Assembly Bill No. 3603

CHAPTER 1068

An act to add and repeal Part 4.75 (commencing with Section 12260) of Division 6 of the Water Code, relating to water resources, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1990. Filed with Secretary of State September 19, 1990.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3603, Costa. San Joaquin River Management Program.

(1) Under existing law, the Legislature has declared that serious water quality problems exist along a specified portion of the San Joaquin River.

This bill would create the San Joaquin River Management Program Advisory Council and the San Joaquin River Management Program Action Team, as specified. The bill would require the advisory council to develop the San Joaquin River Management Program, as prescribed, to identify actions which can be taken to benefit legitimate uses of the San Joaquin River system. The bill would require the Secretary of the Resources Agency to appoint, with the consent of the advisory council, a project manager to coordinate activities of the advisory council and the action team, would require the advisory council to submit annual reports to the Legislature, and would prescribe related matters.

The bill would make legislative findings and declarations.

The bill would remain in effect only until January 1, 1995.

(2) The bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Part 4.75 (commencing with Section 12260) is added to Division 6 of the Water Code, to read:

PART 4.75. SAN JOAQUIN RIVER MANAGEMENT PROGRAM

12260. The Legislature hereby finds and declares as follows:

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

(b) Existing conditions on the San Joaquin River are less than satisfactory for many of the uses of the system, including water

supply, water quality, flood protection, fisheries, wildlife habitat, and recreation.

(c) Too frequently independent, uncoordinated actions pit some beneficial uses of water against others, with a resultant loss in the river system's overall general health.

(d) Continuation of the status quo will mean further deterioration in the river system, adversely impacting all users.

(e) A forum is needed where information can be developed and exchanged to provide for the orderly development and management of the water resources of the San Joaquin River system to accomplish compatible improvements of the system for flood protection, water supply, water quality, and recreation and for the protection, restoration, and enhancement of fish and wildlife.

12261. As used in this part:

(a) "Advisory council" means the San Joaquin River Management Program Advisory Council created pursuant to Section 12262.

(b) "Action team" means the San Joaquin River Management Program Action Team created pursuant to Section 12263.

(c) "Management program" means the San Joaquin River Management Program established pursuant to this part.

12262. The San Joaquin River Management Program Advisory Council is hereby created consisting of the following members:

(a) (1) The director or a designee of the director of each of the following departments: the Department of Fish and Game, the Department of Water Resources, the Department of Parks and Recreation, the Department of Boating and Waterways, the Department of Food and Agriculture, and the Department of Conservation, and (2) a designee of each of the following: the State Water Resources Control Board, the Wildlife Conservation Board, the Reclamation Board, the Central Valley Regional Water Quality Control Board, the California Water Commission, the State Lands Commission, the Senate Natural Resources and Wildlife Committee, and the Assembly Water, Parks and Wildlife Committee.

(b) A designee of each of the following: 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 Director, Region 3, for the National Marine Fisheries Service; the State Conservationist of the Soil Conservation Service; and the Regional Administrator, Region IX, for the Environmental Protection Agency.

(c) The following shall be members of the advisory council, unless the entity declines, and participate in the decisionmaking process or send a representative:

(1) The Counties of Calaveras, Kern, Kings, Fresno, Madera, Mariposa, Merced, San Joaquin, Stanislaus, Tulare, and Tuolumne.

(2) Cities located within those counties.

(3) Entities representing water user interests within those

counties, including water, flood control, irrigation, reclamation, levee maintenance, and other resource management districts, including the Stockton Port District.

(4) Environmental, fisheries, and wildlife groups, including the California Natural Resources Federation, California Waterfowl Association, Central Valley Safe Environment Network, Natural Resources Defense Council, Pacific Coast Federation of Fishermen's Association, United Anglers, San Joaquin River Parkway and Conservation Trust, Environmental Defense Fund, San Joaquin Raptor Society, American Fisheries Society, Trout Unlimited, National Audubon Society, Sierra Club, Planning and Conservation League, the Friends of the River, and Cal Trout.

12263. The advisory council shall appoint members to serve on the San Joaquin River Management Program Action Team. No person shall serve on both the advisory council and the action team.

12264. The advisory council and the action team shall each select a chairperson from its members.

12265. Members of the advisory council and the action team shall serve without compensation.

12266. The advisory council shall develop the San Joaquin River Management Program. The management program shall identify actions which can be taken regarding the San Joaquin River to benefit legitimate uses of the system. The management program objective shall be to develop compatible solutions to water supply, water quality, flood protection, fisheries, wildlife habitat, and recreation needs. If the advisory council finds it desirable, the management program may be divided into appropriate subparts or components, based upon the ability to develop needed information and to identify appropriate solutions. In developing the management program, the advisory council shall accomplish the following:

(a) Identify ongoing studies concerning the San Joaquin River, including the United States Bureau of Reclamation, San Joaquin River Basin Resource Management Initiative and the United States Corps of Engineers studies in the San Joaquin River basin.

(b) Identify and describe issues and problems.

(c) Prepare a program scope, consistent with the stated purpose of the management program.

(d) Establish a series of priority actions with specified time frames, estimated costs and benefits, and proposed funding sources.

(e) Propose local, state, and federal actions.

12267. The area of study of the management program shall be the San Joaquin River from Friant Dam downstream through the South Delta Water Agency, including the following:

(a) The North Fork of the Kings River from the southerly boundary of the James Reclamation District Number 1606 to Mendota Dam.

(b) All other tributaries of the San Joaquin River up to the first major dam on each tributary.

Suggested solutions to the problems in the study area may include actions outside of the area.

12268. The action team shall serve as a working group to develop proposed program 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 program.

12269. The Secretary of the Resources Agency shall appoint, with the consent of the advisory council, a project manager to coordinate activities of the advisory council and the action team.

12270. All meetings of the advisory council and the action team shall be open to the public. The advisory council and the action team shall hold at least one workshop each year in a county within the area of study.

12271. The advisory council shall submit annual reports on the management program, including proposed components for implementation, to the Legislature not later than October 1 of each year.

12272. This part 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 San Joaquin River, nor shall it prevent the advisory council from taking action on any item pending completion of a final report.

12273. This part shall remain in effect only until January 1, 1995, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1995, repeals or extends that date.

SEC. 2. It is the intent of the Legislature that appropriate state agencies shall assign sufficient staff to carry out their responsibilities under this act.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to prevent the further deterioration of the San Joaquin River system that could adversely impact all users at the earliest possible time, it is necessary that this act take effect immediately.

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