

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2619

Introduced by Assembly Member Beth Gaines

February 21, 2014

An act to amend Section ~~10931~~ of the Water Code, relating to ~~groundwater~~ 5937 of the Fish and Game Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2619, as amended, Beth Gaines. ~~Groundwater monitoring. Dams:~~ *fish: critically dry year.*

Existing law requires that the owner of any dam allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around, or through the dam, to keep in good condition any fish that may be planted or exist below the dam. Existing law authorizes the Department of Fish and Game, during the minimum flow of water in any river or stream, to grant permission to the dam owner to allow sufficient water to pass through a culvert, waste gate, or over or around the dam, to keep in good condition any fish that may be planted or exist below the dam, when, in the judgment of the department, it is impracticable or detrimental to the owner to pass the water through the fishway.

This bill would prohibit these provisions from applying during a critically dry year.

~~Existing law establishes a groundwater monitoring program, in accordance with prescribed procedures, and requires the Department of Water Resources to work cooperatively with each monitoring entity, as defined, to determine the manner in which groundwater elevation information should be reported to the department. Existing law, for the~~

purposes of the groundwater monitoring program, authorizes the department to make recommendations for improving an existing monitoring program and to require additional monitoring wells under certain circumstances:

This bill would make a technical, nonsubstantive change in these provisions.

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

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

1 SECTION 1. Section 5937 of the Fish and Game Code is
2 amended to read:

3 5937. ~~The~~(a) Except as provided in subdivision (b), the owner
4 of any dam shall allow sufficient water at all times to pass through
5 a fishway, or in the absence of a fishway, allow sufficient water
6 to pass over, around, or through the dam, to keep in good condition
7 any fish that may be planted or exist below the dam. During the
8 minimum flow of water in any river or stream, permission may be
9 granted by the department to the owner of any dam to allow
10 sufficient water to pass through a culvert, waste gate, or over or
11 around the dam, to keep in good condition any fish that may be
12 planted or exist below the dam, when, in the judgment of the
13 department, it is impracticable or detrimental to the owner to pass
14 the water through the fishway.

15 (b) In order for human consumption of water to take priority
16 over other beneficial uses of water, this section shall not apply
17 during a critically dry year.

18 SECTION 1. Section 10931 of the Water Code is amended to
19 read:

20 10931. (a) ~~The~~ department shall work cooperatively with each
21 monitoring entity to determine the manner in which groundwater
22 elevation information should be reported to the department pursuant
23 to this part. In determining what information should be reported
24 to the department, the department shall defer to existing monitoring
25 programs if those monitoring programs result in information that
26 demonstrates seasonal and long-term trends in groundwater
27 elevations. The department shall collaborate with the State
28 Department of Public Health to ensure that the information reported
29 to the department will not result in the inappropriate disclosure of

1 ~~the physical address or geographical location of drinking water~~
2 ~~sources, storage facilities, pumping operational data, or treatment~~
3 ~~facilities.~~

4 ~~(b) (1) For the purposes of this part, the department may~~
5 ~~recommend improvements to an existing monitoring program,~~
6 ~~including recommendations for additional monitoring wells.~~

7 ~~(2) The department may not require additional monitoring wells~~
8 ~~unless funds are provided for that purpose.~~