

AMENDED IN ASSEMBLY MAY 26, 2000  
AMENDED IN ASSEMBLY MAY 16, 2000  
AMENDED IN ASSEMBLY MAY 3, 2000  
AMENDED IN ASSEMBLY APRIL 12, 2000  
AMENDED IN ASSEMBLY MARCH 27, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2117**

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**Introduced by Assembly Member Wayne  
(Coauthors: Assembly Members Machado and  
Strom-Martin)**

February 22, 2000

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An act to add Chapter 1.55 (commencing with Section 5095) to Division 5 of the Public Resources Code, relating to rivers and streams.

LEGISLATIVE COUNSEL'S DIGEST

AB 2117, as amended, Wayne. Watershed protection: California Stream Partnership Act.

Existing law provides for a watershed protection program and provides funds to assist in implementing watershed plans to reduce flooding, control erosion, improve water quality, and improve aquatic and terrestrial species habitats, to restore natural systems of groundwater recharge, native vegetation, waterflows, and riparian zones, to restore the beneficial uses of waters of the state in watersheds, and to provide matching funds for federal grant programs.

This bill would enact the California Stream Partnership Act, which would establish a California Stream Partnership Program within the Resources Agency and the California Environmental Protection Agency, to be administered jointly by the Secretary for Resources and the Secretary for Environmental Protection. The bill would establish the California Stream Partnership Fund, which, upon appropriation, would be available to provide grants to groups dedicated to efforts to restore, protect, and utilize California’s rivers and streams for habitat, recreation, water supply, and other purposes. *The bill would only become operative if an appropriation is made in the annual Budget Act sufficient to pay the state’s cost of implementing it.*

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. Chapter 1.55 (commencing with  
2 Section 5095) is added to Division 5 of the Public  
3 Resources Code, to read:

4

5 CHAPTER 1.55. CALIFORNIA STREAM PARTNERSHIP ACT

6

7 5095. This chapter shall be known and may be cited  
8 as the California Stream Partnership Act.

9 5095.1. The Legislature finds and declares all of the  
10 following:

11 (a) Efforts to conserve, maintain, restore, protect,  
12 enhance, and utilize California’s rivers and streams for  
13 habitat, recreation, water supply, public health,  
14 economic development, and other purposes are most  
15 successful when governments, including tribal  
16 governments, work in partnership with citizens in an  
17 effort to combine community resources, local initiative,  
18 and state agency support.

19 (b) Local watershed entities, working in a  
20 collaborative process that involves a variety of  
21 stakeholders, are an effective model for success in  
22 undertaking and completing the work necessary to



1 achieve local watershed enhancement and restoration,  
2 including assessments, plans, implementation, and  
3 monitoring.

4 (c) Watershed strategies largely developed and  
5 implemented at the local level create the greatest  
6 opportunity for local stakeholders to tailor remedial  
7 strategies that are consistent with state and federal  
8 statutes and regulations while at the same time creating  
9 the opportunities for creative strategies that meet local  
10 needs.

11 (d) It is the purpose of the Legislature to establish a  
12 program within the Resources Agency and the California  
13 Environmental Protection Agency that encourages  
14 citizens to work in partnership with appropriate federal,  
15 state, local, and tribal government departments so that all  
16 watershed assessments and watershed restoration and  
17 enhancement activities funded under this chapter assist  
18 the state's rivers and streams

19 (e) The California Stream Partnership Act, with funds  
20 from the California Stream Partnership Fund, is intended  
21 to empower local communities to develop and  
22 implement watershed-based strategies that are  
23 consistent with state and federal laws and regulations  
24 while at the same time emphasizing the importance of  
25 local or regional input into the development of watershed  
26 restoration plans, best management practices, or  
27 individual projects and practices. It is also desirous that  
28 local, state, and federal agencies provide as much  
29 technical guidance and support as is available.

30 (f) It is the intent of the Legislature that this chapter  
31 will also bring more understanding to government  
32 agencies of the nature, scope, and complexity of working  
33 on a watershed basis at the local and regional level. The  
34 Resources Agency and the California Environmental  
35 Protection Agency are encouraged to provide assistance  
36 and grants under this chapter in a uniform and  
37 predictable manner to those who choose to participate in  
38 the important work of watershed restoration and  
39 enhancement.

40 5095.2. As used in this chapter:



1 (a) “Agency” means the Resources Agency and the  
2 California Environmental Protection Agency, acting  
3 concurrently, unless the context clearly identifies a single  
4 agency.

5 (b) “Fund” means the California Stream Partnership  
6 Fund established by Section 5095.5.

7 (c) “Program” means the California Stream  
8 Partnership Program established by this chapter.

9 (d) “Secretaries” means the Secretary for Resources  
10 and the Secretary for Environmental Protection, acting  
11 concurrently, unless the context clearly identifies one of  
12 the secretaries acting singly.

13 (e) “Subwatershed” means a discrete segment of a  
14 larger watershed.

15 (f) “Subwatershed entity” means an entity concerned  
16 with a subwatershed.

17 (g) “Watershed” means all lands enclosed by an  
18 identifiable, continuous hydrologic drainage divide and  
19 lying upslope from a specified point on a stream.

20 (h) “Watershed entity” means a group consisting of  
21 owners and managers of land within the watershed, local,  
22 state, and federal government representatives, and  
23 interested persons, other than landowners, who reside or  
24 work within the watershed of interest, and also includes  
25 other persons, organizations, nonprofit corporations, and  
26 businesses that request to participate and have a  
27 demonstrated interest in the watershed or subwatershed  
28 proposed for restoration or enhancement.

29 (i) “Watershed plan” means a plan, based on the  
30 concept of a watershed, that provides a range of  
31 assessments, as appropriate and feasible, and is developed  
32 locally by diverse stakeholders, except as otherwise stated  
33 in this section, that includes at least the following  
34 elements:

35 (1) A baseline assessment of climate, hydrology,  
36 geologic characteristics including soil types, geomorphic  
37 condition, and habitat extent and character description,  
38 including native fisheries, water quality characteristics,  
39 water use, land use, transportation network, groundwater  
40 conditions, and surface water impoundments, tributaries,



1 socioeconomic conditions, riparian zone conditions, and  
2 other baseline conditions of concern or interest to the  
3 watershed community.

4 (2) A description of the ultimate desired watershed  
5 condition. This may be stated in the form of a goal  
6 statement or vision by the community.

7 (3) Recommendations for projects, policies,  
8 maintenance activities, and other programs to  
9 accomplish the desired end result of implementing the  
10 plan, and recommended monitoring activities to review  
11 and assess what has been implemented and to determine,  
12 based on regularly scheduled reviews, whether the goals  
13 have been realized or whether adjustments to the plan  
14 and its implementation are needed.

15 (4) A commitment that the watershed plan is  
16 consistent with all other state and federal laws and  
17 regulations pertaining to water quality, beneficial uses of  
18 water, wildlife habitat and preservation, as well as the  
19 California Environmental Quality Act (Division 13  
20 (commencing with Section 21000)).

21 (5) A discussion of the totality of scientific  
22 circumstances that define or comprise a watershed  
23 functioning in healthy ecological and physical conditions,  
24 contained within the watershed plan and established by  
25 regulation promulgated pursuant to this chapter.

26 (j) “Watershed project” means a type of watershed  
27 restoration and or best management practices that is  
28 geographically place-based and integrates watershed and  
29 water quality management activities within  
30 hydrologically defined drainage basins or watersheds as  
31 opposed to using politically defined boundaries.

32 5095.3. There is hereby established the California  
33 Stream Partnership Program within the Resources  
34 Agency and the California Environmental Protection  
35 Agency. The program shall be administered by the  
36 secretaries, who shall appoint, as a steering committee, an  
37 equal number of departmental or other representatives  
38 from their respective agencies with expertise in  
39 watershed assessment, management, and restoration, to  
40 assist in the administration of the program. Consistent



1 with other sections of this chapter, the secretaries shall  
2 provide a reasonable level of staff support and other  
3 resources to address the technical assistance and  
4 administrative needs of the program and the fund.

5 5095.4. (a) The secretaries shall appoint an advisory  
6 committee consisting of three community watershed  
7 practitioners, one of whom shall be a representative of a  
8 resources conservation district, two members from  
9 environmental organizations, and five currently serving  
10 county supervisors or city council members, or their  
11 designees, with representation that is geographically  
12 diverse. There shall also be an agricultural  
13 representative, a timber industry representative, and a  
14 representative from public water agencies. The  
15 secretaries may also appoint as ex officio members,  
16 representatives from the National Marine Fisheries  
17 Service, the United States Environmental Protection  
18 Agency, the Natural Resources Conservation Service, the  
19 United States Fish and Wildlife Service, the Department  
20 of Food and Agriculture, and the University of California  
21 Cooperative Extension.

22 (b) The advisory committee, based on a consensus  
23 process, shall review all applications for watershed  
24 restoration grants submitted pursuant to Section 5095.6 in  
25 light of available data and general scientific credibility.  
26 The committee shall recommend to the secretaries those  
27 applications that are consistent with the criteria of this  
28 chapter. The secretaries shall then determine if grants  
29 shall be awarded, and shall award grants based on an  
30 equitable geographical distribution, when feasible. The  
31 steering committee, only at the request of the secretaries,  
32 may award the grants, as provided in Section 5095.5.  
33 Nothing in this section limits the ability of the secretaries  
34 to fund restoration projects otherwise consistent with this  
35 chapter and its regulations or to continue administering  
36 programs that are initiated prior to the effective date of  
37 this chapter.

38 5095.5. There is hereby established in the State  
39 Treasury the California Stream Partnership Fund. Money  
40 from the General Fund and from other public and private



1 funds may be transferred into the fund. Upon  
2 appropriation by the Legislature, the fund shall be used  
3 solely to provide grants and other assistance to entities  
4 and organizations that are dedicated to achieving the  
5 purposes of this chapter. Governmental units may be a  
6 part of an entity that applies for a grant or assistance, or  
7 may apply separately, if the other conditions of this  
8 chapter are met. Entities shall demonstrate to the  
9 secretaries the ability to manage the grant logistically,  
10 financially, and legally. Entities applying for grants shall  
11 be responsible for securing a lead agency, if necessary, for  
12 the purposes of complying with the California  
13 Environmental Quality Act (Division 13 (commencing  
14 with Section 21000) and any other state law. No grant  
15 shall exceed 20 percent of the available annual funding in  
16 the program.

17 5095.6. (a) Applications for a grant pursuant to this  
18 chapter shall be made in accordance with this chapter or  
19 any applicable regulation and shall include all of the  
20 following:

21 (1) Identification of the watershed or subwatershed to  
22 be conserved, maintained, restored, protected, or  
23 enhanced.

24 (2) Identification of the watershed entity and  
25 stakeholders comprising the watershed entity who are  
26 applying for the funds.

27 (3) Preparation of a watershed plan pursuant to  
28 regulations developed by the secretaries that meet the  
29 criteria of subdivision (i) of Section 5095.2. The  
30 preparation of a watershed plan does not apply to those  
31 grant proposals that are for less than one hundred  
32 thousand dollars (\$100,000) and to those grants awarded  
33 pursuant to other grant programs. The data in the  
34 watershed plan may be obtained from valid existing data,  
35 as determined by the secretaries. Grants may be awarded  
36 to fund the development of the watershed plan, any of its  
37 required elements, and implementation of the watershed  
38 plan.

39 (4) Provisions for monitoring and evaluating the  
40 results of the watershed restoration project or watershed



1 plan for a period of years after the completion of the  
2 project or watershed plan, as determined by the  
3 secretaries.

4 (b) Any watershed plan developed using funds  
5 provided pursuant to this chapter shall be developed  
6 through a collaborative process with broad-based  
7 participation.

8 (c) A watershed plan shall also include a provision to  
9 educate the citizens in the area of the identified stream  
10 or streams about the benefits of restoring, protecting, and  
11 enhancing the stream or streams in a responsible manner.  
12 There shall also be a provision in the watershed plan for  
13 public dissemination of the information obtained  
14 pursuant to the watershed plan, and that information  
15 shall be made generally available by the secretaries. The  
16 secretaries' duty to report on watershed restoration  
17 activities does not require identification of private  
18 landowners.

19 (d) Nothing in this section prevents the fund from  
20 awarding grants to subwatershed entities who are  
21 otherwise in compliance with this chapter and the  
22 regulations adopted pursuant to this chapter.

23 (e) In providing grants or assistance, the following  
24 priorities shall be considered for funding projects:

25 (1) Projects that provide significant improvements in  
26 ecological values and functions in the project area.

27 (2) Projects that will restore wildlife or fisheries,  
28 including native fisheries, of commercial, recreational, or  
29 scientific concern.

30 (3) Projects that will help ensure maintenance of  
31 largely unimpaired watershed.

32 (4) Projects that will help retain, restore, or create  
33 businesses or occupations in the project area while  
34 preserving, protecting, or restoring watershed wildlife  
35 habitat, water quality, and other indicators of a healthy  
36 ecosystem.

37 (5) Projects that address multiple issues, and have  
38 multiple benefits.

39 (6) Projects that include a commitment for evaluation  
40 and monitoring on an ongoing basis and whose



1 sponsoring, or a successor entity to the sponsoring entity  
2 will cooperate with the secretaries, the advisory board,  
3 and the steering committee in determining the  
4 effectiveness of the project and whether adjustments to  
5 the project may be necessary.

6 (7) Projects for which there are matching funds or  
7 in-kind services available on a basis that may be  
8 established by the secretaries.

9 5095.7. The steering committee, the advisory  
10 committee, the secretaries, and the entities that receive  
11 grants and assistance are under a continuing duty to  
12 ensure that all watershed restoration projects funded  
13 pursuant to this chapter advance the watershed to the  
14 standard contained in paragraph (5) of subdivision (i) of  
15 Section 5095.2. The secretaries shall establish, by  
16 regulation, a procedure to revoke grants and assistance if  
17 it is determined that the plan or project will not advance  
18 the watershed to the standard contained in paragraph (5)  
19 of subdivision (i) of Section 5095.2.

20 5095.8. (a) Watershed restoration work or watershed  
21 plans shall not be funded by this chapter if any of the  
22 following apply:

23 (1) Restoration work to be conducted on private  
24 property does not have the permission or the  
25 participation of the landowner.

26 (2) The city or county within the watershed has not  
27 been notified prior to the beginning of the watershed  
28 process.

29 (3) The city or county within the watershed has not  
30 had an opportunity to participate in the watershed  
31 planning process.

32 (4) The watershed restoration project or watershed  
33 plan conflicts with any city or county planning in the  
34 watershed area.

35 (5) The watershed restoration project or watershed  
36 plan is a project or undertaking required as mitigation for  
37 a lawful permit.

38 (b) Nothing in this chapter is a substitute for, or  
39 replaces compliance with, any environmental law or



1 regulation unless that action is specifically authorized by  
2 law.

3 5095.9. For competing applications involving the  
4 same watershed, the secretaries shall require the  
5 applicant to demonstrate that it will develop a watershed  
6 plan through a collaborative, broad-based process.

7 5095.10. The secretaries shall promulgate regulations  
8 to implement this chapter.

9 *SEC. 2. This act shall only become operative if an*  
10 *appropriation is made in the annual Budget Act sufficient*  
11 *to pay the state's cost of implementing Chapter 1.55*  
12 *(commencing with Section 5095) of Division 5 of the*  
13 *Public Resources Code.*

