

**SENATE BILL 1086 AND SENATE CONCURRENT
RESOLUTION NO. 62**

Senate Bill No. 1086

CHAPTER 885

An act to add Article 4.5 (commencing with Section 1385) to Chapter 4 of Division 2 of, and to add and repeal Chapter 4.5 (commencing with Section 1400) of Division 2 of, the Fish and Game Code, relating to the Upper Sacramento River Fisheries and Riparian Habitat, and making an appropriation therefor.

[Approved by Governor September 18, 1986. Filed with Secretary of State September 18, 1986.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1086, Nielsen. Upper Sacramento River: fisheries and riparian habitat.

(1) Under the Wildlife Conservation Law of 1947, the Wildlife Conservation Board may authorize the Department of Fish and Game to acquire real property for the benefit of wildlife.

This bill would require the board by January 1, 1988, to inventory the lands along the upper Sacramento River, as described, to identify and determine the priority of those lands that are valuable to fish and wildlife. The bill would prescribe related matters.

(2) Existing law does not provide for an Upper Sacramento River Fisheries and Riparian Habitat Advisory Council.

This bill would create that council composed of specified members, and would require the advisory council to develop, for submission to the Legislature, the Upper Sacramento River Fisheries and Riparian Habitat Management Plan to provide for the protection, restoration, and enhancement of fish and riparian habitat and associated wildlife for the area between the Feather River and Keswick Dam. The bill would provide for an action team with specified members to develop proposed plan elements. The bill would specify related requirements for preparation of the management plan. The bill would require the advisory council to submit the management plan to the Legislature by January 1, 1989. These provisions of the bill would be repealed on January 1, 1989.

(3) The bill would appropriate \$250,000 from the California Environmental License Plate Fund, with \$150,000 to the Wildlife Conservation Board for the inventory and \$100,000 to the Secretary of the Resources Agency for the preparation of the management plan.

Appropriation: yes.

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

SECTION 1. Article 4.5 (commencing with Section 1385) is added to Chapter 4 of Division 2 of the Fish and Game Code, to read:

Article 4.5. Lands Inventory

1385. For the purposes of this article, "upper Sacramento River" means the Sacramento River upstream from the confluence with the Feather River and downstream from Keswick Dam.

1386. The board shall, not later than January 1, 1988, inventory, or cause to be inventoried, the lands along the upper Sacramento River to identify and determine the priority of those lands that are valuable to fish and wildlife. The inventory shall be conducted so as to provide information needed to make evaluations pursuant to this chapter.

1387. The inventory made under this article shall take special efforts to identify lands that provide any of the following:

- (a) A source of salmon spawning gravels, or lands that are otherwise important to anadromous and resident fisheries.
- (b) Habitat for rare, threatened, and endangered species.
- (c) Riparian habitat or an opportunity for reestablishment of riparian habitat.

1388. The board shall also make a preliminary identification of potential willing sellers in the inventory made under this article.

SEC. 2. Chapter 4.5 (commencing with Section 1400) is added to Division 2 of the Fish and Game Code, to read:

CHAPTER 4.5. UPPER SACRAMENTO RIVER FISHERIES AND RIPARIAN HABITAT MANAGEMENT PLAN

1400. The Legislature hereby finds and declares as follows:

(a) The Sacramento River system has tremendous social, environmental, and economic value to the people of California for many consumptive and nonconsumptive beneficial purposes. The Sacramento River system provides water for agricultural, municipal, and industrial uses, and for hydroelectric power, recreation, and navigation.

(b) The Sacramento River system is the state's largest producer of salmon, striped bass, sturgeon, and shad. It is also a major source of steelhead and other game fish and the source of water for much of the migratory bird population of the Pacific Flyway. It is essential that these values be protected.

(c) Various human and natural causes have contributed to substantial reductions in various anadromous fish populations in the Sacramento River system.

(d) Lack of a comprehensive management plan for the Sacramento River Basin has resulted in independent actions that pit some beneficial uses of water against others, thereby causing strong competition among competing water users.

(e) A comprehensive Upper Sacramento River Fisheries and Riparian Habitat Management Plan is needed to develop

information to provide for the protection, enhancement, and restoration of fish and riparian habitat and associated wildlife, as part of the orderly development of the water resources of the Sacramento River Basin for all beneficial purposes.

1401. As used in the chapter:

(a) "Advisory council" means the Upper Sacramento River Fisheries and Riparian Habitat Advisory Council created pursuant to Section 1402.

(b) "Action team" means the Upper Sacramento River Fisheries and Riparian Habitat Action Team created pursuant to Section 1403.

(c) "Management plan" means the Upper Sacramento River Fisheries and Riparian Habitat Management Plan prepared pursuant to this chapter.

1402. The Upper Sacramento River Fisheries and Riparian Habitat Advisory Council is hereby created consisting of the following members:

(a) The Director of Fish and Game, the Director of Water Resources, a designee of the State Lands Commission, a designee of the Chairperson of the State Water Resources Control Board, a designee of the Wildlife Conservation Board, and a designee of the Chairperson of the State Reclamation Board.

(b) The Director of the Mid-Pacific Region of the United States Bureau of Reclamation; the Sacramento District Engineer for the United States Army Corps of Engineers; the Regional Director, Region 1, for the United States Fish and Wildlife Service; the Regional Forester, Region 5, for the United States Forest Service; the State Director, California State Office, United States Bureau of Land Management; and the Regional Director, Region 3, for the National Marine Fisheries Service; provided that the foregoing federal officials agree to serve on the advisory council.

(c) One member of the board of supervisors, selected by the board of supervisors, from each of the following counties: Butte, Colusa, Glenn, Shasta, Sutter, and Tehama, provided that the county designates a board member to serve on the advisory council.

(d) Three persons, appointed by the Director of Fish and Game, who shall represent, respectively, commercial fishermen, recreational fishermen, and general wildlife and conservation interests. The Director of Fish and Game shall also appoint a representative of county government from a county not represented pursuant to subdivision (c) which contains a commercial fishing industry dependent on the upper Sacramento River. This person shall represent the commercial fishing industry interests of the San Francisco Bay area and north coast.

(e) One person, appointed by the Director of Forestry, who shall represent commercial timber operators.

(f) One person, appointed by the Director of Food and Agriculture, who shall represent agricultural interests and is a riparian landowner.

(g) A representative of the Sacramento River Water Contractors Association, provided that the representative agrees to serve on the advisory council.

1403. The Upper Sacramento River Fisheries and Riparian Habitat Action Team shall consist of one person designated by each member of the advisory council, except that the Chairperson of the California Regional Water Quality Control Board for the Central Valley Region shall designate one member and the Chairperson of the State Water Resources Control Board shall not designate a member and except that the members of the advisory council appointed pursuant to subdivisions (d), (e), and (f) of Section 1402 shall themselves serve on the action team.

1404. The advisory council and the action team shall each select a chairperson from its members by majority vote.

1405. Members of the advisory council and the action team shall serve without compensation.

1406. The advisory council shall develop the Upper Sacramento River Fisheries and Riparian Habitat Management Plan, including a proposed implementation program, for submission to the Legislature. The management plan shall provide for the protection, restoration, and enhancement of fish and riparian habitat and associated wildlife. The management plan shall establish a series of priority actions with specified time frames, estimated costs and benefits, and proposed funding sources.

The action team and the advisory council shall consider and may incorporate into the management plan, where feasible, the findings and recommendations of studies conducted by the Department of Water Resources pursuant to Section 238 of the Water Code.

1407. The area of study of the management plan shall be the Sacramento River and tributary streams, and associated riparian habitat, upstream from the confluence with the Feather River and downstream from Keswick Dam.

1408. The action team shall serve as a working group to develop proposed plan elements. The action team shall submit its recommendations to the advisory council for its review and approval. The advisory council shall be responsible for the management plan submitted to the Legislature.

1409. The Secretary of the Resources Agency shall appoint a project manager to supervise plan preparation and to coordinate activities of the advisory council and the action team.

1410. The advisory council shall hold at least two public hearings in separate counties within the area of study prior to final approval of the management plan. The action team shall hold at least one workshop, open to the public, in each of the counties represented on the advisory council pursuant to subdivision (c) of Section 1402.

1411. The advisory council shall submit the management plan, including a proposed implementation program, to the Legislature not later than January 1, 1989.

1412. This chapter shall not delay or preclude any current, pending, planned, or proposed fisheries and wildlife protection enhancement, restoration, or acquisition activities or bank protection, flood control, irrigation, or other management activities along the upper Sacramento River.

1413. This chapter shall remain in effect only until January 1, 1989, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1989, repeals or extends that date.

SEC. 3. The sum of two hundred fifty thousand dollars (\$250,000) is hereby appropriated from the California Environmental License Plate Fund for expenditure in accordance with the following schedule:

(a) One hundred fifty thousand dollars (\$150,000) to the Wildlife Conservation Board for the purposes of Article 4.5 (commencing with Section 1385) of Chapter 4 of Division 2 of the Fish and Game Code.

(b) One hundred thousand dollars (\$100,000) to the Secretary of the Resources Agency for preparation of the Upper Sacramento River Fisheries and Riparian Habitat Management Plan pursuant to Chapter 4.5 (commencing with Section 1400) of Division 2 of the Fish and Game Code.

Senate Concurrent Resolution No. 62

RESOLUTION CHAPTER 173

Senate Concurrent Resolution No. 62—Relative to the Sacramento River.

[Filed with Secretary of State September 21, 1989.]

LEGISLATIVE COUNSEL'S DIGEST

SCR 62, Nielsen. Sacramento River: Upper Sacramento River Fisheries and Riparian Habitat Management Plan.

This measure would declare that it is the policy of the State of California to implement the actions recommended in the Upper Sacramento Fisheries and Riparian Habitat Management Plan, as specified. The measure would request the Secretary of the Resources Agency to establish, for a 2-year period of service, an Upper Sacramento River Advisory Council, as prescribed.

WHEREAS, The Sacramento River system has tremendous social, environmental, and economic value to the people of California for many consumptive and nonconsumptive beneficial purposes; and

WHEREAS, The Sacramento River system is the largest source of salmon, striped bass, sturgeon, and shad in the state, and is also a major source of steelhead and other game fish; and

WHEREAS, The Sacramento River system is the source of water for much of the migratory bird population of the Pacific Flyway; and

WHEREAS, Various human and natural causes have contributed to substantial reductions in various anadromous fish populations in the Sacramento River system; and

WHEREAS, The California Legislature enacted legislation in 1986 which created an action team and an advisory council representing diverse interests to develop an Upper Sacramento Fisheries and Riparian Habitat Management Plan; and

WHEREAS, The advisory council completed and submitted a management plan to the Legislature in January of this year; and

WHEREAS, The plan identified specific actions necessary to protect, restore, and enhance the fisheries and riparian habitat and associated wildlife as part of the orderly development of the water resources of the Sacramento River Basin; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it is the policy of the state to implement the actions recommended in the Upper Sacramento River Fisheries and Riparian Habitat Management Plan in general conformance with the priorities indicated in the plan; and be it further

Resolved, That it is the policy of the state to appropriate sufficient funds annually, in conjunction with the federal government, local governments, and other sources, to implement the actions outlined in the management plan; and be it further

Resolved, That it is the policy of the state that departments, agencies, and other units of the state with responsibilities for implementation of the plan, shall upon adoption of this resolution, proceed with implementation measures that are authorized under existing law or as may be authorized in the future; and be it further

Resolved, That it is the policy of the state to encourage the federal government, local governments, and other organizations and individuals to proceed with their responsibilities to implement the actions outlined in the management plan; and be it further

Resolved, That the Secretary of the Resources Agency is hereby requested to establish, for a 2-year period of service, a multidisciplinary Upper Sacramento River Advisory Council, as recommended in the management plan, to review progress on the overall plan as it is implemented and to make annual recommendations on priorities and schedules to the Legislature and the United States Congress, as project actions are undertaken; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Secretary of the Resources Agency.