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CALIFORNIA LEGISLATURE
ASSEMBLY COMMITTEE ON
WATER, PARKS AND WILDLIFE

2011 – 2012
Legislative Summary

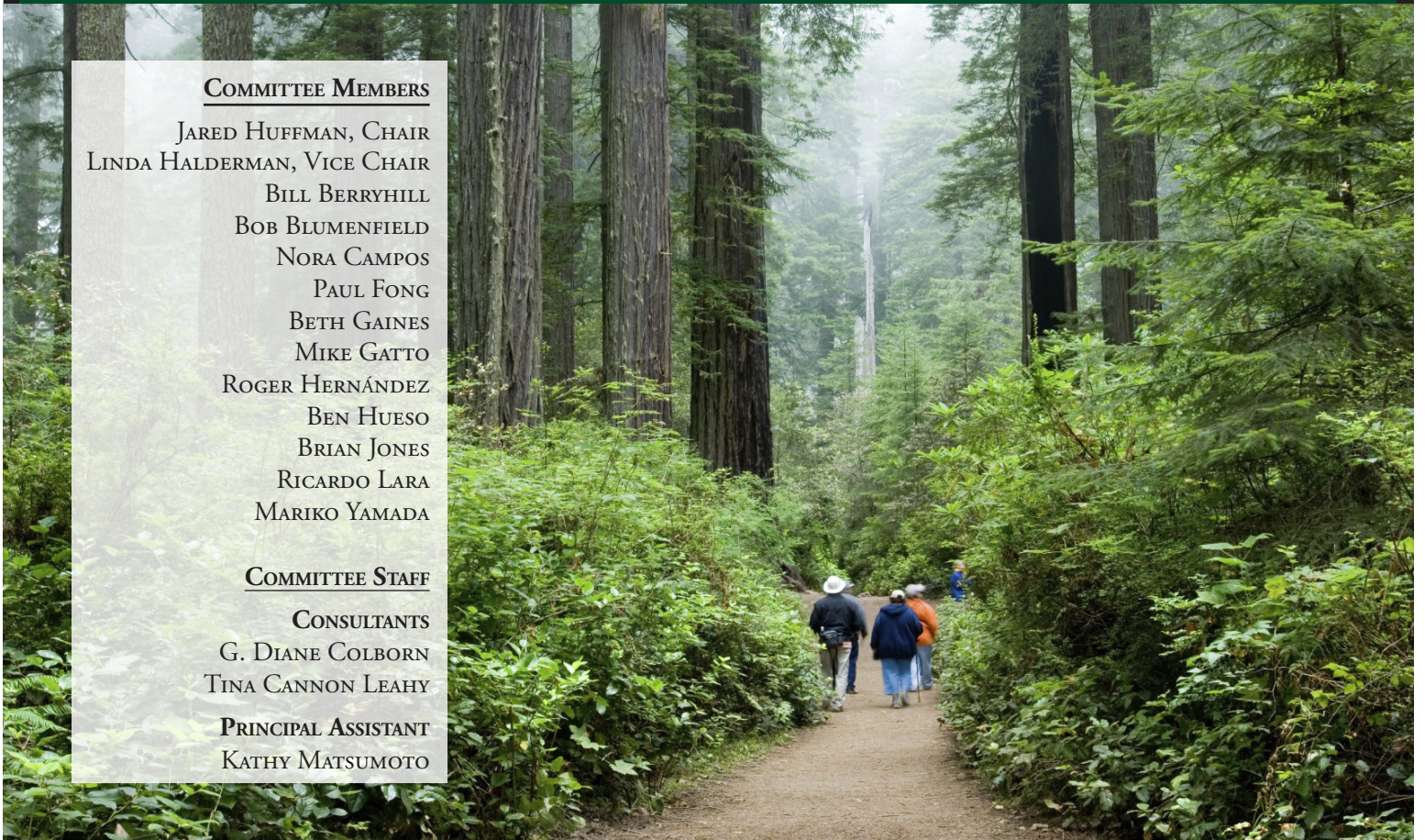


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**ASSEMBLY WATER, PARKS, AND WILDLIFE COMMITTEE
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KEY ISSUES BEFORE THE ASSEMBLY WATER, PARKS & WILDLIFE COMMITTEE

2011-2012 Legislative Session

OVERVIEW

The 2011-12 Legislative Session brought many high profile issues to the Assembly Water, Parks & Wildlife Committee (Committee) including, for example, legislation aimed at creating a Human Right to Water in California, continued debate over the future of the Sacramento-San Joaquin Delta Estuary (Delta), the Governor's proposed closure of 70 California state parks in response to a stated \$22 million budget shortfall, proposed reforms to the Department of Fish and Game (DFG) and the Fish and Game Commission (Commission), and bans on both the importation of shark fins and the use of dogs to hunt bears and bobcats.

In total, the Committee received 116 bill referrals during the 2011-12 Legislative Session and held hearings on 93 measures, 70 of which ultimately passed the Legislature and became law. The Committee also held seven oversight hearings. Details on these and other key issues faced in the 2011-12 Session are described below in this report.

Change in Committee Leadership

Assemblymember Jared Huffman (D-San Rafael) chaired the Committee for most of the 2011-12 Session. Assemblymember Huffman, who became a member of the Committee in 2007, was appointed chair by Speaker Karen Bass at the beginning of the 2009-10 Legislative Session, and reappointed by Speaker John Perez. During his tenure, Chair Huffman introduced legislation addressing many of California's pressing natural resources issues including requiring commencement of a Fish and Game strategic vision process, and adoption of new strategies to rescue state parks from closures. In addition, he presided over multiple hearings providing oversight of the implementation of the historic 2009 water package of legislation adopted during the Seventh Extraordinary Session in 2009-10. Other measures authored by chair Huffman promoted restoration of California's salmon fishery, improved the state's response to oil spills, and facilitated better management of California's groundwater resources. Assemblymember Huffman was elected to Congress in November 2012. Speaker Perez appointed Assemblymember Ben Hueso of San Diego to serve as the new chair of the committee on August 10, 2012.

WATER ISSUES

DELTA SUSTAINABILITY

Throughout the two-year session, the Administration and the Legislature continued to struggle with achieving a sustainable long-term management strategy for the Delta, which is home to many historic communities, farms, and businesses; the crossroads of California's two largest surface water delivery projects, the federal Central Valley Project (CVP) and State Water Project (SWP); and, together with the Suisun Marsh, a vibrant ecosystem that supports more than 55 fish species and more than 750 plant and wildlife species. In 2009, the Sacramento-San Joaquin Delta Reform Act (Delta Reform Act), which became law as part of the historic package of water legislation passed by the Legislature during an Extraordinary Session,¹ created the Delta Stewardship Council (Council), a Delta governance body with seven voting members, four of whom are appointed by the governor, one by the Senate Committee on Rules, one by the Speaker of the Assembly, and one who is the Chairperson of the Delta Protection Commission. The Council's main function is to develop, adopt, and commence implementation of an enforceable long-term management plan for the Delta (Delta Plan) that meets the coequal goals for the Delta of "providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem...in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."²

Delta Plan

On November 30, 2012, the Council posted the final draft of the Delta Plan together with a draft Programmatic Environmental Impact Report (PEIR), a Notice of Proposed Rulemaking, and a set of draft regulations. The posting of those documents began a 45-day public review period for both the draft PEIR and regulations that, unless extended, will close on January 14, 2013. During February and March the Council is expected to review and revise the Plan in response to comments with a final plan being issued in late spring. The final draft plan is the eighth version to be publicly released by the Council. With respect to the purpose of the Delta Plan, the final draft states:

The Delta Plan is intended to be a foundational document that prioritizes actions and strategies in support of key objectives such as the state's requirement to reduce reliance on the Delta to meet future water supply needs. It also restricts actions that may cause harm; serves as a guidebook

¹ The water package consisted of five bills, SB 1 (Simitian) on Delta governance; SB 2 (Cogdill) a proposed water bond for the 2010 ballot; SB 6 (Steinberg) regarding groundwater elevation monitoring; SB 7 (Steinberg) setting a water conservation goal of a 20% per capita reduction in urban water use by 2020 and requiring agricultural water use efficiency; and SB 8 (Steinberg) providing the State Water Resources Control Board additional tools to enforce water diversion and use requirements. See the Assembly Water, Parks and Wildlife Committee 2009-10 Legislative Summary for a complete description.

² Public Resources Code § 29702; Water Code § 85054

*for all plans, projects, and programs that affect the Delta; and calls for further investigation and focused study of specific issues.*³

The Delta Plan contains five core policy chapters: increasing water supply reliability; protecting, restoring, and enhancing the Delta ecosystem; protecting, and enhancing the cultural, recreational, natural resource and agricultural values of the Delta as an evolving place; improving water quality; and, reducing risks to people, property and state interests in the Delta. In addition, it includes a chapter on funding principles. All of the chapters, with the exception of funding, include binding "policies" and non-binding "recommendations."

The Delta Plan is made enforceable by requiring those State and local agency plans, programs, or projects that are considered "covered actions" to file a "certification of consistency" with the Council, which is basically a form of self-certification showing how the project meets the Delta Plan's policies. Once a certification is filed, any person, including any member of the Council or its Executive Officer, has 30 days to file an appeal that asserts that the project is not consistent because it will have an adverse impact on the achievement of one or both of the coequal goals. If a valid appeal is filed, the Council evaluates and determines whether the covered action is consistent with the Council's policies or not. If the covered action is found inconsistent, the project may not proceed until it is revised so that it is consistent with the Delta Plan.

Concerns as to how the Council would continue to fund its work and how application of the consistency requirements could cause delay and uncertainty for some in-Delta projects spurred a number of bills. AB 576 (Dickinson) would have required the Council to adopt a long-term financing plan and AB 1884 (Buchanan) would have excluded a list of local Delta activities from Delta Plan consistency review. Per the authors, neither bill was set for hearing. In contrast, SB 1495 (Wolk), which exempts harbor-related leases and routine dredging activities of the Port of Sacramento and the Port of Stockton from Delta consistency review, was signed by the Governor.

Bay Delta Conservation Plan

During a press conference on July 25, 2012, Governor Edmund Gerald "Jerry" Brown, Jr., startled the assembled news media when he denounced what he called "analysis paralysis" with respect to the Bay Delta Conservation Plan (BDCP) and announced "I am going to get [expletive] done." What the Governor was referring to was the Administration's decision that the central elements of a preferred BDCP proposal would be three water intakes with a total combined diversion rate of 9,000 cubic feet per second (cfs) and twin tunnels with a capacity of 15,000 cfs.

The BDCP is a process begun six years ago to obtain 50-year federal Endangered Species Act (FESA) and California Endangered Species Act (CESA) permits for SWP Delta facilities, which are operated by the California Department of Water Resources (DWR), including the Harvey O. Banks Pumping Plant located near the town of Tracy in the south

³ Final Draft Delta Plan, Introduction, page 10.

Delta. The project planning has been led by both the state and federal governments because, since 1986, the SWP and CVP, which is operated by the U.S. Department of the Interior, Bureau of Reclamation (Reclamation), have functioned in tandem in accordance with a Coordinated Operations Agreement (COA). The COA obligates the CVP and SWP to jointly meet required San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan water quality and outflow standards while also attempting to increase "the efficient use of existing water supplies by defining a sharing process for the [SWP and CVP] to meet in-basin use and exports."⁴ Prior to BDCP planning, DWR asserted that the COA also meant it could simply derive its FESA coverage from that provided to Reclamation since any FESA consultation must necessarily include the sum of the effects of both Projects' joint operations.

Potential endangered species act coverage for DWR under the BDCP differs in that it would occur through a "Section 10" Habitat Conservation Plan (HCP) – which is the mechanism available for non-federal entities to satisfy FESA. In addition, the BDCP would satisfy CESA requirements by implementing a state Natural Community Conservation Plan (NCCP). The primary advantage of an HCP/NCCP is that, in exchange for meeting a higher conservation standard, a permittee has the potential to receive regulatory "assurances" that once the plan is approved no further money, water, or land will be required to meet the needs of species covered by the plan (covered species) as long as the plan is being properly implemented and none of the covered species are going extinct due to plan activities. Importantly, the Delta Reform Act requires the BDCP to be an NCCP in order to be eligible for state funding and automatic inclusion in the Delta Plan.⁵

Planning for the BDCP has mostly taken the form of a four-way negotiation between the project operators, DWR and Reclamation; the state and federal agencies who are responsible for protecting species, including threatened and endangered species (DFG, the U.S. Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS)); major water suppliers in the San Joaquin Valley and southern California who receive export water supplies from the CVP and the SWP and have provided significant funding for the planning stage;⁶ and, environmental groups interested in assuring the plan is scientifically-based and adequately protective.⁷ The lack of participation by in-Delta groups has led to ongoing concerns by their elected representatives, including the five Delta Counties of Contra Costa, Sacramento, San Joaquin, Solano and Yolo, that up to five new intakes on the Sacramento River, each over 10 times larger than any existing Delta diversion, combined with 40-mile long underground tunnels and over 100,000 acres of habitat restoration on what is currently agricultural land, could leave their citizens as some of the most affected and yet least-represented voices in the process. As a result,

⁴ *Final Environmental Impact Statement/Report, Coordinated Operation Agreement, Central Valley Project/State Water Project* (April 1986), at p. 1.

⁵ Water Code § 85320.

⁶ Principally, the Metropolitan Water District of Southern California and the Kern County Water Agency, which both receive SWP supplies, and the Westlands Water District, which receives CVP supplies.

⁷ "NGOs" who signed the initial planning agreement and have continued to participate include American Rivers, The Bay Institute, Defenders of Wildlife, the Environmental Defense Fund, and The Nature Conservancy.

multiple bills were introduced by Delta-area legislators this session that called for limitations on, alternatives to, or additional transparency regarding the BDCP.⁸ None of those measures moved forward. Opponents maintained that additional legislation was unnecessary because the BDCP was already subject to an extensive list of statutory requirements under the 2009 Delta Reform Act.

At the time of this writing the BDCP was still trying to develop a "preferred alternative" for its Environmental Impact Statement/Environmental Impact Report which, due to the participation and future required decision-making of both state and federal entities, is designed to meet both National Environmental Policy Act and California Environmental Quality Act requirements. Many critical issues still remain unresolved such as proposed operations, including fish bypass flows and anticipated levels of export water supplies; what will be the export water agencies' share of financing as opposed to the public; whether the export water agencies will be allowed to co-hold permits with DWR and Reclamation and thus be given new powers and authority over the implementation of the BDCP and, ultimately, the operations of the SWP and CVP; and, how adaptive management will be implemented. Because of BDCP planning delays and other factors, AB 1871 (Logue) , which would have prohibited the approval of the Delta Plan until BDCP was complete and SB 250 (Rubio) , which would have mandated completion of the BDCP by February 2013, did not move forward.

WATER BOND

The year 2012 also brought with it renewed interest regarding the water bond that was passed as part of the 2009 Seventh Extraordinary Session historic package of water legislation. Originally, that \$11.14 billion bond was to be placed on the November 2010 general election ballot. However, in 2010 then-Governor Arnold Schwarzenegger signed AB 1265 (Caballero) which shifted the bond to the November 2012 general election. The moving of the bond was based on a general consensus that it would fail due to its large price tag in a weak economy. Besides the date change, AB 1265 made several other technical and conforming changes but did not alter the size of the bond. By early 2012, it became apparent that the economic recovery was occurring slower than had been hoped and the bond's chances of passage were still in doubt. As a result, legislative leadership initiated discussions with stakeholders on possible approaches to the bond, including reductions in the overall size. Ultimately, however, the Legislature passed, and the Governor signed, AB 1422 (Perea) which moved the bond in its current form to the November 2014 general election.

⁸ See AB 550 (Huber) peripheral canal; AB 627 (Bill Berryhill) Delta corridors; AB 1813 (Buchanan) Delta Reform Act; AB 2000 (Huber) BDCP Memorandum of Agreement; AB 2421 (Bill Berryhill) BDCP cost benefits analysis; AB 2422 (Bill Berryhill) western Delta intakes.

STATE PARKS

THE THREAT OF PARK CLOSURES

California's state park system is the largest in the nation with 278 state park units covering over 1.5 million acres of lands. California's state parks are public assets managed by the Department of Parks & Recreation (DPR) for their natural, cultural, historical and recreational values, and for the benefit of present and future generations. State parks receive over 80 million visitors per year, including both in-state residents and out-of-state tourists. Over the past several years, the budget for state parks has been significantly reduced, park operations and maintenance have suffered, and the park system now has a deferred maintenance backlog of over \$1.2 billion. In November 2010, Proposition 21, a statewide ballot initiative which would have provided ongoing dedicated funding for state parks through a vehicle license fee surcharge, failed passage.

The 2011-12 Session was a tumultuous one for state parks. The Administration in May 2011, in the face of a growing state budget deficit, announced plans to close 70 of California's 278 state parks, effective July 1, 2012. The announcement was made following implementation of a \$22 million annual reduction in DPR's General Fund budget. DPR estimated at the time that the park closures would produce a net savings for DPR of approximately \$11 million annually.

In order to prevent some of the park closures, the state in 2011 enacted AB 42 (Huffman) which authorized DPR to enter into operating agreements with qualified nonprofit organizations to keep open parks that would otherwise be subject to closure. In 2012, DPR began the process of negotiating operating agreements with nonprofit groups willing to undertake fundraising and assume responsibilities for park operations. In addition, several parks were removed from the closure list as a result of temporary agreements with the National Park Service, local governments, private donors, and other contractual agreements.

In November 2011 this Committee and the Assembly Accountability and Administrative Review Committee held a joint oversight hearing on the proposed state park closures. The hearing raised, among other things, concerns over a lack of information and clarity as to how DPR applied statutorily required criteria in evaluating which parks to include on the closure list. Budget trailer bill language enacted in the Spring of 2011 identified criteria DPR was to use in evaluating parks for closure. DPR indicated they applied the criteria in an iterative process, but did not use a scoring or weighting system, and did not maintain any documentation of the process. The list was developed through internal, nonpublic meetings of select DPR park professionals, and no notes of the process were kept. The Committees questioned why many parks were included on the closure list that did not appear to fit the criteria identified in the budget trailer bill language. For instance, the criteria included avoiding, to the extent possible, parks identified as "Outstanding or Representative" state parks, yet nine parks on the closure list fit that definition. Another criterion was the estimated net savings from closures so as to maximize savings to the system. However, DPR provided the Legislature with operational cost data only for the

70 parks on the closure list, and not for the other parks in the system, asserting that they did not have unit specific operating costs for the other parks.

Other concerns raised by the hearing included:

- concerns that the costs of closing state parks may be higher than anticipated due to the physical inability to close some parks on the list, existing problems with vandalism, illegal marijuana growing and property destruction that could be exacerbated if parks are closed, and potential litigation;
- risks to public safety and increased pressures on local law enforcement to fill the gap left by the absence of a state presence;
- concerns that future federal funding could be jeopardized by closing parks that received federal Land & Water Conservation funding;
- concerns that closure of parks within the Coastal zone may violate the state Coastal Act;
- concern that the park closures may have a disproportionate impact on some local communities and regional economies, and result in a loss of state tax revenue from local economic activity generated by state park visitation. Of particular concern was the anticipated impact on small businesses located near state parks.

Concerns were also expressed as to whether alternatives which might avoid or reduce the necessity to close state parks had been fully explored. Examples of such alternatives include enhanced and modernized fee collection and other revenue raising opportunities within some state parks, and potential untapped philanthropic support from private investors. With regard to the latter, it was noted by some witnesses at the hearing that there may be greater interest in private philanthropic support for state parks if contributors had greater confidence their contributions would go to enhance the state park system and not be diverted to other purposes by the state. Finally, it was noted that the state could benefit from an independent assessment of strategies for long-term management and sustainable funding of California's state parks.

The Legislative Analyst's Office (LAO) released a report on March 9, 2012 entitled "Strategies to Maintain California's Park System." Among other things, the LAO recommended increasing park user fees and shifting toward entrance fees rather than parking fees, and increasing the number of parks subject to operating agreements. The LAO estimated that if just an eighth of the people that currently visit day-use parks for free were charged an entrance fee, this would increase revenues by the low tens of millions of dollars annually. Similarly, the LAO estimated that raising the amount of fees current visitors pay by just \$1 would increase revenues by the low tens of millions of dollars annually.

The LAO report further noted the lack of certainty as to how much funding can actually be saved from closing a given number of state parks, noting DPR's inability to provide information on the cost of operating an individual park, and the various costs associated with closure. They also noted that since the closure list was released, DPR had concluded that some parks on the closure list would be too costly to close – meaning that it would cost more to close them in the near term because of the one-time costs associated with

closures. They further noted that the costs to reopen closed parks in the future could be substantial if the infrastructure was not sufficiently maintained.

LEGISLATIVE RESPONSE

Budget Actions on State Parks in 2012

As public opposition to the proposed park closures mounted, the Legislature in 2012 took several actions through the budget process to enhance state park resources and give DPR additional flexibility and options to avoid park closures. Specific budget actions taken included: creation of a state park enterprise fund, allocation of state bond funds for infrastructure and revenue generating projects in state parks, creation of a state park environmental license plate program, and authority for DPR to incentivize revenue generating activities in park districts. The Legislature also granted the DPR director additional flexibility in the expenditure of certain fuel tax monies received by the Off-Highway Vehicle Trust Fund. The Legislature also proposed to appropriate \$10 million annually from the Clean Water Revolving Fund to DPR for water infrastructure projects. However, that fund appropriation was vetoed by the Governor. Nevertheless, as a result of the budget changes enacted, and the operating and donor agreements negotiated, DPR announced that only one park would be closing effective July 1, 2012.

The Crisis Worsens

Then in mid-July 2012, a surprise announcement was made by the Administration that a hidden reserve of \$20 million had been discovered in the State Parks and Recreation Fund (SPRF), and an additional reserve of \$34 million in the Off-Highway Vehicle Trust Fund. This announcement shocked the public and the Legislature since DPR had been insisting that the park closures were necessary due to budget shortfalls. The discovery of the hidden funds led to the resignation of the DPR director and the termination of several upper-management level employees. Shortly before the hidden funds announcement, it was also announced that an unauthorized vacation buy-out program had been instituted by the deputy director of administration for DPR, resulting in pay outs to management level employees totaling some \$274,000. The Attorney General's office began an investigation, and the Department of Finance also announced it was conducting an audit of all state special funds. The Joint Legislative Audit Committee of the Legislature voted to have the State Auditor conduct an independent audit of the park funds as well. At the time of this writing, these audits are ongoing, with completion anticipated by January 2013.

Near-Term and Long-Term Solutions

Private donors who had signed donor agreements and contributed funds to DPR for park operations, as well as many of the nonprofits who conducted fundraising and entered operating agreements were understandably outraged at these announcements. The Legislature responded quickly by passing AB 1478 (Blumenfield) which, among other things, appropriated the \$20 million in surplus funds found in the SPRF to provide matching grants for donor and nonprofit agreements, and to pay for critical infrastructure

projects in state parks needed to protect public health and safety. AB 1478 also placed a 2-year moratorium on state park closures. Action on the surplus in the Off-Highway Vehicle Trust Fund was postponed pending further state investigations needed to confirm the actual amount of the surplus.

California State Park Stewardship Act of 2012

Looking more long-term at the need to provide for sustainable management of California's state park system, the Legislature in 2012, in a broadly bipartisan effort, passed AB 1589 (Huffman) . Known as the California State Park Stewardship Act of 2012, AB 1589 did a number of things, including: (1) called for development of a master plan for state parks to provide for adequate long-term funding and maintenance, to ensure accurate and transparent accounting of all state park special funds, and to ensure that private investments and other new dedicated funding sources are used to supplement and not supplant existing state funding for state parks; (2) required DPR to develop and implement a revenue enhancement action plan to increase revenues and the collection of existing user fees at state parks; (3) authorized taxpayers to dedicate a portion of their state tax refund toward purchase of an annual state park access pass when they file their state income tax returns; and (4) called for a multi-disciplinary independent assessment to make recommendations to the Legislature and Governor on ways to ensure long-term management and funding of a world-class California State Park system. AB 1589 passed the Assembly on a unanimous bipartisan vote of 80-0, which is indicative of the broad bipartisan support for state parks in the Legislature, and among California citizens statewide.

AB 1589, as introduced, also proposed to create a State Park Enterprise Fund, and to appropriate unexpended bond funds for these purposes. Those provisions were incorporated instead into the budget and enacted into law through budget trailer bill language. The introduced version of AB 1589 also proposed to make available a California State Park environmental license plate, the fees for which would be dedicated to support of California State Parks to supplement existing park funding. That proposal was also enacted into law through the resources budget trailer bill, SB 1018 (Leno).

As the various state audits and investigations of DPR's processes are completed, the Legislature will want to look closely at the findings and any recommendations for further legislative actions that may be needed to ensure transparency and sound management of California's state park resources. The oversight role this Committee has played with regard to state parks will also continue to be important as these changes are implemented.

Finally, it should be noted that the Little Hoover Commission (LHC) began an in-depth study on state parks in 2012 with a final report anticipated in January of 2013. The LHC is an independent state oversight agency created in 1962. The LHC's mission is to investigate state government operations and – through reports, recommendations and legislative proposals – promote efficiency, economy and improved service. The LHC's creation, membership, purpose, duties and powers are enumerated in statute, which provides that the LHC is to be a balanced bipartisan board composed of five citizen

members appointed by the Governor, four citizen members appointed by the Legislature, two Senators and two Assembly members.

FISH AND WILDLIFE

DEPARTMENT OF FISH AND GAME REFORM

In 2011-12, the Assembly began a comprehensive review of DFG and the Commission. The process was initiated through oversight hearings of the Committee in 2010 and passage of AB 2376 (Huffman) that same year. AB 2376 called for establishment of a strategic visioning process to develop recommendations on ways to improve the effectiveness and capacity of DFG and the Commission in meeting their public trust missions. In the 2011-12 Session, the Natural Resources Agency began the process of implementing AB 2376 by appointing an executive committee, a blue ribbon citizen's commission, and a broad-based stakeholder advisory group composed of over 50 members. The Natural Resources Agency facilitated a process that included numerous public meetings and workshops, and culminated with publication of a strategic vision report in April of 2012. The report includes broad recommendations on such issues as mission, scope of responsibilities, scientific capacity, and principles to guide natural resources management, permitting and enforcement.

The chairs of this Committee and the Senate Natural Resources and Water Committee introduced companion measures in 2012 to begin the process of implementing recommendations from the Strategic Vision. AB 2402 (Huffman) and SB 1148 (Pavley) were both enacted into law and in brief do the following:

AB 2402:

- Streamlines and reforms the process for issuance of scientific collector permits
- Improves DFG's use of and access to independent science, including calling for adoption of a scientific integrity and ethics policy
- Authorizes DFG and the Commission to adjust certain licensing fees to provide for recovery of reasonable administrative and implementation fees
- Changes the name of DFG to the Department of Fish and Wildlife to better reflect the broader scope of DFG's mission
- Calls for creation of an environmental crimes task force to assist in the prosecution and adjudication of wildlife crimes
- Establishes a state policy to encourage intergovernmental coordination and collaboration, including joint review teams for projects requiring multiple permits
- Encourages DFG to enter into partnerships with nonprofit organizations to assist DFG with fundraising for support of DFG's conservation programs
- Extends to DFG wardens certain disability benefits for on the job injuries that other state peace officers receive
- Calls for a feasibility study report on the costs and benefits of enhancing DFG's Automated License Data System to allow for electronic tracking of fish and game code violations

SB 1148 contains three major themes: it modifies various fee authorities of DFG and the Commission to allow for recovery of administrative costs; establishes a process for review, approval and oversight of mitigation and conservation banks; and updates California's hatcheries and wild trout program.

Also, in response to a joint request from chairs Huffman and Pavley, the Law Revision Commission agreed to undertake the task of updating and correcting the Fish and Game Code. ACR 98, enacted in 2012, authorizes the Law Revision Commission to study whether the Fish and Game Code and related statutory law should be revised to improve its organization, clarify its meaning, resolve inconsistencies, eliminate unnecessary or obsolete provisions, standardize terminology, clarify program authority and funding sources, and make other minor improvements.

The Assembly in 2012 also passed and the Governor signed into law, AB 2609 (Hueso) which establishes recommended qualifications for Fish and Game Commissioner appointments based on recommendations of the Strategic Vision process, and strengthens the conflict of interest rules applicable to the Commission. AB 2609 also modifies the rules regarding selection, election and conduct of commissioners.

In early 2012, a media firestorm ensued when the then-president of the Commission, Dan Richards, shot a mountain lion in Idaho and a picture of Mr. Richards holding the dead lion was published on an online web site for hunters. While Mr. Richards' out-of-state mountain lion hunt was legal, many considered it out of step with California which banned the sport hunting of mountain lions in 1972, and then codified that ban with the passage of Proposition 117 in 1990. The incident threw a spotlight on the Commission at the same time that the stakeholder process was working on developing proposed reforms to modernize DFG and the Commission. By the end of the Session, a number of those reforms were enacted into law through the passage of AB 2402 and SB 1148, Mr. Richards was replaced as Commission president, and the rules for selection, election and conduct of commissioners were also modified through the enactment of AB 2609.

Other DFG reform proposals were considered by the Legislature in 2012 but did not achieve final passage. Specifically, AB 2179 (Allen) proposed to expand DFG's authority to assess civil administrative penalties for violations of the Fish and Game Code. A lack of prosecutions of Fish and Game Code violations in the courts has been identified as a significant obstacle in providing sufficient deterrence for poaching and other wildlife crimes. The lack of prosecutions is due in part to the fact that court dockets are often crowded with other criminal cases and fish and game violations are not always viewed as serious enough to warrant aggressive prosecution, in spite of their often significant impact on natural resources. AB 2179 proposed to provide DFG with greater civil administrative penalty authority in order to provide an alternative deterrent to court prosecutions. AB 2179 passed the Assembly but failed passage on the Senate floor.

AQUATIC SPECIES

Inland Fisheries

The need to improve the resilience of California's fisheries and reduce conflicts was a theme in more places than just the Delta. AB 1961 (Huffman) emerged out of a 2011 hearing of the Joint Committee on Fisheries and Aquaculture, chaired by Assemblymember Wes Chesbro, entitled "Coho Salmon on the Brink." During that hearing, representatives from DFG, NMFS and others testified that coho salmon used to number in the hundreds of thousands in some of California's north coast streams but were now down to the thousands in some places and in others they were gone entirely. AB 1961, the "Coho HELP Act," creates a "one-stop" approval process at DFG for specific types of voluntary projects to benefit coho salmon, such as stream bank restorations and fish passage improvements. AB 1961, which was signed by the Governor, is regarded by some as a possible template for other types of conservation project streamlining.

Shark Fins

One of the more significant fishery bills in the 2011-12 Session was AB 376 (Fong) which banned the sale and trade of shark fins in California. This bill recognized the importance of sharks, as an apex predator, to the overall health of ocean ecosystems worldwide, and the disproportionate impact the shark fin trade is having on shark species threatened with extinction. According to NMFS, most sharks are vulnerable to overfishing because they are long-lived, take many years to mature, and only have a few young at a time. Consequently, recovery from overfishing can take years or even decades for many shark species. NMFS indicates that since the mid-1980s, a number of shark populations in the United States have declined, primarily due to overfishing. According to officials at the Monterey Bay Aquarium, over a third of shark species worldwide are currently threatened with extinction. Demand for shark fin is largely believed to be the primary driver behind overfishing of sharks and recent shark population declines. According to an article in the New York Times, every year up to 73 million sharks are killed for their fins, primarily to make shark fin soup. For more information on various scientific studies on shark populations see the Committee analysis on AB 376.

Dungeness Crab Trap Limit Program

The Legislature in 2011 passed SB 369 (Evans) which requires the DFG director to establish a new Dungeness crab trap limit program by March 31, 2013. SB 369 also authorized crab trap fees to be assessed to fund DFG's administration of the program and made other related changes. SB 369 was supported by the Dungeness Crab Taskforce composed of a diverse group of fishermen elected from all major crab ports in California and representing both large and small boats. The group reached consensus on the need for a trap limit in the fishery. Supporters of SB 369 asserted this bill will better ensure the long term sustainability of the California crab fishery, give the state's fishermen the ability

to compete more fairly with out-of-state fishermen, reduce the amount of derelict gear in the water, and help resolve other management issues.

Marine Life Protection Act

The Marine Life Protection Act, enacted in 1999, called for establishment of a network of marine protected areas (MPAs) in each region of California's coastal waters. In 2012, the Commission completed final approval of the maps for MPAs in the North and South Coast regions, the final two regions of the state to be completed. Now that the initial networks have been established, the state's ongoing responsibilities include monitoring and adaptive management of the MPAs. The Legislature considered a proposal in 2012 to shift some of the ongoing management responsibilities for MPAs, including consideration of proposed boundary modifications, from the Commission to the Ocean Protection Council, which is already conducting and funding much of the ongoing monitoring. However, that proposal did not pass in this Session but may be reconsidered in the future.

Invasive Species

Increasingly, the problem of invasive species management is consuming more resources and requiring greater attention from natural resource managers. The expense of managing invasive species can be astronomical and focusing on prevention is generally more cost effective than responding after the fact to widespread infestations. Past legislative proposals to establish a statewide Invasive Species Council have been unsuccessful. So, in the absence of a statewide approach, California's response has been largely reactive, fragmented, and species by species, though there have been some efforts at coordination through groups like the California Biodiversity Council. In addition, the California Department of Food and Agriculture has had an active program focused on agricultural pest management.

This session, three bills highlight the growing challenges the state faces with invasive species. AB 2443 (Williams) imposes a Quagga and Zebra mussel infestation prevention fee on vessel registrations to fund local mussel inspection programs. Quagga and Zebra mussels are highly invasive and first appeared in the United States in the Great Lakes region where they caused billions of dollars in economic damages. Quagga mussels were first detected in California in 2007 and have since spread to several lakes in southern California and to the California Aqueduct. Boats are the primary mode of transport of mussels from one water body to the next. AB 2443 was broadly supported by local agencies and water district managers and opposed by recreational boaters. It was signed into law by the Governor on September 23, 2012 and takes effect January 1, 2013.

AB 1540 (Buchanan) addresses the issue of the South American Sponge plant (Sponge plant), a highly invasive aquatic weed that spreads and grows rapidly. The Department of Boating and Waterways (DBW) is the lead agency for the state in controlling two other aquatic invasive species – water hyacinth and Brazilian elodea. AB 1540 gives DBW the additional authority to treat Sponge plant, which was first found in California in 2003 and moved into the Delta in 2008. Sponge plant creates an extremely thick mat of vegetation

on the water surface that effectively shuts out all sun light, and changes the water below making it uninhabitable to fish and other aquatic animals. The huge mats of vegetation make fishing and boating difficult and build up against any obstruction, potentially accumulating and jamming weirs, dams, gates, siphons and pumps. Because Sponge plant germinates with extremely small seedlings that are easily dispersed by wind, currents and tidal action, water pumps within the Delta are in danger of becoming clogged. AB 1540 emphasizes that responding to these threats at an early stage is important to prevent the spread of Sponge plant throughout the Delta.

AB 2504 (Gaines) proposed to allow DFG to permit commercial fishing of signal crayfish in Lake Tahoe and the Lake Tahoe Basin. Signal crayfish, also commonly known as crawdads, were intentionally introduced to Lake Tahoe in the 1800s as a food source, both for people and for introduced fish species, and have now become thoroughly established with some estimating they number around 220 million. In addition to providing food to fish species, including invasive bass, crayfish contribute to algae production near shore, which diminishes Lake Tahoe's clarity. As a result, reduction of the crayfish population, or their eradication, may have a significant effect on the lakes' plant and animal life and aesthetic quality. In 1970, the Legislature prohibited the sale or purchase of crayfish from the basin in response to rumors that the removal and export of 100,000 crayfish by a Swedish scientist was not an innocent attempt to reestablish the Swedish crayfish population, which had crashed because of fungal infection, but was actually part of a secret commercial venture. Amendments taken to AB 2504 in the Assembly, clarified that if commercial fishing of crayfish is allowed in Lake Tahoe it shall be for the primary purpose of population reduction and control of the signal crayfish as an invasive species, and that DFG may allow the commercial taking of crayfish only to the extent that it is consistent with state goals for management of invasive species and environmental standards. The amendments further required the Commission to ensure that any regulations on commercial take of crayfish are consistent with the Lake Tahoe Region Aquatic Invasive Species Management Plan. However, at the request of the author, AB 2504 was moved to the inactive file. Therefore, the ban on a commercial crayfishery remains in effect on the California side of Lake Tahoe even though Nevada recently authorized crayfishing on its side of the lake.

TERRESTRIAL WILDLIFE

Hunting and Trapping

SB 1221 (Lieu) , the ban on the use of hounds to pursue bears and bobcats, was one of the most hotly debated and emotional issues of the session and generated intense public involvement. Generally, hounding consists of setting packs of hounds loose that are specially bred and trained to chase after bears and bobcats while baying and barking to provide their location. Usually with bears, multiple dogs are used otherwise the risk of injury to a single dog, or even a pair, from the pursued animal turning to fight is greatly increased. Typically, the dogs are fitted with radio collars so that when they are no longer within the field of vision or hearing of the hunters they can be located remotely. After a chase that can either be brief, or in some documented cases, last up to 12 hours and cover

18 miles, the dogs may tree the animal allowing the hunter or hunters to catch up and shoot it out of the tree or decide to abandon it.

SB 1221 brought a blizzard of faxes, calls, and visits to Committee members and staff by both hunters and animal welfare representatives alike and necessitated moving at least one public bill hearing to a venue large enough to accommodate nearly a thousand people. Supporters of the bill argued that the use of hounds during the hunting of bears and bobcats was unnecessary and cruel because the hounds can attack the bear or bobcat or it may turn upon the hounds, resulting in potential injury to both thus making the practice unsporting, inhumane, and inconsistent with protecting animal welfare, wildlife and natural resources. Opponents of SB 1221 argued that using their dogs to pursue bears and bobcats was a valued tradition and a way of life for them and that their dogs are prized athletes that are well trained and treated. They also asserted that hounding helps with bear and bobcat population management, public safety, and protection of property, livestock, and apiaries. Opponents argued their use of dogs was more humane than other types of hunting as it allowed for catch and release of animals.

Ultimately, SB 1221 was amended in the Assembly to prohibit the use of dogs to pursue bears and bobcats except as permitted by a DFG-issued depredation permit or scientific research permit or where the pursuit occurs by a dog that is guarding crops or livestock. For remaining hounding activities, SB 1221 allowed, but did not require, that the Commission establish a "hound tag" program that could track dogs used for hounding and collect more accurate information on their activities. On September 26, 2012 the Governor signed SB 1221 into law.

The second half of the legislative session also saw SB 1480, an ambitious attempt by Senator Corbett to reform nuisance wildlife trapping of mammals other than rats, mice, moles and voles. SB 1480 would have limited the size of "body crushing" traps that can inadvertently kill domestic pets and other non-target species as well as requiring testing and licensing by DFG for nuisance trapping that would have been similar to that required for the fur trapping of mammals. Lastly, SB 1480 set forth consumer protections and disclosures for nuisance wildlife trapping as well as limiting methods of trapping bats and euthanizing animals. SB 1480 was vetoed by Governor Brown who stated that consumer protection is not the appropriate purview of DFG and that such issues are most appropriately dealt with at the local level.

Mountain Lion Research

The Legislature passed a bill in 2012 that makes a minor amendment to Proposition 117, the ballot initiative approved by the voters in 1990 making mountain lions a fully-protected species in California. Under the terms of the initiative, amendments to Proposition 117 must be approved by a 4/5ths vote of the Legislature and must be in furtherance of the purposes of the Initiative. Proposition 117 was silent as to whether scientific research involving mountain lions is allowed. AB 1784 (Monning) clarifies that DFG may continue to authorize qualified individuals, educational institutions, governmental agencies, and nongovernmental organizations to conduct scientific research involving mountain lions, subject to specified requirements and issuance of a Scientific Collecting Permit.

OVERSIGHT HEARINGS

The Committee in the 2011-12 Session held seven oversight hearings on key issues within the subject matter jurisdiction of the committee, including:

March 20, 2012 – Untapped Potential: Water Reuse for California's future water supply reliability. This hearing explored opportunities for water reuse and recycling in California and helped spawn introduction of comprehensive legislation on water recycling – AB 2398 (Hueso). That measure was held in the Senate but served to stimulate ongoing discussions on ways to promote the benefits and broad potential to increase water recycling in California.

November 1, 2011 – Impacts and Status of Proposed State Park Closures (Joint hearing with Assembly Accountability and Administrative Review Committee). This hearing brought critical oversight to the state park closure process and related state park sustainability issues. (See further discussion above under state park issues.)

October 19, 2011 – Bay Delta Conservation Plan Status and Update. This hearing reviewed progress on the BDCP including issues of governance, science, funding, transparency, local outreach and consistency with the Delta Reform Act. This hearing and the hearing on May 10, 2011 continued the Committee's role of providing oversight on implementation of the Delta Reform Act.

June 10, 2011 – Impacts of Proposed State Park Closures. This was the first public hearing following the announcement in May of the Department's plans to close 70 state parks and provided an opportunity for the public to provide input and learn more about the closure plans and challenges facing state parks.

May 10, 2011 – Delta Governance and the Delta Plan. At this hearing the Committee received an overview from the State Natural Resources Agency Secretary, and heard a panel presentation from representatives of state entities involved in Delta governance, including the Natural Resources Agency, Delta Stewardship Council, Delta Protection Commission, and Delta Conservancy.

March 1, 2011 – Risks to California's Water and Wildlife from Proposed Reductions and Eliminations of Federal Funding. This hearing explored the potentially crippling impacts on California should House Resolution 1, proposed by some Congressional Republicans, be enacted. HR 1 proposed to defund work to implement the federal biological opinions in the Delta as well as defund the San Joaquin River Agreement and the settlement in the Klamath River watershed. Some of the principles of HR 1 were incorporated into HR 1837, the so-called "San Joaquin Valley Water Reliability Act." Among other things, HR 1837 would have undermined judicial agreements providing for restoration of the San Joaquin River, eroded longstanding water law principles, undermined progress on the Delta and the historic bipartisan water package passed by the Legislature in 2009, and usurped California's sovereignty in a number of areas impacting water rights and natural resources. The hearing resulted in a joint letter from Assembly Speaker Perez and Senate

President Pro Tempore Steinberg, and Chairs Huffman, Pavley and Chesbro, to the Congressional Subcommittee on Water and Power. The letter was spearheaded by the Chair of the WP&W Committee working with the Speaker's Office to ensure that California's sovereign water rights were protected.

February 1, 2011 – Management of California's Groundwater Resources. This hearing provided a detailed overview on California groundwater management and monitoring basics, and included presentations on local case studies and on current and future challenges facing groundwater management in California. Later in 2011 the Legislature passed and the Governor signed into law AB 359 (Huffman) providing for greater public disclosure of information on groundwater management plans, and requiring mapping of groundwater recharge areas as a condition of state funding requirements.

Further information and background reports prepared for each of these hearings are available on the Committee's website.

The Committee also participated in an oversight hearing of the Joint Committee on Fisheries and Aquaculture on August 16, 2011, chaired by Assemblymember Wes Chesbro and which this Committee's chair also served on. The hearing, entitled "Coho Salmon on the Brink," examined the plight of coho salmon which are at risk of extinction in Northern California and explored various recovery strategies. In part as a result of this hearing, the Assembly passed and the Governor signed into law AB 1961 (Huffman) in 2012, the COHO Help Act, which streamlines permitting requirements for coho salmon habitat recovery projects in Northern California.

CONTINUING ISSUES FOR THE 2013-14 SESSION

The 2011-12 Legislative Session ended with many major issues still unresolved.

Delta Stewardship Council's Delta Plan – On November 16, 2012, the Council published a new proposed timeline for completing the Delta Plan. In accordance with that document, the final draft of the Delta Plan will be posted by in late November 2012 with a public review period, and potential revisions in response to that review, continuing through March 2013. Spring of 2013 the Council anticipates adopting the final Delta Plan with regulations taking effect in the summer of 2013. As with any new and complex program, implementation of the Delta Plan could generate new legislative ideas either in furtherance or opposition to certain aspects of it.

Bay Delta Conservation Plan -- As mentioned above, at the time of this writing, both the BDCP preferred project alternative and Environmental Impact Statement/ Environmental Impact Report had yet to be publicly released. The current BDCP schedule anticipates release of the public draft in December 2012 with public review occurring through the spring of 2013 and a final project being adopted in the summer/fall of 2013. However, many of the major issues of the BDCP are still unresolved such as proposed project operations, anticipated levels of water deliveries, assurances, financing, and governance. Unless the State and Federal governments can reach closure with stakeholders on legally-

defensible approaches in each of these areas the BDCP schedule is likely to slip. As a final project becomes more imminent, 2013-14 could see groups attempting to affect implementation outcomes by proposing legislation that prohibits or mandates certain actions.

Water Bond – Although the water bond was moved from the 2010 to the 2012 and eventually to the 2014 General Election, there is still much discussion as to whether an \$11.14 billion bond has any chance of passing. Even if the economy comes roaring back, some believe the public's attitude towards bonds as a seemingly free source of financing has fundamentally changed and that now, for many, bonds are viewed through the lens of their effects on general fund programs when bond service becomes due. In the past, discussions over reducing or changing the bond have begun in earnest at the beginning of the year in which the bond would appear on the ballot. However, the 2013-14 Session could see earlier interest as there is now a record number of new members coming to the Legislature, none of whom were part of the negotiations during the 2009 Extraordinary Session that resulted in the original bond being adopted as part of an historic five-bill package of water legislation.⁹

State Parks – The one-time funding appropriated from the State Park & Recreation Fund and other legislative actions taken in 2012 will assist DPR in managing state parks and avoiding full park closures for the next two years, but do not solve the long term needs for more sustainable funding and management approaches for the state park system. The audit of DPR being conducted by the Bureau of State Audits is projected to be completed by January 2013. The Audit may include recommendations requiring legislative action, and other administrative actions for which this committee may provide oversight. In addition to the audits, the Little Hoover Commission is completing an analysis of the state park system which may include recommendations for legislative action. Both AB 1478 (Blumenfeld) and AB 1589 (Huffman) also included legislative intent language encouraging a multi-disciplinary independent assessment of the state park system. State funding was not included in the 2012-13 state budget for such an assessment, but it is possible one could be undertaken next session with funding from private foundations.

Salton Sea - The fate of the Salton Sea continues to be a looming unmet challenge facing the state. The Salton Sea, California's largest lake, is located in a low-lying trough or desert sink in Southern California, much of which is below sea level. The current sea was formed in 1905 when the Colorado River flooded its banks at a faulty irrigation diversion site. However, the sea bed has periodically filled and receded numerous times, from prehistoric times through the 1800s. The present sea is fed primarily by agricultural runoff. Since it has no natural outlet, it is becoming increasingly saline and today is 50% saltier than the ocean. The Salton Sea is one of the most important wetland areas in California for migratory waterfowl and shorebirds, since over 95% of California's historical wetlands have been converted to other land uses. The Salton Sea supports over 400 species of birds, including up to 90% of the total population of some species, and is an internationally significant stopover site for hundreds of thousands of birds migrating along the Pacific flyway. Recently, fishery resources in the sea have declined significantly due

⁹ See footnote 1.

to increasing salinity, evaporation and declining water quality. It is generally recognized that without restoration efforts the ecosystem of the Salton Sea will collapse over the next decade or two.

In 2003, the Legislature approved a package of implementing legislation related to the Quantification Settlement Agreement (QSA) and calling for restoration of the Salton Sea. The QSA is a collection of agreements between the Imperial Irrigation District (IID), Metropolitan Water District of Southern California, San Diego County Water Authority, Coachella Valley Water District, and the state, that included approval of water transfers from IID, settled a number of claims to the Colorado River, and provided a transition period for the state to reduce its consumption of Colorado River water to its 4.4 million acre feet entitlement. Under the QSA, the amount of water flowing into the Salton Sea is being reduced over time, and will be significantly reduced once the water transfers are fully implemented in 2017.

The state of California has incurred legal obligations with regard to the Salton Sea that arise in part out of the legislation enacted as part of the QSA in 2003 (currently in litigation), historic agreements regarding allocation of water from the Colorado River, and laws requiring protection of air and water quality, wetlands preservation and endangered species. In the draft Programmatic Environmental Impact Report (PEIR) prepared by the Resources Agency on restoration of the Salton Sea in 2009, it was recognized that even the "no alternative" would cost the state over \$1 billion. According to a report by the Pacific Institute, failure to restore the Salton Sea could result in exorbitant costs to human and ecological health, and possibly agricultural production. The state would also incur increased liability and litigation costs. Thus, the appropriate question is arguably not whether to restore the Salton Sea, but how and to what extent, and how restoration will be funded.

Restoration proposals for the Sea have ranged from plans for creation of a permanent recreational lake that would attract economic investment at an estimated cost of \$8-10 billion, to more limited proposals for wetlands habitat restoration that would include control of dust and related air quality issues and provide wildlife habitat at a cost of about \$2 billion. The estimated cost of the restoration plan proposed by the Salton Sea Authority and the State Natural Resources Agency in 2009 was over \$8 billion and has never been approved by the Legislature. Also, no funding strategy for that plan was ever developed. While some habitat restoration work has been conducted, to date little actual on the ground restoration work has been completed, in spite of several million dollars in bond funds being expended.

Legislation passed in 2010, SB 51 (Ducheny), created the Salton Sea Restoration Council as a new state agency to oversee the restoration of the Sea. However, the Governor's reorganization plan in 2012 repealed the Council before it ever actually met. Legislation introduced in 2012 – AB 939 and AB 1410 (V. M. Perez) -- proposed to shift authority for restoration decisions from the state to local entities. However, those bills were held in the Senate Appropriations Committee and the Senate Rules Committee respectively. The Senate Appropriations Committee in particular expressed concerns that while the bill

would shift authority to the locals, fiscal responsibility for the costs of restoration would remain with the state.

In September 2012, residents all over southern California were reminded of the state's inaction and the looming problems on the horizon, when weather patterns and the upwelling of hydrogen sulfide at the Sea produced a putrid smell detectable up to 150 miles away in urban southern California. While odor problems are a common occurrence for residents living near the Sea, this was the first time the stench had been detectable over such a large geographic area. As the Sea recedes further, these odor incidents and other air quality problems are likely to get worse.

More recently, some have proposed that investments in renewable energy production facilities around the lake could be promoted to help fund restoration. While there is considerable untapped potential for renewable energy development in the area, including geothermal, solar and algae-based biofuels, the feasibility and practical scope of that potential, and how big a role it could play in restoration efforts, remains uncertain at this time and warrants further study.

GLOSSARY OF ACRONYMS FREQUENTLY USED IN THIS REPORT

BDCP	The Bay Delta Conservation Plan. A planning effort led by the Natural Resources Agency to obtain 50-year Endangered Species Act permits for SWP Delta facilities.
CESA	California Endangered Species Act. Prohibits the "take" (meaning direct or indirect mortality) of fish and wildlife listed under the Act as threatened, endangered or candidates species unless authorized by DFG. (Fish and Game Code §§ 2050 and sequence.)
Commission	The Fish and Game Commission. The Commission is a separate entity from DFG that is probably best known for deciding seasons, bag limits and methods of take for game animals and sport fish. Other Commission responsibilities include controlling exotic species; establishing/regulating use of wildlife areas, ecological reserves and marine protected areas; listing/delisting threatened and endangered species under CESA; prescribing terms and conditions for issuance of licenses/permits by the DFG; and revoking or suspending privileges of those that violate Fish and Game laws and regulations.
Committee	The Assembly Water, Parks and Wildlife Committee. The primary jurisdictions of the Committee are water resources, flood management, fish and game, parks and recreation, and wildlife. It is one of 30 standing policy committees of the California State Assembly.
Council	The Delta Stewardship Council is an independent state agency whose seven-member body consists of four appointments by the Governor and two by the Legislature plus the chair of the Delta Protection Commission. The Council is tasked with developing, adopting, and commencing implementation of a long-term plan for the Delta (see "Delta Plan").
CVP	The Central Valley Project. A federal water management project wholly within California that is under the supervision of Reclamation. The CVP was devised in 1933 in order to provide irrigation and municipal water to much of California's Central Valley—by regulating and storing water in reservoirs in the northern half of the state, and transporting it to the San Joaquin Valley and its surroundings by means of a series of canals, aqueducts and pump plants, some shared with the SWP.
Delta	Sacramento-San Joaquin Delta Estuary. The Delta's boundaries are set forth in Water Code section 12220. However, that is only the

"legal Delta." Frequently, references to the "Delta" may include the San Francisco Bay, an area which is more correctly called the Bay-Delta.

- Delta Plan A long-term plan to meet the coequal goals for the Delta of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta. In accordance with the 2009 Delta Reform Act, the coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.
- DFG Department of Fish and Game. The department within the Natural Resources Agency that maintains native fish, wildlife, plant species and natural communities for their intrinsic and ecological value and their benefits to people. This includes habitat protection and maintenance as well as the diversified use of fish and wildlife including for recreational, commercial, scientific and educational purposes. The name of the department was changed to the Department of Fish and Wildlife by legislation that takes effect January 1, 2013.
- DPR Department of Parks and Recreation. The department within the Natural Resources Agency tasked with providing for the health, inspiration, and education of the people of California by helping to preserve the State's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.
- DWR Department of Water Resources. The department within the Natural Resources Agency that is responsible for managing the water resources of California, in cooperation with other agencies, to benefit the State's people and to protect, restore, and enhance the natural and human environment. Operates the SWP.
- FESA The federal Endangered Species Act of 1973. Prohibits "take" of species listed as endangered under the Act, which includes both direct and indirect mortality as well as harm and the adverse modification of habitat critical to the species. (16 United States Code §1531 and sequence.)
- NMFS National Marine Fisheries Service. The agency within the U.S. Department of Commerce, National Oceanic and Atmospheric Administration that is responsible for stewardship of the nation's living marine resources and their habitat. The Service is responsible for management, conservation and protection of living

marine resources within the United States' Exclusive Economic Zone (water 3 to 200 miles offshore).

- SWP** State Water Project. A water storage and delivery system of reservoirs, aqueducts, powerplants and pumping plants. Its main purpose is to store water and distribute it to 29 urban and agricultural water suppliers in Northern California, the San Francisco Bay Area, the San Joaquin Valley, the Central Coast, and Southern California. The SWP is maintained and operated by DWR.
- SWRCB** State Water Resources Control Board. A board within the California Environmental Protection Agency that is responsible for preserving, enhancing and restoring the quality of California's water resources, and ensuring their proper allocation and efficient use for the benefit of present and future generations. The board has both water rights and water quality functions.
- USFWS** United States Fish and Wildlife Service. The agency within the U.S. Department of the Interior with the primary mission of , working with others, to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. It is the only agency of the U.S. Government with that primary mission. The USFWS's major responsibilities are for migratory birds, endangered species, certain marine mammals, and freshwater and anadromous fish.

**ALL BILLS IN ASSEMBLY WATER, PARKS &
WILDLIFE COMMITTEE
(In Subject Order)**

2011-2012 Legislative Session

WATER

AFFORDABILITY AND ACCESS

AB 685 (Eng) Human Right to Water. Declares that it is the established policy of the state that every human being has the right to clean, affordable, and accessible water adequate for human consumption, cooking and sanitary purposes and that relevant state agencies, including the Department of Water Resources (DWR), the State Water Resources Control Board (SWRCB), and the State Department of Public Health (DPH) shall consider this state policy when revising, adopting, or establishing policies, regulations and grant criteria pertinent to the human uses of water specified above. *Chapter 524, Statutes of 2012*

AB 1187 (Fong) California Water Plan: Safe Drinking Water. Requires DWR to include the Safe Drinking Water Plan in updates of the California Water Plan, which is to include assumptions and estimates about current and projected unmet safe drinking water needs. The bill also requires DWR to contract with the Department of Public Health (DPH) to incorporate the Drinking Water Plan in updates of the Water Plan. *Held on Assembly Appropriations Committee Suspense File.*

AB 2334 (Fong) California Water Plan: Drinking Water and Wastewater Services. Requires DWR to analyze how drinking water and wastewater services could be made more affordable for low-income residents. *Held on Assembly Appropriations Committee Suspense File.*

BAY-DELTA

AB 134 (Dickinson) Appropriation of Water: Sacramento Regional County Sanitation District. Allows the Sacramento Regional County Sanitation District to apply for a permit from the SWRCB to appropriate an amount of water up to the amount of discharged wastewater. *Chapter 212, Statutes of 2011.*

AB 550 (Huber) Sacramento-San Joaquin Delta Peripheral Canal. Prohibits the construction of a peripheral canal, as defined, that conveys water from a diversion point in the Sacramento River to a location south of the Sacramento-San Joaquin Delta, unless expressly authorized by the Legislature. *Failed passage in Assembly Water, Parks & Wildlife Committee.*

AB 576 (Dickinson) Delta Stewardship Council: Financing Plan. Requires the Delta Stewardship Council to develop a long-term finance plan to pay for the costs of implementing the Delta Plan by January 1, 2013. Prohibits the council from adopting new fees for these purposes unless authorized by statute. Authorizes the council, before adopting and collecting long-term revenue sources, to seek to obtain early funding contributions from entities that may benefit from implementation of the Delta Plan and to track those contributions to provide credit against future funding requirements. *Held in Assembly Water, Parks & Wildlife Committee – this bill was not heard.*

AB 627 (Berryhill) State Water Resources Management: Delta Corridors Plan. Directs DWR to consider a specific alternative for conveying water through the Sacramento-San Joaquin Delta, known as the Delta Corridors Plan. *Held on Assembly Appropriations Committee Suspense File.*

AB 903 (Berryhill) Sacramento-San Joaquin Delta: Dredging. Makes legislative findings relative to the importance of dredging in the Sacramento-San Joaquin Delta, and requires the State Water Resources Control Board, Department of Water Resources, and DFG to take specified actions with regard to dredging to provide priority review for dredging permits in the Delta. *Held in Assembly Water, Parks & Wildlife Committee – this bill was not heard.*

AB 1813 (Buchanan) Sacramento San Joaquin Delta Reform Act of 2009. Requires the use of data from the consumptive use index modeling used by DWR to determine the Net Delta Outflow Index; requires the new flow criteria to ensure that there is no degradation in water quality in Delta channels and to include flows into, within, and out of the Delta to replicate conditions when local and anadromous fish populations were at healthy and self-sustaining levels. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

AB 1871 (Logue) Delta Stewardship Council: Delta Plan. Prohibits the Delta Stewardship Council from adopting a final version of the Delta Plan until the completion of the Bay Delta Conservation Plan. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

AB 1884 (Buchanan) Sacramento – San Joaquin Delta Reform Act of 2009: Covered Actions. Excludes the need for written certification to the Delta Stewardship Council of consistency with the Delta Plan for any anticipated upgrades to existing drinking water, stormwater, or wastewater treatment facilities occurring within the boundaries of the Delta or the Suisun Marsh. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

AB 2000 (Huber) Sacramento – San Joaquin Delta. Adds requirements to the Bay Delta Conservation Plan (BDCP) process by requiring the DWR to withdraw from its existing amended Memorandum of Agreement with the export water agencies funding BDCP planning and the U.S. Department of Interior, Bureau of Reclamation; changes Delta Stewardship Council (DSC) membership by early termination of two of the gubernatorial appointees and replacing those appointees with the Vice Chair of the Delta Protection Commission (DPC) and a second member of the DPC; and specifies remaining bond money for flood control projects shall only be used by the DWR for levee improvements. *Failed passage in Assembly Water, Parks and Wildlife Committee.*

AB 2421 (B. Berryhill) Bay Delta Conservation Plan: Delta Plan Project: Costs and Benefits. Requires that an independent third party costs and benefits analysis of the BDCP be submitted to the Legislature prior to the BDCP's inclusion in the Delta Plan, or by June 30, 2013, whichever comes first. *Held on Assembly Appropriations Committee Suspense File.*

AB 2422 (B. Berryhill) Sacramento – San Joaquin Delta: Western Delta Intakes Concept: Feasibility Study. Requires DWR to complete an expedited evaluation and feasibility study of the Western Delta Intakes Concept - a large scalable intake facility on the publicly owned land of Sherman Island in the Western Delta to allow in-Delta water storage. The bill appropriates \$750,000 in Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) bond funding for DWR to undertake the study. This bill further requires DWR to submit the report to the Legislature by January 1, 2014, and, if the department finds the project feasible, to recommend specific facilities to be constructed and potential funding sources. *Held on Assembly Appropriations Committee Suspense File.*

SB 200 (Wolk) Delta Levee Maintenance. Extends, from July 1, 2013, to July 1, 2018, the sunset on the formula, established by a statement of legislative intent, by which the state reimburses up to 75% of local costs for the maintenance and improvement of levees. *Chapter 549, Statutes of 2012.*

SB 250 (Rubio) Sacramento – San Joaquin Delta: Delta Plan: Conveyance Facility. Requires, by February 15, 2013, that environmental review and permitting be concluded on an unspecified new export water conveyance through the Sacramento-San Joaquin Delta which must then be built by December 31, 2025. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

SB 834 (Wolk) Integrated Regional Water Management Plans: Reduced Delta Reliance. Requires that an Integrated Regional Water Management Plan (IRWMP) that is voluntarily drafted so as to meet certain minimum requirements in order to be eligible for state funding, for a region that depends on water from the Sacramento-San Joaquin Delta (Delta), must also include an identification of the way the IRWMP will further the

statewide policy of reducing reliance on the Delta through investments in regional self-reliance. *Vetoed – October 2, 2011.*

SB 1495 (Wolk) Sacramento – San Joaquin Delta Reform Act of 2009. Specifies that certain Port of Sacramento and the Port of Stockton harbor-related leases and routine dredging activities are not subject to DSC review for consistency with the long-term management plan for the Sacramento-San Joaquin Delta (Delta Plan). *Chapter 552, Statutes of 2012.*

BOND

AB 157 (Jefferies): Safe, Clean, and Reliable Drinking Water Supply Act of 2012 (Water Bond). Would make a 25% across-the-board reduction to each title of the Water Bond thus reducing the total amount of bonds authorized to be issued pursuant to the Act by 25%. *Failed passage in Assembly Water, Parks & Wildlife Committee.*

COASTAL ISSUES

AB 1180 (Bradford) Coastal Power Plants. As passed by the Assembly, required the SWRCB, at or by its first regularly-scheduled meeting after January 1, 2012, to advise the Los Angeles Department of Water and Power (LADWP) as to whether the SWRCB's Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling will be modified to allow LADWP more time to achieve compliance. Amended in the Senate to instead require any offset protocol adopted as part of a cap-and-trade program for reducing greenhouse gas (GHG) emissions to target high warming potential gases, be approved by a third-party registry, be monitored for GHG reductions in real-time, and be capable of providing at least 1,000,000 tons of carbon dioxide equivalent GHG reductions each year. *Held in Senate Committee on Rules.*

AB 2595 (Hall) Desalination. Requires the Ocean Protection Council to report to the Legislature on opportunities for improving permitting processes for seawater desalination facilities. The bill would convene the Seawater Desalination Permit Improvement Task Force. *Held on Senate Appropriations Committee Suspense File.*

CONSERVATION, RECYCLING & REUSE

AB 19 (Fong) Water Meters Multiunit Structures. Requires water submetering on multiunit structures. *Failed Passage in Assembly Housing and Community Development Committee.*

AB 275 (Solorio) Rainwater Capture. Authorizes licensed landscape contractors to construct rainwater capture systems. (See AB 1750) *Vetoed - October 9, 2011.*

AB 1002 (Butler) California Water Plan: Stormwater Recovery. Requires DWR to include in the California Water Plan a discussion of strategies relating to stormwater recovery. *Held in Assembly Water, Parks & Wildlife Committee – this bill was not heard.*

AB 1750 (Solorio) Rainwater Capture Act of 2012. Authorizes licensed landscape contractors to construct a rainwater capture system defined as a facility designed to capture, retain, and store rainwater flowing off a building rooftop for subsequent onsite use. *Chapter 537, Statutes of 2012.*

AB 2011 (Gatto) CalConserve Water Conservation Retrofit Program. Allocates \$50 million from the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 (2012 Water Bond) to fund grants that will allow local agencies to make low-interest loans that assist their customers in carrying out water conservation retrofit projects. *Held on Assembly Appropriations Committee Suspense File.*

AB 2230 (Gatto) Recycled Water: Car Washes. Requires new commercial car washes, other than self-service washes, to either reuse at least 60% of the wash and rinse water on-site or to use at least 60% recycled water for the washing and rinsing of vehicles. *Chapter 545, Statutes of 2012*

AB 2398 (Hueso) Water Recycling. Enacts the Water Recycling Act (WRA) of 2012 and make major changes to the state's regulation of the use of recycled water. Deletes much of the existing statutory and regulatory language governing recycled water, and consolidates similar, and in some cases identical, provisions into the WRA in a new division of the Water Code. *Held in Senate Natural Resources and Water Committee.*

GROUNDWATER

AB 359 (Huffman) Groundwater Management. Requires expanded public notification, groundwater recharge mapping, and coordination with local planning agencies in the groundwater management planning process. *Chapter 572, Statutes of 2011.*

AB 467 (Eng) Environment: Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006. Modifies the allocation of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006 (Proposition 84) funds collected from responsible parties for groundwater contamination cleanup such that the Department of Public Health is authorized to enter into agreement with the Department of Toxic Substances Control to manage funds recovered from responsible parties for groundwater cleanup projects that meet the requirements of Proposition 84. *Vetoed – September 25, 2012*

AB 1152 (Chesbro) Groundwater Management. Allows technologies other than monitoring wells to be used, under specified circumstances, to meet groundwater elevation monitoring requirements. *Chapter 280, Statutes of 2011.*

SB 263 (Pavley) Well Reports: Public Availability. Requires DWR to make the reports that well drillers must submit when a well is constructed, deepened, reperfored, or destroyed available, with certain restrictions, to governmental agencies for studies, college-level or higher academics for research, geologists, geophysicists, hydrologists, civil engineers, licensed well contractors or any person who obtains written authorization from the well owner. Makes any person who knowingly violates the restrictions on the use or sharing of a well completion report guilty of a misdemeanor violation punishable by up to \$25,000 per day, a year in county jail, or both. *Vetoed – October 8, 2011.*

SB 1386 (Lowenthal) Municipal Water Districts: Water Storage. Prohibit the Central Basin Municipal Water District (Central Basin MWD) from storing or managing water in the Central Groundwater Basin unless by a contract with another entity or pursuant to a court issued order and, by default, leaves the Water Replenishment District of Southern California as the principal entity authorized to do so. *Chapter 215, Statutes of 2012.*

PLANNING

AB 1607 (Galgiani) Local Water Supply Projects: Inventory. Requires DWR to inventory local water supply projects by July 1, 2013 and post information to the internet regarding their expected date of completion, cost, and potential annual water supply benefits. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

AB 1798 (Perea) Agricultural Water Management Plans. Requires DWR to post the summary report of agricultural water management plans on its website in addition to the currently required submission to the Legislature. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

SB 267 (Rubio) Water Supply Planning: Renewable Energy Plants. Excludes a photovoltaic or wind energy plant that uses no more than 75 acre feet of water annually from the definition of a "project" for purposes of the requirement to do a water supply assessment. *Chapter 588, Statutes of 2011.*

SB 846 (Berryhill) California Water Plan: Water Data. Requires DWR to conduct a water data assessment in the next update of the California Water Plan. *Held In Assembly Appropriations Committee.*

SB 1278 (Wolk) Planning and Zoning: Flood Protection: Sacramento – San Joaquin Valley. Requires DWR to issue flood maps to be used by local governments to update

their general plans and determine whether areas have met urban levels of flood protection before they can be developed. *Chapter 533, Statutes of 2012.*

PERMITTING

AB 763 (Berryhill) Water Rights: Administrative Procedures. Authorizes the State Water Resources Control Board (SWRCB) to temporarily use administrative law judges (ALJs) for hearings. Distinct from the SWRCB's discretion to use ALJs, authorizes appropriate water rights applicants or protestants to seek review of SWRCB staff decisions by ALJs. *Held in Assembly Water, Parks & Wildlife Committee.*

AB 964 (Huffman) Water Rights: Appropriation. Provides a streamlined mechanism for small irrigation uses, as defined, to obtain a water right from the SWRCB by expanding the existing water right registration process to include those uses. *Chapter 579, Statutes of 2011.*

SB 1340 (La Malfa) Appropriation of Water: Sewerage Commission Oroville. Authorizes the Sewerage Commission of Oroville (SCO) to apply, on or after July 1, 2013, to the State Water Resources Control Board for a permit to appropriate an amount of water up to the amount of treated wastewater SCO discharges into the Feather River. Further allows SCO to sell or utilize for any beneficial purpose water appropriated under the permit. *Vetoed – September 13, 2012.*

AB 2063 (Alejo) Ex parte Communications. Would allow communications between persons interested in a pending evidentiary hearing and a member of a Regional Water Quality Control Board or the State Water Resources Control Board in the absence of other parties to the matter, if disclosed afterwards. *Failed passage in Senate Environmental Quality Committee.*

PUBLIC ACCESS

AB 1686 (Jeffries) Waterways: Lake Mathews. Requires the Department of Boating and Waterways to allow public access to Lake Mathews, a reservoir in Riverside County, for the purposes of boating, fishing and hiking, including access by non-motorized bicycles. Prohibits body contact with the lake and limits the type of boats and fuels permitted in the lake. Allows the Metropolitan Water District of Southern California to regulate activities on the lake. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

SB 1201 (De Leon) Los Angeles River. Requires the Los Angeles County Flood Control District (LACFCD) to provide access to navigable waterways under LACFCD's control, including the Los Angeles River (LA River), where such access is suitable for education and recreational purposes and not inconsistent with flood control and water conservation uses. *Chapter 212, Statutes of 2012.*

SCR 101 (Pavley) Los Angeles River Revitalization. Declares that the Legislature honors the plans and achievements of many local and civic groups to revitalize and enhance the Los Angeles River (L.A. River) and its San Fernando Valley tributaries into a functional, connected ecosystem that not only provides multiple flood control and water quality benefits but also improved open spaces, safe public access and artistic, cultural, educational and environmental opportunities. *Chapter 106, Statutes of 2012.*

STATE PARKS

AB 42 (Huffman) State Parks: Nonprofit Partnerships. Authorizes the Department of Parks & Recreation (DPR) to enter into operating agreements with qualified nonprofit organizations to operate a state park unit. *Chapter 450, Statutes of 2011.*

AB 64 (Jeffries) State Parks: Local Government Operating Agreements. As introduced, required DPR to enter into an operating agreement with the City of Riverside for the California Citrus State Historic Park. Subsequently amended to state legislative intent that DPR seek to negotiate operating agreements with local governments as a means of minimizing the number of state parks that may otherwise be subject to closure as a result of state budget reductions. *Died pursuant to Art. IV, Sec. 10(c) of the Constitution.*

AB 654 (Hueso) Historical Properties. Requires historical properties subject to Mills Act contracts, which restrict the use of the property in exchange for lower tax assessment values, to be inspected prior to a new agreement and every five years thereafter; requires that any fee charged by the local agency to administer the program not exceed the reasonable cost of providing the services for which the fee is charged; and, requires local agencies to take actions to enforce the contracts. *Chapter 278, Statutes of 2011.*

AB 1077 (Carter) Colonel Allensworth State Historic Park. Requires the State Park and Recreation Commission (SPRC) to hold a public hearing on any proposed development project that may substantially impact Colonel Allensworth State Historic Park and for the SPRC's conclusions to be transmitted to the appropriate local government entities. Requires DPR to study the feasibility of recommending that Colonel Allensworth State Historic Park be designated as a National Historic Landmark. *Chapter 582, Statutes of 2011.*

AB 1333 (Achadjian) State Parks: Local Authorities. Proposes changes related to state park general plans. *Held in Assembly Water, Parks & Wildlife Committee – this bill was not heard.*

AB 1589 (Huffman) State Parks: Sustainability and Protection. Requires the Department of Parks & Recreation to develop a prioritized action plan for generating

revenues and collecting unpaid user fees at state parks, and calls for accurate and transparent accounting of all state park funds. Additionally, allows taxpayers to redirect portions of their tax refunds to the California State Parks Protection Fund in exchange for an annual state park day-use access pass, and clarifies that nonprofit groups that operate state parks are exempt from payment of possessory interest taxes. *Chapter 533, Statutes of 2012*

AB 1672 (Torres) Housing – Related Parks Program. Requires the Department of Housing and Community Development to award grants to cities and counties under the Housing – Related Parks Program based upon the issuance of building permits for new housing units that are affordable to low or very low-income households instead of on the documentation of occupancy; requires that bonus funds be awarded if grant funds spent to create or improve a park or community recreational facility serving disadvantaged communities. *Chapter 779, Statutes of 2012.*

AB 1825 (Garrick) State Parks: “Save the Ocean” Mosaic. Authorizes the city council of the city of Encinitas to authorize the placement of a piece of mosaic artwork known as the "Save the Ocean" mosaic in a state park known as Moonlight State Beach located in the city of Encinitas, if the mosaic is donated to the city and the construction, placement and maintenance of the mosaic are funded with private donations. *Failed passage in Assembly Water, Parks and Wildlife Committee.*

AB 1916 (Buchanan) State Parks: Operating Agreements: Mount Diablo State Park. This bill authorizes DPR to enter into an agreement with the private nonprofit, Save Mount Diablo, for restoration of the Mount Diablo Beacon; specifies that Save Mount Diablo's work shall meet historic preservation standards and shall be audited by a conservator company; and specifies that all restoration costs are to be covered by Save Mount Diablo. *Chapter 141, Statutes of 2012.*

AB 1989 (Carter) State Parks: Bicycle Facilities. Imposes a \$2 surcharge on the sale of every new bicycle in California and requires that 60% of the monies be placed in a Bicycle Trail Grant Program Fund for the establishment of a local assistance program to distribute grants on a competitive basis to eligible cities, counties, joint powers authorities, districts and nonprofit organizations for creation or maintenance of bicycle trails and paths, signage and facilities; 40% of the monies would be used for maintenance of bicycle trails, paths and signage of such trails and paths within the California state park system, which includes state parks, state beaches, state historic parks, state recreation areas, and state natural reserves. *Held in Assembly Water, Parks and Wildlife Committee – this bill was not heard.*

AB 2358 (Hagman) State Capitol: Ronald Regan Memorial. Authorizes the Ronald Reagan Centennial Capitol Foundation, in consultation with the Department of General Services, to plan a statue of Ronald Reagan in the State Capitol Building Annex. *Chapter 682, Statutes of 2012.*

SB 356 (Blakeslee) State Parks: Local Operating Agreements. Requires DPR, if it proposes to fully close a state park unit with no planned public access, to notify the county or city in which the unit is located and give the county or city an opportunity to take over operation of the park. Also authorizes DPR to expend funds remaining from a previous appropriation of bond funds to DPR for a grant to the California State Railroad Museum Foundation. *Vetoed – October 4, 2011.*

SB 386 (Harman) State Parks: Proposed Closures: Public Notice. Requires DPR to post specified information on its Web site prior to closing a state park. *Vetoed – September 20, 2011.*

SB 580 (Wolk) State Parks: Acquired Lands. Prohibits land acquired for the state park system through public funds or gifts and bequests from being disposed of or used for other purposes incompatible with park purposes without the substitution of other land of equal value, as specified. *Held on Assembly Appropriations Committee Suspense File.*

SB 974 (Evans) State Parks: Proposed Closures. Requires the Department of Parks & Recreation to comply with specified processes and criteria with regard to any proposed closures of state parks, and to prepare reopening plans for any parks which are closed. *Held on Assembly Appropriations Committee Suspense File.*

FISH AND WILDLIFE

AQUATIC SPECIES & ECOSYSTEMS

AB 337 (Monning) Sustainable Seafood Program. Provides that the voluntary sustainable seafood program, each component of the program, and actions taken by the Ocean Protection Council to implement the program, are not regulations for the purposes of the Administrative Procedure Act, and requires that any substantive amendments or revisions to the protocol be developed in a transparent process and adopted by the council in a public meeting. *Chapter 273, Statutes of 2011.*

AB 376 (Fong/Huffman) Sharks. Makes it unlawful for any person to possess, sell or trade a shark fin. *Chapter 524, Statutes of 2011.*

AB 528 (Chesbro) Steelhead Trout. Extends the sunset date and operation of the Steelhead Trout Fishing Report-Restoration Card (Steelhead Card) until July 1, 2017. *Chapter 217, Statutes of 2011.*

AB 787 (Chesbro) Marine Life Protection Act: Native American Tribes. As introduced, required the Fish and Game Commission (FGC) to permit California Native American tribe members to continue fishing and gathering practices for traditional religious, ceremonial and cultural purposes within a marine protected area. As amended

in the Senate, ratifies an amendment to the tribal-state gaming compact entered into between the State of California and the Coyote Valley Band of Pomo Indians, executed on July 25, 2012. *Chapter 340, Statutes of 2012.*

AB 853 (Fong/Huffman) Sharks. Provides exemptions to the prohibition on possession of shark fins in AB 376 (Fong) . *Chapter 525, Statutes of 2011.*

AB 1299 (Huffman) Forage Fish. Requires DFG to use ecosystem-based management principles when adopting or amending fishery management plans for specified forage fish species and makes related changes. *Held on Senate Appropriations Committee Suspense File.*

AB 1540 (Buchanan) Sacramento – San Joaquin Delta: Invasive Weeds: South American Spongeplant. Designates the Department of Boating and Waterways (DBW) as the lead agency and authorizes DBW to treat and control South American spongeplant (*Limnobium laevigatum*). *Chapter 188, Statutes of 2012*

AB 1776 (Fong) State Government: Pacific Leatherback Sea Turtle. Designates the Pacific leatherback sea turtle (*Dermochelys coriacea*) as the official state marine reptile and establishes October 15 as Pacific Leatherback Sea Turtle Conservation Day. *Chapter 591, Statutes of 2012.*

AB 1886 (Chesbro) Aquaculture. Increases the regulatory fees for aquaculture facilities and expands the duties of the aquaculture program coordinator position within DFG to include coordinating with the Aquaculture Development Committee regarding the aquaculture coordinator program. *Chapter 301, Statutes of 2012*

AB 1961 (Huffman) Coho Salmon: Habitat. Establishes the Coho Salmon Habitat Leading to Preservation Act (Coho HELP Act) which, in order to prevent the extinction of coho salmon, provides DFG an expedited mechanism to approve specific types of voluntary on-the-ground habitat restoration projects that benefit coho salmon. This bill appropriates \$37,500 from the Hatchery and Inland Fisheries Fund (HIFF) to DFG, for the remainder of the fiscal year, in order to fund one-half engineer position to aid in urgent review of coho projects. Contains a sunset clause repealing the Coho HELP Act effective January 1, 2018. *Chapter 541, Statutes of 2012.*

AB 2267 (Hall) Marine Resources and Preservation. Revises the 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 and the determination of net environmental benefit. *Held on Senate Appropriations Committee Suspense File.*

AB 2363 (Chesbro) Commercial Fishing: Dungeness Crab. Modifies requirements for quality testing of Dungeness crab meat; changes the criteria governing transfers of

Dungeness crab vessel permits, and modifies law regulating Dungeness crab trap tag allocations. *Chapter 546, Statutes of 2012.*

AB 2443 (Williams) Quagga and Zebra Mussel Infestation Prevention Program. Imposes a registration fee not to exceed \$10 on vessels to fund implementation and administration of a dreissenid mussel monitoring, inspection and eradication program. The fee does not apply to vessels used exclusively in marine waters. *Chapter 485, Statutes of 2012.*

AB 2504 (B. Gaines) Commercial Fishing: Crayfish. Repeals the statutory prohibition on commercial fishing of crayfish from Lake Tahoe or the Lake Tahoe Basin. *Held on Assembly Floor Inactive File.*

SB 215 (Huff) Invasive Aquatic Species: Mussels. Extends the sunset on existing law making it unlawful to possess, import, transport or place dreissenid mussels in state waters; authorizing DFG to take actions to prevent and eradicate mussels if found; and, requiring water supply agencies to implement plans. Extends the repeal date on existing laws relating to dreissenid mussels for five years to January 1, 2017. *Chapter 332, Statutes of 2011.*

SB 317 (Rubio) Kings River Fisheries Management Program. Allows continued DFG participation and cost-sharing in the Kings River Fisheries Management Program (KRFMP). *On Assembly Floor Inactive File.*

SB 369 (Evans) Dungeness Crab. Requires DFG to establish a Dungeness crab trap limit program by March 2013, reestablishes the Dungeness crab taskforce and makes other related changes. *Chapter 335, Statutes of 2011.*

SB 470 (Evans) Commercial Salmon Stamp. Extends for two years the existing requirement for all persons taking salmon for commercial purposes to purchase a commercial fishing salmon stamp. *Chapter 565, Statutes of 2011.*

SB 505 (La Malfa) Trout Hatcheries. Authorizes DFG, if DFG is not able to meet statutory goals for production of hatchery fish through fish produced at state hatcheries, to contract with privately owned hatcheries to procure up to 20% of the pounds of fish needed to meet the goals. *Vetoed – September 25, 2012.*

SB 770 (Evans) Marine Life Protection Act: Native American Tribes. As initially introduced, required DFG to consult with tribal governments on the development of memoranda of understanding for tribal access to fish and wildlife resources and the co-management of fish and wildlife species under the Marine Life Protection Act. Subsequently amended to instead require health insurance plans and health care service plans to provide coverage for behavioral health treatment for pervasive developmental

disorder or autism, and to substitute Senator Steinberg as the author. *Held in Assembly Appropriations Committee.*

AJR 39 (Chesbro) California Seafood. Recognizes that there is not a national seafood marketing fund and encourages the federal government to use a portion of the approximately \$400,000,000 collected annually through customs laws regulating the importation of seafood to provide sustainable funds for the domestic marketing of American seafood, specifically California seafood. *Resolution Chapter 100, Statutes of 2012*

TERRESTRIAL WILDLIFE

AB 1162 (Chesbro) Poaching. Provides that the illegal take of trophy deer, elk, antelope, or bighorn sheep shall be subject to a fine from \$5,000 to \$40,000 and/or imprisonment for up to one year. Provides that the illegal take of trophy wild turkey shall be subject to a fine from \$2,000 to \$5,000 and/or imprisonment for up to one year. Provides that any person who uses a signaling device to take a bear with the intent to sell bear parts is subject to a fine of \$10,000 per bear part in possession. *Chapter 590, Statutes of 2012.*

AB 1784 (Monning) Mountain Lions. Allows DFG to authorize scientific research projects on mountain lions when the projects are designed to contribute to knowledge of natural wildlife ecosystems, minimize disruption and movement of mountain lions and other wildlife, support the sustainability and survivability of mountain lion populations and healthy ecosystems, and does not include the intentional injury or killing of mountain lions. *Chapter 115, Statutes of 2012*

SB 769 (Fuller) Mountain Lions. Amends Proposition 117, the Mountain Lion Initiative, to authorize the possession of a legally obtained mountain lion carcass for display for a scientific or educational purpose at a nonprofit or government owned museum or educational institution. *Chapter 388, Statutes of 2011.*

SB 1221 (Lieu) Mammals: Use of Dogs to Pursue Bear and Bobcat. Prohibits the use of dogs to pursue bears and bobcats except as permitted by a depredation permit or scientific research permit issued by DFG or where the pursuit occurs by a dog that is guarding crops or livestock. For remaining hounding activities, the bill allows the Fish and Game Commission to establish a hound tag program. *Chapter 595, Statutes of 2012.*

SB 1367 (Fuller) Deer Hunting, Archery. Allows an active duty or honorably retired peace officer to carry a gun while hunting deer during archery-only season. *Chapter 711, Statutes of 2012.*

SB 1480 (Corbett) Trapping. Limits the size of body-crushing traps in order to prevent killing of non-target species, including family dogs and prohibits killing trapped mammals by drowning, injecting with non-approved euthanasia chemicals, or chest crushing; specifies conditions and requirements for excluding bats from structures; and requires that, after July 1, 2013, commercial trappers of nuisance mammals, excluding mice, rats, moles and voles, must be tested and licensed by DFG and meet other relevant requirements. *Vetoed – September 26, 2012.*

TERRESTRIAL HABITAT

AB 284 (Nestande) Ecological Reserves: Mirage Trail. Mandates DFG open the Mirage Trail within the Magnesia Spring Ecological Reserve to hiking and biking recreational activities. *Held in Assembly Water, Parks, and Wildlife Committee – this bill was not heard.*

AB 380 (Chesbro) Timber Harvest: Watersheds. Provides direction to the California Department of Forestry and Fire Protection and the Board of Forestry when implementing pilot projects and developing guidelines required by regulations promulgated to protect and restore the riparian zone in watersheds with listed anadromous salmonids. *Held on Senate Appropriations Committee Suspense File.*

AB 484 (Alejo) Mitigation Lands: Long-term Management Funds. As introduced, this bill clarified that funds set aside for the long-term management of mitigation lands conveyed to a nonprofit organization may also be conveyed to the nonprofit, and authorized 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. The bill was amended in the Senate to allow an enterprise zone that expired in 2012 to remain in effect until December 31, 2014, or until the Department of Housing and Community Development conditionally designates the maximum number of enterprise zones, whichever comes first. *Failed passage in Senate Governance and Finance Committee.*

AB 880 (Nestande) Ecological Reserves: Mirage Trail. Requires the Mirage Trail in the Magnesia Springs Ecological Reserve in Coachella Valley to be open nine months of the year to recreational hiking if the Fish and Game Commission determines that local agencies or other entities take full financial responsibility for fencing, signage and educational materials on big horn sheep; authorizes the Fish and Game Commission to determine seasonal openings and closures of the trail to protect Big Horn sheep. *Chapter 527, Statutes of 2012.*

AB 955 (Huber) Recreational Trails: California Recreational Trails Committee. As amended, extends the sunset on the existence of the California Recreational Trails Committee to January 1, 2028, and revises the responsibilities of the committee to include review of statewide trail planning efforts, assistance with resolution of trail issues

and user group conflicts, and advising DPR on development of trail guidelines. *Vetoed – September 25, 2012.*

AB 977 (Harkey) OC Dana Point Harbor. Requires the Department of Boating and Waterways (DBW) to extend until June 30, 2016, all phases of certain loan contracts between DBW and the County of Orange, OC Dana Point Harbor. *Held in Assembly Water, Parks & Wildlife Committee – this bill was not heard.*

AB 1005 (Dickinson) Forest Practices: Timber Harvesting Plan. Directs the Secretary of the Natural Resources Agency to convene a timber harvest working group to consider options for streamlining and providing additional revenue for the state's timber harvest regulatory program. *Held on Assembly Appropriations Committee Suspense File.*

AB 1973 (Olsen) Protected Species: Take: Ferguson Slide Permanent Restoration Project. Allows DFG to authorize the incidental take of the endangered limestone salamander harmed as a result of the Department of Transportation's (Caltrans) implementation of the Ferguson Slide Permanent Restoration Project, if DFG determines Caltrans will adopt appropriate avoidance and mitigation measures. *Chapter 121, Statutes of 2012.*

AB 2284 (Chesbro) Irrigation. Imposes an additional civil penalty for cultivating marijuana within a state park and other public lands, and allows law enforcement to stop a vehicle transporting agricultural irrigation supplies on a rock or unpaved road in specified public lands and private timberlands, if agricultural irrigation supplies are in plain view. *Chapter 390, Statutes of 2012.*

SB 16 (Rubio) Renewable Energy: Department of Fish and Game. Requires DFG to take steps to expedite the processing of renewable energy permits. *Chapter 311, Statutes of 2011.*

SB 618 (Wolk) Solar Use Easements: Fully Protected Species and NCCPs. Authorizes a city or county and a landowner to rescind a Williamson Act contract on agricultural lands of limited agriculture value and enter into a solar-use easement that restricts the use of land to photovoltaic solar facilities. Also authorizes DFG to grant permits to take Fully Protected Species if those species are covered and conserved in a Natural Communities Conservation Plan (NCCP). *Chapter 596, Statutes of 2011.*

SB 1169 (Kehoe) Natural Community Conservation Planning. Provides that lands designated by the San Diego City Council as of January 1, 2013 as open-space lands are statutorily dedicated open space lands. *Chapter 275, Statutes of 2012.*

SB 1249 (Wolk) Department of Fish and Game: Lands: Expenditures. Authorizes DFG to enter into agreements with nonprofit conservation groups for the management and operation of DFG managed lands defined as lands or lands and water acquired for

public shooting grounds, state marine (estuarine) recreational management areas, ecological reserves, and wildlife management areas. Requires the purchase of an entry permit to access department-managed lands. *Chapter 597, Statutes of 2012.*

SB 1266 (Corbett) Resources Conservation Lands: Appraisal Process. Modifies the definition of a major acquisition thereby lowering the threshold for when an independent appraisal review, and public disclosure of the review, is required to include an acquisition for which one or more agencies propose to spend more than \$15 million of state funds; specifies requirements for what must be included in an appraisal report; requires an independent appraisal for all conservation land acquisitions involving more than \$150,000 in state expenditure. *Chapter 394, Statutes of 2012.*

DEPARTMENT OF FISH AND GAME & FISH AND GAME COMMISSION

AB 606 (Gatto) Hunting and Fishing Access. Directs DFG to allow compatible hunting, fishing, and other recreational activities on lands prospectively subject to either a wildlife easement or a contract for fish and wildlife habitat preservation, restoration and enhancement. Makes an exception for lands for which the easement, contract or memorandum of understanding specifically prohibits certain wildlife-dependent activities, and states that a landowner's lawful authority to restrict public access will not be affected. *Held at Senate Desk.*

AB 1046 (Berryhill) Hunting or Taking Game. Prohibits the Fish and Game Commission from imposing a statewide and permanent prohibition on hunting or taking game. *Failed Passage in the Assembly Water, Parks & Wildlife Committee.*

AB 1112 (Huffman) Oil Spill Prevention and Administration Fee. Requires the Office of Spill Prevention and Response to increase its monitoring and inspections of operations involving the transfer of oil between vessels (i.e., bunkering and lightering); temporarily increases the Oil Spill Prevention and Administration Fund fee to support the state's oil spill prevention programs; requires the State Lands Commission, in consultation with the Department of Conservation, to provide statutory recommendations to the Legislature to ensure maximum safety and prevention of harm during offshore oil drilling. *Chapter 583, Statutes of 2011.*

AB 1773 (Yamada) Migratory Birds: Pacific Flyway: Report. Requires DFG to develop a report to inform and coordinate DFG management decisions regarding the Pacific Flyway and to submit the report to the Legislature. *Held in the Assembly Water, Parks and Wildlife Committee – this bill was never heard.*

AB 1786 (Mansoor) Sport Fishing: Licenses. As introduced, allows sport fishing licenses to be issued on a 12-month basis rather than on the calendar year. This bill was amended in the Senate to exclude from income the value of any prize or award won by

the taxpayer in athletic competition in the Olympic Games starting with prizes and awards received on or after January 1, 2012. *Held on Senate Appropriations Committee Suspense File.*

AB 2179 (Allen) Fish and Game: Enforcement and Penalties. Authorizes DFG to impose administrative civil penalties not to exceed \$20,000 upon any person who has violated any provision of the Fish and Game Code or implementing regulations. Provides that the civil penalties shall be levied in an amount that is considered to be adequate to deter repeated offense of the illegal activity, and shall include consideration of the nature, circumstances, extent and gravity of the prohibited act, and the degree of culpability of the violator, including lesser penalties for acts which have little significant effect upon the resource and greater penalties for acts causing serious injury to the resource. *Failed passage on Senate Floor.*

AB 2283 (Portantino) Fish and Game. Renames DFG as the Department of Fish and Wildlife, and provides that the department may be referred to as CAL WILD. *Held in Senate Appropriations Committee Suspense File.*

AB 2402 (Huffman) Department of Fish and Game. Changes the name of DFG to the Department of Fish and Wildlife and makes other changes to the Fish and Game Code to implement recommendations of a Strategic Vision for DFG and the Commission. *Chapter 559, Statutes of 2012.*

AB 2609 (Hueso) Fish and Game Commission. Modifies requirements for election of officers of the California Fish and Game Commission (FGC) by requiring a majority vote of the commission members, and states legislative intent that certain qualifications be considered in making appointments to the FGC including enhancement of commission diversity, interest and background in wildlife and natural resources management, previous experience in public policy decision making, commitment to attendance, and diversity of knowledge of natural resource issues and scientific disciplines including outdoor recreation. *Chapter 592, Statutes of 2012.*

SB 752 (Berryhill) Hunting and Fishing Licenses: Voluntary Donations. Requires DFG to give every person who is issued a hunting or fishing license, or other entitlement, through DFG's Automated License Data System (ALDS), the opportunity to authorize the state to release their personal contact information to third party nonprofit conservation organizations. *Vetoed – October 8, 2011.*

SB 1107 (Berryhill) Automated License Data System: Nonprofit Conservation Organizations. This bill requires DFG to include on its Automated License Data System (ALDS) website a qualifying nonprofit conservation organization's logo and a link to the organization's website. The bill defines a nonprofit conservation organization as one that, as determined by DFG, has goals and objectives related to the conservation of sport fish or game species and has recently performed certain conservation or related duties under

agreement with DFG. The bill authorizes DFG to charge a nonprofit conservation organization for the costs associated with reviewing the organization's qualifications and placing the logo and link on the ALDS website. *Chapter 593, Statutes of 2012.*

SB 1148 (Pavley) Fish and Game Commission: Department of Fish and Game.

Establishes a program for review, approval, and oversight of mitigation and conservation banks, authorizes adjustment of base fees for numerous licenses which are currently set in statute to provide for cost recovery, makes changes to update California's native and wild trout management program, and makes other changes to implement recommendations of a Strategic Vision for DFG and the Commission. *Chapter 565, Statutes of 2012.*

SB 1166 (Berryhill) Wildlife. Authorizes a nonprofit organization involved in the auctioning of big game hunting tags on behalf of DFG to retain a 2% vendor fee from the amount of the sale. *Held on Assembly Floor Inactive File.*

SB 1287 (Harman) Sport Fishing Licenses. Adds recovering service members (defined as a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy and is in an outpatient status while recovering from a serious injury or illness related to the member's military service) to those eligible to purchase a reduced fishing license. *Chapter 409, Statutes of 2012.*

SB 1288 (Harman) Hunting Licenses. Adds recovering service members (defined as a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy and is in an outpatient status while recovering from a serious injury or illness related to the member's military service) to those eligible to purchase a reduced fee hunting license. *Chapter 410, Statutes of 2012.*

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