

DEPARTMENT OF BOATING AND WATERWAYS

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To: Boating and Waterways Commission Members
From: Department of Boating and Waterways, Legislative Unit
Subject: **LEGISLATIVE REPORT, May 19, 2009**

This report was prepared on May 5, 2009.

ASSEMBLY BILLS

AB 13 (Salas) Sacramento San-Joaquin Delta Conservancy. AB 13 would establish the Sacramento-San Joaquin Delta Conservancy to restore, maintain, and enhance ecosystems, including habitats, wildlife corridors, native species, and open space in the Sacramento-San Joaquin Delta and Suisun Marsh.

Sponsor: Author

Status: Amended 4/29/2009, in Assembly Committee on Appropriations 4/30/2009

Department Position: No approved position

AB 39 (Huffman) Sacramento-San Joaquin Delta: Final Delta Vision Strategic Plan. AB 39 would require the California Delta and Ecosystem Water Council to prepare a plan to implement the Delta Vision Strategic Plan issued by the Delta Vision Blue Ribbon Task Force in October 2008, and to submit that plan to the Legislature before January 1, 2011.

Sponsor: Author

Status: Amended 4/2/2009, in Assembly Appropriations Suspense File 4/23/2009

Department Position: No approved position

AB 166 (Lieu) Vessels: abandonment: abatement. AB 166 would 1) define the term "surrendered vessel", 2) establish conditions under which public agencies could accept such vessels from willing owners, 3) increase the minimum fine for abandonment of a vessel, 4) allow a public agency to dispose of a surrendered vessel immediately upon acceptance from the surrendering party, and 5) prohibit the state from assuming any liability resulting from the processing or disposal of surrendered vessels, as defined. The bill would also allow the Department of Boating and Waterways (DBW) to provide Abandoned Watercraft Abatement Fund (AWAF) grants to local agencies for disposal of surrendered vessels, and would require DBW to track the grant program activity between January 1, 2009 and January 1, 2011, and to report that information to legislative committees, as

specified, by July 1, 2011. This bill would also sunset all of the above requirements on January 1, 2012.

Sponsor: CA Association of Harbor Masters & Port Captains, Marine Parks & Harbors Association, CA Yacht Brokers, Marina Recreation Association, Northern CA Marine Association, Southern CA Marine Association, Western Boaters Safety Group

Status: Introduced 1/29/2009, in Assembly Appropriations Suspense File 4/1/2009

Department Position: Neutral if Amended

AB 248 (Lowenthal, Bonnie) Public resources: ballast water management.

This bill would require the master, owner, operator, agent, or person in charge of a vessel carrying or capable of carrying ballast water to maintain on board the vessel, in written or electronic form, records that include the manufacturer and product name of the ballast water treatment system on board the vessel, the name of the organization that has approved the system, the approval or certification number of the system technology, and the number of tanks and the volume of each tank that is managed using the system. The bill would require the master, owner, operator, agent, or person in charge of the vessel to provide that information to the State Lands Commission in electronic or written form using a form developed by the commission upon the vessel's departure from a California port or place of call.

Sponsor: Author

Status: Introduced 2/10/2009, in Senate Committee on Environmental Quality 4/30/2009

Department Position: No approved position

AB 804 (Hall) Invasive aquatic species: mussels.

As amended, this bill would exempt a water supply operator that has prepared and implemented a dreissenid mussel control and eradication plan from any criminal or civil liability for introduction of dreissenid mussels as a result of a facility's operations. The April 16, 2009 amendment to the bill would specify that water operators with an approved plan are exempt from only the prohibition on possessing, importing, shipping and transporting mussels, but not from oversight by the Department of Fish and Game (DFG). This bill would require DFG and the Department of Water Resources (DWR) to conduct a study and submit a report to the Legislature by June 30, 2010 on the impacts to water agencies of implementing plans, and on the success of available and potential quagga mussel control and eradication measures.

Sponsor: Association of California Water Agencies

Status: Amended 4/16/2009, on Assembly Floor 5/4/2009

Department Position: Oppose

SENATE BILLS

SB 12 (Simitian) Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2009.

This bill would enact the Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2009. The bill would establish the Delta Ecosystem and Water Council. The council would be required to prepare and adopt a plan referred to as the California Delta Ecosystem and Water Plan to advance the coequal goals of restoring the Delta ecosystem and creating a more reliable water supply in California.

The bill would establish the California Delta Conservancy to implement the ecosystem restoration elements of the plan. The bill would establish the Delta Science and Engineering Board to carry out a Delta science and engineering program under the direction of the council.

The bill would revise the membership of the Delta Protection Commission to include one of the members of the Central Valley Flood Protection Board, or that member's sole designee. The bill would require the commission to extend invitations to specified federal agencies to participate in the activities of the commission in a nonvoting capacity. The bill would require the commission to revise its resource management plan to be consistent with the plan required to be adopted by the council.

The bill would require Delta counties, as defined, and the cities within those counties, to revise their general plans and submit the revised plans to the commission. The commission would be required to review and certify the general plans of those counties and cities for consistency with its resource management plan and the plan adopted by the council.

Sponsor: Author

Status: Amended 2/26/2009, in Senate Appropriations Committee 4/29/2009

Department Position: No approved position

SB 21 (Simitian) Fishing Gear. This bill would require the Department of Fish and Game, in collaboration with the Ocean Protection Council, by January 1, 2011, to recommend to the Fish and Game Commission sustainable funding sources for a program for the prevention of the loss of fishing gear and for the recovery of derelict fishing gear, as defined. The department would be required, by January 1, 2011, to include on all fishing licenses and in all appropriate official brochures a toll-free telephone number for the purpose of reporting derelict fishing gear and the address for an Internet Web site that maintains a reporting system for derelict fishing gear. The bill, on and after July 1, 2012, would require a person who loses commercial

fishing gear, and certain commercial passenger fishing vessels, to report, in the manner prescribed by the department, in collaboration with the council, the location at which the fishing gear was lost, the name and fishing identification number of the person owning the fishing gear and of the person fishing with the gear if different than the owner, and the type of lost fishing gear within 48 hours of losing the fishing gear and returning to port. By July 1, 2012, the council would be required to identify and, if funding is available, establish and maintain, or support, a database of known derelict fishing gear. The council would be required by January 1, 2013, and annually thereafter, to take certain action to achieve specified targets for the removal and disposal of derelict fishing gear. On and after July 1, 2012, all traps and trawl nets deployed in the waters of the state would be required to be tagged or coded, in the manner prescribed by the department, in collaboration with the council, with specified information to aid in the identification of the source of any derelict fishing gear. The bill would provide that, if the department does not have sufficient personnel to carry out any of these provisions, the department would be authorized to contract with appropriate parties for those services if funds are available for that purpose.

Sponsor: Author

Status: Amended 3/25/2009, in Senate Appropriations Suspense File 4/20/2009

Department Position: No approved position

SB 154 (Benoit) Vessel: operation of vessel.

This bill would require, as a condition of probation, a person convicted of boating-under-the-influence to participate in, and successfully complete, a licensed driving-under-the-influence program in conformance with existing provisions applicable to driving-under-the-influence motor vehicle offenses. This bill would further provide that this separate offense would result in a suspension or revocation of the person's driving privilege if the person has a prior boating-under-the-influence or driving-under-the-influence offense within a 7-year period.

Sponsor: Author

Status: Amended 4/28/2009, in Senate Appropriations Committee 4/28/2009

Department Position: No approved position

SB 457 (Wolk) Sacramento-San Joaquin Delta.

This bill would create a 9-member Delta Stewardship Council in the Natural Resources Agency with specified powers and responsibilities relating to the Delta, including approving the Delta Stewardship Plan to guide and shape management of the Delta. The bill would require the commission to present the council with a draft plan on or before October 1, 2010. The bill would require the council to adopt the plan on or before January 1, 2011. The bill would require the council to review, and if necessary, amend the plan at least every 5 years.

The bill would require the council by March 1, 2010, to appoint a Delta Science and Engineering Board and create a Delta Science and Engineering Program to be a replacement for, and a successor to, the CALFED Science Program, with specified responsibilities, and that the Delta Science and Engineering Board be a replacement for the CALFED Independent Science Board.

The bill would require the commission to require all general plans of cities and counties within the Delta, and the resource management plan, to be consistent with the Delta Stewardship Plan, thereby imposing a state-mandated local program on cities and counties. The bill would require the commission to revise all of its plans and policies to be consistent with the Delta Stewardship Plan, to review and certify all city and county general plans for consistency with the resource management plan and the Delta Stewardship Plan, to exercise direct consistency determination authority over development proposals in the primary zone, to review, hold public hearings and receive testimony, and provide recommendations to the council on all proposed projects subject to approval by the council, and develop a regional economic development

plan. The bill would require the council to determine appeals from the commission on water conveyance and storage project decisions.

The bill would create the Delta Stewardship Fund and would require the commission to deposit in the fund any moneys received from federal, state, local, and private sources for Delta stewardship. Moneys in the fund would be available, upon appropriation, for regional economic development consistent with the Delta Stewardship Plan.

Sponsor: Author

Status: Amended 4/13/2009, in Senate Appropriations Committee 4/29/2009

Department Position: No approved position

SB 458 (Wolk) Conservancies: Sacramento-San Joaquin Delta Conservancy.

This bill would establish the Sacramento-San Joaquin Delta Conservancy to undertake various activities related to the Delta, as defined, including supporting efforts that advance both environmental protection and the economic well-being of Delta residents, and cooperating with other Delta governance entities. The bill would prescribe the management, powers, and duties of the conservancy. The bill would create the Sacramento-San Joaquin Delta Conservancy Fund in the State Treasury. Moneys in the fund would be available, upon appropriation, for the purposes of the conservancy.

Sponsor: Author

Status: Amended 4/2/2009, in Senate Appropriations Committee 4/14/2009

Department Position: No approved position

SB 459 (Wolk) Tidelands and submerged lands: removal of vessels.

As amended, this bill would streamline administrative requirements to allow the State Lands Commission (SLC) to more easily remove and dispose of vessels and other watercraft from public lands or waterways under its jurisdiction. Such a vessel or other watercraft would be removed if it is left on state lands without permission or when it poses a hazard to navigation, is a public nuisance or poses a significant threat to public health, safety, or welfare or to sensitive habitat, wildlife, or water quality. The April 21, 2009 amendments would require the SLC to deposit any funds received via this program into the General Fund rather than the Land Bank Fund.

Sponsor: State Lands Commission

Status: Amended 4/21/2009, in Senate Appropriations Committee 4/28/2009

Department Position: No approved position

SB 717 (Runner) Boating and Waterways: Department of Boating and Waterways

This bill would make several changes to update the Harbors and Navigation Code (HNC). This bill would help modernize, streamline and clarify DBW business processes, especially as related to boating facilities loans made to public and private entities. This bill would also clean up obsolete language, establish consistent

penalties for HNC misdemeanor and felony violations, and amend provisions regarding life jacket minimum age requirements and court ordered boating safety courses.

Sponsor: Author

Status: Amended 4/28/2009, in Senate Appropriations Committee

Department Position: Neutral

SB 808 (Wolk) San Francisco Bay/Sacramento-San Joaquin Delta Estuary: strategic work plan.

This bill would require the State Water Resources Control Board to implement its resolution entitled the Strategic Workplan for Actions to Protect Beneficial Uses of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary by commencing an investigation of the reasonableness of the methods of diversions from the Sacramento-San Joaquin Delta used by the State Water Project and the federal Central Valley Project, ensuring that the implementation is consistent with its duties to protect the public trust and prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, and taking other action. The state board would be required to prepare related quarterly reports, which the state board would be required to make available to the public and to post on the state board's Internet Web site.

Sponsor: Author

Status: Introduced 2/27/2009, in Senate Natural Resources and Water Committee

Department Position: No approved position

FEDERAL BILLS

Nothing to report.