

AMENDED IN SENATE SEPTEMBER 5, 2007

AMENDED IN SENATE AUGUST 27, 2007

AMENDED IN SENATE JULY 17, 2007

AMENDED IN SENATE JUNE 20, 2007

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY APRIL 16, 2007

AMENDED IN ASSEMBLY MARCH 27, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1032**

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**Introduced by Assembly Member Wolk**

February 22, 2007

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An act to amend Section 5653 of, to amend, repeal, and add Section 5653.7 of, and to add and repeal Section 5653.6 of, the Fish and Game Code, *and to amend Section 6217.1 of the Public Resources Code*, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 1032, as amended, Wolk. Dredging: closed waters: native trout: aquatic and amphibian species.

(1) Existing law prohibits the use of any vacuum or suction dredge equipment by any person in any river, stream, or lake of this state without a permit issued by the Department of Fish and Game. Under existing law, it is unlawful to possess a vacuum or suction dredge in areas, or in or within 100 yards of waters, that are closed to the use of vacuum or suction dredges. A violation of the permit requirement is a

misdemeanor. The department is authorized to close areas otherwise open for dredging and for which permits have been issued if there is an unanticipated water level change and the department determines that closure is necessary to protect fish and wildlife resources.

The Trout and Steelhead Conservation and Management Planning Act of 1979 finds and declares that it is the policy of the state to establish and maintain wild trout stocks in suitable waters of the state and establish angling regulations designed to maintain the wild trout fishery in those waters by natural reproduction. The act requires the department to determine whether each stream or lake should be managed as a wild trout fishery, or whether its management should involve the planting of trout. The act states the intent of the Legislature that the Fish and Game Commission maintain a specified wild trout program.

**The**

*This bill, except as specified, would prohibit suction dredge mining on the Klamath, Salmon, and Scott Rivers, and on certain tributaries of those rivers. The bill would increase the fee for a permit for the use of vacuum or suction dredge equipment. The bill would also prohibit suction dredge mining in specified thermal refugia, as defined. A person violating one of those prohibitions would be guilty of a misdemeanor, thereby imposing a state-mandated local program by creating a new crime. The prohibitions would be repealed on January 1, 2011, or on the date on which the Director of Fish and Game has certified to the Secretary of State that the department has completed an environmental review of its existing suction dredge mining regulations and filed a certified copy of new regulations with the Secretary of State, whichever occurs first.*

**This**

*The bill, until January 1, 2011, or until the department has completed an environmental review of its existing suction dredge mining regulations and filed a certified copy of new regulations with the Secretary of State, whichever occurs first, would close designated stream and river segments and lakes to motorized suction dredging.*

*On and after January 1, 2011, or on and after the date on which the director certifies to the Secretary of State that the department has completed an environmental review of its existing suction dredge mining regulations and filed a certified copy of new regulations with the Secretary of State, whichever occurs first, the bill would repeal those stream and river segment and lake closures, and would again authorize the department to close areas otherwise open for dredging and for which*

permits have been issued, if there is an unanticipated water level change and the department determines that closure is necessary to protect fish and wildlife resources.

*(2) Existing law establishes the Salmon and Steelhead Trout Restoration Account, and provides for the allocation of funds deposited in that account for various purposes related to the management and restoration of fish habitat.*

*This bill would specify that money in the account may be allocated by the department for the purposes of conducting court ordered environmental review of its existing suction dredge mining permitting program pursuant to the California Environmental Quality Act, and to promulgate regulations, as necessary, pursuant to the Administrative Procedure Act, to protect Coho salmon, other species listed as threatened or endangered, and other special status species, as ordered by the court in a specified court action.*

~~(2)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5653 of the Fish and Game Code is  
2 amended to read:

3 5653. (a) The use of any vacuum or suction dredge equipment  
4 by any person in any river, stream, or lake of this state is prohibited,  
5 except as authorized under a permit issued to that person by the  
6 department in compliance with the regulations adopted pursuant  
7 to Section 5653.9. Before any person uses any vacuum or suction  
8 dredge equipment in any river, stream, or lake of this state, that  
9 person shall submit an application for a permit for a vacuum or  
10 suction dredge to the department, specifying the type and size of  
11 equipment to be used and other information as the department may  
12 require.

13 (b) Under the regulations adopted pursuant to Section 5653.9,  
14 the department shall designate waters or areas wherein vacuum or

1 suction dredges may be used pursuant to a permit, waters or areas  
 2 closed to those dredges, the maximum size of those dredges that  
 3 may be used, and the time of year when those dredges may be  
 4 used. If the department determines, pursuant to the regulations  
 5 adopted pursuant to Section 5653.9, that the operation will not be  
 6 deleterious to fish, it shall issue a permit to the applicant. If any  
 7 person operates any equipment other than that authorized by the  
 8 permit or conducts the operation in any waters or area or at any  
 9 time that is not authorized by the permit, or if any person conducts  
 10 the operation without securing the permit, that person is guilty of  
 11 a misdemeanor.

12 (c) The department shall issue a permit upon the payment, in  
 13 the case of a resident, of a base fee of ~~twenty-five dollars (\$25)~~  
 14 *one hundred dollars (\$100)*, as adjusted under Section 713, when  
 15 an onsite investigation of the project size is not deemed necessary  
 16 by the department, and a base fee of ~~one hundred thirty dollars~~  
 17 *(~~\$130~~) two hundred fifty dollars (\$250)*, as adjusted under Section  
 18 713, when the department deems that an onsite investigation is  
 19 necessary. In the case of a nonresident, the base fee shall be ~~one~~  
 20 ~~hundred dollars (\$100)~~ *two hundred thirty dollars (\$230)*, as  
 21 adjusted under Section 713, when an onsite investigation is not  
 22 deemed necessary, and a base fee of ~~two hundred twenty dollars~~  
 23 *(~~\$220~~) three hundred dollars (\$300)*, as adjusted under Section  
 24 713, when an onsite investigation is deemed necessary.

25 (d) It is unlawful to possess a vacuum or suction dredge in areas,  
 26 or in or within 100 yards of waters, that are closed to the use of  
 27 vacuum or suction dredges, including, but not limited to, waters  
 28 closed by the department pursuant to Section 5653.7.

29 SEC. 2. Section 5653.6 is added to the Fish and Game Code,  
 30 to read:

31 5653.6. (a) As used in this section, “thermal refugia” means  
 32 an area within 500 feet up the named tributary from the confluence  
 33 with the main stem and 500 feet upstream and downstream on the  
 34 main stem from the confluence of the tributary with the main stem.

35 (b) Notwithstanding any other provision of law, suction dredge  
 36 mining is not permitted in the following areas:

37 (1) On the main stem of the Klamath River from its confluence  
 38 with the Trinity River to Iron Gate Dam, except for a period of  
 39 each year commencing July 1 and ending September ~~15~~.

- 1 (2) On the following tributaries of the Klamath River at any  
2 time of the year:
- 3 (A) Indian Creek.
  - 4 (B) Elk Creek.
  - 5 (C) Dillon Creek.
  - 6 (D) Independence Creek.
  - 7 (E) Bluff Creek.
  - 8 (F) Red Cap Creek.
  - 9 (G) Camp Creek.
  - 10 (H) Clear Creek.
- 11 (3) On all other Klamath River tributaries, except for a period  
12 of each year commencing July 1 and ending September ~~1~~ 15.
- 13 (4) On the main stem of the Salmon River from its confluence  
14 with the Klamath River to the Forks of the Salmon River (the  
15 confluence of the North and South Forks of the Salmon River) at  
16 any time during the year.
- 17 (5) On the North and South Forks of the Salmon River, except  
18 for a period of each year commencing July 1 and ending September  
19 ~~1~~ 15.
- 20 (6) On the following tributaries of the Salmon River at any time  
21 of the year:
- 22 (A) Butler Creek.
  - 23 (B) East Fork Knownothing Creek.
  - 24 (C) Indian Creek.
  - 25 (D) Kelly Gulch.
  - 26 (E) Knownothing Creek.
  - 27 (F) Little North Fork.
  - 28 (G) Methodist Creek.
  - 29 (H) Negro Creek.
  - 30 (I) Nordheimer Creek.
  - 31 (J) Specimen Creek.
- 32 (7) On the Scott River from its mouth to headwaters, except for  
33 a period of each year commencing July 1 and ending September  
34 ~~1~~ 15.
- 35 (8) On the following tributaries of the Scott River at any time  
36 of the year:
- 37 (A) Big Mill Creek (East Fork).
  - 38 (B) Boulder Creek (South ~~Forks~~ Fork).
  - 39 (C) Canyon Creek.
  - 40 (D) Etna Creek.

- 1 (E) French Creek.
- 2 (F) Kangaroo Creek (East Fork).
- 3 (G) Kelsey Creek.
- 4 (H) Kidder Creek.
- 5 (I) McAdam Creek.
- 6 (J) Mill Creek (Scott Bar).
- 7 (K) Mill Creek (also known as Shackleford/Mill Creek).
- 8 (L) Miners Creek.
- 9 (M) Moffett Creek.
- 10 (N) Patterson Creek.
- 11 (O) Shackleford Creek.
- 12 (P) South Fork Scott River.
- 13 (Q) Sugar Creek.
- 14 (R) Tompkins Creek.
- 15 (S) Wildcat Creek.
- 16 (T) ~~Woolriver~~ *Wooliver* Creek.
- 17 (c) Suction dredge mining is not permitted at any time in the
- 18 following thermal refugia:
- 19 (1) The thermal refugia on all direct tributaries on the Klamath,
- 20 Salmon, and Scott Rivers that are closed to suction dredge mining
- 21 for the entire year as listed in subdivision (b).
- 22 (2) The thermal refugia areas at the confluence of the following
- 23 tributaries with the main stem of the Klamath River:
- 24 (A) Beaver Creek.
- 25 (B) Bluff Creek.
- 26 (C) Bogus Creek.
- 27 (D) Boise Creek.
- 28 (E) Camp Creek.
- 29 (F) Clear Creek.
- 30 (G) Coon Creek.
- 31 (H) Elk Creek.
- 32 (I) Grider Creek.
- 33 (J) Hopkins Creek.
- 34 (K) Horse Creek.
- 35 (L) Hunter Creek.
- 36 (M) Independence Creek.
- 37 (N) Indian Creek.
- 38 (O) Irving Creek.
- 39 (P) Little Grider Creek.
- 40 (Q) Peach Creek.

- 1 (R) Pewan Creek.
- 2 (S) Red Cap Creek.
- 3 (T) Rogers Creek.
- 4 (U) Salmon River.
- 5 (V) Salt Creek.
- 6 (W) Scott River.
- 7 (X) Slate Creek.
- 8 (Y) Swillup Creek.
- 9 (Z) Thomas Creek.
- 10 (AA) Ti Creek.
- 11 (AB) Tom Marten Creek.
- 12 (AC) Trinity River.
- 13 (AD) Ukonom Creek.

14 (3) The thermal refugia at the confluence of all tributaries on  
15 the North Fork of the Salmon River from Eddie Gulch to the Forks  
16 of the Salmon (confluence of the North and South Forks of the  
17 Salmon River) and Crapo Creek on the mainstem below the Fork  
18 of the Salmon.

19 (d) Suction dredge mining on any water listed in this section  
20 during a period established in this section shall be permitted in  
21 accordance with Section 5653.

22 (e) A violation of subdivision (b) or (c) shall be subject to the  
23 same penalty as that provided for permit violations in subdivision  
24 (b) of Section 5653.

25 (f) This section shall remain in effect only until January 1, 2011,  
26 and as of that date is repealed, unless a later enacted statute, that  
27 is enacted before January 1, 2011, deletes or extends that date.,  
28 *prior to January 1, 2011, the director certifies to the Secretary of*  
29 *State that both of the following have occurred, in which case this*  
30 *section shall be repealed on the date of that certification:*

31 (1) *The department has completed the environmental review of*  
32 *its existing suction dredge mining regulations, as ordered by the*  
33 *court in the case of Karuk Tribe of California et al. v. California*  
34 *Department of Fish and Game et al., Alameda County Superior*  
35 *Court Case No. RG 05211597.*

36 (2) *The department has transmitted for filing with the Secretary*  
37 *of State pursuant to Section 11343 of the Government Code, a*  
38 *certified copy of the new regulations adopted pursuant to Chapter*  
39 *3.5 (commencing with Section 11340) of Part 1 of Division 3 of*  
40 *Title 2 of the Government Code, whichever occurs first.*

1 SEC. 3. Section 5653.7 of the Fish and Game Code is amended  
 2 to read:

3 5653.7. (a) In the event of an unanticipated water level change,  
 4 if the department determines that it is necessary to protect fish and  
 5 wildlife resources, the department may close areas that were  
 6 otherwise opened for dredging and for which permits were issued  
 7 pursuant to Section 5653.

8 (b) In addition to those Wild and Heritage Trout waters  
 9 designated pursuant to ~~Section 1726.4 of Fish and Game~~  
 10 ~~Commission policy or Section 7260~~ where motorized suction  
 11 dredging is not permitted at any time by Section 228.5 of Title 14  
 12 of the California Code of Regulations, motorized suction dredging  
 13 shall not occur within the following stream and river segments and  
 14 lakes:

15 ~~(1) Bear Creek, from Bear Valley Dam (impounding Big Bear~~  
 16 ~~Lake) downstream to the confluence with the Santa Ana River~~  
 17 ~~(San Bernardino County):~~

18 ~~(2) Clavey River, upstream from the confluence with the~~  
 19 ~~Tuolumne River, excluding tributaries (Tuolumne County):~~

20 ~~(3) Fall River, from Pit No. 1 Powerhouse intake upstream to~~  
 21 ~~its origin at Thousand Springs including Spring Creek, but~~  
 22 ~~excluding all other tributaries (Shasta County):~~

23 ~~(4)~~  
 24 ~~(1) Feather River, Middle Fork, from Oroville Reservoir~~  
 25 ~~upstream to the Sloat vehicle bridge, excluding tributaries (Butte~~  
 26 ~~and Plumas Counties).~~

27 ~~(5) Hat Creek, from Lake Britton upstream to Hat No. 2~~  
 28 ~~Powerhouse (Shasta County):~~

29 ~~(6) Kings River, from Pine Flat Lake upstream to the confluence~~  
 30 ~~with the South and Middle Forks excluding tributaries; South Fork~~  
 31 ~~from the confluence with the Middle Fork upstream to the western~~  
 32 ~~boundary of Kings Canyon National Park excluding tributaries~~  
 33 ~~(Fresno County):~~

34 ~~(7) Lavezolla~~  
 35 ~~(2) Lavezola Creek (Sierra County).~~

36 ~~(8) Merced River, from Yosemite National Park boundary~~  
 37 ~~downstream to the Foresta Bridge; South Fork from the confluence~~  
 38 ~~with the mainstem upstream to the western boundary of Yosemite~~  
 39 ~~National Park, excluding tributaries (Mariposa County):~~

40 ~~(9)~~

1 (3) Nelson Creek, upstream from the confluence with the Middle  
2 Fork Feather River excluding tributaries (Plumas County).

3 ~~(10)~~

4 (4) North Fork American River, from the Iowa Hill Bridge to  
5 the confluence with Lake Clementine (Placer County).

6 ~~(11)~~

7 (5) Rubicon River, from the confluence with the Middle Fork  
8 American River upstream to Hell Hole Dam excluding tributaries  
9 (Placer County).

10 ~~(12) Stanislaus River, Middle Fork from Beardsley Afterbay  
11 Dam to the Sand Bar Diversion Dam (Tuolumne County):~~

12 ~~(13) Truckee River, from the confluence with Trout Creek  
13 downstream (excluding the property owned by the San Francisco  
14 Fly Casters Club) to the confluence with Gray Creek (Nevada  
15 County):~~

16 ~~(14) Upper Truckee River, including tributaries, upstream from  
17 the confluence with Showers Lake (El Dorado and Alpine  
18 Counties):~~

19 ~~(15) Yellow Creek, from Big Springs downstream to the  
20 confluence with the North Fork of the Feather River (Plumas  
21 County):~~

22 (c) The Legislature finds and declares that the amendments to  
23 this section made during the 2007–08 Regular Session apply solely  
24 to suction dredging activities conducted for instream goldmining  
25 purposes. This section does not expand or provide new authority  
26 for the department to close or regulate dredging conducted for  
27 flood control or navigational purposes governed by other state or  
28 federal law.

29 (d) This section does not prohibit or restrict nonmotorized  
30 recreational mining activities, such as gold panning.

31 (e) This section shall remain in effect only until January 1, 2011,  
32 and as of that date is repealed, unless a later enacted statute, that  
33 is enacted before January 1, 2011, deletes or extends that date.  
34 2011, and as of that date is repealed, unless, prior to January 1,  
35 2011, the director certifies to the Secretary of State that both of  
36 the following have occurred, in which case this section shall be  
37 repealed on the date of that certification:

38 (1) The department has completed the environmental review of  
39 its existing suction dredge mining regulations, as ordered by the  
40 court in the case of Karuk Tribe of California et al. v. California

1 *Department of Fish and Game et al., Alameda County Superior*  
2 *Court No. RG 05211597.*

3 *(2) The department has transmitted for filing with the Secretary*  
4 *of State pursuant to Section 11343 of the Government Code, a*  
5 *certified copy of the new regulations adopted pursuant to Chapter*  
6 *3.5 (commencing with Section 11340) of Part 1 of Division 3 of*  
7 *Title 2 of the Government Code.*

8 SEC. 4. Section 5653.7 is added to the Fish and Game Code,  
9 to read:

10 5653.7. (a) In the event of an unanticipated water level change,  
11 if the department determines that it is necessary to protect fish and  
12 wildlife resources, the department may close areas that were  
13 otherwise opened for dredging and for which permits were issued  
14 pursuant to Section 5653.

15 (b) This section shall become operative on January 1, 2011,  
16 unless, prior to January 1, 2011, the director certifies to the  
17 Secretary of State that both of the following have occurred, in  
18 which case this section shall become operative on the date of that  
19 certification:

20 *(1) The department has completed the environmental review of*  
21 *its existing suction dredge mining regulations, as ordered by the*  
22 *court in the case of Karuk Tribe of California et al. v. California*  
23 *Department of Fish and Game et al., Alameda County Superior*  
24 *Court No. RG 05211597.*

25 *(2) The department has transmitted for filing with the Secretary*  
26 *of State pursuant to Section 11343 of the Government Code, a*  
27 *certified copy of the new regulations adopted pursuant to Chapter*  
28 *3.5 (commencing with Section 11340) of Part 1 of Division 3 of*  
29 *Title 2 of the Government Code.*

30 SEC. 5. Section 6217.1 of the Public Resources Code is  
31 amended to read:

32 6217.1. (a) This section and the process described in this  
33 section governs the expenditure of any funds received by the State  
34 of California from the federal government for the purposes of  
35 salmon and steelhead trout conservation and restoration, the  
36 expenditure of funds authorized for the Coastal Watershed Salmon  
37 Habitat Program pursuant to Article 7 (commencing with Section  
38 79104.200) of Chapter 6 of Division 26 of the Water Code, and  
39 the expenditure of funds appropriated to the Department of Fish  
40 and Game for salmon and steelhead trout conservation and

1 restoration from the California Clean Water, Clean Air, Safe  
2 Neighborhood Parks, and Coastal Protection Fund pursuant to  
3 Article 5 (commencing with Section 5096.650) of Chapter 1.696  
4 of Division 5 of the Public Resources Code.

5 (b) For purposes of this section, “project” means an activity that  
6 improves fish habitat in coastal waters utilized by salmon and  
7 anadromous trout species.

8 (c) (1) The Department of Fish and Game shall grant funds  
9 from the Salmon and Steelhead Trout Restoration Account in the  
10 Resources Trust Fund, as follows:

11 (A) At least 87.5 percent of the funds shall be allocated as  
12 project grants through the existing grant program operated by the  
13 fisheries management program of the Department of Fish and  
14 Game.

15 (B) Not more than 12.5 percent of the funds may also be used  
16 for project contract administration activities and biological support  
17 staff.

18 (2) (A) A project shall require the consent of a willing  
19 landowner, and emphasize the development of coordinated  
20 watershed improvement activities.

21 (B) Projects that restore habitat for salmon and anadromous  
22 trout species that are eligible for protection as listed or candidate  
23 species under state or federal endangered species acts shall be  
24 given top funding priority.

25 (C) Projects shall be cost-effective and treat causes and not  
26 symptoms of fish habitat degradation. Projects may implement  
27 instream, riparian, water quality, water quantity, and watershed  
28 prescriptions and shall be designed to restore the structure and  
29 function of fish habitat.

30 (3) Any grant funds allocated to a project that exceed the actual  
31 cost of completing the project shall be returned to the Salmon and  
32 Steelhead Trout Restoration Account.

33 (d) (1) A citizen’s advisory committee shall be appointed by  
34 the Director of Fish and Game to give advice on the grant program.

35 (2) The advisory committee shall consist of seven representatives  
36 recommended by the California Advisory Committee on Salmon  
37 and Steelhead Trout, one representative from the agriculture  
38 industry, one representative from the timber industry, one  
39 representative of public water agency interests, one academic or  
40 research scientist with expertise in anadromous fisheries

1 restoration, and three county supervisors from coastal counties in  
2 which anadromous trout exist. The county supervisor members  
3 shall be recommended by the California State Association of  
4 Counties.

5 (3) The advisory committee shall provide oversight of, and  
6 recommend priorities for, grant funding under this section. In  
7 making funding decisions, the Department of Fish and Game shall  
8 consider the project selection priorities established by the advisory  
9 committee.

10 (4) Members of any advisory committee established for these  
11 purposes shall be reimbursed for travel and incidental expenses  
12 related to the performance of their duties under this section.  
13 Reimbursement for the advisory committee created pursuant to  
14 this section shall be made from the funds designated in  
15 subparagraph (B) of paragraph (1) of subdivision (c).  
16 Reimbursement for other Department of Fish and Game salmon  
17 and steelhead trout advisory committees shall be funded by  
18 appropriate sources.

19 (5) If a member of the advisory committee, or a member of his  
20 or her immediate family, is employed by a grant applicant, the  
21 employer of a grant applicant, or a consultant or independent  
22 contractor employed by a grant applicant, the advisory committee  
23 member shall make that disclosure to the other members of the  
24 committee, and shall not participate in reviewing or making  
25 recommendations on the grant application of that applicant.

26 (e) Except as provided in subdivision (f), the money in the  
27 Salmon and Steelhead Trout Restoration Account shall be allocated  
28 as follows:

29 (1) Not less than 65 percent of the money shall be used for  
30 salmon habitat protection and restoration projects. Of that amount,  
31 at least 75 percent shall be used for watershed (upslope) and  
32 riparian area protection and restoration activities. These activities  
33 may include, but are not limited to, grants to acquire and install  
34 fish screens to protect juvenile and adult salmon and steelhead  
35 trout from entrapment in water diversions, and grants to remove  
36 substandard culverts, stream crossings, and bridges that constitute  
37 barriers to spawning of salmon and steelhead trout and passage of  
38 fish. These funds may also be used for the acquisition, from willing  
39 sellers, of conservation easements for riparian buffer strips along  
40 coastal rivers and streams to protect salmon and steelhead trout

1 habitat or for projects that protect and improve water quality and  
2 quantity.

3 (2) Up to 35 percent of the money shall be allocated for any of  
4 the uses listed in this paragraph.

5 (A) Watershed evaluation, assessment, and planning necessary  
6 to develop a site-specific and clearly prioritized plan to implement  
7 watershed improvements.

8 (B) Multiyear grants for watershed planning and project  
9 monitoring and evaluations.

10 (C) Watershed organization support and assistance.

11 (D) Project maintenance and monitoring after the project  
12 implementations are complete.

13 (E) Public school watershed and fishery conservation education  
14 projects.

15 (F) Private sector technical training and education project grants,  
16 including teaching private landowners about practical means of  
17 improving land and water management practices that, if  
18 implemented, will contribute to the protection and restoration of  
19 salmon stream habitat; scholarship funding for workshops and  
20 conferences that teach restoration techniques; operation of nonprofit  
21 restoration technical schools; and production of restoration training  
22 and education workshops and conferences.

23 (G) Fish and wildlife habitat improvements, as defined by  
24 Section 4793, and authorized under the California Forestry  
25 Incentive Program (CFIP).

26 (H) The salmon restoration project of the California  
27 Conservation Corps.

28 (I) The state's share of the federal Watershed Stewards Program.

29 (J) Monitoring projects that utilize protocols approved by the  
30 Department of Fish and Game and the National Marine Fisheries  
31 Service (NMFS) to provide baseline or trend data, or both, for  
32 anadromous fish populations or the physical and biological factors  
33 known to be limiting recovery.

34 (K) Artificial propagation programs designed to restore depleted  
35 stocks of salmonids that comply with the directives of the joint  
36 Department of Fish and Game and NMFS Hatchery Operations  
37 Review Committee.

38 (3) *Notwithstanding the percentage split set forth in paragraphs*  
39 *(1) and (2), money in the Salmon and Steelhead Trout Restoration*  
40 *Account may be allocated by the Department of Fish and Game*

1 *for the purposes of conducting court ordered environmental review*  
 2 *of its existing suction dredge mining permitting program pursuant*  
 3 *to the California Environmental Quality Act (Division 13*  
 4 *(commencing with Section 21000)) and to promulgate regulations,*  
 5 *as necessary, pursuant to the Administrative Procedure Act*  
 6 *(Chapter 3.5 (commencing with Section 11340) of Part 1 of*  
 7 *Division 3 of Title 2 of the Government Code), to protect Coho*  
 8 *salmon, other species listed as threatened or endangered, and*  
 9 *other special status species, as ordered by the court in the case of*  
 10 *Karuk Tribe of California et al. v. California Department of Fish*  
 11 *and Game et al., Alameda County Superior Court Case No. RG*  
 12 *05211597.*

13 (f) The advisory committee, in any fiscal year, may make a  
 14 recommendation to the Department of Fish and Game to allocate  
 15 money from the Salmon and Steelhead Trout Restoration Account  
 16 for the purposes stated in subdivision (e), but in different  
 17 percentage requirements than the 65/35 split stated in paragraphs  
 18 (1) and (2) of that subdivision. Following that recommendation,  
 19 the Director of Fish and Game may suspend the percentage  
 20 requirements stated in paragraphs (1) and (2) of subdivision (e)  
 21 for that fiscal year only.

22 ~~SEC. 5.~~

23 *SEC. 6.* No reimbursement is required by this act pursuant to  
 24 Section 6 of Article XIII B of the California Constitution because  
 25 the only costs that may be incurred by a local agency or school  
 26 district will be incurred because this act creates a new crime or  
 27 infraction, eliminates a crime or infraction, or changes the penalty  
 28 for a crime or infraction, within the meaning of Section 17556 of  
 29 the Government Code, or changes the definition of a crime within  
 30 the meaning of Section 6 of Article XIII B of the California  
 31 Constitution.