

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1201**

---

---

**Introduced by Assembly Member Salas**

February 27, 2015

---

---

~~An act to add Section 85308.5 to the Water Code, relating to the Sacramento-San Joaquin Delta. An act to add Chapter 8.5 (commencing with Section 6940) to Part 1 of Division 6 of the Fish and Game Code, relating to fish and wildlife.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1201, as amended, Salas. ~~Delta Stewardship Council. Fish and wildlife: Sacramento-San Joaquin Delta: predation by nonnative species.~~

*The California Endangered Species Act prohibits the taking of an endangered, threatened, or candidate species, except as specified. Under the act, the Department of Fish and Wildlife may authorize the take of listed species if the take is incidental to an otherwise lawful activity and the impacts are minimized and fully mitigated.*

*This bill would require the department, by June 30, 2016, to develop and initiate a science-based approach that addresses predation by nonnative species upon species of fish listed pursuant to the act that reside all or a portion of their lives in the Sacramento-San Joaquin Delta.*

~~The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council as an independent agency of the state, and requires the council to develop, adopt, and commence implementation of a comprehensive management plan for the~~

Sacramento-San Joaquin Delta (Delta Plan), meeting specified requirements. The act also establishes the Delta Independent Science Board to provide oversight of the scientific research, monitoring, and assessment programs that support adaptive management of the Delta through periodic reviews.

This bill would require the council, in the course of implementing the Delta Plan, to direct the board to conduct an assessment of stressors, in addition to the operations of the State Water Resources Development System and the federal Central Valley Project, on populations of native fish species in the Delta, the Sacramento and San Joaquin rivers, and the tributaries to those rivers below the rim dams of the central valley, containing specified information, and to recommend changes in statute and actions that may be taken by state agencies to remedy the situation at the earliest possible time.

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) Promoting the long-term ecological health of the
- 4     Sacramento-San Joaquin Delta and its native species is critical
- 5     to ensuring a reliable and sustainable water supply for all
- 6     Californians.
- 7     (b) Salmon are an iconic native California fish that are
- 8     important to California’s economic, recreational, and
- 9     environmental welfare. California’s \$1.5 billion commercial and
- 10    recreational salmon fishing industries employ tens of thousands
- 11    of people, provide endless recreational opportunities, and remain
- 12    an important part of the cultural heritage of California’s Native
- 13    American tribes. Winter-run Chinook salmon were listed as
- 14    endangered under the federal Endangered Species Act in 1994.
- 15    (c) Despite efforts to protect the species, the latest spring Kodiak
- 16    trawl survey by the Department of Fish and Wildlife recorded the
- 17    lowest number ever for the species.
- 18    (d) Ongoing drought conditions have significant impacts on
- 19    California’s environment, fish and wildlife, residents, farms, and
- 20    businesses, and have worsened conditions for endangered Chinook
- 21    salmon and delta smelt and further threatened of their extinction.

1 (e) State and federal regulators must take concerted efforts to  
2 protect the environment, fish and wildlife, the economy, and  
3 residents of this state from the ongoing implications of drought  
4 and future water scarcity.

5 (f) Predation by nonnative species can cause mortality among  
6 endangered Chinook salmon and delta smelt and, as these  
7 populations continue to decline, ongoing predation may further  
8 negatively impact their potential recovery and hasten their  
9 extinction.

10 (h) It is the policy of the State of California to protect native  
11 species, particularly those at risk of extinction. Consistent with  
12 that policy, it is important to evaluate whether populations of  
13 nonnative species that pose a risk to such native species can be  
14 managed in a way that enhances the potential for native species'  
15 survival.

16 SEC. 2. Chapter 8.5 (commencing with Section 6940) is added  
17 to Part 1 of Division 6 of the Fish and Game Code, to read:

18

19 CHAPTER 8.5. PREDATION BY NONNATIVE SPECIES

20

21 6940. The department shall, by June 30, 2106, develop and  
22 initiate a science-based approach that helps address predation by  
23 nonnative species upon species listed pursuant to Chapter 1.5  
24 (commencing with Section 2050) of Division 3 that reside all or a  
25 portion of their lives in the Sacramento-San Joaquin Delta, as  
26 defined in Section 12220 of the Water Code.

27 SECTION 1. ~~In order to protect and preserve the existing~~  
28 ~~populations of native fish species that live and migrate through~~  
29 ~~the San Francisco Bay and the Sacramento-San Joaquin River~~  
30 ~~Delta, it is the intent of the Legislature that the Delta Stewardship~~  
31 ~~Council consider, in addition to measures addressing the impact~~  
32 ~~of the State Water Resources Development System (State Water~~  
33 ~~Project) and federal Central Valley Project operations, the~~  
34 ~~identification of effective and scientifically justified measures to~~  
35 ~~reduce or eliminate the impact of other significant stressors on~~  
36 ~~California's native fish populations.~~

37 SEC. 2. ~~Section 85308.5 is added to the Water Code, to read:~~

38 ~~85308.5. The council, in the course of implementing the Delta~~  
39 ~~Plan, shall direct the Delta Independent Science Board to conduct~~  
40 ~~an assessment of stressors, in addition to the operation of the State~~

1 ~~Water Resources Development System and the federal Central~~  
2 ~~Valley Project, on populations of native fish species in the Delta,~~  
3 ~~the Sacramento and San Joaquin rivers, and the tributaries to those~~  
4 ~~rivers below the rim dams of the central valley, and shall~~  
5 ~~recommend changes in statute and actions that may be taken by~~  
6 ~~state agencies to remedy the situation at the earliest possible time.~~  
7 ~~The assessment shall include, at a minimum, a description of those~~  
8 ~~stressors identified in the Delta Vision Strategic Plan, including~~  
9 ~~the impacts of invasive species and nonnative species, water quality~~  
10 ~~impairments, and predation on native species.~~

O