

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 539

Introduced by Senator Wiggins

February 27, 2009

An act to amend Section 35650 of the Public Resources Code, relating to salmon and steelhead trout.

LEGISLATIVE COUNSEL'S DIGEST

SB 539, as amended, Wiggins. ~~Ocean Protection Council: report on salmon and steelhead trout.~~ *Salmon and steelhead trout: California Ocean Protection Trust Fund.*

The California Ocean Protection Act establishes the Ocean Protection Council in state government and provides that the council consists of the Secretary of the Natural Resources Agency, the Secretary for Environmental Protection, the Chair of the State Lands Commission, and 2 public members appointed by the Governor. The act requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems, and to establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies. *The act also establishes the California Ocean Protection Trust Fund and authorizes moneys in the trust fund to be expended, upon appropriation by the Legislature, and upon authorization by the council, for grants or loans to public agencies, nonprofit corporations, or private entities for, and direct expenditures on, various projects and activities related to the protection of coastal and ocean resources.*

This bill would additionally include among the projects and activities eligible for funding from the trust fund specified projects and activities

related to restoration of native salmon and steelhead trout populations and restoration of the state's salmon fishery.

~~This bill would require the council, by April 1, 2010, to prepare and submit a report to the Legislature regarding the costs of restoring native salmon and steelhead trout populations and restoring the health of the state's salmon fishery, as specified.~~

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. Section 35650 of the Public Resources Code is
2 amended to read:

3 35650. (a) The California Ocean Protection Trust Fund is
4 established in the State Treasury.

5 (b) Moneys deposited in the fund may be expended, upon
6 appropriation by the Legislature, for both of the following:

7 (1) Projects and activities authorized by the council consistent
8 with Chapter 3 (commencing with Section 35600).

9 (2) Upon authorization by the council, for grants or loans to
10 public agencies, nonprofit corporations, or private entities for, or
11 direct expenditures on, projects or activities that do one or more
12 of the following:

13 (A) Eliminate or reduce threats to coastal and ocean ecosystems,
14 habitats, and species.

15 (B) Improve the management of fisheries through grants or
16 loans for the development and implementation of fishery
17 management plans pursuant to Part 1.7 (commencing with Section
18 7050) of Division 6 of the Fish and Game Code, a part of the
19 Marine Life Management Act of 1998, that promote long-term
20 stewardship and collaboration with fishery participants to develop
21 strategies that increase environmental and economic sustainability.
22 Eligible projects and activities include, but are not limited to,
23 innovative community-based or cooperative management and
24 allocation strategies that create incentives for ecosystem
25 improvement. Eligible expenditures include, but are not limited
26 to, costs related to activities identified in subdivisions (a), (b), and
27 (d) of Section 7075 of the Fish and Game Code, fishery research,
28 monitoring, data collection and analysis to support adaptive
29 management, and other costs related to the development and

1 implementation of a fishery management plan developed pursuant
2 to this subparagraph.

3 (C) Foster sustainable fisheries, including grants or loans for
4 one or more of the following:

5 (i) Projects that encourage the development and use of more
6 selective fishing gear.

7 (ii) The design of community-based or cooperative management
8 mechanisms that promote long-term stewardship and collaboration
9 with fishery participants to develop strategies that increase
10 environmental and economic sustainability.

11 (iii) Collaborative research and demonstration projects between
12 fishery participants, scientists, and other interested parties.

13 (iv) Promotion of value-added wild fisheries to offset economic
14 losses attributable to reduced fishing opportunities.

15 (v) The creation of revolving loan programs for the purpose of
16 implementing sustainable fishery projects.

17 (D) Improve coastal water quality.

18 (E) Allow for increased public access to, and enjoyment of,
19 ocean and coastal resources, consistent with sustainable, long-term
20 protection and conservation of those resources.

21 (F) Improve management, conservation, and protection of
22 coastal waters and ocean ecosystems.

23 (G) Provide monitoring and scientific data to improve state
24 efforts to protect and conserve ocean resources.

25 (H) Protect, conserve, and restore coastal waters and ocean
26 ecosystems, including any of the following:

27 (i) Acquisition, installation, and initiation of monitoring and
28 enforcement systems.

29 (ii) Acquisition from willing sellers of vessels, equipment,
30 licenses, harvest rights, permits, and other rights and property, to
31 reduce threats to ocean ecosystems and resources.

32 (I) Address coastal water contamination from biological
33 pathogens, including collaborative projects and activities to identify
34 the sources of pathogens and develop detection systems and
35 treatment methods.

36 (J) (i) Provide funding for adaptive management, planning,
37 coordination, monitoring, research, and other necessary activities
38 to minimize the adverse impacts of climate change on California's
39 ocean ecosystem, including, but not limited to, the effects of sea
40 level rise, changes in ocean productivity, and ocean acidification

1 on coastal and ocean habitat, wildlife, fisheries, chemistry, and
2 other key attributes of ocean ecosystems and to increase the state's
3 understanding of the ocean's role in carbon sequestration. Adaptive
4 management strategies, planning, research, monitoring, or other
5 activities shall be designed to improve the management of coastal
6 and ocean resources or aid the state to adapt to climate change
7 impacts.

8 (ii) Information or activities developed under clause (i), to the
9 extent appropriate, shall provide guidance to the State Air
10 Resources Board for the adoption of early action measures for the
11 elimination or reduction of emissions from sources or categories
12 of sources pursuant to the California Global Warming Solutions
13 Act (Division 25.5 (commencing with Section 38500) of the Health
14 and Safety Code).

15 *(K) Restore native salmon and steelhead trout populations or*
16 *restore the health of the state's salmon fishery, including projects*
17 *or activities that do one or more of the following:*

18 *(i) Remove dams for the purpose of restoring salmon and*
19 *steelhead populations, including, but not limited to, dams on the*
20 *Klamath River, the San Clemente Dam on the Carmel River, the*
21 *Matilija Dam on the Ventura River, and the Rindge Dam on Malibu*
22 *Creek.*

23 *(ii) Remove blockages to fish passage in all of the 100 highest*
24 *priority streams, as identified in the CalFish database.*

25 *(iii) Characterize streamflow requirements for the 100 highest*
26 *priority rivers and creeks for salmonid production, as identified*
27 *by the Department of Fish and Game.*

28 *(iv) Enforce adequate in-stream flow required for salmonid*
29 *spawning, rearing, and passage on rivers and creeks described in*
30 *clause (iii), including actions to stop unlawful diversions,*
31 *adjudicate water rights, and ensure sufficient resource flows*
32 *pursuant to statute.*

33 *(v) Characterize groundwater resources needed to ensure*
34 *streamflows and the impact of establishing groundwater*
35 *management in high-priority groundwater basins.*

36 *(vi) Acquire land and water rights in key groundwater basins*
37 *to reestablish flows.*

38 *(vii) Implement water conservation technologies and develop*
39 *new water supplies, including, but not limited to, desalination,*

1 *offstream storage, and water reclamation in the highest priority*
2 *groundwater basins.*

3 (c) Grants or loans may be made to a private entity pursuant to
4 this section only for projects or activities that further public
5 purposes consistent with Sections 35510 and 35515.

6 (d) Consistent with the purposes specified in Section 35515,
7 and in furtherance of the findings in Sections 7059 and 7060 of
8 the Fish and Game Code, the council, in authorizing grants or loans
9 for projects or expenditures pursuant to this section, shall promote
10 coordination of state programs and activities that protect and
11 conserve ocean resources to avoid redundancy and conflicts to
12 ensure that the state's programs and activities are complementary.

13 ~~SECTION 1. (a) On or before April 1, 2010, the Ocean~~
14 ~~Protection Council shall prepare a report analyzing the costs of~~
15 ~~infrastructure, enforcement, monitoring, and scientific analysis~~
16 ~~related to both of the following:~~

17 ~~(1) Restoration of native salmon and steelhead trout populations~~
18 ~~to pre-1988 levels within five years.~~

19 ~~(2) Restoration of the health of the state's salmon fishery.~~

20 ~~(b) The report shall include, but shall not be limited to, the costs~~
21 ~~of all of the following:~~

22 ~~(1) Removal of dams on the Klamath River, the removal of the~~
23 ~~San Clemente Dam on the Carmel River, the removal of the~~
24 ~~Matilija Dam on the Ventura River, and the removal of the Rindge~~
25 ~~Dam on Malibu Creek.~~

26 ~~(2) Removal and restoration of blockages to fish passage in all~~
27 ~~of the one hundred highest priority streams, as identified in the~~
28 ~~CalFish database.~~

29 ~~(3) Characterization of streamflow requirements for the 100~~
30 ~~highest priority rivers and creeks for salmonid production, as~~
31 ~~identified by the Department of Fish and Game.~~

32 ~~(4) Enforcement of adequate in-stream flow required for~~
33 ~~salmonid spawning, rearing, and passage on rivers and creeks~~
34 ~~described in paragraph (3). The analysis shall include, but shall~~
35 ~~not be limited to, costs of actions to stop unlawful diversions,~~
36 ~~adjudicate water rights, and ensure sufficient resource flows~~
37 ~~pursuant to statute, and costs of adequately staffing the Department~~
38 ~~of Fish and Game, the State Water Resources Control Board, and~~
39 ~~the office of the Attorney General for these purposes.~~

- 1 ~~(5) Characterization of groundwater resources needed to ensure~~
2 ~~streamflows and the impact of establishing groundwater~~
3 ~~management in high priority groundwater basins.~~
- 4 ~~(6) Acquisition of land and water rights in key groundwater~~
5 ~~basins to reestablish flows.~~
- 6 ~~(7) Implementation of water conservation technologies and the~~
7 ~~development of new water supplies, including, but not limited to,~~
8 ~~desalination, off-stream storage, and water reclamation in the~~
9 ~~highest priority groundwater basins.~~
- 10 ~~(8) Development of a collaborative research program that~~
11 ~~employs fishermen and fisherwomen.~~
- 12 ~~(c) On or before April 1, 2010, the council shall submit the~~
13 ~~report to all of the following:~~
- 14 ~~(1) The Joint Legislative Budget Committee.~~
- 15 ~~(2) The Joint Committee on Fisheries and Aquaculture.~~
- 16 ~~(3) The Senate Committee on Natural Resources and Water.~~
- 17 ~~(4) The Assembly Committee on Natural Resources.~~
- 18 ~~(5) The Assembly Committee on Water, Parks and Wildlife.~~