

2010

## 2009-2010 Mid-Session Legislative Summary

Assembly Committee on Water, Parks and Wildlife

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CALIFORNIA LEGISLATURE  
ASSEMBLY COMMITTEE ON

# WATER, PARKS AND WILDLIFE

## 2009 – 2010 Mid-Session Legislative Summary



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MARIKO YAMADA

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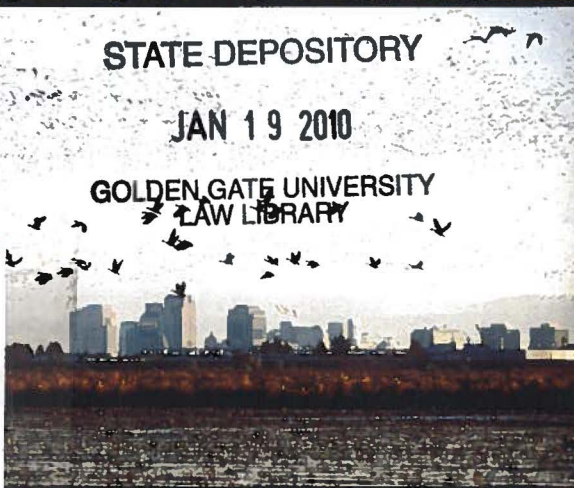
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ALF W. BRANDT  
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**ASSEMBLY WATER, PARKS AND WILDLIFE COMMITTEE  
2009-10 MID-SESSION LEGISLATIVE SUMMARY**

**TABLE OF CONTENTS**

**KEY ISSUES**

<b>SUMMARY .....</b>	<b>1</b>
<b>WATER MANAGEMENT .....</b>	<b>3</b>
Sacramento-San Joaquin Delta.....	3
The Delta Crisis & Delta Vision .....	3
Water Management .....	7
<b>FISH AND WILDLIFE ISSUES .....</b>	<b>8</b>
Fisheries .....	8
Wildlife.....	9
Wildlife Habitat.....	10
Omnibus Bills.....	11
<b>PARKS &amp; RECREATION.....</b>	<b>11</b>
State Parks .....	11
<b>UPCOMING ISSUES IN 2010 .....</b>	<b>13</b>
<b>ALL BILLS IN ASSEMBLY WATER, PARKS &amp; WILDLIFE COMMITTEE 2009 .....</b>	<b>14</b>
<b>FISH AND WILDLIFE .....</b>	<b>14</b>
Fisheries .....	14
Wildlife.....	15
Wildlife Habitat.....	16
Department of Fish and Game .....	17
<b>PARKS &amp; RECREATION.....</b>	<b>17</b>
<b>WATER .....</b>	<b>18</b>
Bay-Delta .....	18
Water Management .....	19
Water Recycling.....	21
7 <sup>th</sup> Extraordinary Session – Sacramento-San Joaquin Delta/Water Policy .....	22
Flood Protection .....	23
<b>MISCELLANEOUS .....</b>	<b>23</b>
<b>INDEX OF ASSEMBLY BILLS.....</b>	<b>24</b>
<b>INDEX OF SENATE BILLS.....</b>	<b>25</b>

# **KEY ISSUES BEFORE THE WATER, PARKS & WILDLIFE COMMITTEE**

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## **First year of the 2009-10 Legislative Session**

### **SUMMARY**

During 2009 the Assembly Water, Parks & Wildlife Committee received 79 bill referrals and held hearings on 57 of those measures. The most high profile issue before the committee in 2009 was the effort to develop a comprehensive package of policy proposals and financing options to address the crisis in the Sacramento/San Joaquin Delta. A working group of legislators from both the Senate and Assembly formed early in the year and began meeting on a regular basis to discuss recommendations of the Delta Vision Blue Ribbon Taskforce and the cabinet commission appointed by the Governor. Several bills were introduced to serve as vehicles for various components of a comprehensive solution. Ultimately, five bills were referred to a conference committee which convened in August. Joint informational hearings of this committee and the Senate Natural Resources & Water Committee were held on the proposals and extensive public comment was received.

During the regular session, the policy provisions recommended in the final conference committee report were consolidated into a single vehicle, SB 68 (Steinberg), which was heard and passed by this committee on September 11, 2009. Simultaneous to efforts on the policy provisions, several legislators worked on a water financing measure which was to be amended into a vehicle on the Senate floor during the final week of this year's regular session. Neither bill passed that final night. Efforts to reach a consensus nevertheless continued during the interim recess, leading to a Big 5 discussion of water issues in the days before the deadline for the Governor to sign or veto bills from the regular session.

Following requests for a special session on water from throughout California and the Secretary of the Interior, the Governor called the 7<sup>th</sup> Extraordinary Session just after the bill-signing deadline, in conjunction with legislative leaders framing an outline of a "proposed agreement" on a package of water legislation. Legislative work on that package continued in the following weeks, culminating in the Legislature approving – and the Governor signing – five special session bills, relating to the Sacramento-San Joaquin Delta, water finance, groundwater monitoring, water conservation, and water diversion/use reporting and enforcement.

Policy issues in the areas of water, parks and wildlife were overshadowed to a significant extent in 2009 by the economic recession and the state's budget crisis. This committee held a joint informational hearing in March with the Assembly Committee on Environmental Safety and Toxic Materials on the federal American Recovery and Reinvestment Act. The hearing focused on setting state priorities for federal economic stimulus funding for water, environmental safety and other resource priorities under the subject matter jurisdiction of the two committees.

Policy priorities under the jurisdiction of this committee affected by the budget shortfall also included California's State Parks, which experienced a significant reduction in funding, threatening the closure of as many as 100 state parks. The chair of this committee worked with the chair of the Assembly Budget Subcommittee on Resources to develop budget alternatives to minimize the impacts of the cuts on state parks. Those efforts, however, were diminished with the Governor's veto of additional funding from the state park budget. The committee held an informational hearing on the proposed state park closures in September that examined the impacts of the cuts and explored strategies for protecting the parks during challenging economic times. The committee this year also heard and passed two legislative proposals to protect state parks threatened with conversion to non-park uses, and to establish procedures and standards for the state to follow in balancing such decisions. Both of those measures, which are discussed further below, were vetoed by the Governor.

In the area of wildlife, the committee heard bills designed to incentivize creation and protection of wildlife habitat, to enable airports to better manage threats to public safety posed by wildlife, and to deter illegal poaching. Several measures designed to improve state fisheries were heard and passed by the committee, including proposals to restructure commercial landing fees, to promote sustainable seafood, to increase fees for commercial salmon and lobster fishing, and to reform the Bay-Delta Sport Fishing Enhancement Stamp program. The committee also debated a measure by Assembly Member Fuller, Vice Chair of the Committee, on the impact of nonnative predatory fish on native species in the Delta. Amendments adopted in this committee converted that bill into a study bill, which was subsequently held in the Senate Appropriations Committee.

An issue which this committee also grappled with in 2007 involves the impact of recreational instream suction dredge mining on salmon and other protected species. That issue remained unresolved in 2007 after the Governor vetoed legislation authored by the former chair of this committee. This year the committee approved, and the Governor signed into law, SB 670 (Wiggins) which places a temporary statewide moratorium on suction dredging until the Department of Fish and Game completes a court-ordered environmental impact report and updates their suction dredge regulations.

The committee also held an informational hearing on the salmon crisis, which has resulted in the unprecedented closure, for two years in a row, of virtually all commercial and most sport fishing for salmon in the entire state, causing economic hardship for thousands of salmon fishing families and businesses, and further depressing local economies dependent on the fishing industry. Information from this and other informational hearings held by the committee in 2009 can be accessed on the committee's website at [www.assembly.ca.gov/acs/newcomframeset.asp?committee=26](http://www.assembly.ca.gov/acs/newcomframeset.asp?committee=26)

## **WATER MANAGEMENT**

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

The Sacramento–San Joaquin River Delta (Delta) forms the centerpiece for this year's legislative actions related to water. While this year's bills relate to more than just the Delta, the most significant legislation has some connection to the Delta, direct or indirect. The water conservation bills, for example, arise from the Delta debate, in order to reduce reliance on water imports from the Delta.

The Delta ecosystem is the most valuable estuary on the west coast of North or South America, a natural resource of hemispheric importance. Created by the confluence of the Sacramento and San Joaquin rivers as they flow into San Francisco Bay from the north and south, respectively, the estuary is a maze of tributaries, sloughs, and islands. It contains the largest brackish estuarine marsh on the West Coast. The Delta ecosystem, the largest wetland habitat in the western United States, supports more than 750 wildlife species and more than 120 species of fish, as well as one of the state's largest commercial and recreational fisheries. The Delta estuary also provides migration corridors for two-thirds of the state's salmon and nearly half of the waterfowl and shorebirds along the Pacific flyway.

The Delta also serves as the heart and a critical crossroads of California's water supply and delivery structure. California's precipitation falls predominantly north and upstream of the Delta, whereas much of the state's urban and agricultural water uses occur south of the Delta. The state's two major water projects, the federal Central Valley Project (CVP) and California's State Water Project (SWP), store water in major reservoirs upstream of the Delta, convey water through the Delta, and export the Delta's water south from project pumps in the south Delta. As the water flows from the Sierra toward the Delta, cities and farmers draw water from the system.

The Delta's value as an ecological resource and its role in meeting California's water supply needs have resulted in inherent conflict. The disparate functions and values of the Delta and the competing demands for its resources have long been sources of bitter conflicts and profound challenges for stakeholders and policy makers. Between the state and federal governments, at least twenty agencies share and sometimes contest responsibility for Delta issues. Local entities within the Delta's watershed multiply that number several fold. Affected stakeholders number in the hundreds. These interests have engaged in conflict for decades.

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

The Delta has suffered from multiple crises for years – ecosystem, water supply, levee stability, water quality, policy, program and litigation. The ecosystem continues to decline, with record-low reports of fish populations, Delta smelt and other species on the brink of extinction, and the commercial salmon season shut down completely for two years in a row. Continued drought conditions and court-ordered restrictions on water exports have led to reductions in water deliveries to agricultural water contractors. Deteriorating levees, land subsidence, earthquake risk and climate change all contribute to growing concerns about mass Delta levee failure. Delta water quality also continues to decline, as the freshwater barrier that keeps salinity from the Bay

from coming upstream becomes more difficult to maintain, and both agricultural and urban communities contribute contaminants to the system. Finally, the litigation crisis grows as more than 25 lawsuits now stand on Delta-related issues.

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

### **2009 Legislative Response to Delta Vision**

After delivery of the Delta Vision recommendations from the Cabinet Committee and the Strategic Plan on January 3, the Legislature began deliberations as to how to respond. These deliberations started with informational hearings in both the Assembly and Senate policy committees. The Committees heard from Delta experts, Task Force members, and the Schwarzenegger Administration, as well as the public at large. The Assembly Water, Parks & Wildlife Committee subsequently heard from Natural Resources Agency Secretary Mike Chrisman, as to how the Administration proposed responding to the Delta Vision recommendations.

In March, Senate President *Pro Tempore* Darrel Steinberg and Assembly Speaker Karen Bass convened two bicameral and bipartisan legislator discussion groups regarding Delta Vision, one on creating a new Delta plan (led by Assembly policy committee chair Jared Huffman) and one on Delta governance (led by Senate policy committee chair Fran Pavley). The legislators heard from Delta Vision Task Force members and other Delta experts, and engaged in vigorous water policy discussions, although there was no discussion of specific legislation. Participants gained a broader understanding of the key water and Delta issues facing California.

After the member discussion groups concluded, several legislators who had introduced Delta bills began developing detailed legislative proposals, which culminated in several pre-print proposals that came out in early August. Legislators and staff discussed numerous issues, as they developed their proposals into one package of Delta bills. Concurrently, two water conservation bills proceeded through the regular legislative process – AB 49 (Feuer) and SB 261 (Dutton). Discussions regarding water bills continued through June and July. When the legislative authors did not complete their internal deliberations on the specific language of proposed Delta bills, a decision was made to take the bills to conference committee, so there would be sufficient opportunity for a robust legislative and public consideration of these issues.

### **Regular Session and the 2009 Delta-Water Legislation**

Five bills – AB 39 (Huffman), AB 49 (Feuer), SB 12 (Simitian), SB 229 (Pavley) and SB 458 (Wolk) – were sent to conference committee. In order to provide bill language for public review and discussion over the summer recess, these five bills were introduced as "pre-print" proposals on August 4. This Committee and the Senate Natural Resources and Water Committee held joint informational hearings on the pre-print proposals in August and extensive public comment was received. After these hearings, legislative leadership appointed a conference committee, which

convened and held additional public hearings, with legislator discussions of key issues. A conference committee report, signed by eight members, including four from each house, was reported to the floors of the two houses.

The policy provisions contained in the conference committee report were then consolidated into a single vehicle, SB 68 (Steinberg), which was heard and passed by this committee on September 11, 2009. SB 68 as approved by this committee proposed to reform policy and governance for the Sacramento-San Joaquin Delta (Delta), establish a statewide conservation effort, and provide enforcement tools for the State Water Resources Control Board to enforce existing water rights laws. More specifically, SB 68 would have:

- Reconstituted and redefined the role of the Delta Protection Commission
- Created a new Delta Conservancy
- Established new legal framework for Delta management emphasizing coequal goals of "providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem"
- Required early actions for Delta ecosystem restoration.
- Created the Delta Stewardship Council
- Required the SWRCB to develop new flow criteria to protect the public trust
- Created a Delta Watermaster
- Created an independent Delta Science Board and program
- Required the Delta Stewardship Council to develop a "Delta Plan" that:
  - Promoted statewide water conservation, water efficiency, and sustainable use, and improved water conveyance, storage and operations to achieve co-equal goals
  - Reduced risks to people, property and state interests through emergency preparedness, land use and strategic levee investments.
  - Included the Bay Delta Conservation Plan if certain conditions are met.

For more details, see the committee analysis on SB 68, dated September 11. The Legislature adjourned later that evening, without voting on SB 68. After adjourning, legislative leaders and the Governor continued to meet in an effort to negotiate a final proposal, after SB 68 resolved many of the outstanding legislative issues.

### **7<sup>th</sup> Extraordinary Session on Water**

Although several stakeholders, including the Secretary of the Interior Ken Salazar, urged the Governor to call a special session on water, the Governor hesitated. After several meetings before the deadline for the Governor to sign bills from the 2009 session, Governor Schwarzenegger threatened to veto all bills unless the Legislature, or at least its leaders, could come to agreement on a water package that included a water bond. The "Big 5" met for several days leading up to the bill-signing deadline on Sunday, October 11, and achieved significant progress on the water policy bill package. The Governor acknowledged that progress and signed many of this session's bills.

On Monday afternoon, October 12<sup>th</sup>, Speaker Bass and Senator Steinberg announced a "proposed agreement" on four issues – Delta, water conservation, groundwater monitoring and water rights enforcement tools. In a press conference, they acknowledged that they did not have an agreement, but only policy bill proposals that they would take to their members. (Bond bill



discussions continued but were not part of these proposals at that point.) Committee staff prepared a summary of the proposals, which were discussed by members and the public. The Governor then called the 7<sup>th</sup> Extraordinary Session to address the pending Delta and water issues.

Senator Steinberg developed bill language to reflect his understanding of the proposed agreement, and introduced that language as SB 1 X7 (Steinberg) on October 23. In the days that followed, the policy committees in both houses held a joint informational hearing on SB 1 X7 on October 26, while two Senate bond bills were introduced – SB 2 X7 (Cogdill) and SB 3 X7 (Steinberg). An additional joint hearing, on October 28, was held on water finance, which included bond financing. Both houses convened that week so special session bills could be introduced and amended. The Legislature ultimately passed a 5-bill package – SB 1 X7, SB 2 X7, SB 6 X7, SB 7 X7 and SB 8 X7 – the following week, on November 4, 2009

### **Public Process on 2009 Delta-Water Legislation**

This Committee remains committed to full public disclosure of the issues that it addresses. Due to the unusual nature of the development of the 2009 Delta-Water Legislation, Committee staff arranged for regular reporting to the public via master e-mail lists, which included addresses for 180 recipients. (These e-mails reached hundreds more readers via further distribution by these 180 e-mail recipients.) Both this Committee and the Senate Natural Resources & Water Committee also established webpages for information related to this legislative package. This Committee, or the Conference Committee supported by this Committee's staff, considered the issues in this package at 14 public hearings in 2009.

This public information effort resulted in an unusually high level of available information on these bills. Ordinarily, authors negotiate, in private, the specific language of their bills, which are heard by the Committee only once, or possibly a second time on concurrence. Legislators from both houses and both parties exerted a substantial effort to consider these issues, in a variety of meetings and hearings. Similarly, stakeholders debated these issues at public and private meetings throughout the year. The Committee's effort to keep all informed as to the progress of the Legislature's deliberations demonstrated its commitment to full disclosure of these important Delta and water issues.

### **2009 Delta-Water Legislation: Issues and Outcomes**

While the Legislature considered many issues in this year's water bill debate, the outcome included bills that addressed five key water issues:

- *Sacramento-San Joaquin Delta:* This issue area addressed how best to proceed with the multiple crises and conflicts in the Delta, adding some coherence to management of one of California's environmental jewels. In the Delta more than 200 federal, state and local agencies have some authority, and the state often has conflicting demands on its resources. SB 1 X7 (Simitian) established a new legal and policy framework for the State's management of the Delta, and created several new Delta governance entities. The new Delta Stewardship Council can resolve some of the Delta conflicts and set a new direction for Delta management through the Delta Plan.
- *Water Financing:* Several water bond bills were introduced this year in both houses. The August version of the water package included a water diversion fee for the entire

Delta watershed. In the end, the Legislature chose to pass Senator Cogdill's SB 2 X7, an \$11.14 billion general obligation bond with allocations for a variety of water-related infrastructure and purposes.

- *Water Conservation:* This issue focused on how to address the Governor's February 2008 call for Californians to reduce their daily per-capita water use by 20% by 2020. The Legislature chose the approach for urban water use reflected in AB 49 (Feuer) – setting standards for local agency water conservation efforts – and included some aspects of SB 261 (Dutton) for agricultural water conservation efforts, combining these two aspects of water conservation into SB 7 X7 (Steinberg).
- *Groundwater Monitoring:* California is the last western state that does not have some kind of statewide groundwater monitoring or management system. The final outcome, as reflected in SB 6 X7 (Steinberg), adopts the rough outlines of bills the Governor vetoed on three occasions in the last three years – a voluntary, locally managed, groundwater elevation monitoring system. But this year's bill added a new consequence for basins that refuse to monitor and report groundwater elevation – bar to receiving state grants/loans for water projects, except for disadvantaged communities.
- *Water Rights Enforcement Tools:* Several bills to improve California's water diversion reporting and enforcement were introduced this year. Until the last week of the 7<sup>th</sup> Extraordinary Session, provisions to expand the State Water Resources Control Board's enforcement toolbox, consistent with Senator Pavley's SB 229, were a key part of the package. The water community expressed concern about these new tools. The final bill, SB 8 X7 (Steinberg), included a narrower set of tools, drawing mostly from AB 900 (De León), which had received broad support throughout the year.

The package begins to address these issues, but further attention and debate concerning these issues is likely to occur, along with the need to clarify, implement and address new issues that emerge from this package.

## Water Management

While the 2009 Delta-Water Legislation consumed much of the Committee's attention to water this year, other water management bills were considered and passed as well. In addition to the issues that arose in the water package, several themes for this year's bills emerge:

- *Water/Development:* Two bills – AB 300 (Caballero) and AB 1408 (Krekorian) – offered alternative ways to minimize water costs of new residential developments through water conservation measures. The Committee passed both these bills, but neither was enacted.
- *Water Conservation:* Several bills addressed narrow aspects of promoting water conservation. One addressed the water-energy efficiency connection – AB 234 (Huffman). One addressed water conservation by public utilities – AB 975 (Fong) – while another addressed water-efficient landscaping in common-interest developments – AB 1061 (Lieu).
- *Water Softeners:* Assemblyman Feuer again introduced his water softener bill, a version of which was vetoed by the Governor last year. This time, however, the Governor signed Assemblyman Feuer's AB 1366 to authorize local agencies with salinity problems to control salinity inputs into their sewers, including certain regulation of self-regenerating

water softeners. Assemblyman Anderson offered an alternative – AB 1202 -- which would have required a study of water softener efficiency. AB 1202 was held in committee.

While other bills addressed several local water issues, one deserves attention for its effort to address a long-term statewide challenge that California may encounter as a state with limited water resources and a growing population. AB 1242 (Ruskin), which the Governor vetoed, proposed to amend the long-standing "domestic use preference" for household water uses over irrigation uses of water. It proposed to establish, in California water law, a "human right" to clean and accessible water for the health and well-being of families.

## **FISH AND WILDLIFE ISSUES**

### **Fisheries**

Key fishery related bills heard and passed by the committee this year include AB 489 by Chairman Huffman, which proposed to replace California's existing system of species-specific commercial fish landing taxes with an ad valorem landing fee, based on the ex-vessel price of the fish. Increases in the landing fee would be phased in over several years. This bill was prompted by a Department of Fish and Game study which found that the current commercial landing fees, which have not been increased for inflation in over 20 years, were generating insufficient revenue to cover the Department's costs of regulating commercial fisheries. The ad valorem fee proposed by this bill is similar to the ad valorem system already in effect in Oregon and Washington states. AB 489 failed passage on the Senate floor and is now a two-year bill.

AB 1052 (Caballero) was introduced in response to a 2008 state audit of the Bay-Delta Sport Fishing Enhancement Stamp program which found several deficiencies in DFG's administration of the program, including that DFG had been slow to identify and fund projects. As of June 30, 2008, the fish stamp account had an unspent balance of over \$7 million. The audit included a number of specific recommendations to address the deficiencies identified. AB 1052 was introduced to ensure DFG implements the recommendations of the audit, and to extend the operative date on the sections of law authorizing expenditure of the funds and the existence of the stamp advisory committee, which would otherwise sunset at the end of this year. As passed and signed by the Governor, AB 1052 lets stand the existing January 1, 2010 sunset on the requirement for fishermen to purchase the stamp, but maintains authorization for expenditure of existing stamp revenues for the long-term sustainable benefit of Bay-Delta sport fisheries, and continues the advisory committee in effect. AB 1052 also requires DFG to submit an annual accounting and program status report, to post information on its Web site on projects funded, and, in consultation with the advisory committee, to develop a grants program and spending plan for expenditure of the funds in the stamp account. As these elements are implemented and the surplus in the fund is spent down, the Legislature will want to consider reinstatement of the requirement for purchase of the stamp as a condition for sport fishing in the Bay-Delta.

The fishing industry in two instances proposed to tax itself to provide funding for sustainable fisheries. AB 571 (Saldana) was sponsored by commercial lobster fishermen and proposed a

new \$300 fee to take lobster for commercial purposes, in addition to the existing fee for purchase of a lobster permit. The additional revenues would be used to fund projects to improve the long-term sustainability and management of the California spiny lobster fishery, including but not limited to development of a fishery management plan for spiny lobster. AB 571 also proposed creation of an advisory committee to advise the Department of Fish and Game on project expenditures. AB 571 was vetoed by the Governor.

SB 778 (Wiggins) was sponsored by commercial salmon fishermen and proposed to increase the commercial salmon stamp fee to \$350. This bill is pending on the Assembly floor and is now a 2-year bill. SB 539 (Wiggins) would allow funds from the Ocean Protection Trust Fund to be used for projects to restore the state's salmon fishery. This bill also became a two year bill.

Two other fishery related bills that were successfully passed and signed into law this year include AB 1217 (Monning), which requires the Ocean Protection Council to develop and implement a voluntary sustainable seafood promotion program, and SB 670 (Wiggins) which places a temporary statewide moratorium on instream suction dredge mining. The sustainable seafood program provided for in AB 1217 will include guidance on certification, a competitive grants and loans program to assist the fishing industry in developing sustainable seafood markets, and design of a label for California seafood that is independently certified to meet internationally accepted standards for sustainable seafood.

SB 670 places a temporary moratorium on motorized instream suction dredge mining until the Department of Fish and Game completes a court-ordered environmental impact review and updates its existing suction dredge regulations. The court in December 2006 ordered the environmental review to be completed by July 2008. However, state funding was not provided to DFG to complete the review until last year. Declarations filed by DFG's chief fishery biologist and other fishery experts in the court case opined that deleterious impacts were likely occurring to Coho salmon and other protected species as a result of suction dredge operations allowed under the current regulations. In a related matter, an Alameda Superior court in July 2009 issued a preliminary injunction prohibiting DFG from expending any state funds to issue further suction dredge permits. SB 670 places a moratorium on all suction dredge activities, including activities under previously issued permits. DFG has indicated it will take until at least the summer of 2011 to complete the environmental review.

## Wildlife

The committee heard several bills relating to wildlife management and hunting activities. AB 708 (Huffman) increases penalties for egregious poaching, including poaching of over three times the bag limit, poaching for profit and torturing of wildlife. AB 708 was introduced after DFG reported dramatic increases in poaching incidents, declaring 2008 "the year of extreme poaching." AB 708 also allows DFG to revoke the hunting licenses of the most egregious offenders. This bill received broad bipartisan support and was signed into law by the Governor.

SB 481 (Cox) was introduced to address challenges airports face in managing birds that may pose a threat to human safety and airplane flights. This bill provides that a taking of birds by a federally certified airport in compliance with a federal depredation permit for public safety

purposes does not violate state fish and game laws if certain conditions are met, including that the taking is not on land specifically set aside for habitat purposes, is not a taking of an endangered or threatened species, and is part of an integrated wildlife management program that emphasizes nonlethal management methods. SB 481 was signed by the Governor.

The committee also heard several bills sponsored by hunting organizations. AB 1423 (Berryhill) modifies commercial hunting club licensure requirements; modifies and requires implementation of the Shared Habitat Alliance for Recreational Enhancement Program, a program which encourages private landowners to allow public hunting on their lands; and makes it unlawful to interfere with a hunting dog field trial or hunting dog training. This measure was signed into law. Another measure sponsored by hunting organizations, AB 979 (Berryhill), sought to clarify state preemption of local hunting ordinances. This measure was amended several times and ultimately became a two-year bill and is pending on the Senate floor inactive file.

One issue left unresolved again this year is what to do about restoration of the Salton Sea. The Resources Agency in 2006 proposed their preferred alternative for restoration of the Sea, which called for a \$10 billion restoration plan to be completed over 75 years. Legislation to establish a governing entity for the restoration has been proposed the last two years but failed to pass. This year Senator Ducheny introduced SB 51 which would establish a Salton Sea Restoration Council to implement certain phases of the Resource Agency's preferred restoration alternative. SB 51 was rereferred to the Assembly Rules Committee for procedural reasons and was not heard in committee this year.

## Wildlife Habitat

SB 448 (Pavley) seeks to incentivize wildlife habitat protection and restoration on private lands by creating a "safe harbor" for landowners who voluntarily take actions to protect wildlife habitat values on their lands. This bill was supported by a broad coalition of environmental and landowner groups and was signed into law by the Governor. SB 448 authorizes the Department of Fish and Game to enter into a safe harbor agreement with a landowner for the protection of species that are listed as threatened or endangered under the California Endangered Species Act. Such an agreement will allow a taking that is incidental to an otherwise lawful activity, provided certain conditions are met that provide for the protection of those species and provide a "net conservation benefit."

AB 444 (Caballero) sought to facilitate better management of wildlife habitat set aside for purposes of mitigation by clarifying the authority of nonprofit organizations in charge of managing such lands to hold and manage funds set aside for that management, if authorized to do so by a state or local agency. Amendments adopted in this committee required that the public agency exercise due diligence in reviewing the qualifications of the nonprofit to effectively manage and steward the land and the accompanying funds, and authorized the agency to require the nonprofit to submit an annual report, to review accounting documents, and to require an audit of the funds. The amendments also required the agency to determine that the holder of the funds has the capacity to manage the funds, to achieve reasonable rates of return similar to those of other prudent investors, utilizes generally accepted accounting practices, and has adopted an investment policy that is consistent with other specified laws relating to funds management.

This bill received broad bipartisan support, passing both houses of the Legislature without a single no vote, but was vetoed by the Governor.

## Omnibus Bills

Sometimes the more mundane but nevertheless important work of the Legislature is overlooked, particularly when such work involves bills with bipartisan support that are designed to improve the efficiency and effectiveness of government but do not necessarily make for good headlines. This year the committee sponsored an omnibus Fish and Game Code bill, AB 1442, which made numerous changes to improve implementation of California's fish and game laws. Among other things, AB 1442 allows DFG to enter into reciprocal agreements with law enforcement entities in states bordering California to enforce fish and game laws in areas near the borders and to respond to emergencies, clarifies DFG's authority to collect administrative penalties, authorizes DFG to receive contributions for support of its K9 enforcement program, authorizes the sale and voluntary purchase of Warden Stamps and commemorative fishing and hunting licenses to support fish and game wardens and conservation programs, extends the sunset on several fishery and wetlands mitigation programs, and makes a number of other changes to update the code.

The committee also heard and passed SB 717 (Runner) which made numerous changes to update the Harbors and Navigation Code, including updates to the Department of Boating and Waterway's Harbors & Watercraft Revolving Fund loan program, updates to penalties for misdemeanor and felony convictions for boating violations, modification of the age requirement for use of personal flotation devices, and other related changes.

## PARKS & RECREATION

### State Parks

The Department of State Parks, like other state agencies, suffered significant reductions in funding this year. The Department's General Fund budget was reduced by \$14.2 million for this fiscal year, with another \$8 million in reductions anticipated for 2010/11. These cuts were imposed on top of years of inadequate funding for ongoing maintenance, leading to a deferred maintenance backlog of over \$1.2 billion. The Governor at the beginning of this year initially proposed that all General Fund support for DPR be eliminated, which would have resulted in the closure of over 200 parks, effectively shutting down the system. The Legislature worked to minimize the cuts to parks and sent the Governor a budget that included an \$8 million General Fund reduction for state parks. The Governor deepened the cut to \$14.2 million. With the signing of the budget in July of this year, the Administration announced that as many as 100 state parks would be required to close.

This committee held an informational oversight hearing on September 22nd on the proposed state park closures. The hearing examined the fiscal situation for parks, and the legal obstacles and costs involved in the proposed closures. The hearing also explored different strategies for supporting state parks during these challenging economic times, including opportunities for public/private partnerships and federal government assistance. Following the hearing, the Governor backed off the closures and announced on September 25 that no state parks would

completely close, at least for this year, but that regular maintenance, hours of operation, campgrounds, vehicles and other services at parks would be reduced. The Governor also indicated he would look for ways to restore the cuts in the next fiscal year. While the parks may be open for now, without restoration of the Department's budget, the parks will continue to be in fiscal crisis and will continue to deteriorate.

The committee also heard two bills this year designed to protect state parks from other competing uses that threaten to impair state parks and the state's investment in these resources. SB 372 (Kehoe) would prohibit a significant modification or adjustment in the boundaries or uses of a state park unit that is incompatible with state park purposes, or the removal of a state park unit from the state park system, unless the State Park and Recreation Commission recommends the change and the change is approved by the Legislature. SB 679 (Wolk) would prohibit land acquired for the state park system from being disposed of or used for other than park purposes without the substitution of other land that the State Park and Recreation Commission has certified meets certain criteria. Where substitute land is not available full compensation to the state would be required. Both of these bills were vetoed by the Governor.

## UPCOMING ISSUES IN 2010

### Water

With the enactment of the comprehensive 2009 Delta-Water Legislation, it remains unclear whether significant water issues will arise in 2010. The Legislature may consider clean-up legislation or reconsider parts of the package that ultimately did not get enacted, such as the water rights enforcement tools or water diversion fees. More attention may be required in legislative oversight of the Administration's implementation of this year's package, particularly the creation and appointment of the Delta Stewardship Council.

### State Parks

Securing stable funding for state parks continues to be an ongoing issue that the Legislature will need to revisit in the coming year. In November of this year a proposed ballot initiative was filed with the Secretary of State's office proposing to fund state parks through a \$17 per vehicle registration surcharge. With payment of the surcharge, all California registered vehicles would receive free day use access to California state parks. The initiative is currently pending title and summary in the Attorney General's office, after which signature gathering will be required to qualify the proposal for the November 2010 ballot. The initiative if it qualifies and is approved by the voters would raise enough funds to entirely replace general fund support for the state park system. The proposal would also raise some funds for wildlife programs and for the Ocean Protection Council. Whether the ballot initiative will go forward this coming year is uncertain at this time.

### DFG Reform

Over the last couple decades, numerous reports and studies have documented the need for restructuring and reform of the Department of Fish and Game, in order to enable the Department to meet the demands of the 21<sup>st</sup> Century for wildlife conservation and emerging challenges in preserving biodiversity and ecosystem sustainability. As the primary public trustee for the state's natural living resources, the Department over the years has assumed a growing list of responsibilities and mandates. These responsibilities have increased as public pressures on the state's wildlife and their habitats have increased from, among other things, population growth and development, and more recently the impacts of climate change. However, the financial and human resources necessary to fulfill those responsibilities have not always accompanied those increased demands. Californians profess to greatly value their native wildlife, and California's rich diversity of wildlife and natural landscapes are a significant part of what makes California so attractive a place to live and recreate. These natural resources also have economic values and provide ecosystem services essential to the quality of life of California residents. If the state is to continue to protect these resources, particularly in light of the anticipated affects of climate change, a thorough and comprehensive examination of the changes, resources and vision needed to empower the department to fulfill its public trust mission is needed.

California's ongoing budget problems will make addressing these issues particularly challenging in 2010, but as important as ever for the future of the golden state.



# ALL BILLS IN ASSEMBLY WATER, PARKS & WILDLIFE COMMITTEE 2009

## FISH AND WILDLIFE

### Fisheries

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

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

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

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

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

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

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

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

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

**SB 539 (Wiggins) Salmon and Steelhead Trout: Ocean Protection Trust Fund.** Authorizes moneys deposited in the Ocean Protection Trust Fund to be expended, upon appropriation of the Legislature and approval of the Ocean Protection Council (OPC), for grants, loans, or direct expenditures on projects to restore native salmon and steelhead trout populations or restore the health of the state's salmon fishery. *In Assembly Appropriations Committee.*

**SB 778 (Wiggins) Commercial Fishing: Salmon Stamp.** Increases the price for purchase of a commercial salmon stamp to \$350. *On Assembly Floor Inactive File.*

## Wildlife

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

**AB 979 (Tom Berryhill) Hunting or Fishing: Local Regulation.** Declares that the state fully occupies the fields of hunting and fishing, and that all local regulations are subject to that provision. *On Senate Floor Inactive file.*

**AB 1254 (Tom Berryhill) Hunter Education Courses: Minimum Hours.** Requires hunter education courses to consist of a minimum of 16 hours. *In Assembly Water, Parks and Wildlife Committee.*

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

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

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

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

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

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

## **Wildlife Habitat**

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

**AB 1101 (Duvall) Streambed Alteration Agreements.** Allows streambed alteration agreements to be extended for more than five years by mutual agreement, without having to meet the conditions otherwise required for an extension. *In Assembly Water, Parks and Wildlife Committee.*

**SB 51 (Ducheny) Salton Sea.** Establishes the Salton Sea Restoration Council (Council) as a state agency in the Natural Resources Agency to implement the Resources Agency's preferred alternative for restoration of the Salton Sea. *In Assembly Rules Committee.*

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

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

## Department of Fish and Game

**AB 883 (Huffman) Natural Resources Agency: Fish and Wildlife Resources.** Requires the Secretary of the Natural Resources Agency to convene an advisory stakeholder committee to study and make recommendations to the Legislature and Governor with regard to actions to improve the state's management of fish and wildlife resources. *In Assembly Water, Parks and Wildlife Committee.*

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

**AB 1443 (Huffman) Fish and Wildlife: Enforcement.** Makes several changes to the Fish and Game Code to facilitate effective enforcement of California's fish and game laws. Amended in the Senate to deal instead with tribal-state gaming compacts. *In Senate Rules Committee.*

## PARKS & RECREATION

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

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

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

**AB 1114 (Gilmore) Parks and Recreation: Grant Funding: Liquidating encumbrances.** Extends the time period to liquidate encumbrances to June 30, 2011 rather than June 30, 2010, for two Proposition 40 grants totaling \$3,039,000 to the Community Action Partnership of Kern County for a youth center. *In Assembly Water, Parks and Wildlife Committee.*

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

**AB 1302 (Monning) Parks: Recreational Activities.** Authorizes the Department of Parks and Recreation to encourage and assist every state department, commission, board, agency, and officer in coordination of regional recreational activities. *In Assembly Water, Parks and Wildlife Committee.*

**AB 1345 (Swanson) State Park Systems: Beaches.** Requires the Department of Parks and Recreation to erect on a state beach, or any other unit of the state park system that encompasses a beach, signs that warn the public of dangerous, unsafe, or contaminated waters or waters that are closed to public access due to safety concerns. *In Assembly Water, Parks and Wildlife Committee.*

**SB 4 (Oropeza) State Beaches and Parks: Smoking Ban.** Makes it an infraction to smoke on a state beach or other state park unit. *On Assembly Floor Inactive ile.*

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

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

## **WATER**

### **Bay-Delta**

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

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

**AB 1365 (Tom Berryhill) Sacramento – San Joaquin Delta.** Authorizes funding to the Department of Water Resources for the purposes of acquiring land or other property interests in certain properties in Bouldin Island, Webb Tract, Holland Tract, and Bacon Island in the Sacramento-San Joaquin Delta, and to initiate and implement improvements on those properties for the purposes of flood control, habitat enhancement, reduction of greenhouse gas emissions, recreation, and other visions for a sustainable Delta. *In Assembly Water, Parks and Wildlife Committee.*

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

**SB 68 (Steinberg) Delta Reform.** As amended, contains contents, with modifications, of SB 12, SB 229, SB 458, AB 39 and AB 49. *On Assembly Floor.*

**SB 457 (Wolk) Sacramento-San Joaquin Delta: Delta Protection Commission.** Reforms the Delta Protection Commission (DPC) to conform with other changes to Delta resource management and governance. *In Assembly Water, Parks and Wildlife Committee.*

**SB 458 (Wolk) Sacramento San Joaquin Delta: Conservancy.** Establishes the Sacramento-San Joaquin Delta Conservancy (Conservancy) in the Natural Resources Agency, and reforms DPC to conform with other changes to Delta resource management and governance. (contents of SB 457 incorporated over summer). Note: Contents of this measure were amended into SB 68 (Steinberg). *Conference Committee Report Pending on Floor.*

## **Water Management**

**AB 49 (Feuer) Water Conservation.** Requires achievement of a 20% reduction in urban per capita water use in California by 2020. *Conference Committee Report Pending on Floor.*

**AB 55 (Jeffries) Water Supply Planning.** Imposes new duties on local agencies to determine whether a project is subject to water supply assessment requirements under the California Environmental Quality Act with the revision of the definition of "project." *In Assembly Water, Parks and Wildlife Committee.*

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

**AB 234 (Huffman) Energy and Water Use Efficiency.** Requires the California Energy Commission (CEC) to coordinate use of federal funding for energy efficiency with related water efficiency projects through the State Water Resources Control Board (SWRCB). *In Senate Appropriations Committee.*

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

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

dollar amount that is equivalent to 10% of the total dollar amount of grants awarded in that region. *Chapter 367, Statutes of 2009.*

**AB 900 (De León) Water Diversion: Statements of Water Diversion and Use.** Requires measurement and reporting of water diversions within the Sacramento-San Joaquin Delta (Delta) to the State Water Resources Control Board (SWRCB). *On Senate Floor.*

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

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

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

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

**AB 1187 (Huffman) Safe, Clean, Reliable Drinking Water Supply Act of 2010.** Enacts the Safe, Clean, Reliable Drinking Water Supply Act of 2010 which authorizes for the purposes of financing specified water supply reliability and water source protection programs, the issuance of bonds in the amount of \$10,035,000,000 pursuant to the State General Obligation Bond Law. *In Assembly Water, Parks and Wildlife Committee.*

**AB 1202 (Anderson) Department of Water Resources: Water Usage and Efficiency Study.** Requires the Department of Water Resources to study whether the Legislature should establish a statewide water usage and water efficiency measuring system. *In Assembly Water, Parks and Wildlife Committee.*

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

**AB 1347 (Price) Water Resources: Desalination.** Authorizes the Department of Water Resources to conduct a program of investigation, study, and evaluation in the field of desalination, to provide assistance to persons or entities seeking to construct desalination facilities, and to finance, construct, and operate desalination facilities after submission of a written report and specific authorization from the Legislature; also repeals requirements to convene a Water Desalination Task Force. *In Assembly Water, Parks and Wildlife Committee.*

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

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

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

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

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

**ACA 12 (Logue) Water: Area of Origin Statutes.** Prohibits the Legislature from amending, repealing, or changing the scope or effect of any provision protecting the area of origin for water unless the bill is passed in each house by a  $\frac{2}{3}$  vote of the membership of each house. *In Assembly Water, Parks and Wildlife Committee.*

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

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

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

## **Water Recycling**

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



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

**AB 969 (Charles Calderon) Recycled Water Targets.** Repeals statewide targets for recycled water and obsolete provisions for recycled water task force. *In Assembly Water, Parks and Wildlife Committee.*

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

**SB 565 (Pavley) Water Recycling.** Requires the State Water Resources Control Board, in consultation with the Department of Water Resources and the State Department of Public Health, to develop a plan to ensure that at least 50% of wastewater that is annually discharged into the ocean, as of the year 2009, is recycled and put to beneficial use by the year 2030. *In Assembly Water, Parks and Wildlife Committee.*

## **7th Extraordinary Session – Sacramento-San Joaquin Delta/Water Policy**

Although the Committee was established in the 7<sup>th</sup> Extraordinary Session, it held only an informational hearing and did not hear any bills from this Session. The informational hearing considered water finance and heard a presentation from Senator Cogdill on his water bond proposal, SB 2 X7. The issues and much of the contents of the special session bills had been heard several times before the Committee, both in the original regular session bills as well as in Senator Steinberg's compilation, SB 68. For informational purposes, this list identifies the special session bills that the Senate and the Assembly passed:

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

**SB 2 X7 (Cogdill) Water Bond.** Places a \$11.14 billion bond measure on the November 2010 ballot, with allocations for drought relief, regional water supply, Delta ecosystem and economy projects, water storage, conservation and watershed protection, groundwater quality, and water recycling. *Chapter 3, 2009-10 7<sup>th</sup> Ex. Session*

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

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

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

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

## **Flood Protection**

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

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

**AB 1425 (Fuller) Water: Central Valley Flood Protection Board: Notice to Applicants.** Requires the Central Valley Flood Protection Board to acknowledge receipt in writing within 14 days of receipt of all applications for flood control works within the board's jurisdiction. *In Assembly Water, Parks and Wildlife Committee.*

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

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

## **MISCELLANEOUS**

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

## INDEX OF ASSEMBLY BILLS

BILL	AUTHOR	SUBJECT	PAGE
AB 13	Salas	Sacramento-San Joaquin Delta Conservancy .....	18
AB 39	Huffman	Sacramento-San Joaquin Delta: Plan.....	18
AB 49	Feuer	Water Conservation .....	4, 7, 19
AB 55	Jeffries	Water Supply Planning .....	19
AB 74	Chesbro	Sacramento Valley Flood Management: Middle Creek/Hamilton City .....	23
AB 80	Blakeslee	Reservoirs: Recreational Use.....	17
AB 102	Smyth	Santa Susana State Park.....	17
AB 234	Huffman	Energy and Water Use Efficiency .....	7, 19
AB 300	Caballero	Subdivisions: Water Supply .....	7, 19
AB 410	De La Torre	Recycled Water.....	21
AB 444	Caballero	Mitigation Lands: Long-Term Management Funds .....	10, 16
AB 450	De La Torre	Recycled Water.....	22
AB 489	Huffman	Commercial Fishing: Landing Taxes.....	8, 14
AB 571	Saldana	Commercial Fishing: Lobster Management Enhancement Supplement Fee.....	8, 14
AB 626	Eng	Bond Revenues: Grants .....	19
AB 708	Huffman	Fish and Wildlife: Poaching .....	9, 15
AB 804	Hall	Invasive Aquatic Species: Mussels.....	14
AB 825	Blakeslee	Crab Traps .....	14
AB 883	Huffman	Natural Resources Agency: Fish and Wildlife Resources .....	17
AB 889	Jones	Open-space preservation: Bushy Lake and Urban American River Parkway .....	17
AB 900	De León	Water Diversion: Statements of Water Diversion and Use .....	7, 20
AB 934	Gilmore	San Joaquin Valley: Water Supply.....	20
AB 958	Eng	Design-build: MWD of Southern California: Solar Energy Systems.....	20
AB 969	C. Calderon	Recycled Water Targets.....	22
AB 975	Fong	Public Utilities: Water Meters .....	7, 20
AB 979	T. Berryhill	Hunting or Fishing: Local Regulation .....	10, 15
AB 1052	Caballero	Bay-Delta Sport Fishing Enhancement Stamp .....	8, 14
AB 1061	Lieu	Common Interest Developments: Water-Efficient Landscapes.....	7, 20
AB 1101	Duvall	Streambed Alteration Agreements.....	16
AB 1114	Gilmore	Parks and Recreation: Grant Funding: Liquidating encumbrances .....	17
AB 1115	Fuentes	Natural Resources: Outdoor Recreation .....	17
AB 1165	Yamada	Flood Protection .....	23
AB 1187	Huffman	Safe, Clean, Reliable Drinking Water Supply Act of 2010.....	20
AB 1189	Skinner	Fish Passage Barriers.....	14
AB 1202	Anderson	DWR: Water Usage and Efficiency Study .....	8, 20
AB 1217	Monning	Sustainable Seafood.....	9, 15
AB 1242	Ruskin	State Water Policy .....	8, 20
AB 1253	Fuller	Striped Bass .....	15
AB 1254	T. Berryhill	Hunter Education Courses: Minimum Hours .....	15
AB 1302	Monning	Parks: Recreational Activities.....	17
AB 1345	Swanson	State Park Systems: Beaches .....	18
AB 1347	Price	Water Resources: Desalination.....	20
AB 1365	T. Berryhill	Sacramento – San Joaquin Delta .....	18
AB 1366	Feuer	Residential Self-Generating Water Softeners .....	7, 21
AB 1408	Krekorian	Subdivisions: Water Demand Mitigation Fund .....	7, 21
AB 1423	T. Berryhill	Hunting .....	10, 15

<b>BILL</b>	<b>AUTHOR</b>	<b>SUBJECT</b>	<b>PAGE</b>
AB 1425	Fuller	Water: Central Valley Flood Protection Board: Notice to Applicants .....	23
AB 1426	Fuller	Flood Control: Bonds .....	23
AB 1438	Conway	Safe Drinking Water Revolving Fund .....	21
AB 1442	WPW Cmte	Fish and Game Code.....	11, 17
AB 1443	Huffman	Fish and Wildlife: Enforcement.....	17
AB 1465	Hill	Urban Water Management Planning .....	21
AB 1482	Anderson	Department of Water Resources: Water Softener Study .....	21
ACA 11	B. Berryhill	Hunting and Taking Game .....	16
ACA 12	Logue	Water: Area of Origin Statutes .....	21
AJR 8	Monning	Marine Mammal Protection: Swordfish Importation .....	15

## INDEX OF SENATE BILLS

<b>BILL</b>	<b>AUTHOR</b>	<b>SUBJECT</b>	<b>PAGE</b>
SB 12	Simitian	Sacramento San Joaquin Delta: Governance .....	18
SB 133	Corbett	Groundwater Wells: Alameda County.....	21
SB 229	Pavley	SWRCB Enforcement Tools .....	7, 19
SB 261	Dutton	Water Management Plans: Conservation.....	7, 21
SB 283	Desaulnier	Building Standards: Recycled Water Systems .....	22
SB 286	Aanestad	Scientific Collector Permits.....	16
SB 310	Ducheny	Stormwater: Watershed Improvement Plans .....	21
SB 372	Kehoe	State Park System Units .....	12, 18
SB 4	Oropeza	State Beaches and Parks: Smoking Ban .....	18
SB 448	Pavley	Safe Harbor Agreements .....	10, 16
SB 457	Wolk	Sacramento-San Joaquin Delta: Delta Protection Commission.....	19
SB 458	Wolk	Sacramento San Joaquin Delta: Conservancy .....	4, 19
SB 481	Cox	Airports: Wildlife .....	9, 16
SB 51	Ducheny	Salton Sea .....	10, 16
SB 539	Wiggins	Salmon and Steelhead Trout: Ocean Protection Trust Fund .....	9, 15
SB 565	Pavley	Water Recycling .....	22
SB 589	Harman	Game Hunting.....	16
SB 609	Hollingsworth	Importation of Crocodile and Alligator Parts .....	16
SB 619	Strickland	Flood Control: County of Santa Barbara: Lower Mission Creek .....	23
SB 670	Wiggins	Vacuum or Suction Dredging .....	2, 9, 16
SB 679	Wolk	State Parks: Limits on Disposition or Use.....	12, 18
SB 68	Steinberg	Delta Reform .....	1, 5, 19
SB 717	Runner	Boating and Waterways.....	11, 23
SB 778	Wiggins	Commercial Fishing: Salmon Stamp .....	9, 15

### 7<sup>th</sup> Extraordinary Session Legislation

SB 1 X7	Simitian	Sacramento-San Joaquin Delta .....	6, 22
SB 2 X7	Cogdill	Water Bond.....	6, 22
SB 3 X7	Steinberg	Water Bond.....	6
SB 6 X7	Steinberg	Groundwater Monitoring .....	7, 22
SB 7 X7	Steinberg	Water Conservation .....	7, 22
SB 8 X7	Steinberg	Water Diversion/Use Reporting & Enforcement.....	7, 23