

AMENDED IN SENATE AUGUST 17, 2015
AMENDED IN SENATE JULY 16, 2015
AMENDED IN SENATE JULY 7, 2015
AMENDED IN ASSEMBLY JUNE 2, 2015
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 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. 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 a science-based ~~approach~~ *plan* 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 and that

considers predation reduction for all Chinook salmon and other native species not listed pursuant to the act.

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 the Sacramento and San Joaquin
5 Rivers and their native species is critical to ensuring a reliable and
6 sustainable water supply for all Californians.

7 (b) Salmon are an iconic native California fish that are important
8 to California’s economic, recreational, and environmental welfare.
9 California’s \$1.5 billion commercial and recreational salmon
10 fishing industries employ tens of thousands of people, provide
11 endless recreational opportunities, and remain an important part
12 of the cultural heritage of California’s Native American tribes.
13 Winter-run Chinook salmon were listed as endangered under the
14 federal Endangered Species Act in 1994.

15 (c) Despite efforts to protect native species, the latest spring
16 Kodiak trawl survey by the Department of Fish and Wildlife
17 recorded among the 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 Chinook salmon
21 and delta smelt and further threaten survival of these species.

22 (e) State and federal regulators must take concerted efforts to
23 protect the environment, fish and wildlife, the economy, and
24 residents of this state from the ongoing implications of drought
25 and future water scarcity.

26 (f) Predation can cause mortality among Chinook salmon and
27 delta smelt and, as these populations continue to decline, ongoing
28 predation may further negatively impact their potential recovery
29 and hasten their extinction.

30 (g) The state, including the Department of Fish and Wildlife
31 and the Department of Water Resources, has been and is engaged
32 in sponsoring and conducting scientific research on the effects of
33 predation upon native species.

1 (h) It is the policy of the State of California to protect native
 2 species, particularly those at immediate risk of extinction.
 3 Consistent with that policy, it is important to evaluate strategies
 4 to reduce predation in a way that enhances the potential for native
 5 species' survival.

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

8

9

CHAPTER 8.5. PREDATION BY NONNATIVE SPECIES

10

11 6940. (a) (1) The department shall, by June 30, 2016, develop
 12 a science-based ~~approach~~ *plan* that helps address predation by
 13 nonnative species upon species listed pursuant to Chapter 1.5
 14 (commencing with Section 2050) of Division 3 that reside all or
 15 a portion of their lives in the Sacramento-San Joaquin Delta, as
 16 defined in Section 12220 of the Water Code. Plan development
 17 shall also take into consideration ~~predation reduction for~~ *reduction*
 18 *in the predation of* all Chinook salmon and other native species
 19 not listed pursuant to Chapter 1.5 (commencing with Section 2050)
 20 of Division 3. *The plan may, if appropriate, include prioritization*
 21 *and phasing of approaches that are the most practical and effective*
 22 *in addressing predation issues.*

23 (2) The department shall incorporate its existing predation
 24 research and study design efforts into development of the plan
 25 required pursuant to paragraph (1).

26 (3) *The department, as part of plan development, shall actively*
 27 *solicit the input of the scientific community, including, but not*
 28 *limited to, the Delta Independent Science Board, and all interested*
 29 *stakeholders, including, but not limited to, water users and*
 30 *commercial and recreational fishing communities.*

31 (b) The department shall not implement the plan developed
 32 pursuant to subdivision (a) unless funding is made available.

O