

AMENDED IN SENATE JUNE 11, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

AMENDED IN ASSEMBLY MARCH 5, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 300

Introduced by Assembly Member Alejo
(Coauthors: Assembly Members Dodd and Mark Stone)
(Coauthor: Senator Monning)

February 12, 2015

An act to add Chapter 10 (commencing with Section 31420) to Division 21 of, and to repeal ~~Section~~ *Sections* 31422 and 31423 of, the Public Resources Code, relating to coastal wildlife protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 300, as amended, Alejo. Safe Water and Wildlife Protection Act of ~~2015~~. 2016.

Existing law establishes the State Coastal Conservancy and prescribes the membership and functions and duties of the conservancy with respect to preservation of coastal resources in the state.

This bill would enact the Safe Water and Wildlife Protection Act of 2015, 2016, which would require the State Water Resources Control Board to establish and coordinate the Algal Bloom Task Force, comprised of specified representatives of state agencies, including the conservancy, in consultation with the Secretary for Environmental Protection, and would prescribe the ~~composition~~ and functions and duties of the task force. The bill would require the task force to review

the risks and negative impacts of toxic algal blooms and microcystin pollution and to submit a summary of its findings and recommendations to the appropriate policy and fiscal committees of the Legislature, the Secretary of the Natural Resources Agency, and the secretary on or before January 1, 2017. *The act would require the task force, before providing funding recommendations or submitting a summary of findings, to notify the public about ongoing activities and provide opportunities for public review and comment on applied research, projects, and programs.* The act would authorize the conservancy, the Department of Fish and Wildlife, the Wildlife Conservation Board, and the State Water Resources Control Board to enter into contracts and provide grants, upon appropriation, ~~from the State Water Pollution Cleanup and Abatement Account,~~ from specified bond funds available under the Water Quality, Supply, and Infrastructure Improvement Act of ~~2014,~~ 2014 or from other appropriate funds for applied research, projects, and programs, recommended by the task force, aimed at preventing or sustainably mitigating toxic blooms of cyanotoxins and microcystin pollution in the waters of the state.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Toxic blooms of cyanobacteria in the waters of the state,
- 4 including, but not limited to, coastal lakes, estuaries, rivers and
- 5 streams, wetlands, and inland lakes and reservoirs, represent a
- 6 threat to water supplies, human health, endangered wildlife, and
- 7 recreational activities.
- 8 (b) Cyanobacteria are widespread bacteria that are capable of
- 9 forming toxic blooms and super-blooms in the waters of the state.
- 10 (c) Degradation of watersheds, nutrient loading, increased water
- 11 diversions, and climate change have been linked to the global
- 12 expansion of cyanobacterial blooms, with high toxin production
- 13 noted regularly in lakes, rivers, and other waters of the state.
- 14 (d) The state’s waters are especially prone to toxic
- 15 cyanobacterial blooms due to our warm climate, numerous water
- 16 diversions, and stressed waterways.

1 (e) Cyanobacteria produce potent hepatotoxins and neurotoxins,
2 collectively referred to as cyanotoxins. Microcystins are the most
3 commonly found cyanotoxin in the state’s impacted waters. Other
4 cyanotoxins, such as the neurotoxins anatoxin-a and saxitoxin, are
5 also present in California’s waters, but, at present, little is known
6 about them.

7 (f) Cyanotoxins are poisonous to humans, pets, livestock, birds,
8 and other wildlife via ingestion, inhalation, or skin exposure. A
9 single dose of microcystin can cause prolonged toxicity by cycling
10 repeatedly between the liver and intestines.

11 (g) Blooms of microcystins and other toxic cyanobacteria are
12 occurring in waters throughout California, and are threatening our
13 water supply and health. Areas with recurrent and worsening
14 cyanotoxin pollution include the Klamath and Sacramento Rivers,
15 the Sacramento and San Joaquin Rivers (from the Sacramento
16 Delta to San Francisco Bay), and Clear Lake. Pinto Lake, Copco
17 Lake, Iron Gate Reservoir, and three segments of the Klamath
18 River have been listed as impaired due to cyanobacteria. Bird
19 deaths attributed to microcystins have also been reported from the
20 Salton Sea.

21 (h) The Pinto Lake watershed is being evaluated for total
22 maximum daily load (TMDL) regulation for microcystin, and was
23 considered for remediation as an Environmental Protection Agency
24 “superfund” site.

25 (i) California’s southern sea otters, a state and federally listed
26 threatened species, have died from microcystin poisoning. The
27 source of sea otter exposure appears to be
28 microcystin-contaminated freshwater runoff and possibly
29 contaminated prey species.

30 (j) Sea otters and humans eat some of the same marine foods
31 that can concentrate microcystin in body tissues; hence, food safety
32 is a public health concern. Freshwater and marine fish and shellfish
33 have not been routinely tested for cyanotoxins in California and
34 limited diagnostic testing is available.

35 (k) The state needs a coordinated multiagency effort to develop
36 actions and projects that will prevent or mitigate toxic blooms and
37 associated cyanotoxin pollution.

38 SEC. 2. Chapter 10 (commencing with Section 31420) is added
39 to Division 21 of the Public Resources Code, to read:

1 CHAPTER 10. SAFE WATER AND WILDLIFE PROTECTION ACT
2 OF ~~2015~~ 2016
3

4 31420. This chapter shall be known, and may be cited, as the
5 Safe Water and Wildlife Protection Act of ~~2015~~; 2016.

6 31421. For purposes of this chapter, the following terms have
7 the following meanings:

8 (a) “Board” means the State Water Resources Control Board.

9 (b) “~~Task Force~~” *force*” means the Algal Bloom Task Force
10 created pursuant to Section 31422.

11 (c) “Waters of the state” means any surface waters in the state,
12 including, but not limited to, coastal lakes, lagoons and estuaries,
13 rivers, streams, inland lakes and reservoirs, and wetlands.

14 31422. (a) The board shall establish and coordinate the Algal
15 Bloom Task Force, comprised of a representative of each of the
16 State Department of Public Health, the Department of Fish and
17 Wildlife, the Department of Food and Agriculture, the conservancy,
18 and other relevant agency representatives, to be determined by the
19 chairperson of the board, in consultation with the Secretary for
20 Environmental Protection. The board may augment an existing
21 task force or network to accomplish the requirements of this
22 chapter.

23 (b) This section shall remain in effect only until January 1, 2019,
24 and as of that date is repealed, unless a later enacted statute, that
25 is enacted before January 1, 2019, deletes or extends that date.

26 31423. The functions and duties of the task force include all
27 of the following:

28 (a) Assess and prioritize the actions and research necessary to
29 develop measures that prevent or sustainably mitigate toxic algal
30 blooms in the waters of the state. The assessment shall consider
31 the linked impacts of toxic algal blooms and cyanotoxins on human
32 and animal health, as well as in the context of ecosystem health
33 and water quality.

34 (b) Solicit and review proposals from universities, local
35 governments, California Native American tribes, and nonprofit
36 organizations for applied research, projects, and programs that
37 accomplish both of the following:

38 (1) Contribute to development of strategies or implementation
39 of activities that prevent or sustainably mitigate toxic blooms of
40 cyanotoxins and microcystin pollution in the waters of the state.

1 (2) Establish cyanotoxin monitoring programs or develop
2 laboratory capacity for analyzing water samples for cyanotoxin
3 pollution.

4 (c) Provide funding recommendations to the chairperson of the
5 board and to the Department of Fish and Wildlife, the Wildlife
6 Conservation Board, the conservancy, other members of the task
7 force, and other relevant agency representatives for those proposals
8 for applied research, projects, and programs, described in
9 subdivision (b), that the task force determines will contribute to
10 the development of prevention strategies and sustainable mitigation
11 actions to address toxic blooms of cyanotoxins and microcystin
12 pollution in waters of the state.

13 (d) Review the risks and negative impacts of toxic algal blooms
14 and microcystin pollution on humans, wildlife, fisheries, livestock,
15 pets, and aquatic ecosystems, and develop recommendations for
16 prevention and long-term mitigation. The task force shall submit
17 a summary of its findings based on the review, including its
18 recommendations to the appropriate policy and fiscal committees
19 of the Legislature, the Secretary for Environmental Protection, and
20 the Secretary of the Natural Resources Agency on or before January
21 1, 2017. The recommendations shall provide guidance on what
22 type of programs or state resources will be required to prevent
23 damaging toxic algal blooms and microcystin pollution in the
24 waters of the state over time.

25 (e) Organize meetings and workshops of experts and
26 stakeholders as needed to implement this section.

27 (f) *Before providing funding recommendations pursuant to*
28 *subdivision (c), or submitting a summary of findings pursuant to*
29 *subdivision (d), the task force shall establish a notification*
30 *procedure and publish notices to inform the public about ongoing*
31 *activities, and provide opportunities for public review and comment*
32 *on applied research, projects, and programs solicited pursuant to*
33 *subdivision (b).*

34 (f)

35 (g) This section shall remain in effect only until January 1, 2019,
36 and as of that date is repealed, unless a later enacted statute, that
37 is enacted before January 1, 2019, deletes or extends that date.

38 31424. The conservancy, the Department of Fish and Wildlife,
39 the Wildlife Conservation Board, and the board, or any of them,
40 may enter into contracts and provide grants, upon appropriation,

1 from the State Water Pollution Cleanup and Abatement Account,
2 from funds available pursuant to Section 79730 of the Water Code,
3 Code or from other appropriate funds accessible by any of these
4 departments and agencies, *agencies* for applied research, projects,
5 and programs recommended by the task force pursuant to
6 subdivision (c) of Section 31423.

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