

AMENDED IN ASSEMBLY AUGUST 25, 1997

AMENDED IN ASSEMBLY JUNE 30, 1997

AMENDED IN ASSEMBLY JUNE 26, 1997

AMENDED IN SENATE JUNE 3, 1997

AMENDED IN SENATE APRIL 9, 1997

SENATE BILL

No. 614

Introduced by Senator Thompson

February 25, 1997

An act to ~~add Section 2762.1 to amend Section 5652 of the Fish and Game Code, relating to fish, and making an appropriation therefor~~ *pollution.*

LEGISLATIVE COUNSEL'S DIGEST

SB 614, as amended, M. Thompson. ~~California Coastal Salmon and Economic Recovery Act of 1997~~ *Resources: water pollution.*

(1) Under existing law, it is unlawful to deposit, abandon, dispose of, or throw away, within 150 feet of the high-water mark of the waters of this state, any cans, bottles, garbage, and among other things, motor vehicles. Existing law excepts from this provision the placement of a vehicle on privately owned property along a streambank by the property owner or tenant for the purpose of preventing erosion of the streambank.

This bill would remove that exception and would expressly prohibit the placement of a vehicle on privately owned property along a streambank by the property owner or tenant

for the purpose of preventing erosion of the streambank. Since a violation of this provision would be a crime under other provisions of existing law, this bill would impose a state-mandated local program by creating a new crime.

(2) 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.

~~Existing law appropriates funds for various fishery restoration programs.~~

~~This bill would enact the California Coastal Salmon and Economic Recovery Act of 1997. The bill would require the Treasurer to transfer \$64,000,000 from an unspecified fund to the Fishery Restoration Account in the Fish and Game Preservation Fund. The bill would appropriate the money in the account to the Department of Fish and Game for expenditure during the 1998-99 to 2005-06, fiscal years, inclusive, for the recovery of coho salmon, other species of salmon, and anadromous trout for specified projects.~~

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

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

- 1 ~~SECTION 1. This act shall be known, and may be~~
- 2 *SECTION 1. Section 5652 of the Fish and Game Code*
- 3 *is amended to read:*
- 4 5652. It is unlawful to deposit, permit to pass into, or
- 5 place where it can pass into the waters of the state, or to
- 6 abandon, dispose of, or throw away, within 150 feet of the
- 7 high-water mark of the waters of the state, any cans,
- 8 bottles, garbage, motor vehicle or parts thereof, rubbish,
- 9 or the viscera or carcass of any dead mammal, or the
- 10 carcass of any dead bird.
- 11 The abandonment of any motor vehicle in any manner
- 12 ~~which that~~ violates ~~the provision~~ of this section shall
- 13 constitute a rebuttable presumption affecting the burden
- 14 of producing evidence that the last registered owner of



1 record, not having complied with ~~the provisions of~~
2 Section 5900 of the Vehicle Code, is responsible for such
3 abandonment and is thereby liable for the cost of removal
4 and disposition of the vehicle. This section ~~shall not~~
5 ~~prohibit~~ *prohibits* the placement of a vehicle body on
6 privately owned property along a streambank by the
7 property owner or tenant for the purpose of preventing
8 erosion of the streambank.

9 This section does not apply to a refuse disposal site
10 which is authorized by the appropriate local agency
11 having jurisdiction or to the depositing of such materials
12 in a container from which the materials are routinely
13 removed to a legal point of disposal.

14 ~~The provisions of this~~

15 *This section shall be enforced by all law enforcement*
16 *officers of this state.*

17 *SEC. 2. No reimbursement is required by this act*
18 *pursuant to Section 6 of Article XIII B of the California*
19 *Constitution because the only costs that may be incurred*
20 *by a local agency or school district will be incurred*
21 *because this act creates a new crime or infraction,*
22 *eliminates a crime or infraction, or changes the penalty*
23 *for a crime or infraction, within the meaning of Section*
24 *17556 of the Government Code, or changes the definition*
25 *of a crime within the meaning of Section 6 of Article*
26 *XIII B of the California Constitution.*

27 *Notwithstanding Section 17580 of the Government*
28 *Code, unless otherwise specified, the provisions of this act*
29 *shall become operative on the same date that the act*
30 *takes effect pursuant to the California Constitution.*

31 ~~cited, as the California Coastal Salmon and Economic~~
32 ~~Recovery Act of 1997.~~

33 ~~SEC. 2. Section 2762.1 is added to the Fish and Game~~
34 ~~Code, to read:~~

35 ~~2762.1. (a) The Treasurer shall transfer the sum of~~
36 ~~sixty-four million dollars (\$64,000,000) from the _____~~
37 ~~Fund to the Fishery Restoration Account in the Fish and~~
38 ~~Game Preservation Fund, and those funds in the account~~
39 ~~are hereby appropriated to the department for~~
40 ~~expenditure during the 1998-99 to 2005-06, fiscal years;~~



1 inclusive, for the recovery of coho salmon, other species
2 of salmon, and anadromous trout pursuant to this section.

3 (b) The department shall grant fifty-four million
4 dollars (\$54,000,000) from the account for projects,
5 subject to all of the following requirements:

6 (1) A project shall be an activity that improves fish
7 habitat utilized by salmon and anadromous trout species
8 that reside in coastal watersheds in this state.

9 (2) At least 87.5 percent of the funds shall be allocated
10 as grants through the existing grant program operated by
11 the Inland Fisheries Division of the department. Up to
12 12.5 percent of these funds also may be used for project
13 contract administration activities and biological support
14 staff.

15 (3) A project shall require the consent of a willing
16 landowner, and emphasize the development of
17 coordinated watershed improvement activities.

18 (4) Projects that restore habitat for salmon and
19 anadromous trout species that are eligible for the
20 protection as listed or candidate species under the state
21 or federal Endangered Species Acts shall be given top
22 funding priority.

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

29 (6) A citizen's advisory committee shall provide
30 oversight of, and make recommendations for, project
31 grant funding. The citizen's advisory committee shall
32 consist of six representatives from the California Advisory
33 Committee on Salmon and Steelhead Trout, one
34 representative from the agriculture industry, one
35 representative from the timber industry, one academic
36 or research scientist with expertise in anadromous
37 fisheries restoration, and two county supervisors from
38 coastal counties in which anadromous trout exist. The
39 county supervisors shall be recommended by the
40 California State Association of Counties. The department



1 shall only fund projects that are in concurrence with the
2 committee's recommendations.

3 (e) The grant funds in the account specified in
4 subdivision (b) shall be allocated as follows:

5 (1) Sixty-five percent shall be used for salmon habitat
6 protection and restoration projects. Of that amount, at
7 least 75 percent shall be used for watershed (upslope) and
8 riparian area protection and restoration activities.

9 (2) Thirty-five percent shall be allocated for any of the
10 following uses:

11 (A) Watershed evaluation, assessment, and planning
12 necessary to develop a site-specific and clearly prioritized
13 plan to implement watershed improvements.

14 (B) Multiyear grants for watershed planning and
15 project monitoring and evaluations.

16 (C) Watershed organization support and assistance.

17 (D) Project maintenance and monitoring after the
18 project implementations are complete.

19 (E) Public school watershed and fishery conservation
20 education projects.

21 (F) Private sector technical training and education
22 project grants, including teaching private landowners
23 about practical means of improving land and water
24 management practices that, if implemented, will
25 contribute to the protection and restoration of salmon
26 stream habitat, scholarship funding for workshops, and
27 conferences that teach restoration techniques, operation
28 of nonprofit restoration technical schools, and production
29 of restoration training and education workshops and
30 conferences.

31 (G) California Forestry Incentive Program (CFIP)
32 projects that meet CFIP guidelines.

33 (d) The department shall grant ten million dollars
34 (\$10,000,000) from the account to fund the Salmon
35 Restoration Project of the California Conservation Corps.
36 Of this amount, one million one hundred twenty-five
37 thousand dollars (\$1,125,000) shall be allocated annually
38 over a period of eight years. One hundred fifty thousand
39 dollars (\$150,000) of the amount allocated annually



~~1 pursuant to this subdivision may be used to pay the state's~~
~~2 share of the federal Watershed Stewards Program.~~

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