AMENDED IN SENATE DECEMBER 17, 2009

SENATE BILL No. 301

Introduced by Senator Florez

February 25, 2009

~~An act to add Division 26.7 (commencing with Section 79700) to the Water Code, relating to financing a water supply reliability and ecosystem recovery and restoration program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.~~ *An act relating to fisheries.*

LEGISLATIVE COUNSEL'S DIGEST

SB 301, as amended, Florez. ~~Water Supply Reliability and Ecosystem Recovery and Restoration Act of 2009.~~ *Salmon fisheries.*

Existing law requires the Fish and Game Commission to establish fish hatcheries for the purposes of stocking the waters of California with fish, and requires the Department of Fish and Game to maintain and operate those hatcheries.

Existing law requires the Department of Fish and Game to prepare and maintain a detailed and comprehensive program for the protection and increase of salmon, steelhead trout, and anadromous fisheries.

This bill would require the department to conduct a prescribed 5-year study to assess interactions between wild and naturally spawned salmon, as defined, and to develop hatchery and stream management practices to ensure the viability of fish populations and to sustainably support fisheries. The department would be required, on or before January 1, 2015, to prepare and submit to the Legislature a report on the study.

The bill would require the department to establish a study team of not fewer than 12 members, with membership as prescribed.

~~Under existing law, various measures have been approved by the voters to provide funds for water protection, facilities, and programs.~~

~~This bill would enact the Water Supply Reliability and Ecosystem Recovery and Restoration Act of 2009, which, if approved by the voters, would authorize, for the purposes of financing specified water supply reliability and ecosystem recovery and restoration programs, the issuance of bonds in the amount of $15,000,000,000 pursuant to the State General Obligation Bond Law. The bill would provide for submission of the bond act to the voters at the next statewide election.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ~~2/3~~ *majority*. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

SECTION 1. (a) It is the intent of the Legislature to require the management of state hatcheries and state rivers and streams to achieve both of the following coequal objectives:

(1) Protect established wild and naturally spawned runs of fall-run chinook salmon.

(2) Provide sufficient abundance of fall-run chinook to support sustainable commercial salmon fisheries in the ocean and tribal and recreational salmon fisheries in the ocean and rivers.

(b) It is the further intent of the Legislature that the coequal objectives of protection and abundance be achieved for all streams and rivers that have historically sustained salmon runs, including, but not limited to, fall-run chinook, late fall-run chinook, winter-run chinook, spring-run chinook, and various coho salmon runs, and for all state-operated salmon hatcheries.

(c) It is the further intent of the Legislature that funding for the responsibilities imposed by this act on the Department of Fish and Game be provided from existing Bay-Delta Sport Fishing Enhancement Stamp Fund revenues or revenue derived from volumetric usage fees imposed on central valley and Delta water contractors.

SEC. 2. (a) As used in this section the following terms have the following meanings:

(1) "Hatchery fish" means any fish spawned in a hatchery from brood stock originating in a hatchery.

(2) "Naturally spawned fish" or "wild fish" means any fish not spawned in a hatchery, without regard to the origin of the parent brood stock, or a fish spawned in a hatchery from known wild brood stock. "Wild" and "naturally spawning" are synonymous.

(b) The Department of Fish and Game shall conduct a five-year study, commencing January 1, 2010, to do all of the following:

(1) Assess the extent of genetic, behavioral, and recruitment distinctions between hatchery fall-run chinook salmon and naturally spawned fall-run chinook salmon.

(2) Determine the degree of breeding interaction between hatchery fall-run chinook salmon and naturally spawned fall-run chinook salmon.

(3) Assess the impact of breeding interaction on the overall abundance and stability of the fall-run chinook salmon.

(4) To the extent necessary to protect established and discrete populations of naturally spawned fall-run chinook salmon, develop hatchery and stream management practices that will ensure the viability of these populations while also providing sufficient quantities of fall-run chinook salmon to sustainably support commercial, tribal, and recreational fisheries.

(5) The study shall, at a minimum, do all of the following:

(A) Identify the historical genetic diversity in the areas now supporting natural spawning as well as the current genetic diversity.

(B) Evaluate the degree to which genetic diversity may be established by limiting interactions between hatchery fish and wild fish, including a timeline for establishment.

(C) Quantify the reasonably anticipated benefits, both in abundance and population stability, arising from limiting interactions between hatchery fish and wild fish.

(D) Establish the percentage of hatchery fish that spawn in each area where naturally spawned fish also spawn.

(E) Establish specific criteria to quantitatively measure the effects of interactions between hatchery fish and wild fish, and establish thresholds of allowable interactions to keep these effects within acceptable limits, in order to sustain or rebuild and strengthen natural runs of salmon, and establish measures to limit

the extent of the interactions between hatchery fish and wild fish below those thresholds.

(F) Establish the extent to which naturally spawned fish are available for breeding within the hatchery system.

(G) Establish measures to selectively or preferentially breed, in the hatcheries, wild salmon with hatchery salmon to increase the genetic diversity and viability of hatchery stocks.

(H) Evaluate hatchery rearing and feeding operations and release practices to enhance the survival probabilities of hatchery fish.

(I) Evaluate hatchery rearing operations and release practices to minimize competition with naturally spawned fish.

(J) Identify historic river and stream natural spawning areas.

(K) Establish specific actions to maintain or enhance the areas identified in subparagraph (J) to provide sufficient water and habitat to support sustainable runs of wild fish.

(L) Identify the quantity of hatchery stocks that need to be sustained in order to provide for a commercially viable recreational ocean salmon fishery, for tribal fisheries, and for a sustainable recreational river salmon fishery.

(M) Establish hatchery capacities, quotas, operations, and practices to ensure the fisheries identified in subparagraph (L) are available on a sustainable basis each year.

(N) Establish the return and stray rates associated with remote coastal imprint, or grow-out pens, as a function of various imprint times, smolt maturity, and pen locations. Develop methods to reduce straying, or preclude stray interactions.

(O) Address other topics the Department of Fish and Game deems necessary to achieve the objectives of this act.

(P) Establish the funding requirements and identify funding sources to implement the recommendations of the study on an ongoing basis.

(c) On or before January 1, 2015, the Department of Fish and Game shall prepare and submit to the Legislature a report with findings and descriptions of the actions implemented by the department to comply with subdivision (b) and to achieve the coequal objectives described in Section 1 of this act. The Department of Fish and Game shall provide annual progress reports to the ____ committee.

(d) The Department of Fish and Game shall establish a study team of not fewer than 12 scientists, hatchery specialists, and stakeholders with appropriate expertise to facilitate scientifically derived and supported conclusions, in accordance with the following:

(1) No more than three team members shall be employees of the Department of Fish and Game.

(2) At least one team member shall represent commercial fishing.

(3) At least one team member shall represent recreational fishing.

(4) At least one team member shall represent tribal fisheries.

(5) At least one team member shall represent the National Marine Fishery Service.

(6) At least one team member shall represent the United States Fish and Wildlife Service.

(e) The Department of Fish and Game shall select the study team members not selected in accordance with paragraphs (1) to (6), inclusive, of subdivision (d) from academic or research scientists with expertise in Pacific salmon biology, hatchery practices, or river and estuarine habitats, with at least two members from outside the state.

All matter omitted in this version of the bill appears in the bill as introduced in the Senate, February 25, 2009. (JR11)

O