore and protect water quality and public health for disadvantaged communities."*⁷

The Governor's January 2014 budget was even more direct and called for the reorganization under its "Statewide Issues and Various Departments" section. In June 2014, when the final budget was signed the natural resources "trailer bill," SB 861 (Committee on Budget and Fiscal Review), transferred the DWP and all associated programs, personnel, and funding from DPH to the State Water Board effective July 1, 2014.

Governor's Emergency Drought Declaration & SB 103/SB 104

Just a week after releasing his proposed budget in January 2014, Governor Brown declared a "State of Emergency" and "directed state officials to take all necessary actions to prepare for these drought conditions."⁸ The official Proclamation of a State of Emergency recited the alarming conditions in California and laid out twenty actions to be taken. These included, but were not limited to, a statewide conservation campaign, identification of communities at risk for losing their drinking water supplies, accelerating funding for near-term water conservation facilities, and a California Environmental Quality Act exemption for streamlining water transfers and modifying reservoir releases to hold water back in order to protect salmon, maintain water supply, and improve water quality.

The Legislature and Governor then worked together to "accelerate" funding in order to immediately address the drought, including some of the Action Plan items already identified in the Governor's budget. That effort culminated with the March 1, 2014

⁷ Action Plan, page 15

⁸ <http://gov.ca.gov/news.php?id=18379>

approval of \$687.4 million dollars in funding to take effect immediately through two urgency measures: Senate Bill 103 (Committee on Budget and Fiscal Review)⁹ and Senate Bill 104 (Committee on Budget and Fiscal Review).¹⁰ The largest single piece of that funding was the appropriation to the Department of Water Resources of \$472.5 million in Proposition 84 integrated regional water management monies, including \$200 million for a streamlined grant program for projects that would: provide immediate regional drought preparedness; increase local water supply reliability and delivery; assist water suppliers to implement conservation programs and measures that are not locally cost-effective; and, reduce water quality conflicts or ecosystem conflicts created by the drought.¹¹

Sustainable Groundwater Management

Meanwhile the groundwater management funding and direction in the Governor's proposed 2014 budget, as well as the bold step of proposing to move the DWP exclusively through the budget, had raised some concerns in the Legislature that the Administration might also seek to make a fundamental change in groundwater management through a budget trailer bill instead of a policy bill. And the unfolding drought, with its news stories of sinking groundwater levels amidst a renewed well-drilling frenzy that was pitting neighbor against neighbor, had already put the need for sustainable groundwater management on the Legislature's radar. But it had never really been off of the Legislature's radar. It had just proven too politically impossible to tackle.

Some say California had been ignoring the need for statewide groundwater regulation since it opted in 1913 to leave groundwater out of its newly-created permit system for surface water appropriations. Then in 1962 an Assembly Interim Committee on Water again dodged the issue of needed groundwater management by advising the Legislature should act if the situation got worse. It got worse. Sixteen years later, in 1978, the Governor's Commission to Review California Water Rights Law, a group commissioned by Jerry Brown during his first stint in the Governor's Office, found the groundwater situation was critical and that comprehensive local management had not been undertaken in many overdrafted areas of the state.

With AB 3030 (Costa), Chapter 947, Statutes of 1992 (California Water Code Section 10750 et seq.) the Legislature took a first step towards groundwater management. AB 3030 provided a systematic procedure for an existing local agency to develop a groundwater management plan (GMP). AB 3030 encourages local agencies to work cooperatively to manage groundwater resources within their jurisdictions and to provide a methodology for developing a GMP in groundwater basins defined in DWR's Bulletin 118. No new level of government is formed under AB 3030 and the development of a GMP is voluntary not mandatory.

⁹ http://leginfo.ca.gov/pub/13-14/bill/sen/sb_0101-0150/sb_103_bill_20140301_chaptered.pdf

¹⁰ http://leginfo.ca.gov/pub/13-14/bill/sen/sb_0101-0150/sb_104_bill_20140301_chaptered.pdf

¹¹ <http://www.water.ca.gov/irwm/grants/implementation.cfm>

SB 1938 (Machado), Chapter 603, Statutes of 2002, modified AB 3030 by requiring any public agency seeking State funds administered through DWR for the construction of groundwater projects to prepare and implement a GMP with specified minimum components. For example, SB 1938 requires a local agency to prepare and implement a plan that includes basin management objectives, a defined management area, local agency coordination, and adoption of monitoring protocols. SB 1938 also allows for groundwater management in an area that does not overlie a Bulletin 118 basin, requiring the local agency in that instance to use sound geologic and hydrogeologic practices.

Local agencies throughout the state responded to the enactment of AB 3030, and later SB 1938, by developing and implementing GMPs—about 169 in total in the decade following enactment of AB 3030. There is a core problem with AB 3030, however. It was the intent of the Legislature to provide agencies that adopted a GMP the power to levy replenishment assessments on groundwater producers as well as general assessments on those producers to cover the operating costs of the GMP. These agencies, however, were reluctant to exercise their powers due to a lack of clarity within the statute.

But now in 2014 the drought was creating a greater sense of urgency. California, the largest user of groundwater in the nation, was also the last State in the Union without an enforceable set of statewide groundwater management standards. And it showed. In some parts of the State that lack of standards had become an economic and environmental catastrophe. A headlong rush to pump a finite resource had crashed into a brick wall of harsh realities, including: dropping groundwater levels that were leaving wells spitting sand and farms and communities stranded; land subsidence that buckled infrastructure, cracked irrigation canals, and deposited threatening levels of sediment into flood control structures; and disappearing streams where the pull of subsurface pumping had deprived both senior water rights holders and wildlife of crucial surface flows.

In response, **SB 1168 (Pavley)** and **AB 1739 (Dickinson)** were introduced. Following introduction of both bills the authors began extensive stakeholder outreach facilitated by both the California Water Foundation and the Association of Water Agencies. During that time the Brown Administration also proposed statutory language to manage groundwater, made it available on the internet, and started a series of public stakeholder meetings. In July and August 2014, four professionally facilitated public meetings were convened and led by representatives of both authors as well as the Administration. The process led to one integrated statute, the Sustainable Groundwater Management Act (and related provisions), that was divided between the two bills as well as a third bill, **SB 1319 (Pavley)**, that contained additional refinements sought by the Administration.

All three bills passed the Legislature in the final days of the Session and were signed by the Governor in a ceremony on Tuesday, September 16, 2014. In his signing message he lauded the legislation for accomplishing a number of the goals described in the Action Plan and advised that when combined with the other elements outlined in the plan "we can take giant strides to secure California's water future." The Governor emphasized that a central feature of the bills "is the recognition that groundwater management in California is best accomplished locally" with the State's primary role being "to provide guidance and technical support" and to step in "only when agencies fail to exercise their responsibilities as set forth in this legislation."¹²

Under the Sustainable Groundwater Management Act local agencies in what are termed high and medium priority basins (those basins most relied upon for domestic and agricultural water supplies) must form Groundwater Sustainability Agencies (GSAs) – either from existing local agencies or by creating new ones – and then draft and implement Groundwater Sustainability Plans (GSPs). The GSPs analyze the demands on the basin and its recharge capabilities and then chart a course for maintaining the basin in a condition that will avoid "undesirable results" such as chronic lowering of groundwater levels, seawater intrusion, significant and unreasonable land subsidence, etc. The Act also empowers the GSAs to collect information, charge fees, and enforce restrictions. The Act authorizes the State to step in under three circumstances: 1) If no local agency steps up to be the GSA in part of a basin or subbasin by June 30, 2017; 2) If no GSP is developed by the statutory deadlines; or, 3) if a GSP is developed but DWR determines it is inadequate and the State Water Board finds the basin is in chronic overdraft or suffering from a significant depletion of interconnected surface waters due to groundwater withdrawals. At that point the State can deem the basin in "probationary" status, develop an interim plan, and collect fees to manage that plan until the locals are able to resume responsibility for that basin or portion of the basin.

¹² Groundwater signing message: <http://gov.ca.gov/news.php?id=18701>

STATE PARKS

Continuing Reform of California's State Park System

During the 2013-14 Session, the State continued the process of reforming management of California's state park system, after a challenging time in 2011-12 when the state faced the threat of massive state park closures, followed by revelations of hidden funds and other fiscal mismanagement at the Department of Parks & Recreation (DPR). At the peak of the crisis in 2012, the Legislature took several legislative and budget actions that, among other things: placed a moratorium on state park closures; called for development of a state park revenue enhancement action plan; created a State Park Enterprise Fund and a State Park Revenue Incentives program; and required that the hidden funds discovered in the State Park Recreation Fund be used to provide matching grants for donor and nonprofit agreements that were helping to keep parks open, and to pay for critical public safety infrastructure needs in state parks. The Legislature also created a voluntary tax-check off program for state parks, allowing taxpayers to purchase a state park annual pass and make voluntary contributions to state parks when they file their tax returns, and authorized DPR to create a state park vanity license plate to raise additional funds for parks.

Parks Forward Commission

Both AB 1589 (Huffman), the California State Park Stewardship Act of 2012, and AB 1478 (Blumenfield), one of the Resources budget trailer bills of 2012, called for creation of a multi-disciplinary independent commission to conduct a comprehensive assessment and make recommendations to the Legislature and Governor on ways to ensure the long-term sustainability of California's state parks. In 2013 the Administration implemented that request with the appointment of the Parks Forward Commission, which began a year-long study and analysis of state parks. The Parks Forward Commission includes twelve members from a wide diversity of backgrounds, and is co-chaired by former Senator Christine Kehoe and Lance Conn, a Bay-Area businessman and former President of Vulcan Capital.

The Parks Forward Commission's stated purpose, as articulated in its memorandum of understanding with the Resources Agency, is to advance the policy efforts called for in the Park Stewardship Act and to substantially improve the State Park System in a way that is financially sustainable in the long-term and provides facilities, services and programs that meet the needs of Californians in the 21st Century. The specific tasks of the Parks Forward Commission include completion of an assessment of the current challenges and issues facing the State Park System, and preparation of a plan with recommendations for ensuring its long-term health and financial viability, including an implementation plan for transforming the system. The Parks Forward Commission hired teams of consultants, produced several technical reports, held numerous public workshops, focus groups and meetings, and produced a first comprehensive draft report with preliminary recommendations in April of 2014. That report was followed by a

second revised draft report on July 30, 2014. A final report is anticipated by February of 2015. Key findings and recommendations included in the July 30, 2014 draft report include:

- DPR requires fundamental change to succeed in the future. The report calls for formation of a transformation team, including in-house park employees and outside experts, to develop and implement a new organizational structure and business model.
- DPR cannot do it alone, and must create new strategic park partnerships. In addition to strengthening and increasing a variety of public/private park partnerships, the report recommends creation of a new statewide California Parks Conservancy.
- DPR must expand access to parks for California's underserved communities and urban populations, and must engage California's younger generations, by developing new amenities, digital tools, programs, facilities, and transportation options that serve the needs of a broader base of park visitors. DPR must make it a priority for park visitation and the park workforce to reflect the demographics of California.
- A stable funding structure must be established for California parks, including a more entrepreneurial and robust revenue-generation strategy with increased efficiency and accountability throughout DPR, and a dedicated, reliable source of public funding that will meet ongoing operating needs and continually reduce the backlog of unmet maintenance needed to protect valuable park assets.

Legislative Action on State Parks in the 2013/14 Session

In the interim, while anticipating the Parks Forward Commission's final report and recommendations, the Legislature was not idle, and continued its work to further the reforms begun in the prior Session. Parks legislation passed in the 2013/14 Session included:

- **AB 594 (Assembly Water, Parks & Wildlife Committee)**, which clarified the Department's authority to enter into operating agreements with nonprofit organizations during the time period of the current moratorium on state park closures; modified the process required for any future proposed park closures to require public hearings and that park closures be considered only as a last resort after other strategies; and expanded the Department's revenue generation incentives program. This bill was signed into law in 2013.
- **AB 2150 (Rendon)**, which required DPR to develop an updated priority list of deferred maintenance projects with verifiable project cost estimates, and to apply certain factors in identifying the highest priority projects; renamed the Division of

External Affairs within DPR the Division of Community Initiatives and Park Access, the purposes and objectives of which would include enhancing access to, and relevancy of, state parks for underserved communities; required the new division to develop a strategic action plan for improving park access and relevancy for urban and traditionally underserved populations; extended the current moratorium on state park closures to June 30, 2015; and stated legislative intent that DPR, as a means of increasing convenience to the public and overall park visitation, expedite the use of new technologies such as Internet-based secure transactions, mobile telephone applications, and credit card readers for the purchase of park passes and payment of park fees. This bill was vetoed by the Governor.

- **SB 633 (Pavley)**, which required DPR to: report to the Legislature on DPR's energy costs; establish a pilot program for mobile food and beverage concessions in state parks; establish guidelines for sale of park passes to retail vendors for resale to the public; and establish additional regional park passes. SB 633 also required the budget for the California State Park & Recreation Commission (Commission) to be reflected in the Governor's proposed budget as a separate line item, and required the Commission to hold public hearings and provide input on projects to be funded from revenues raised through the state park tax check-off program. This bill was also vetoed by the Governor.

The Governor in his veto message on both AB 2150 and SB 633 stated that:

"The Parks Forward Commission, an independent commission appointed in 2013, is charged with conducting a process designed to address the financial, operational, and cultural challenges facing the Department to ensure the system's long-term viability. The final report with recommendations for a long-term plan will be completed this fall.

It would be prudent to allow the Department to develop an overall strategic plan before requiring the specific activities called for in this bill. I am directing the Department to work with the author on common proposals that can be implemented in the next fiscal year."

State Park & Recreation Commission

The Commission also assumed a more active role in 2013-14, under the leadership of its new Commission chair, Ernest Chung, and with expanded responsibilities given to the Commission by the Legislature. AB 1478, the budget trailer bill of 2012 referenced above, established qualifications for members of the Commission, and also expanded the membership of the Commission to include two ex-officio, non-voting members appointed by the Legislature. Senator Fran Pavley and Assembly Member Anthony Rendon, as chairs of the respective legislative policy committees with subject matter jurisdiction over state parks, were appointed to fill those positions. The Legislature also directed the Commission to review and analyze DPR's deferred maintenance backlog and authorized the Commission to conduct annual workshops to review the DPR's annual operating budget and proposed capital improvement projects.

In 2013 and 2014 the Commission hosted numerous public workshops throughout the state to gather public input to help inform the Parks Forward Commission's process.

The Commission also worked with DPR on the development of criteria for prioritizing deferred maintenance projects, called for a review of the current process for developing and approving state park general plans (which also have a significant backlog), conducted a day-long public workshop on improving park access to underserved communities, and began web casting all of their meetings. This latter change in particular has improved public transparency and public access to information about state park management and needs. The Commission also resumed the process of providing an annual report to the Legislature and Governor, which had not been done in several years.

150th Anniversary of California State Park System and California State Park Commission Celebrated in 2014

The year 2014 marked the 150th anniversary of the California State Park system, which began with a federal land grant of Yosemite Valley to the state of California in 1864, making it California's first state park. On June 30, 1864 President Abraham Lincoln signed a bill granting Yosemite Valley and the Mariposa Grove of Big Trees to the State of California "upon the express condition that the premises shall be held for public use, resort, and recreation, [and] shall be inalienable for all time." On September 28, 1864 then California Governor Frederick Low issued a proclamation of the State's acceptance of Yosemite and the Mariposa Grove, and appointed an eight-member state park commission to manage the Yosemite Grant, which was the first state park commission in the country. Since that time, California State Parks has grown to be the largest and most extensive state park system in the United States, with 280 park units and annual visitor use of more than 70 million people. DPR commemorated the 150th Anniversary with numerous events held throughout the year, a new \$150 annual state park pass, and a major exhibit hall dedicated to state parks at the California State Fair.

The Legislature commemorated the 150th anniversary with passage of a resolution, **ACR 96 (Olsen)**. The California State Park and Recreation Commission also adopted a resolution recognizing 2014 as the 150th Anniversary of both the beginning of California State Parks and of the first park commission, and encouraging all persons to recognize and commemorate the 150th Anniversary of California State Parks by any and all efforts to highlight and honor the history, significance, and contributions that went into the development of California State Parks as the largest and most extensive state park system in the nation.

(Note: Yosemite was later returned to the federal government in 1890, and is now the second oldest national park in the country [after Yellowstone, which became the first national park in 1872]. The next park to be officially designated as a state park in

California was Big Basin Redwoods State Park which became a state park in 1902 and is now California's oldest state park.)

Division of Boating and Waterways

Another structural change implemented in 2013 was the reorganization of the former Department of Boating and Waterways which became the Division of Boating and Waterways within DPR. As a division of DPR, it is operated by a deputy director who reports to the director of DPR, but continues its previous functions, which include support of recreational boating in California and administration of grants from the Harbors and Watercraft Revolving Fund.

Future Parks Funding

One of the key preliminary findings of the Parks Forward Commission is the need for a dedicated revenue source to provide stable long-term funding for state parks. One of the technical reports commissioned by the Parks Forward Commission analyzed various options for dedicated state park funding, including: vehicle license fees, dedicated state sales tax, resource extraction tax, statewide real estate transfer tax, property tax, and statewide transient occupancy tax (hotel tax). A copy of that report can be found at the Parks Forward Commission website, www.parksforward.com. The Parks Forward Commission itself is expected to include further recommendations for long-term dedicated funding in its final report. However, the Commission has also cautioned that before the public will be prepared to embrace additional dedicated public funding for state parks, the public's trust in the state park system needs to be restored. A key part of restoring that trust is strengthening the internal revenue-generating capacity of state parks themselves, as well as increasing efficiency and accountability throughout DPR. For that reason, the Parks Forward Commission has focused more on internal house cleaning and transformation of DPR as a prerequisite to pursuing additional dedicated public funding.

One of the traditional sources of funding that has been relied on by the state in the past for acquisition and development of state, regional and local parks are general obligation bonds. The most recent statewide parks bond was Proposition 84 in 2007, which authorized \$400 million in bond funding for state parks and \$400 million for local and regional parks, in addition to other natural resource and water-related expenditures. Most if not all of the Proposition 84 funding for parks has now been spent or allocated. While these and past bond acts have provided much needed funding for parks and other open space conservation priorities, there continues to be significant unmet needs. For example, while the exact amount of the deferred maintenance backlog at state parks is uncertain, it is clear that the backlog is in the hundreds of millions if not billions of dollars, and a significant portion of those projects may qualify for bond funding. With regard to regional and local park needs, application requests for the \$400 million in available Proposition 84 funds totaled more than \$3 billion, illustrating the large unfulfilled need for parks, especially in underserved communities.

Legislation to place a new park bond on the ballot was introduced in 2014 as SB 1086 (De Leon). However, with the Legislature's primary focus on the passage of a water bond in 2014 (see discussion above), further discussions regarding a park bond were postponed to the 2015-16 Session. Whether a park/resources bond should be placed on the 2016 ballot, and what the proper mix of funding for local/regional/state parks, underserved communities, and other natural resource needs should be, will undoubtedly be a topic of discussion in the Legislature in this coming Session. In addition, as important as bond funds are as a tool for parks and other natural resource conservation, with limited exceptions bond funds generally cannot be used for ongoing operational and maintenance needs, but must be used for acquisitions or other capital investments. Some but not all projects on DPR's deferred maintenance list will meet those qualifications. Identifying dedicated funding for ongoing maintenance and management costs is an important part of long-term stewardship of park lands and other public trust assets, and will likely require a mix of revenue sources.

FISH AND WILDLIFE

Lead Ammunition Banned to Protect Wildlife and Public Health

Legislation addressing a number of key fish and wildlife needs was advanced in the Legislature in the 2013-14 Session. Of the bills enacted, the one with likely the most significant long-term benefit for wildlife was **AB 711 (Rendon)** which outlawed the use of lead ammunition for hunting wildlife in California. Lead ammunition has long been identified as a leading cause of mortality in non-target wildlife, including in particular birds of prey and scavengers such as California Condors, bald eagles, golden eagles, and numerous species of hawks and waterfowl. Lead ammunition has also been identified as a source of lead contamination in humans who consume meat shot with lead bullets. Lead shot has been banned for use in hunting waterfowl under federal regulations since the 1990s, and lead ammunition was banned for use in hunting big game in the California condor range in California in 2007. AB 711 expands those prohibitions to include all forms of hunting ammunition statewide. In order to address concerns of hunters over the commercial availability of non-lead ammunition alternatives, AB 711 allows for the law to be phased in over several years by the Fish and Game Commission (FGC), with full implementation required by 2019. AB 711 was supported by a broad coalition of conservation and public health groups, as well as over 30 scientists who signed a consensus statement in support of the lead ammunition ban.

Oil Spill Prevention and Response Program Expanded to Include Inland Spills

The Legislature in 2014 expanded California's Oil Spill Prevention and Response program to include inland waters as well as marine waters. The program expansion will be funded through continuation of the 6.5 cent per barrel fee that now applies to oil entering California through a marine terminal, and by extending the fee to all oil entering a refinery in the state, whether it arrives here by tanker, pipeline or rail. The new law also includes funding for the Oiled Wildlife Care Network which will now be engaged to rescue, clean and care for wildlife injured in both coastal and inland oil spills. The expansion of the law was accomplished through the budget process and was included in SB 861 (Committee on Budget and Fiscal Review), one of the natural resource budget trailer bills which took effect on July 1, 2014. The changes were prompted in part by concerns over the increased risk of inland oil spills posed by the significant and growing volume of highly flammable Bakken crude oil being transported into the state by rail. Those concerns were accentuated by several recent train derailments that resulted in explosions, including one in Lac-Mégantic, Quebec, Canada in July 2013 that leveled much of the town killing 42 people, and one in Lynchburg, Virginia in April 2014 that spilled 50,000 gallons of crude oil into the James River.

Other legislative actions benefit native bobcats, mountain lions and red-legged frogs.

Several bills were enacted this Session that increase protections for California native wildlife. The following four in particular are noteworthy:

AB 1213 (Bloom) was introduced in response to concerns over an increase in trapping of California's native bobcats for sale to the international fur trade market. In particular, residents near Joshua Tree National Park voiced concerns about a significant increase in trapping around the boundaries of the park and on private property near the park. AB 1213 established a buffer zone, averaging two miles in width, around Joshua Tree National Park in which commercial trapping of bobcats is prohibited. Trapping was already prohibited within the boundaries of the park. In addition, this bill requires the FGC by regulation to prohibit bobcat trapping in buffer zones adjacent to the boundaries of each national or state park, national monument, or wildlife refuge in which bobcat trapping is currently prohibited. The exact area of the buffer zone is to be delineated by the FGC using, where feasible, readily identifiable features such as highways and major roads, similar to the manner in which the boundary of the buffer zone was delineated in this bill for the Joshua Tree National Park. In addition, the FGC is required to consider whether bobcat trapping within and adjacent to other preserves, state conservancies or conservation areas should be prohibited when requested by the public. Whether such additional no-trapping zones are established is up to the FGC's determination that such protection is warranted. Trapping of bobcats on private property without the written consent of the property owner is also prohibited under this bill.

SB 132 (Hill) provides additional protections for mountain lions by requiring nonlethal methods to be used when removing a mountain lion that does not pose an imminent threat to public health or safety. It also authorizes the Department of Fish and Wildlife (DFW) to partner with other qualified entities to implement the nonlethal procedures. SB 132 was introduced after a couple of well-publicized incidents where stray mountain lion cubs that wandered into human inhabited areas were killed by the DFW, and were later determined not to have posed a significant threat to public safety. This bill clarifies DFW's authority to respond to these situations with non-lethal means where feasible and where there is not an imminent threat to public safety.

AB 2657 (Bloom) was introduced in response to concerns about the impacts of particularly lethal anti-coagulant second-generation rodenticides on non-target animals. These products have been found to be responsible for a significant number of deaths of non-target wildlife, including hawks and eagles, as well as mammals such as mountain lions, pacific fishers, and even domestic pets. Recent regulatory actions by the Department of Pesticide Regulation restricted the use of these products to certified agricultural pesticide applicators, banning their use and sale for household purposes. AB 2657 further restricts these products by prohibiting them from being used in wildlife habitat areas, which are defined to include state parks, state wildlife refuges, and state conservancies. Uses for agricultural purposes are exempted from the bill's prohibitions.

AB 2364 (V. Manuel Pérez) names the California Red-legged frog as the official state amphibian. The idea and inspiration for this bill came from a group of students at the Sea View Elementary School in the author's district. The California Red-legged frog, *Rana aurora draytonii*, is currently protected as a threatened species under the federal Endangered Species Act, and is considered a Species of Special Concern by the state of California. The Red-legged frog has been extirpated from approximately 70% of its historic range. Currently, the biggest threats to its continued survival are habitat loss and invasive species, including nonnative bullfrogs, which can outcompete and prey on the smaller red-legged frogs. Commercial harvest for frog legs in the late 1800s during the gold rush era may also have been a significant contributing factor to the species' decline. Other significant impacts include predation by nonnative fish species introduced through past state fish stocking programs. The California Red-legged frog is an appropriate choice for the state's official amphibian for both scientific and historical reasons. The California Red-legged frog is the largest native frog in the western United States, and is endemic to California, with the exception of a few sightings which have been recorded in Baja California, Mexico. The Red-legged frog also played a role in California's cultural history, becoming famous as the frog featured in Mark Twain's "The Celebrated Jumping Frog of Calaveras County." AB 2364 was signed into law by the Governor.

Legislation to protect whales and other marine species sparks debate.

Two measures introduced with the goal of protecting whales and other marine wildlife did not pass but generated considerable public interest and debate. **AB 2140 (Bloom)** would have made it unlawful to hold in captivity, or use, an orca whale for performance or entertainment purposes, or to capture, import, export, or breed an orca in captivity. It would have required orcas currently held at SeaWorld in San Diego to be released if feasible or transferred to sea pens. AB 2140 was inspired in part by the documentary "Blackfish" which told the story of Tilikum, an orca whale currently residing at SeaWorld in Florida which caused the tragic death of a SeaWorld trainer in 2010. Supporters of AB 2140 asserted orcas are just too intelligent, too large, and too far roaming to be kept in captivity, which is psychologically harmful to them, and that captive marine parks cannot replicate or provide a suitable substitute to the vast, open ocean which is their natural environment. Opponents of this bill asserted that the orcas at SeaWorld are well cared for, that the orca shows inspire visitors to care about protection of orcas in the wild, and emphasized the economic contributions of SeaWorld's orca shows to the San Diego region. Please see the Assembly Water, Parks & Wildlife Committee analysis of AB 2140 for further background and detailed discussion of the issues raised by this bill. AB 2140 was held in the Assembly Water, Parks & Wildlife Committee without a vote after members of the committee indicated their desire for further study of the issue.

AB 2019 (Fong) proposed to ban the use of drift gill nets off the coast of California. Drift gill nets are up to a mile long mesh nets used to fish for swordfish and sharks. The nets are left in the water for extended periods of time and allowed to drift in the current.

While the nets are in the water, non-target “bycatch”, including fish, marine mammals, and other marine species can become entangled in the nets. Gear modifications have reduced but not eliminated unintentional bycatch. Recent federal estimates are that over 60% of the total catch in drift gill nets off California are non-target bycatch that is discarded. Over 100 marine mammals, including dolphins, whales, sea lions, seals, and other species are killed in drift gill nets every year. Non-target species that have been observed and documented to be killed in drift gill nets include dolphins, sea lions, elephant seals, and several species of whales. Large numbers of common molas (ocean sunfish), blue sharks and other non-target fish are also unintentionally caught in the nets.

Drift gill net fisheries are managed by state and federal agencies with overlapping jurisdictions, including the National Marine Fisheries Service, the Pacific Fisheries Management Council, the state DFW, and the FGC. While drift gill net vessels are subject to federal observation requirements, the rate of observations is low, with only 15.6% of fishing vessels observed on average over the past 5 years. In 2010, two sperm whales were observed taken in drift gill nets. As a result, in 2013 the drift gill net fishery was designated a Category 1 fishery under the Marine Mammal Protection Act, and emergency regulations were adopted requiring 100% observation on all drift gill net vessels fishing in areas where sperm whales migrate, with a requirement that the fishery be immediately shut down if any sperm whale were observed taken.

The author and sponsors of this bill asserted that drift gill nets are a draconian method of fishing that indiscriminately kills too many non-target animals, and that the bycatch level is unacceptably high. Opponents asserted this bill would eliminate a sustainable, highly regulated fishery and promote more imports of fish from less sustainable fisheries, which would be a net loss for conservation, and would destroy the livelihood of fishermen whose families have participated in the fishery for multiple generations. They also argued that the level of bycatch is not threatening the overall populations of the species caught in the nets. The Nature Conservancy, which was neutral on this bill, encouraged an alternative collaborative approach that would phase out drift gill netting through such strategies as a voluntary buy out of latent permits and gear, and testing of alternative gear and harvest methods with the potential for reduced bycatch. AB 2019 failed passage in the Assembly Water, Parks & Wildlife Committee by two votes.

Junior Hunting License Eligibility Expanded

The Legislature passed and the Governor signed into law **AB 1709 (Frazier)**, Chapter 456, Statutes of 2014, expanding eligibility for purchase of a junior hunting license to include young people ages 17 and 18. Under current law, only individuals age 16 years or younger are eligible to hunt with purchase of a lower cost junior hunting license, and individuals over 16 years of age are required to purchase a higher priced adult hunting license. By expanding eligibility for the junior license, this bill seeks to create an incentive for more young people to take up hunting. While initially this is expected to result in a reduction in hunting license fee revenues to the DFW, the hope of the author

and sponsors is that over time this reduction in license revenue will be restored if the increased participation in hunting activity is sustained. Because of the uncertainty regarding the fiscal impact, this bill contains a five year sunset clause.

Wild Pigs – Valued Game Mammal or Invasive Pest?

Wild pigs in California are currently classified as a game mammal and hunting wild pigs is a very popular sport with many hunters. However, wild pigs, which are not native to California, also cause a lot of damage to both public and private property. Wild pig populations in California descended from European wild boars that were intentionally introduced for hunting, and from domestic pigs that escaped and became feral. Today the population of wild pigs in California is estimated at over 1 million pigs. They reproduce quickly and controlling them is challenging and costly for both natural resource managers and agricultural landowners. Other states have taken different approaches to wild pig management, with varying degrees of success. Some have established a goal of eradicating wild pigs entirely as the only really effective means of control, while others have attempted to control populations while continuing to allow hunting. **AB 2268 (Bigelow)** proposed to delist wild pigs as game mammals and remove the requirement for landowners to obtain a depredation permit to take wild pigs damaging or threatening to damage private property. The bill was controversial and finding an approach that hunters, landowners, conservationists, and groups concerned about humane methods of taking pigs could agree on, proved allusive. In the end it was determined that further research and study, with broad stakeholder input, was needed to determine the most effective approach to wild pig management in California and the bill was put over by the author.

Small Habitat Restoration Promoted through Permit Streamlining

Building on the philosophy of prior legislation that established a permit streamlining program for small habitat restoration projects to benefit Coho salmon, **AB 2193 (Gordon)**, Chapter 604, Statutes of 2014, enacts the Habitat Restoration and Enhancement Act, to provide private landowners, conservation organizations and local public agencies with streamlined access to environmental permits required for small ecosystem and urban watershed restoration projects. This bill does this by requiring the director of DFW to approve small habitat restoration and enhancement projects that meet specified criteria. The director's approval would be in lieu of other permit requirements such as streambed alteration agreements and California Endangered Species Act permits. Eligible projects include those the primary purpose of which are to improve fish and wildlife habitat, and that do not exceed five acres in size or a cumulative total of 500 linear feet of stream bank or coastline, have a construction period that does not exceed five years, and are not a compensatory mitigation project. By providing an efficient pathway for regulatory compliance, this bill seeks to create new opportunities for much needed rural, urban, coastal, and inland ecosystem restoration projects.

Salmon Fishery Issues – hatchery reform and transgenic salmon

Two bills this year dealt specifically with California's salmon fisheries. **AB 2684 (Stone)** as initially introduced, sought to implement scientific recommendations from a California Hatchery Reform report and would have required that 100% of all hatchery produced Chinook salmon be tagged with coded-wire tags before being released. The hatchery taskforce that produced the report included state and federal fishery managers and scientists, who reached a consensus on the recommendations. However, as a result of fiscal concerns regarding how the costs of the 100% tagging requirement would be met, this bill was amended in the Appropriations Committee to require instead that the hatchery salmon be tagged at a percentage to be determined by DFW. The bill was later amended to deal instead with an unrelated education issue.

AB 504 (Chesbro), Chapter 444, Statutes of 2014, expands California's existing law, which prohibits the spawning or cultivation of any transgenic salmon in the waters of the Pacific Ocean, to apply to all waters of the state, and prohibits the hatchery production and stocking of transgenic species of salmon. Certain exceptions are included for non-commercial research purposes. This bill also extends the State's sea cucumber regulatory program.

The Future of the Salton Sea

Last but not least, the Legislature continued in the 2013-14 Session to grapple with the challenges facing the future of the Salton Sea. The Committee in February 2013 held the first ever legislative standing policy committee informational hearing at the Salton Sea. The hearing examined the status of current efforts and future opportunities at the Sea, and heard extensive testimony on the threats to the Sea and the State as a whole from inaction. Background documents on the hearing can be found at the committee's website, www.awpw.assembly.ca.gov/currentoversighthearings.

The Legislature this Session also passed several bills relating to the Salton Sea. These included **AB 71 (V. Manuel Pérez)** of 2013, as amended by **AB 148 (V. Manuel Pérez)** of 2014, which required the Secretary of the Natural Resources Agency, in consultation and coordination with the Salton Sea Authority, to lead Salton Sea restoration efforts, including early start habitat demonstration projects and various investigations, and authorized the Salton Sea Authority to lead a feasibility study, in coordination and under contract with the Secretary. The Legislature also appropriated funding for completion of the feasibility study and for work called for as part of the Salton Sea Species Conservation Habitat Project.

OVERSIGHT HEARINGS

The Water, Parks & Wildlife Committee held a total of fifteen oversight or informational hearings in the 2013-14 Session. In addition to the ten informational hearings on the water bond discussed above, the committee held hearings on the Salton Sea, California State Parks, freshwater protection and enforcement, and management of California's groundwater resources. Background materials and other information regarding each of these hearings can be found on the Committee's website, at www.awpw.assembly.ca.gov/currentsessionoversighthearings.

UPCOMING ISSUES FOR 2015-2016 SESSION

The 2015-2016 Session is likely to see legislation related to implementation of both the Water Bond, if passed by the voters, and the Sustainable Groundwater Management Act. The Governor in his signing message on the groundwater legislation indicated that he will submit for legislative consideration during the next session a proposal to streamline judicial adjudications of groundwater rights. Additional legislation may also be introduced to address other groundwater management implementation issues.

If the drought continues, there may be urgency measures to provide water supplies to stranded communities. In any event, there is likely to be continued creative thinking on how we might be able to increase water conservation and reuse in all years. In a Mediterranean climate like ours, many people are beginning to question whether heavily water-intensive landscaping is a reasonable use of water when there are attractive native plants and other drought-tolerant options and whether incentive programs such as "cash for grass" should be increased.

Ironically, floods often follow droughts and it may also be time for us to examine our approach to flood planning. The trend for stormwater is to look towards attractive multi-benefit projects that can capture, filter, and in some cases percolate flows. Multi-benefit floodways, including flood easements, do the same. In some rural areas landowners enter into an easement agreement that compensates them for allowing low-lying property that they farm in most years to be flooded as a safety-valve for an adjoining river in a high flow situation. In other urban and rural areas "set-back levees" are used. These types of levees are built at a distance from the river channel in order to allow the river to occupy a portion of the flood plain when needed. In seasons or years when the land between the levee and the river is not inundated it provides habitat, recreation or, in some cases, can be farmed. The American River Parkway in Sacramento County uses setback levees and has been called a "blueprint" for urban parks across the United States. And, speaking of an urban parkway – the next session is also likely to see continued interest in the revitalization of the Los Angeles River. Long confined to being just a concrete flood channel for much of its 51 miles, local, state, and federal leaders

increasingly view the LA River as a pivotal opportunity to bring much-needed open space, bikeways, and other recreation to heavily urbanized Los Angeles County.

The Parks Forward Commission will also be releasing its final report with recommendations for California's state park system, some of which will likely require legislation to implement. The Governor in vetoing SB 633 and AB 2150 this year acknowledged as much by stating that he was directing the Department of Parks & Recreation to work with the authors of both bills on common proposals that can be implemented in the next fiscal year. It is also likely that legislation will be reintroduced in the coming year to consider putting a new park/natural resources bond measure on the 2016 ballot.

Climate change continues to pose growing challenges for wildlife and natural resource managers, as the state wrestles with the need to prepare for and adapt to the impacts of climate change at the same time that we work to reduce it. Recent studies have noted the impacts that climate change is having on birds and many other species. For example, a recent study commissioned by the National Audubon Society found that as many as 314 species of birds – nearly half of all North American birds – are severely threatened by global warming.¹³ As biologists and other scientists continue to learn more about how climate change is impacting wildlife species and changing their habitats and food resources, this could prompt an increase in legislative activity related to climate change adaptation.

Other ongoing challenges that may warrant additional legislative action include management of invasive species and non-native wildlife, such as the wild pig populations discussed above, and habitat challenges faced by iconic species such as the Monarch Butterfly, whose population has declined by 60-90% due to, among other things, habitat loss and destruction by herbicides of milkweed, a plant the monarchs are dependent on.

In recent years there have also been a number of bills introduced in the Legislature related to specific native predator species, such as mountain lions, bobcats and sharks, but the state has not taken a broad comprehensive look at current science and policies on wildlife management, including the role of apex predators in the maintenance of biodiversity and healthy ecosystems. While the FGC's Wildlife Resources Committee has included this issue on its agenda as a discussion item in some recent meetings, the Commission has yet to take affirmative action on this issue. The DFW is also in the process of updating its Wildlife Action Plan, which is scheduled to be completed in 2015. Wildlife management in an era of climate change, including specifically the role of predator species in healthy ecosystems, may be another topic that is timely for legislative hearings and review in the 2015-16 Session.

¹³ http://birds.audubon.org/sites/default/files/documents/birds_and_climate_report.pdf.

**ALL BILLS IN
ASSEMBLY WATER, PARKS & WILDLIFE COMMITTEE
2013-2014 Legislative Session
• In Subject Order •**

WATER BILLS

AB 142 (Water, Parks & Wildlife Committee) Water Bond: Water Supply Infrastructure Study . Requires the Department of Water Resources to initiate and complete a comprehensive study of California's state and local water supply infrastructure needs and to provide a report to the Legislature by July 1, 2014 which summarizes those findings in order to inform discussions over the appropriate level of public funding that should be sought in a bond measure for water-related projects. *Status:* Died in Assembly Appropriations Committee.

AB 145 (Perea and Rendon) Drinking Water Program Transfer to SWRCB. Transfers, during the 2014- 2015 fiscal year, the duties and responsibilities related to the Drinking Water Program (DWP), which regulates and oversees drinking water quality, including the authority to administer the Safe Drinking Water State Revolving Fund, from the Department of Public Health (DPH), which is under the California Health and Human Services Agency, to the State Water Resources Control Board (SWRCB), which is within the California Environmental Protection Agency. *Status:* Held on Senate Appropriations Committee suspense file. [Note: Subsequently, in 2014, the DWP was transferred from DPH to SWRCB by the Administration and Legislature through budgetary actions.]

AB 183 (Dickinson) Delta Management Plan Consistency. Requires the executive director of the Delta Protection Commission to determine a discretionary project located in the primary zone to be consistent with the resource management plan provided that the project satisfies at least 4 of 5 specified criteria. *Status:* Died in Assembly Water, Parks & Wildlife Committee.

AB 295 (Water, Parks & Wildlife Committee) Safe Drinking Water Access: SWRCB Study. Requires the State Water Resources Control Board and the Drinking Water and Environmental Management Division of the Department of Public Health to initiate and complete a comprehensive study of the need for state funding for projects necessary to ensure that all Californians have access to safe drinking water and to provide a report to the Legislature by July 1, 2014 that identifies and prioritizes projects. *Status:* Died in Assembly Appropriations Committee.

AB 378 (Hueso) Delta Data Sharing. Requires a person conducting Delta research, as defined, whose research is funded, in whole or in part, by the state, to take specified actions with regard to the sharing of the primary data, samples, physical collections, and other supporting materials created or gathered in the course of that research. *Status:* Died in Assembly Accountability and Administrative Review Committee.

AB 426 (Salas) Adjudicated Water Rights: Alternative Transfer Process. Allows a party with a water right that was decreed through a statutory adjudication prior to January 1, 1981 to use an alternative voluntary method for seeking a temporary, long-term, or permanent transfer of that water right. Allows that party, instead of going back to court, to seek a change through the same administrative processes at the State Water Resources Control Board that are available to parties with statutorily adjudicated water rights that date after January 1, 1981 or who hold permits or licenses, regardless of the date. *Status:* Enacted; Chapter 634, Statutes of 2013.

AB 735 (Gomez) Greenway Initiative: LA River. Defines a greenway as a non-motorized pedestrian, bicycle, and recreational travel corridor that parallels an urban waterway and promotes the development of greenways along rivers in the state, including the development of a greenway along the Los Angeles River. (See also AB 1922 described below.) *Status:* Held on Assembly Appropriations Committee Suspense file.

AB 739 (Salas) Regional and Interregional Conveyance Funding. Declares the intent of the Legislature to enact future legislation that would require the department to provide grants and expenditures, consistent with an integrated regional water management plan, for the planning, design, and construction of local and regional conveyance projects that support regional and interregional connectivity and water management and provide certain benefits. *Status:* Held in Senate Rules Committee

AB 793 (Gray) San Joaquin Valley Groundwater Conservancy. Establishes the San Joaquin Valley Groundwater Conservancy, to undertake various activities related to the San Joaquin Valley, as defined, and prescribes the management, powers, and duties of the conservancy. The bill would create the San Joaquin Valley Groundwater Conservancy Fund in the State Treasury. Moneys in the fund would be available, upon appropriation, for the purposes of the conservancy. *Status:* Held in Senate Rules Committee.

AB 803 (Gomez) Recycled Water: Spill Reporting, Cemetery Use, Point-of-Exit Regulation. Removes some barriers to greater use of recycled water by making spill reporting standards for recycled water uniform; authorizing hose bibs for recycled water in cemeteries, under specified conditions; and, clarifying that advanced treated purified water can be regulated for purity at the point it leaves a wastewater treatment facility and before it comingles with other waters in a conveyance facility if the owner or operator of that conveyance facility consents. *Status:* Enacted; Chapter 635, Statutes of 2013.

AB 1200 (Levine) Recycled Water: Irrigation Pond Pilot Project. Allows the San Francisco Bay Regional Water Quality Control Board to authorize a five year pilot project in Sonoma County that would study the effects, if any, of allowing small agricultural irrigation ponds containing recycled water to occasionally overflow during storm events into adjacent areas that are already irrigated by recycled water. Currently such overflows would be unauthorized waste discharges. *Status:* Vetoed with the Governor's direction for the Regional Board to grant the permit without a study.

AB 1259 (Galgiani) Flood Control: Undetermined Risk Areas. Allows a city or county in an urban or urbanizing area of the Sacramento-San Joaquin Valley, where there is a moderate flooding hazard and the Federal Emergency Management Agency has not yet conducted a risk analysis, to approve a permit or entitlement to build a new residence or a tentative map to build a new subdivision, if there is substantial evidence in the record to show that the property would receive an urban level of flood protection. *Status:* Enacted; Chapter 246, Statutes of 2013.

AB 1331 (Rendon) Water Bond. Repeals the \$11.14 billion bond for water-related projects and programs that was drafted in 2009 and replaces it with the *Clean, Safe and Reliable Drinking Water Act of 2014*, which, if approved by the voters in the November 2014 general election, provides \$8.2 billion in general obligation bond funding for water-related projects and programs. *Status:* Held in Senate Rules Committee.

AB 1349 (Gatto) CalConserve Revolving Fund. Creates the CalConserve Water Use Efficiency Revolving Fund in the State Treasury in order to provide low-interest loans for water use efficiency projects. *Status:* 2-year bill in Senate Natural Resources and Water Committee. *Status:* Held on Assembly Appropriations Committee suspense file (see also AB 2636 below).

AB 1471 (Rendon, Atkins, Gatto, Perea, Salas and Gomez) Water Bond. Repeals the \$11.14 billion bond for water-related projects and programs that was drafted in 2009 and replaces it with the *Water Quality, Supply, and Infrastructure Improvement Act of 2014*, which, if approved by the voters in the November 2014 general election, provides \$7.545 billion in general obligation bond funding for water-related projects and programs, including \$7.12 billion in new bond funding and a reversion of \$425 million in existing bond funding. *Status:* Enacted; Chapter 188, Statutes of 2014.

AB 1671 (Frazier) Delta Conveyance: Legislative Authorization Requirement. Requires legislative authorization for any facilities in the Sacramento-San Joaquin Delta that would move water from new north Delta intakes by tunnel to the State Water Project or Federal Central Valley Project. *Status:* Died in Assembly Water, Parks & Wildlife Committee.

AB 1731 (Perea) IRWM: Disadvantaged Communities. Requires that not less than 10% of the funding in each integrated regional water management (IRWM) region be used to facilitate and support the participation of disadvantaged communities in IRWM planning and for projects that address the critical water supply or water quality needs of those communities. *Status:* Died in Senate Natural Resources and Water Committee.

AB 1739 (Dickinson) Sustainable Groundwater Management Act. Enacts the Sustainable Groundwater Management Act, which, among other things, requires all groundwater basins designated as high or medium priority basins by the Department of Water Resources (DWR) to be managed under a groundwater sustainability plan or plans, with specified exceptions. Requires groundwater sustainability plans to be certified to be in compliance with state requirements no later than January 31, 2020, and every 5 years thereafter. Authorizes groundwater sustainability agencies, among other things, to regulate groundwater pumping, conduct inspections and impose fees. This bill is part of a three-bill package that also includes SB 1168 and SB 1319 (Pavley). *Status:* Enacted; Chapter 347, Statutes of 2014.

AB 1874 (Gonzalez) IRWM: Regional Funding. Requires integrated regional water management plan funding appropriated by the Legislature to the Department of Water Resources for a region to be passed through directly to that region if that region is eligible for, and has completed, a streamlined application process and requests the funding. *Status:* Held on Assembly Appropriations Committee Suspense File.

AB 1905 (Alejo) Water Registrations: Fire Protection, Dual Purposes. Adds fire protection to the list of uses that are allowed for a livestock stockpond registration and would expand the ability to hold two water rights registrations for the same water storage facility. *Status:* Enacted; Chapter 268, Statutes of 2014.

AB 1914 (Chesbro) Trinity River: Water Rights Terms. Requires the State Water Resources Control Board to conform water permits that would affect the Trinity River, excluding its tributaries, to the instream flow requirements in the Federal Record of Decision for the Trinity River. *Status:* Held on Assembly Appropriations Committee Suspense File.

AB 1922 (Gomez) Greenway Development and Sustainment Act. Defines Greenways as non-motorized transportation corridors along urban waterways and promotes their inclusion on local open space planning. *Status:* Held in Senate Appropriations Committee suspense file.

AB 2043 (Bigelow) Water Bond. Repeals the \$11.14 billion bond for water-related projects and programs that was drafted in 2009 and replaces it with the *Safe, Clean, and Reliable Drinking Water Supply Act of 2014*, which, if approved by the voters in the November 2014 general election, provides \$8.035 billion in general obligation bond

funding for water-related projects and programs. *Status:* Held in Assembly Appropriations Committee.

AB 2067 (Weber) UWMPs: Demand Management Measure Streamlining. Amends the Urban Water Management Planning Act to simplify and update the demand management measure reporting requirements in a manner consistent with the recommendations of an independent technical panel; and delays the due date for the urban water management plans from December 31, 2015, by six months to July 1, 2016. *Status:* Enacted; Chapter 463, Statutes of 2014.

AB 2071 (Levine) Recycled Water: Pasture Animals. Requires the Department of Public Health, in consultation with impacted state agencies, to determine if the use of tertiary treated recycled water as drinking water for pasture animals would be safe for public and animal health by December 31, 2016. *Status:* Enacted; Chapter 731, Statutes of 2014.

AB 2108 (Eggman) Flood Control: Development Exception. Revises the current prohibition that bars a city or county within the Sacramento-San Joaquin Valley from approving a project in an area that does not meet the urban level of flood protection. Requires the city or county to make a finding that the local flood management agency is making adequate progress toward a flood protection system. Authorizes the Central Valley Flood Protection Board to determine that preconstruction flood protection planning or design activities are sufficient to constitute adequate progress. Limits the existing development prohibition to buildings that would result in more than a 50% increase in allowed occupancy. *Status:* Died in Senate Natural Resources and Water Committee.

AB 2463 (Dickinson) Sacramento Area Water Reliability Plan. Mandates that the Department of Water Resources develop a water reliability plan for the Sacramento area in partnership with the Sacramento Regional Water Authority and any other interested agencies. *Status:* Held on Assembly Appropriations Committee Suspense File.

AB 2478 (Stone) Flood Control: San Lorenzo River. Allows state funding, upon appropriation by the Legislature, to be used within the flood control project boundaries of the San Lorenzo River for environmental studies, engineering plans, and construction activities to mitigate the impacts of summer low-flow water conditions at the river mouth. *Status:* Died in Senate Natural Resources and Water Committee.

AB 2554 (Rendon) Water Bond. Repeals the \$11.14 billion bond for water-related projects and programs that was drafted in 2009 and replaces it with the *Clean, Safe and Reliable Drinking Water Act of 2014*, which, if approved by the voters in the November 2014 general election, provides \$8.5 billion in general obligation bond funding for

water-related projects and programs. *Status:* Held in Assembly Appropriations Committee.

AB 2636 (Gatto) CalConserve Revolving Fund. Creates the CalConserve Water Use Efficiency Revolving Fund (CalConserve) in the State Treasury in order to provide low-interest loans for water use efficiency projects. *Status:* Enacted; Chapter 825, Statutes of 2014. (See also AB 1349, above.)

AB 2662 (Gatto) Silver Lake Reservoir. As passed by the Assembly, required the Los Angeles Department of Water and Power if it drains Silver Lake Reservoir to refill it to 80% capacity within 18 months or pay a \$100,000 per week civil penalty to the City of Los Angeles to mitigate effects on the Silver Lake neighborhood. Was gutted and amended in the Senate to instead deal with unrelated issue concerning firearm buyback programs. *Status:* Held in Senate Rules Committee.

AB 2686 (Perea) Water Bond. Repeals the \$11.14 billion bond for water-related projects and programs that was drafted in 2009 and replaces it with the *Clean, Safe and Reliable Drinking Water Act of 2014*, which, if approved by the voters in the November 2014 general election provides an unspecified amount, but at least \$10.25 billion, in general obligation bond funding for water-related projects and programs. *Status:* Held in Assembly Appropriations Committee.

AB 2759 (Water, Parks & Wildlife Committee) Interstate Water Rights: Unconstitutional Provisions. Repeals unconstitutional Water Code provisions related to interstate waters and clarifies, with regard to the Truckee River and the Walker River, that the State Water Resources Control Board must administer water rights consistent with Federal law. *Status:* Enacted; Chapter 274, Statutes of 2014.

SB 322 (Hueso) Water Recycling: Uniform Criteria. Modifies deadlines and consulting requirements applicable to the existing California Department of Public Health mandate to develop uniform water recycling criteria for indirect and direct potable reuse. *Status:* Enacted; Chapter 637, Statutes of 2013.

SB 620 (Wright) Water Replenishment Districts: Administrative Provisions. Amends state laws governing water replenishment districts' annual budget reserves, financial review, and the penalties a district can impose on water-producing facility operators. *Status:* Enacted; Chapter 638, Statutes of 2013.

SB 750 (Wolk) Water Conservation: Submetering. Requires, as of January 1, 2015, that individual water meters, also called submeters, be installed on all new multifamily residential units or mixed commercial and multifamily units and requires that landlords bill residents for the increment of water they use. Specifies landlord and tenant rights and obligations. *Status:* Died in Assembly Water, Parks & Wildlife Committee.

SB 753 (Steinberg) Central Valley Flood Protection Board: Administrative Enforcement. Provides the Central Valley Flood Protection Board with new and clarified authorities for addressing unauthorized and unforthcoming structures built in or on levees or other areas of the flood control system which are under the jurisdiction of the Board. *Status:* Enacted; Chapter 639, Statutes of 2013.

SB 757 (Berryhill) Groundwater Management Act. Requires local agencies in high and medium priority basins that are in a condition of long-term overdraft to form a groundwater management agency (GMA) or group of GMAs by January 1, 2018, and to self-certify a groundwater management plan (GMP) or set of GMPs for the basin by January 31, 2020. Compels counties to assume groundwater management duties if no other local agency steps forward in an area. *Status:* Held in Assembly Rules Committee.

SB 985 (Pavley) Stormwater Resource Planning. Allows a public agency, as specified, to voluntarily develop a stormwater resource plan (SRP) but makes adoption of a SRP the prerequisite to receiving future grant funds for stormwater and dry weather runoff capture projects. *Status:* Enacted; Chapter 555, Statutes of 2014.

SB 1036 (Pavley) UWMPs: Water System Energy Intensity. Requires the Department of Water Resources to include in its guidance for preparing an urban water management plan a methodology that would help any urban water supplier that wants to make a calculation or estimate of the energy intensity of its water system. Allows DWR to consider Public Utilities Commission studies and calculations when developing the methodology. *Status:* Enacted; Chapter 485, Statutes of 2014.

SB 1120 (Galgiani) DWR Local Water Supply Projects Survey. Requires the Department of Water Resources to conduct a voluntary statewide survey of local water supply projects, either itself or in conjunction with other agencies or third parties, and post specified survey results to the DWR internet web site by July 1, 2015. *Status:* Enacted; Chapter 838, Statutes of 2014.

SB 1168 (Pavley) Sustainable Groundwater Management Act. Together with AB 1739 and SB 1319, enacts the Sustainable Groundwater Management Act, which, among other things, requires adoption of a sustainable groundwater management plan by January 1, 2020 for all high or medium priority basins that are in a critical state of overdraft and by January 1, 2022 for all other high or medium priority basins, as determined by DWR according to specified criteria, and that are not otherwise being sustainably managed pursuant to an existing plan or adjudication. *Status:* Enacted; Chapter 346, Statutes of 2014.

SB 1259 (Pavley) DWR Dam Sedimentation Study. Requires the Department of Water Resources to analyze the loss of storage capacity behind dams resulting from sedimentation. *Status:* Held on Assembly Appropriations Committee Suspense File.

SB 1319 (Pavley) Sustainable Groundwater Management Act. Amends AB 1739 (Dickinson) which, together with SB 1168 (Pavley), forms the Sustainable Groundwater Management Act (Act). Prohibits the State Water Resources Control Board, until January 1, 2025, from using its enforcement authorities under the Act to designate a basin or subbasin as probationary due to significant depletions of interconnected surface waters or to require an interim plan to remedy the condition. Requires the SWRCB to exclude any portion of a basin or subbasin in compliance with sustainable groundwater management requirements from probationary status. Requires the SWRCB to include any element of a groundwater sustainability plan, or the entire plan, in its interim plan if the Board finds it would help meet the sustainability goal. Provides the enactment of this bill is contingent upon the enactment of AB 1739 and SB 1168. *Status:* Enacted; Chapter 348, Statutes of 2014.

SB 1420 (Wolk) UWMPs: Distribution System Water Loss Quantification. Requires urban water management plans to include quantification of water loss in the distribution system and allows UWMPs to include projected water savings. *Status:* Enacted; Chapter 490, Statutes of 2014.

PARK BILLS

AB 34 (Hernández) State Historic Landmarks: Nuestra Señora Reina de La Paz. Requires the Nuestra Señora Reina de La Paz, which includes the home and burial site of the late Cesar Chavez, to be registered as a state historic landmark, and requires the State Office of Historic Preservation to identify other historical resources associated with the labor and civil rights movements or California's modern history appropriate for potential listing on the California Register of Historical Resources. *Status:* Enacted; Chapter 641, Statutes of 2013.

AB 150 (Olsen) Park Access: Veterans: Memorial Day and Veterans Day. Authorizes the Department of Parks & Recreation to offer veterans and active duty or reserve military personnel of the United States Armed Forces or the National Guard, free day use access, or reduced fee access, to California state parks on Memorial Day and Veterans Day. *Status:* Enacted; Chapter 688, Statutes of 2013.

AB 315 (Veterans Committee) Park Access: Distinguished Veterans Pass. Expands eligibility for the state parks Distinguished Veterans Pass by adding Purple Heart recipients to those veterans who are eligible for a Distinguished Veterans Pass, which entitles the holder to free use of all state park units operated by the Department of Parks and Recreation. *Status:* Held on Senate Appropriations Committee suspense file.

AB 594 (Water, Parks & Wildlife Committee) State Parks: Park Closures and Revenue Generation. Clarifies the Department of Park & Recreation's authority to enter into operating agreements with nonprofit organizations during the time period of the current moratorium on state park closures, modifies existing law relating to the process

required for any future proposed park closures, and makes other changes related to revenue generation incentives. *Status:* Enacted; Chapter 407, Statutes of 2013.

AB 757 (Hernández) DPR: Payroll Review Report Recommendations. Requires the Department of Parks & Recreation to report to the Legislature by July 31, 2014 on its implementation of recommendations contained in the *State Controller's Payroll Review Report of the Department of Parks & Recreation* dated December 18, 2012. *Status:* Enacted; Chapter 297, Statutes of 2013.

AB 763 (Buchanan) DBW: Invasive Aquatic Plants. Designates the Division of Boating and Waterways in the Department of Parks & Recreation as the lead agency of the state for control of invasive aquatic plants in the Sacramento-San Joaquin Delta. *Status:* Enacted; Chapter 330, Statutes of 2013.

AB 865 (Eggman) DBW: Ship and Yacht Licensing Fees, Harbors and Navigation Code Update. Allows the Division of Boating and Waterways within the Department of Parks & Recreation, to set licensing fees for brokers and salespersons of ships and yachts through regulation, and makes other changes to update the Harbors and Navigation Code. *Status:* Enacted; Chapter 425, Statutes of 2013.

AB 1142 (Bloom) State Park and Beach Smoking Prohibition. Makes it an infraction for a person to smoke a pipe, cigar, or cigarette on a state coastal beach or in a unit of the state park system, as defined. Requires the Department of Parks and Recreation to develop and post signs at a state coastal beach or a unit of the state park system to provide notice of the smoking prohibition. *Status:* Died in the Assembly Governmental Organization Committee.

AB 1603 (Stone) Outdoor Environmental Education: Underserved Communities. Establishes the Outdoor Environmental Education and Recreation Program in the Department of Parks & Recreation for the purpose of increasing the ability of underserved and at-risk populations, especially youth, to participate in outdoor recreation and educational experiences by awarding grants to public entities or nonprofit organizations for outdoor environmental education programs that are available to the public. Establishes the Outdoor Environmental Education and Recreation Fund in the State Treasury for this purpose. *Status:* Held on Assembly Appropriations Committee Suspense File.

AB 2081 (Daly) State Historical Landmarks: Vineyards. Clarifies that for purposes of existing law regarding registration of state historical landmarks and points of historical interest, "places" includes, but is not limited to, living and producing vineyards, orchards, and groves. *Status:* Vetoed by the Governor.

AB 2150 (Rendon) DPR: Park Maintenance, Underserved Community Access, Park Closures. Requires the Department of Parks & Recreation to develop an updated

priority list of deferred maintenance projects for which verifiable project cost estimates have been completed, and requires DPR to apply certain priority factors in identifying projects for inclusion on the list. Renames the Division of External Affairs within DPR the Division of Community Initiatives and Park Access. Provides that the purposes and objectives of the division shall include enhancing access to and relevancy of state parks for underserved communities. Requires the division to develop a strategic action plan for improving park access and relevancy for urban and traditionally underserved populations. Extends the current moratorium on state park closures to June 30, 2015. *Status:* Vetoed by the Governor

ACR 96 (Olsen) 150th Anniversary of the State Park System: Recognizes the 150th anniversary of the California State Park System and urges all Californians to join in celebrating this important anniversary of our state park system. *Status:* Passed, Assembly Concurrent Resolution No. 96 of 2014.

SB 170 (Wolk) Bale Grist Mill: Milling Exemption. Exempts grain milled and sold at the Bale Grist Mill State Historic Park from registration and other requirements applicable to retail food facilities if certain conditions are met. *Status:* Vetoed by the Governor.

SB 427 (Monning) Vessels: Equipment Requirements: Personal Flotation Devices. Expands the definition of vessels to which laws regarding operation and equipment requirements apply, and modifies requirements for use of personal flotation devices. *Status:* Enacted; Chapter 256, Statutes of 2013.

SB 457 (Monning) Vessels: Collisions and Accidents. Requires any local agency that receives grant funds from the Department of Boating and Waterways to report and collect data on any boating accident to which it responds or which it has received a report, and provide this data to the DBW. *Status:* Enacted; Chapter 165, Statutes of 2013.

SB 599 (Evans): State Park and Recreation Commission: Increased Oversight Role. Expands the oversight role of the State Park and Recreation Commission and requires the Commission to meet at least quarterly. *Status:* Held on Assembly Appropriations Committee Suspense File.

SB 633 (Pavley) DPR: Energy Cost Reductions, Revenue Enhancements: Requires the Department of Parks & Recreation to: report to the Legislature on DPR's energy costs; establish a pilot program for mobile food and beverage concessions in state parks; establish guidelines for sale of park passes to retail vendors for resale to the public; and establish additional regional park passes. Requires the budget for the California State Park Commission to be reflected in the Governor's proposed budget as a separate line item, and requires the Commission to hold public hearings and provide input on projects to be funded from revenues raised through the state park tax check-off program. *Status:* Vetoed by the Governor.

SCR 140 (Evans) Pudding Creek Trestle Naming. Names the historic Pudding Creek Trestle in MacKerricher State Park as the Wesley Chesbro Pudding Creek Trestle. *Status:* Enacted, Chapter 151, Resolutions of 2014.

FISH AND WILDLIFE BILLS

AB 71 (V. Manuel Pérez) Salton Sea: Restoration Plan. Requires the Secretary of the Natural Resources Agency, in consultation and coordination with the Salton Sea Authority, to lead Salton Sea restoration efforts, and authorizes the Salton Sea Authority to lead a funding and feasibility study in consultation with the Natural Resources Agency. *Status:* Enacted; Chapter 402, Statutes of 2013.

AB 147 (V. Manuel Pérez) Salton Sea: Dust Mitigation. Initial version required the Air Resources Board (ARB) to evaluate and make recommendations regarding Salton Sea dust mitigation planning completed by the Quantification Settlement Agreement Joint Powers Authority (QSA-JPA). *Status:* Was gutted and amended in the Senate to address an unrelated issue regarding economic development in the CA/Mexico border region.

AB 148 (V. Manuel Pérez) Salton Sea: Restoration Plan. Makes technical and clarifying changes to provisions of law (enacted by AB 71 in 2013 as described above) related to a feasibility study on restoration of the Salton Sea. *Status:* Enacted; Chapter 124, Statutes of 2014.

AB 165 (Gaines) Lake Tahoe: Commercial Take of Crayfish: Repeals the statutory prohibition on sale or purchase of crayfish taken from the Lake Tahoe Basin. *Status:* Enacted; Chapter 226, Statutes of 2013.

AB 207 (Rendon) California Marine Resources Legacy Act: Modifications. Revises requirements of an existing program governing partial removal of offshore oil structures by modifying the calculation of cost savings which are to be shared with the state, the determination of net environmental benefit, and requirements for indemnification of the state from liability. *Status:* Held on Assembly Appropriations Committee suspense file.

AB 497 (Chesbro) Fish and Game Commission: Meetings, Dungeness Crab Rules. Makes several changes related to meetings and business of the Fish and Game Commission, the FGC's authority to adopt regulations governing take of salmon and groundfish, and rules regarding the setting and baiting of Dungeness crab traps. *Status:* Enacted; Chapter 233, Statutes of 2013.

AB 504 (Chesbro) Fish: Transgenic Fish, Sea Cucumbers. Prohibits hatchery production, stocking, spawning, incubating or cultivating of transgenic species of salmonids in California waters with specified exceptions. Also extends to the year 2020 operation of

existing provisions of law regarding sea cucumbers. *Status:* Enacted; Chapter 444, Statutes of 2014.

AB 516 (Brown) Electrical Transmission Infrastructure: Taking of Birds, Nests, and Eggs. Authorizes the Department of Fish and Wildlife to issue a permit to an applicant to take the nests or eggs of any bird and to take any birds-of-prey if the take is incidental to the construction of an electrical transmission infrastructure project, as defined, and if the applicant satisfies other specified conditions. *Status:* Died in Assembly Water, Parks & Wildlife Committee.

AB 709 (Nestande) Salton Sea: Restoration Plan. Designates the Salton Sea Authority (SSA) as the lead agency for restoration of the Salton Sea and requires the State to grant the SSA a 99-year lease for all state-owned lands within the Salton Sea ecosystem, including all state-owned lands underlying the Salton Sea. *Status:* Died in Assembly Water, Parks & Wildlife Committee.

AB 711 (Rendon) Hunting: Nonlead Ammunition. Requires the use of nonlead ammunition for the taking of wildlife in California as soon as practicable but by no later than July 1, 2019. *Status:* Enacted; Chapter 742, Statutes of 2013.

AB 789 (Williams) Trapping: Conibear Trap Size Limitation, Humane Euthanasia. Modifies trapping laws to prohibit the use of body-crushing traps, also known as conibear-type traps, that are larger than 6 x 6 inches except in water or wetland areas; requires the posting of signs warning to keep out of publicly-accessible areas where traps are set; and, prohibits the killing of trapped mammals by intentional drowning unless from a lawfully set submerged trap, injection with chemicals other than for euthanasia, or chest crushing. *Status:* Enacted; Chapter 155, Statutes of 2013.

AB 881 (Chesbro) Oil Spill Prevention and Administrative Fee. Proposed, on and after January 1, 2015, to increase the maximum annual oil spill prevention and administration fee to \$0.07 per barrel of crude oil or petroleum products, and allow the assessment to cover the annual costs incurred by the Oiled Wildlife Care Network on and after January 1, 2015, and until January 1, 2016. Until January 1, 2016, would have allowed the administrator to transfer up to \$2,000,000 in funds from the Oil Spill Prevention and Administration Fund to the Oil Spill Response Trust Fund to fund specified activities of the Oiled Wildlife Care Network. This bill was held on the Senate floor inactive file in 2013 but the issue was subsequently addressed in 2014 in the natural resources budget trailer bill, SB 861 (Leno), Chapter 35, Statutes of 2014. SB 861 addressed the issue by, among other things, extending the Oil Spill Prevention and Administration per barrel fee of .065 cents to 2017, which would otherwise have reverted to .05 cents per barrel in 2015, and by expanding the entities responsible for payment of the fee to include all persons owning oil at the time the oil is received at a refinery in the state by any mode of delivery that passes over, across, under, or through waters of the state, and including pipeline operators. SB 861 further expanded the Oil Spill Prevention and Response

(OSPR) Administrator's responsibilities to include activities related to prevention, response and contingency plans for all oil spills into all waters of the state, including both marine and inland waters. Finally, SB 861 provides the activities of the Oiled Wildlife Care Network shall be funded each year with up to \$2.5 million from the Oil Spill Prevention and Administration Fund, which may be in addition to other funds appropriated for this purpose. *Status:* AB 881 was held on Senate Inactive File and subsequently amended to address an unrelated local taxation issue; SB 861 was enacted as Chapter 35, Statutes of 2014.

AB 896 (Eggman) Wildlife Management Areas: Mosquito Abatement. Requires mosquito abatement and vector control districts whose boundaries include wildlife management areas to notify the Department of Fish and Wildlife of those areas that are of concern due to the potential for high mosquito populations, and requires the DFW to consult with local mosquito abatement and vector control districts to identify those areas within wildlife management areas having the highest need for additional mosquito reduction through implementation of best management practices. *Status:* Enacted; Chapter 494, Statutes of 2014

AB 1097 (Nestande) Mirage Trail: Closure Specifications. Requires the Mirage Trail within the Magnesia Spring Ecological Reserve to be open for recreational hiking for nine months of the year during the months of May to January, and closed for three months during the months of February to April, if the Fish and Game Commission determines certain specified conditions are met. *Status:* Enacted; Chapter 594, Statutes of 2013.

AB 1213 (Bloom) Bobcat Protection Act. Establishes a defined no-trapping buffer zone around Joshua Tree National Park in which the trapping of bobcats is prohibited; requires the Fish and Game Commission by regulation to establish and delineate no-trapping buffer zones adjacent to the boundaries of other parks, monuments and wildlife refuges within which bobcat trapping is currently prohibited; and requires the FGC to consider prohibiting bobcat trapping within and adjacent to other conservation areas identified by the public, and to prohibit trapping of bobcats in such areas, by regulation, if the Commission determines such protections are warranted. *Status:* Enacted; Chapter 748, Statutes of 2013.

AB 1709 (Frazier) Hunting: Junior License Expansion. Expands the age eligibility for purchase of a lower-cost junior hunting license to include persons under 18 years of age, instead of under 16 years of age. *Status:* Enacted; Chapter 456, Statutes of 2014.

AB 1799 (Gordon) Mitigation Lands: Endowment Exemption. Exempts a governmental entity or special district from the requirement to provide an endowment for long-term stewardship of mitigation lands if the entity provides evidence that it possesses an investment-grade credit rating and provides a resolution or contractual agreement to

enforce the mitigation requirements. *Status:* Held on Assembly Appropriations Committee Suspense File.

AB 2019 (Fong) Shark and Swordfish Fishery: Drift Gill Net Prohibition. Prohibits the use of drift gill nets to take shark and swordfish for commercial purposes. *Status:* Died in Assembly Water, Parks & Wildlife Committee.

AB 2075 (Alejo) Alligators and Crocodiles: Importation, Trade and Possession. Extends the sunset date by five years - from January 1, 2015 to January 1, 2020 - of the existing law permitting importation, trade and possession of alligator and crocodile species, product or parts thereof in the state. *Status:* Enacted; Chapter 464, Statutes of 2014.

AB 2105 (Frazier) Big Game Tags: Vendor Fee. Authorizes a nonprofit organization designated by the Department of Fish and Wildlife to assist in the sale of big game mammal hunting tags to retain 5% of the amount of the sale price of the tag as a vendor fee to cover administrative costs, and raises the fee for a nonresident Nelson bighorn ram tag. *Status:* Enacted; Chapter 467, Statutes of 2014.

AB 2140 (Bloom) Orcas: Unlawful Activities. Makes it unlawful to hold in captivity, or use, an orca for performance or entertainment purposes, or to capture, import, export, or breed an orca in captivity. *Status:* Held in Assembly Water, Parks & Wildlife Committee for purposes of Interim Study.

AB 2193 (Gordon) Habitat Restoration and Enhancement Act. Enacts the Habitat Restoration and Enhancement Act requiring the director of the Department of Fish and Wildlife to approve small habitat restoration and enhancement projects of 5 acres or less that meet specified criteria. Individual permits required under CESA, streambed alteration statutes, and the Native Plant Protection Act would be combined into a single permit for 5 acre restoration projects. *Status:* Enacted; Chapter 604, Statutes of 2014.

AB 2205 (Donnelly) Bears: Hounding Ban Reversal. Allows a county-by-county reversal of the ban prohibiting the use of dogs to chase bears and eliminates authority for an optional hound tag program. *Status:* Died in the Assembly Water, Parks & Wildlife Committee.

AB 2268 (Bigelow) Wild Pigs: Unlimited Take. Deletes the classification of wild pigs as a game mammal and, among other things, allows wild pigs to be taken at any time of the year and in any number with a hunting license and wild pig validation, and authorizes landowners to take wild pigs without a hunting license or depredation permit. *Status:* Died in Assembly Water, Parks & Wildlife Committee.

AB 2364 (V. Manuel Pérez) Red-Legged Frog: Official State Amphibian. Establishes the California red-legged frog as the official state amphibian. *Status:* Enacted; Chapter 77, Statutes of 2014.

AB 2657 (Bloom) Wildlife Habitat Areas: Use of Anticoagulants. Prohibits the use of second-generation anticoagulant rodenticides in wildlife habitat areas, unless they are used for defined agricultural activities. Defines “wildlife habitat area” as any state or national park, state or federal wildlife refuge, or state conservancy. *Status:* Enacted; Chapter 475, Statutes of 2014.

AB 2684 (Stone) Salmon and Steelhead: Hatchery Tagging. As heard by the Assembly Water, Parks & Wildlife Committee, required the Department of Fish and Wildlife to implement specified policies and practices for hatchery salmon and steelhead reared and released in California waters, including a requirement that all hatchery chinook salmon, coho salmon, and steelhead be tagged with coded-wire tags before being released. *Status:* This bill was gutted and amended in the Senate to address an unrelated issue regarding pupil attendance.

AJR 43 (Chesbro) California Shellfish. States legislative findings and declarations regarding shellfish beds and the Legislature's support for a clean and healthy marine environment to protect shellfish beds and support for efforts to develop an improved permitting process. *Status:* Passed; Chapter 123, Resolutions of 2014.

SB 132 (Hill) Mountain Lions: Nonlethal Removal. Requires nonlethal means to be used when removing a mountain lion that is not an imminent threat to public health or safety, and authorizes the Department of Fish and Wildlife to partner with other qualified entities to implement the nonlethal procedures. *Status:* Enacted; Chapter 208, Statutes of 2013.

SB 197 (Evans) Commercial Fishing: Salmon Stamp. Extends the sunset date on the commercial fishing salmon stamp program and related provisions from 2014 to 2019. *Status:* Enacted; Chapter 368, Statutes of 2013.

SB 392 (Berryhill) Game Animals: Possession Limit When Processed as Food. Requires the Fish and Game Commission to recommend legislation or adopt regulations clarifying when a possession limit is not violated by processing lawfully taken game birds or mammals into food, and makes a violation of the possession limits subject to punishment as either a misdemeanor or an infraction. *Status:* Enacted; Chapter 346, Statutes of 2013.

SB 749 (Wolk) CESA Procedural Changes and Accidental Take Provisions; and, Maintenance of Non-irrigated Habitat Following Water Transfers. Makes several procedural changes to the California Endangered Species Act; extends the sunset date on the authority for accidental take of listed species in the course of otherwise lawful and routine agricultural activities; and enacts other provisions related to agricultural leasing of state lands and protection of habitat for upland game birds and nesting waterfowl. *Status:* Enacted; Chapter 387, Statutes of 2013.

SB 814 (Senate Natural Resources and Water Committee) Natural Resources Administration: Transfer of Sea Cucumber Permits; Ballast Water Standards Delay; Code Cleanup. Authorizes a sea cucumber fishing permit holder's estate to transfer the decedent's permit to a qualified person, delays implementation of ballast water performance standards for vessels that discharge ballast water in the state, makes minor clean-up amendments to various code section related to public resources management. *Status:* Enacted; Chapter 472, Statutes of 2013.

SB 987 (Monning) Sea Otter Fund: Ability to Publicize. Authorizes the Department of Fish and Wildlife and the State Coastal Conservancy to use a portion of the funds these entities receive from the California Sea Otter Fund from voluntary tax check-off contributions to publicize information about the Fund. *Status:* Enacted; Chapter 621, Statutes of 2014.

SB 1434 (Wolk) Funding of Fish and Wildlife Programs: State Duck Stamp Account Advisory Committee. Establishes state funding priorities for funds received from the Federal Aid in Wildlife Restoration Act and requires the Department of Fish and Wildlife to consult with advisory committees on proposed state expenditures. Also requires DFW to appoint an advisory committee to review and comment on proposed projects funded under the State Duck Stamp Account. *Status:* Enacted; Chapter 259, Statutes of 2014.

SB 1454 (Gaines) Wildlife Officers: Patrol Vehicle Video and Audio Systems. Authorizes the Department of Fish and Wildlife to install patrol vehicle mounted video and audio systems, commonly known as dashboard cameras, in patrol vehicles used by DFW wildlife officers. *Status:* Enacted; Chapter 629, Statutes of 2014.

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