

AMENDED IN ASSEMBLY APRIL 22, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1520

Introduced by Committee on Water, Parks, and Wildlife

March 13, 2025

An act to amend Sections 1505, 1798.5, and 3704.5 of the Fish and Game Code, *to amend Section 57001 of the Health and Safety Code*, to amend ~~Section 5093.542~~ *Sections 5080.07, 5080.18, 5080.26, 5093.52, 5093.542, 5093.545, and 10005* of the Public Resources Code, and to amend ~~Section~~ *Sections 1112, 1228.5, 1535, 1536, 1537, 1551, 5205, 10004, and 75507* of, ~~and to amend and renumber Section 1701 of~~, to repeal Sections 12949.6 and ~~13418~~ *13418* of, and to repeal Part 8 (commencing with Section 5975) of Division 2 of, the Water Code, relating to public resources.

LEGISLATIVE COUNSEL’S DIGEST

AB 1520, as amended, Committee on Water, Parks, and Wildlife. Public resources: conservation.

(1) Existing law prohibits a conservation bank, mitigation bank, or conservation and mitigation bank from being operative, vested, or final unless the Department of Fish and Wildlife has approved the bank in writing and, if applicable, a conservation easement has been recorded on the site. Existing law requires a person interested in establishing any bank with the department to submit a bank prospectus to the department, as specified, and if the department determines the bank prospectus is acceptable, allows the person to submit a bank agreement package that, among other things, is required to contain estimates of financial assurances and proposed forms of security, as specified.

This bill would authorize performance bonds to be proposed forms of security for the above purposes.

(2) Existing law requires all funds derived from the sale of state duck hunting validations and state duck stamps, and related items, to be deposited into the State Duck Stamp Account in the Fish and Game Preservation Fund, as provided. Existing law requires the funds in the account to be used for projects or endowments approved by the Fish and Game Commission for the purpose of protecting, preserving, restoring, enhancing, and developing migratory waterfowl breeding and wintering habitat, evaluating habitat projects, and conducting waterfowl resource assessments and other waterfowl-related research. Existing law authorizes the department to enter into contracts or grant funds for fish and wildlife habitat preservation, restoration, and enhancement with public and private entities whenever the department finds that the contract will assist in meeting the department's duty to preserve, protect, and restore fish and wildlife.

This bill would require that the department be subject to the above-described provisions in making grants or entering into agreements pursuant to the State Duck Stamp Account.

(3) Existing law, the Water Conservation District Law of 1931, authorizes a water conservation district to be organized and established by a county board of supervisors, with specified powers and purposes. The law permits a water conservation district to levy groundwater charges and requires a district to annually make an engineering investigation and report on groundwater conditions of the district that includes, among other things, an estimate of the annual overdraft for the current water year and for the ensuing water year. Existing law defines "water year" for purposes of these provisions to mean July 1 of one calendar year to June 30 of the following calendar year.

This bill would redefine "water year" to mean the period beginning October 1 of one calendar year and ending September 30 of the following calendar year for purposes of the above-described provisions.

(4) *Existing law authorizes the Department of Parks and Recreation to enter into contracts with natural persons, corporations, partnerships, and associations for the construction, maintenance, and operation of concessions within units of the state park system. Existing law requires all contracts authorizing occupancy of any portion of the state park system for a period of more than 3 years to be awarded to the best responsible bidder. Existing law requires public notice to be given to bidders of all proposed contracts authorizing the occupancy of property*

in the state park system for a period of more than 2 years, as specified, including requiring the department to publish an advertisement for bid at least once per week for 2 consecutive weeks in a newspaper of general circulation in the county in which the concession is to operate and in a major daily newspaper in the closest metropolitan area.

This bill would require public notice to bidders to be given of all proposed contracts authorizing the occupancy of property in the state park system for a period of more than 3 years, as specified.

Existing law requires a concession contract to contain certain provisions, including the provision that every concessionaire submit to the department all sales and use tax returns and, at the request of the department, provide an annual financial statement prepared or audited by a certified public accountant.

This bill would instead require every concessionaire to submit to the department an annual financial statement prepared or audited by a certified public accountant, as provided.

(4)

(5) This bill would make changes to update obsolete place names and would make other nonsubstantive changes, including by repealing obsolete laws.

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 1505 of the Fish and Game Code is
- 2 amended to read:
- 3 1505. (a) The department may manage, control, and protect
- 4 the portions of the following spawning areas that occupy
- 5 state-owned lands, to the extent necessary to protect fishlife in
- 6 these areas:
- 7 (1) The Sacramento River between Keswick and Loybas Hill
- 8 Bridge, near Vina.
- 9 (2) The Feather River between Oroville and the mouth of Honcut
- 10 Creek.
- 11 (3) The Yuba River between Englebright Dam and a point
- 12 approximately four miles east of Marysville.
- 13 (4) The American River between Nimbus Dam and a point one
- 14 mile downstream from Arden Way.
- 15 (5) The Mokelumne River between Pardee Dam and Lockeford.

- 1 (6) The Stanislaus River between Goodwin Dam and Riverbank.
- 2 (7) The Tuolumne River between La Grange Dam and the Geer
- 3 Road (J14) Bridge.
- 4 (8) The Merced River between Crocker Huffman Dam and
- 5 Cressey.
- 6 (9) The Trinity River between Lewiston Dam and the confluence
- 7 of the North Fork Trinity, near Helena.
- 8 (10) The Eel River, from Fort Seward to Lake Pillsbury.
- 9 (11) The South Fork Eel River.
- 10 (12) The Middle Fork Smith River, from its mouth to Knopti
- 11 Creek.
- 12 (13) The South Fork Smith River, from its mouth to Harrington
- 13 Creek.
- 14 (14) The Salmon River, from its mouth to Rush Creek on the
- 15 South Fork Salmon River, to Carter Meadow on the east fork of
- 16 the South Fork Salmon River, and to Finley Camp on the North
- 17 Fork Salmon River.
- 18 (15) Battle Creek, from its mouth to Coleman Powerhouse.
- 19 (16) The Cosumnes River, from Meiss Road Bridge to Latrobe
- 20 Road Bridge.
- 21 (17) The Van Duzen River, from Yager Creek to the falls 1 ½
- 22 miles above Bloody Run Creek.
- 23 (18) The Mad River, from Blue Lake Bridge to Bug Creek.
- 24 (19) The Middle Fork Eel River.
- 25 (20) The Mattole River.
- 26 (21) The Noyo River.
- 27 (22) The Big River, Mendocino County.
- 28 (23) The Gualala River.
- 29 (24) The Garcia River, Mendocino County.
- 30 (b) In the event of a conflict between an action of the department
- 31 pursuant to this section and the action of another department or
- 32 agency of the state or another public agency, the action of the
- 33 Department of Fish and Wildlife taken pursuant to this section
- 34 shall prevail, except in the event of conflict with the following
- 35 actions:
- 36 (1) An action of the state or regional water quality control boards
- 37 in establishing waste discharge requirements.
- 38 (2) An action required for commerce and navigation.
- 39 (3) An action by a public agency that is reasonably necessary
- 40 for bridge crossings, water conservation or utilization, or flood

1 protection projects, including the construction, maintenance, and
2 operation thereof. This paragraph shall not apply to the depositing
3 of materials, other than necessary structural materials, in, or the
4 removing of materials from the streambeds in the areas designated
5 in this section, other than as necessary for the installation of
6 structures.

7 (c) The director shall disapprove a stream alteration of a prime
8 salmon or steelhead spawning area on land of which ownership
9 has not been legally determined, when in the director's opinion
10 the alteration would prove deleterious to fishlife.

11 SEC. 2. Section 1798.5 of the Fish and Game Code is amended
12 to read:

13 1798.5. (a) (1) If the department determines that a bank
14 prospectus is acceptable pursuant to Section 1798, the person
15 seeking to establish the bank may submit a bank agreement package
16 to the department. Pursuant to subdivision (c) of Section 1799.1,
17 the department may adopt and amend guidelines and criteria for
18 the bank agreement package, including, but not limited to,
19 recommended standard forms for bank enabling instruments or
20 long-term management plan and conservation easements.

21 (2) The bank agreement package shall be consistent with the
22 prospectus and contain at least all of the following information:

23 (A) The draft bank enabling instrument and all exhibits.

24 (B) Drafts of the interim management plan, long-term
25 management plan, bank closure plan, and, if applicable, a
26 development or construction plan for the bank.

27 (C) A draft conservation easement, ~~or~~ or, if potential state
28 ownership is contemplated by the department, a draft grant deed.

29 (D) A map and written description of the proposed bank service
30 area.

31 (E) A proposed credit ledger and credit release schedule for the
32 bank.

33 (F) A property analysis record or other comparable economic
34 analysis of the funding necessary to support bank maintenance
35 activities, such as monitoring and reporting, in perpetuity.

36 (G) Estimates of financial assurances and proposed forms of
37 security. Proposed forms of security may be cash, a letter of credit,
38 or a performance bond.

39 (H) A phase I environmental site assessment of the site of the
40 proposed bank dated not more than six months prior to the date

1 the bank agreement package is submitted to the department. This
2 assessment shall be performed in accordance with the American
3 Society of Testing and Materials Standard E1527-05 “Standard
4 Practice for Environmental Site Assessments: Phase I
5 Environmental Site Assessment Process” or any successive ASTM
6 standard active at the time of the assessment.

7 (b) The department shall collect a fee of twenty-five thousand
8 dollars (\$25,000) per bank agreement package to fund the cost of
9 the department’s review services. The fee shall be collected at the
10 time the bank agreement package is submitted to the department.

11 (c) Within 30 calendar days following the department’s receipt
12 of a bank agreement package and fee pursuant to subdivision (a),
13 the department shall determine whether or not the package is
14 complete and give written notice of the determination to the person
15 who submitted the package.

16 (1) If the department determines that the bank agreement
17 package is not complete, it may be made complete and resubmitted.

18 (2) If the department determines that the bank agreement
19 package is complete, within 90 calendar days of that determination,
20 the department shall determine whether or not it is acceptable and
21 notify the person who submitted the package of the determination.
22 If the department determines that the bank agreement package is
23 not acceptable, the department shall state the reasons.

24 (d) The department may request clarifying information during
25 the bank agreement review process.

26 (e) If the department needs supplemental information during its
27 review of the bank agreement package in order to fully evaluate
28 the proposed bank, the regional manager or departmental
29 equivalent, or a higher level department employee, shall provide
30 the person seeking to establish the bank a written request for the
31 needed information. Upon the department’s receipt of the requested
32 information, a new 90-day period shall begin during which the
33 department shall determine acceptability pursuant to paragraph
34 (2) of subdivision (c). If the department does not receive the
35 requested information within 60 calendar days of the department’s
36 request, the bank agreement package will be deemed unacceptable.

37 (f) If the person seeking to establish the bank proposes changes
38 to the bank agreement package that have not been solicited by the
39 department during its 90-day review period, including, but not
40 limited to, parties, number or type of credits, bank size, number

1 or type of species, credit release schedule, service area, design
2 change, or other changes as identified by the department as
3 necessitating additional review time, the department, acting through
4 the regional manager or department equivalent, or a higher level
5 department employee, shall assess a one-time fee of ten thousand
6 dollars (\$10,000) to cover the reasonable cost of the department's
7 services in reviewing the changes. A new 90-day review period
8 shall begin upon the department's receipt of the proposed changes
9 and the associated review fee, during which it will determine
10 acceptability pursuant to paragraph (2) of subdivision (c).

11 (g) If the department determines that 90 days is insufficient time
12 to complete its review of the bank agreement package for reasons
13 including, but not limited to, the size, location, or complexity of
14 the bank, that the package includes a development or construction
15 plan, complexity of the bank agreement package, or substantial
16 variations from recommended standard forms, the department may
17 extend the 90-day period for reviewing the bank agreement package
18 by an additional 60 calendar days.

19 (h) If the department determines that a bank agreement package
20 is not acceptable, the package may be resubmitted in accordance
21 with subdivision (a) if further consideration is desired. Any
22 resubmittal shall be accompanied by payment of a new bank
23 agreement package review fee.

24 SEC. 3. Section 3704.5 of the Fish and Game Code is amended
25 to read:

26 3704.5. Waterfowl projects authorized pursuant to Sections
27 ~~3702 and 3460~~ 3460 and 3702 shall be governed by Section 1501.5
28 and are not subject to Part 2 (commencing with Section 10100) of
29 Division 2 of the Public Contract Code or Article 6 (commencing
30 with Section 999) of Chapter 6 of Division 4 of the Military and
31 Veterans Code. With the approval of the entity in control of
32 property affected by a project, the department may make grants
33 to, or enter into contracts with, nonprofit organizations for the
34 accomplishment of those projects, or the department may reimburse
35 the controlling entity for its costs of accomplishing the project.

36 SEC. 4. *Section 57001 of the Health and Safety Code is*
37 *amended to read:*

38 57001. (a) ~~Except as provided in subdivision (f), each~~ Each
39 office, board, and department within the agency shall, on or before
40 December 31, 1995, implement a fee accountability program for

1 the fees specified in subdivision ~~(d)~~. (c). That fee accountability
2 program shall be designed to encourage more efficient and
3 cost-effective operation of the programs for which the fees are
4 assessed, and shall be designed to ensure that the amount of each
5 fee is not more than is reasonably necessary to fund the efficient
6 operation of the activities or programs for which the fee is assessed.

7 (b) Before implementing the fee accountability program required
8 by this section, each board, department, and office within the
9 agency shall conduct a review of the fees identified in subdivision
10 ~~(d) which~~ (c) that it assesses. The purpose of this review shall be
11 to determine what changes, if any, should be made to all of the
12 following, in order to implement a fee system ~~which that~~
13 accomplishes the purposes set forth in subdivision (a):

14 (1) The amount of the fee.

15 (2) The manner in which the fee is assessed.

16 (3) The management and workload standards of the program
17 or activity for which the fee is assessed.

18 ~~(e) The fee accountability program of each board, department,~~
19 ~~or office within the agency shall include those elements of the~~
20 ~~requirements of Section 25206 which the secretary determines are~~
21 ~~appropriate in order to accomplish the purposes set forth in~~
22 ~~subdivision (a).~~

23 ~~(d)~~

24 (c) This section applies to the following fees:

25 (1) The fee assessed pursuant to subdivision (d) of Section 13146
26 of the Food and Agricultural Code to develop data concerning the
27 environmental fate of a pesticide when the registrant fails to
28 provide the required information.

29 (2) The surface impoundment fees assessed pursuant to Section
30 25208.3.

31 (3) The fee assessed pursuant to Section 43203 to recover the
32 costs of the State Air Resources Board in verifying manufacturer
33 compliance on emissions from new vehicles prior to retail sale.

34 (4) The fee assessed pursuant to Section 44380 to recover the
35 costs of the State Air Resources Board and the Office of
36 Environmental Health Hazard Assessment in implementing and
37 administering the Air Toxics “Hot Spots” Information and
38 Assessment Act of 1987 (Part 6 (commencing with Section 44300)
39 of Division 26).

1 (5) The fee assessed pursuant to Section 43212 of the Public
2 Resources Code to recover the costs of the ~~California Integrated~~
3 ~~Waste Management Board~~ *Department of Resources Recycling*
4 *and Recovery* when it assumes the responsibilities of the local
5 enforcement agency.

6 (6) The fee assessed pursuant to Section 43508 of the Public
7 Resources Code to recover the costs of the ~~California Integrated~~
8 ~~Waste Management Board~~ *Department of Resources Recycling*
9 *and Recovery* in reviewing closure plans.

10 (7) The ~~water rights permit right~~ fees assessed pursuant to
11 Chapter 8 (commencing with Section 1525) of Part 2 of Division
12 2 of the Water Code.

13 (8) The ~~fee fees~~ assessed pursuant to ~~subdivision (e) of Section~~
14 ~~Sections 13260 and 13269~~ of the Water Code for waste ~~discharge~~
15 ~~requirements, including, but not limited to, requirements for storm~~
16 ~~water discharges, and the fee assessed pursuant to subdivision (i)~~
17 ~~of Section 12360 of the Water Code for National Pollution~~
18 ~~Discharge Elimination System permits.~~ *discharges.*

19 (9) The costs assessed pursuant to Section 13304 of the Water
20 Code to recover the costs of the State Water Resources Control
21 Board or the California regional water quality control boards in
22 implementing and enforcing cleanup and abatement orders.

23 (e)
24 (d) If a board, department, or office within the agency
25 determines that the amount of a fee that is fixed in statute should
26 be increased in order to implement a fee accountability system
27 ~~which~~ *that* accomplishes the purposes of subdivision (a), it shall
28 notify the Legislature, and make recommendations concerning
29 appropriate increases in the statutorily fixed fee amount. For fees
30 whose amount is not fixed in statute, the board, department, or
31 office may increase the fee only if it makes written findings in the
32 record that it has implemented a fee accountability program ~~which~~
33 *that* complies with this section.

34 (f) ~~The Department of Toxic Substances Control shall be~~
35 ~~deemed to be in compliance with this section if it complies with~~
36 ~~Section 25206.~~

37 *SEC. 5. Section 5080.07 of the Public Resources Code is*
38 *amended to read:*

39 5080.07. (a) Notwithstanding the provisions of Sections 11080
40 and 11081 of the Government Code, public notice to bidders shall

1 be given of all proposed contracts authorizing the occupancy of
2 property in the state park system for a period of more than ~~two~~
3 *three* years, as follows:

4 (1) The department shall advertise the notice through appropriate
5 public media to the extent that the department determines is
6 sufficient to provide adequate coverage.

7 (2) The department shall publish an advertisement for bid at
8 least once ~~a~~ *per* week for two consecutive weeks in a newspaper
9 of general circulation in the county in which the concession is to
10 operate and in a major daily newspaper in the closest metropolitan
11 area.

12 (3) If the director determines that, in view of the type of
13 concession involved, the public interest would be best served by
14 the solicitation of bids from out-of-state bidders, ~~he or she~~ *the*
15 *director* shall give ~~such~~ additional notice as ~~he or she~~ *the director*
16 finds is best suited to attract bids from out-of-state bidders.

17 (b) The published notice shall state where bid forms may be
18 obtained, the time and place for the receiving and opening of sealed
19 bids, and shall describe, in general terms, the concession to be
20 operated.

21 *SEC. 6. Section 5080.18 of the Public Resources Code is*
22 *amended to read:*

23 5080.18. A concession contract entered into pursuant to this
24 article shall contain, but is not limited to, all of the following
25 provisions:

26 (a) (1) The maximum term shall be 10 years, except that a term
27 of more than 10 years may be provided if the director determines
28 that the longer term is necessary to allow the concessionaire to
29 amortize improvements made by the concessionaire, to facilitate
30 the full use of a structure that is scheduled by the department for
31 replacement or redevelopment, or to serve the best interests of the
32 state. The term shall not exceed 20 years without specific
33 authorization by statute. Except as provided in Section 5080.16,
34 all renewals of concession contracts pursuant to this paragraph
35 shall be subject to competitive bidding requirements.

36 (2) The maximum term shall be 50 years if the concession
37 contract is for the construction, development, and operation of
38 multiple-unit lodging facilities equipped with full amenities,
39 including plumbing and electrical, that is anticipated to exceed an
40 initial cost of one million five hundred thousand dollars

1 (\$1,500,000) in capital improvements in order to begin operation.
2 The term for a concession contract described in this paragraph
3 shall not exceed 50 years without specific authorization by statute.
4 Except as provided in Section 5080.16, all renewals of concession
5 contracts pursuant to this paragraph shall be subject to competitive
6 bidding requirements.

7 (3) (A) Notwithstanding paragraph (1), a concession agreement
8 at Will Rogers State Beach may be awarded for up to 50 years in
9 length without specific authorization by statute, upon approval by
10 the director and pursuant to a determination by the director that
11 the longer term is necessary to allow the concessionaire to amortize
12 improvements made by the concessionaire that are anticipated to
13 exceed one million five hundred thousand dollars (\$1,500,000) in
14 capital improvements.

15 (B) Notwithstanding any other law or any other agreement, in
16 furtherance of a concession agreement, pending concession
17 agreement, or amendment to a concession agreement between the
18 County of Los Angeles and a private entity at the state-owned Will
19 Rogers State Beach, development or renovation of capital
20 improvements, whether public or private, and related public access
21 and recreation improvements shall be exempt from any municipal
22 demolition, grading, building, or discretionary permits required
23 by state law or municipal building and zoning codes or from
24 approvals by municipal agencies and shall be subject only to the
25 approval by the County of Los Angeles and a coastal development
26 permit or amendment to a coastal development permit from the
27 California Coastal Commission.

28 (4) Notwithstanding paragraph (2), the department may negotiate
29 the term of the existing concession contract with the Crystal Cove
30 Management Company to extend the term of that contract up to
31 an additional 20 years, if the director determines that this term
32 extension is necessary to allow Crystal Cove Management
33 Company to qualify and complete requirements for rehabilitation
34 tax credits pursuant to Section 47 of Title 26 of the United States
35 Code for the rehabilitation of historic structures to facilitate and
36 support the Phase III restoration of the 17 historic cottages at
37 Crystal Cove State Park. This rehabilitation shall include the
38 construction, development, and operation of multiple-unit lodging
39 facilities equipped with full amenities, including plumbing and
40 electrical. Negotiated terms pursuant to this subdivision shall be

1 based on the value of the term's extension, and may include, but
2 are not limited to, an increased rental rate as consideration for the
3 extended term. All moneys invested by third parties in connection
4 with receipt of these rehabilitation tax credits shall be used for the
5 construction, development, and operation of the Phase III
6 restoration of the 17 historic cottages at Crystal Cove State Park.

7 (5) (A) Notwithstanding paragraph (2), the department may
8 negotiate a concession contract, for a term of not more than 30
9 years, or an extension of an existing concession contract, for a
10 term of up to an additional 30 years, and may negotiate other terms,
11 including, but not limited to, rent, based on the value of the term
12 or the term's extension as consideration for the Mexican
13 Commercial Corner, El Opal Restaurant, and Casa de Bandini and
14 The Cosmopolitan Hotel and Restaurant at Old Town San Diego
15 State Historic Park.

16 (B) The property known as El Fandango and other adjacent
17 properties may be added to the concession premises to enable
18 increased pedestrian access.

19 (C) The terms of the concession contract or the extension of an
20 existing concession contract shall require the concessionaire to
21 provide for capital improvements of substantial and additional
22 concession facilities, and improvements of existing concession
23 facilities, to be constructed at the sole expense of the
24 concessionaire, that are consistent with the general plan for Old
25 Town San Diego State Historic Park and are needed to
26 accommodate existing or projected increased public usage. The
27 minimum amount of the capital improvements shall be negotiated
28 between the department and the concessionaire and shall be no
29 less than three million dollars (\$3,000,000). The capital
30 improvements shall be the sole property of the state. The capital
31 improvements may include, but are not limited to, both of the
32 following:

33 (i) The demolition and reconstruction of the property known
34 as El Fandango. This space may include both indoor and outdoor
35 concession and interpretive opportunities.

36 (ii) The construction of pedestrian access between the properties
37 known as the Land of the First People exhibit area and the historic
38 core of Old Town San Diego State Historic Park.

39 (D) Upon the termination of the concession contract or upon
40 the termination of an existing concession contract that was

1 extended, the concession shall be put out to bid in accordance with
2 the bidding requirements of this article.

3 (b) Every concessionaire shall submit to the department ~~all sales~~
4 ~~and use tax returns and, at the request of the department, provide~~
5 an annual financial statement prepared or audited by a certified
6 public accountant. *This subdivision applies to a concession contract*
7 *that existed before January 1, 2026, and any concession contract*
8 *entered into after January 1, 2026.*

9 (c) Every concession shall be subject to audit by the department.

10 (d) A performance bond shall be obtained and maintained by
11 the concessionaire. In lieu of a bond, the concessionaire may
12 substitute a deposit of funds acceptable to the department. Interest
13 on the deposit shall accrue to the concessionaire.

14 (e) The concessionaire shall obtain and maintain in force at all
15 times a policy of liability insurance in an amount adequate for the
16 nature and extent of public usage of the concession and naming
17 the state as an additional insured.

18 (f) Any discrimination by the concessionaire or the
19 concessionaire's agents or employees against any person because
20 of the marital status or ancestry of that person or any characteristic
21 listed or defined in Section 11135 of the Government Code is
22 prohibited.

23 (g) To be effective, any modification of the concession contract
24 shall be evidenced in writing.

25 (h) Whenever a concession contract is terminated for substantial
26 breach, there shall be no obligation on the part of the state to
27 purchase any improvements made by the concessionaire.

28 (i) If a concessionaire makes a legal claim or assertion to have
29 a trademark or service mark interest in violation of subdivision (a)
30 of Section 5080.22, the concessionaire shall forfeit the right to bid
31 on future state park concession contracts to the extent authorized
32 by federal law.

33 (j) If a current or former concessionaire in bad faith files a
34 federal or state trademark or service mark application for a
35 trademark or service mark that incorporates or implies an
36 association with a state park venue, or its historical, cultural, or
37 recreational resources, and the state files a successful opposition
38 or cancellation with respect to that trademark or service mark
39 application, the concessionaire shall be responsible for the state's

1 attorney fees, costs, and expenses associated with that opposition
2 or cancellation.

3 *SEC. 7. Section 5080.26 of the Public Resources Code is*
4 *amended to read:*

5 5080.26. (a) Notwithstanding Sections 11080 and 11081 of
6 the Government Code, public notice of a request for proposal shall
7 be given to persons or entities for the purpose of soliciting
8 proposals for any concession contract authorizing the occupancy
9 of property in the state park system for a period of more than ~~two~~
10 *three* years that is entered into pursuant to Section 5080.23, as
11 follows:

12 (1) The department shall advertise the notice through appropriate
13 public media to the extent that the department determines is
14 sufficient to provide adequate coverage.

15 (2) The department shall publish an advertisement for a proposal
16 at least once-a *per* week for two consecutive weeks in a newspaper
17 of general circulation in the county in which the concession is to
18 operate and in a major daily newspaper in the closest metropolitan
19 area.

20 (3) If the director determines that, in view of the type of
21 concession involved, the public interest would be best served by
22 the solicitation of proposals from out-of-state persons or entities,
23 the director shall give ~~such~~ additional notice as the director finds
24 is best suited to attract proposals from out-of-state persons or
25 entities.

26 (b) The published notice shall state where forms for proposals
27 may be obtained, the time and place for the receipt and review of
28 proposals, and shall describe, in general terms, the concession to
29 be operated.

30 *SEC. 8. Section 5093.52 of the Public Resources Code is*
31 *amended to read:*

32 5093.52. As used in this chapter, the following terms have the
33 following meaning:

34 (a) “Secretary” means the Secretary of the *Natural* Resources
35 Agency.

36 (b) ~~“Resources”~~—“*Natural Resources Agency*” means the
37 Secretary of the *Natural* Resources Agency and any constituent
38 units of the Resources Agency that the secretary determines to be
39 necessary to accomplish the purposes of this chapter.

1 (c) “River” means the water, bed, and shoreline of rivers,
2 streams, channels, lakes, bays, estuaries, marshes, wetlands, and
3 lagoons, up to the first line of permanently established riparian
4 vegetation.

5 (d) “Free-flowing” means existing or flowing without artificial
6 impoundment, diversion, or other modification of the river. The
7 presence of low dams, diversion works, and other minor structures
8 does not automatically bar a river’s inclusion within the system.
9 However, this subdivision does not authorize or encourage future
10 construction of those structures on any component of the system.

11 (e) “System” means the California Wild and Scenic Rivers
12 System.

13 (f) “Land use regulation” means the regulation by any state or
14 local governmental entity, agency, or official of any activities that
15 take place other than directly on the waters of the segments of the
16 rivers designated in Section 5093.54.

17 (g) “Director” means the Director of Fish and ~~Game~~. *Wildlife*.

18 (h) “Immediate environments” means the land immediately
19 adjacent to the segments of the rivers designated in Section
20 5093.54.

21 (i) “Special treatment areas” means, for purposes of this chapter,
22 those areas defined as special treatment areas in Section 895.1 of
23 Title 14 of the California Code of Regulations, as in effect on
24 January 1, 2004, as that definition applies to wild and scenic river
25 segments designated from time to time in Section 5093.54, and
26 also includes areas within 200 feet of the watercourse transition
27 line of a state-designated recreational river segment designated in
28 Section 5093.54 that may be at risk during timber operations.

29 (j) “Board” means the State Board of Forestry and Fire
30 Protection.

31 ~~SEC. 4.~~

32 *SEC. 9.* Section 5093.542 of the Public Resources Code is
33 amended to read:

34 5093.542. The Legislature finds and declares that the McCloud
35 River possesses extraordinary resources in that it supports one of
36 the finest wild trout fisheries in the state. Portions of the river have
37 been appropriately designated by the Fish and Game Commission,
38 pursuant to Chapter 7.2 (commencing with Section 1725) of
39 Division 2 of the Fish and Game Code, as wild trout waters, with
40 restrictions on the taking, or method of taking, of fish. The

1 Legislature has determined, based upon a review of comprehensive
2 technical data evaluating resources and potential beneficial uses,
3 that potential beneficial uses must be balanced, in order to achieve
4 protection of the unique fishery resources of the McCloud River,
5 as follows:

6 (a) The continued management of river resources in their
7 existing natural condition represents the best way to protect the
8 unique fishery of the McCloud River. The Legislature further finds
9 and declares that maintaining the McCloud River in its free-flowing
10 condition to protect its fishery is the highest and most beneficial
11 use of the waters of the McCloud River within the segments
12 designated in subdivision (b), and is a reasonable use of water
13 within the meaning of Section 2 of Article X of the California
14 Constitution.

15 (b) A dam, reservoir, diversion, or other water impoundment
16 facility shall not be constructed on the McCloud River from
17 Algoma to the confluence with Huckleberry Creek, and 0.25 mile
18 downstream from the McCloud Dam to the McCloud River Bridge
19 and such a facility shall not be constructed on Yét Atwam Creek
20 from the confluence with Cabin Creek to the confluence with the
21 McCloud River.

22 (c) Except for participation by the Department of Water
23 Resources in studies involving the technical and economic
24 feasibility of enlargement of Shasta Dam, a department or agency
25 of the state shall not assist or cooperate with, whether by loan,
26 grant, license, or otherwise, any agency of the federal, state, or
27 local government in the planning or construction of any dam,
28 reservoir, diversion, or other water impoundment facility that could
29 have an adverse effect on the free-flowing condition of the
30 McCloud River, or on its wild trout fishery.

31 (d) A state agency exercising powers under any other law with
32 respect to the protection and restoration of fishery resources shall
33 continue to exercise those powers in a manner to protect and
34 enhance the fishery of those segments designated in subdivision
35 (b). In carrying out this subdivision, the exercise of powers shall
36 be consistent with Section 5093.58.

37 (e) This section does not prejudice, alter, affect in any way, or
38 interfere with the construction, maintenance, repair, or operation
39 by the Pacific Gas and Electric Company of the existing
40 McCloud-Pit development (FERC 2106) under its license, or

prevent Pacific Gas and Electric from constructing a hydroelectric generating facility by retrofitting the existing McCloud Dam if the operation of the facility does not alter the existing flow regime below the dam.

SEC. 10. Section 5093.545 of the Public Resources Code is amended to read:

5093.545. The classifications heretofore established by the secretary for the rivers or segments of rivers included in the system are revised and adopted as follows:

	Rivers	Classification
(a)	Klamath River: The Klamath River from the FERC Project 2082 downstream boundary in Section 17 T47N R5W as shown on Exhibit K-7 sheet 1 dated May 25, 1962, to the river mouth at the Pacific Ocean	Recreational
(b)	Scott River:	
(1)	The Scott River from Shackleford Creek to McCarthy Creek	Recreational
(2)	The Scott River from McCarthy Creek to Scott Bar	Scenic
(3)	The Scott River from Scott Bar to the confluence with the Klamath River	Recreational
(c)	Salmon River:	
(1)	The Salmon River from the Forks of Salmon to the Lewis Creek confluence	Recreational
(2)	The Salmon River from the Lewis Creek confluence to the Wooley Creek confluence	Scenic
(3)	The Salmon River from the Wooley Creek confluence to the confluence with the Klamath River	Recreational
(4)	The South Fork of the Salmon River from Cecilville to St. Claire Creek confluence	Recreational
(5)	The South Fork from St. Claire Creek confluence to the Matthews Creek confluence	Scenic
(6)	The South Fork from Matthews Creek confluence to the Forks of Salmon	Recreational

1	(7)	The North Fork of the Salmon River from	
2		Marble Mountain Wilderness boundary to	
3		Mule Bridge Campground in Section 35	
4		T12N R11W and Section 12 T11N R11W	Wild
5	(8)	The North Fork from Mule Bridge	
6		Campground to the Forks of Salmon	Recreational
7	(9)	Wooley Creek from the Marble Mountain	
8		Wilderness Area boundary to ½ mile	
9		upstream of the confluence with Salmon	
10		River	Wild
11	(10)	Wooley Creek downstream ½ mile above	
12		the confluence with the Salmon River	Recreational
13	(d)	Trinity River:	
14	(1)	The Trinity River from 100 yards below	
15		Lewiston Dam to Cedar Flat Creek	
16		confluence	Recreational
17	(2)	The Trinity River from Cedar Flat Creek	
18		confluence to Gray Falls	Scenic
19	(3)	The Trinity River from Gray Falls to the	
20		west boundary of Section 2 T8N R4E	Recreational
21	(4)	The Trinity River from the west boundary	
22		of Section 2 T8N R4E to the confluence	
23		with the Klamath River at Weitchpec	Scenic
24	(5)	The North Fork of the Trinity River from	
25		the Trinity Alps Primitive Area boundary to	
26		north boundary Section 20 T34N R11W	Wild
27	(6)	The North Fork from the north boundary	
28		Section 20 T34N R11W to mouth	Recreational
29	(7)	The South Fork Trinity River from Forest	
30		Glen to Hidden Valley Ranch	Wild
31	(8)	The South Fork from Hidden Valley Ranch	
32		to the Naufus Creek confluence in Section 8	
33		T1N R7E	Scenic
34	(9)	The South Fork from the Naufus Creek	
35		confluence in Section 8 T1N R7E to	
36		Johnson Creek confluence near the	
37		boundary of Sections 13 and 14 T2N R6E	Wild

- | | | | |
|----|------|---|--------------|
| 1 | (10) | The South Fork from Johnson Creek | |
| 2 | | confluence near the boundary of Sections 13 | |
| 3 | | and 14 T2N R6E to the boundary of | |
| 4 | | Sections 25 and 36 T2N R6E | Scenic |
| 5 | (11) | The South Fork from the boundary of | |
| 6 | | Sections 25 and 36 T2N R6E to the | |
| 7 | | footbridge near the mouth of Underwood | |
| 8 | | Creek in Section 17 T4N R6E Humboldt | |
| 9 | | Base and Meridian | Recreational |
| 10 | (12) | The South Fork from the footbridge near the | |
| 11 | | mouth of Underwood Creek in Section 17 | |
| 12 | | T4N R6E to Todd Ranch in Section 18 T5N | |
| 13 | | R5E | Wild |
| 14 | (13) | The South Fork from Todd Ranch in Section | |
| 15 | | 18 T5N R5E to the confluence with Main | |
| 16 | | Trinity | Scenic |
| 17 | (14) | New River from the Salmon Trinity | |
| 18 | | Primitive Area boundary to the junction | |
| 19 | | with the East Fork New River in Section 23 | |
| 20 | | T7N R7E | Wild |
| 21 | (15) | New River from the junction with the East | |
| 22 | | Fork New River in Section 23 T7N R7E to | |
| 23 | | 100 yards below Panther Creek | |
| 24 | | Campground in Section 18 T6N R7E | Recreational |
| 25 | (16) | New River from 100 yards below Panther | |
| 26 | | Creek Campground in Section 18 T6N R7E | |
| 27 | | to Dyer Creek confluence in Section 25 | |
| 28 | | T26N R6E | Scenic |
| 29 | (17) | New River from Dyer Creek confluence in | |
| 30 | | Section 25 T26N R6E to the confluence | |
| 31 | | with Trinity River | Wild |
| 32 | (e) | Smith River: | |
| 33 | (1) | Smith River from the confluence of the | |
| 34 | | Middle and South Forks to its mouth at the | |
| 35 | | Pacific Ocean | Recreational |
| 36 | (2) | Middle Fork Smith River from its source | |
| 37 | | about 3 miles south of Sanger Lake as | |
| 38 | | depicted on 1956 USGS 15' "Preston Peak" | |
| 39 | | topographic map to the middle of Section 7 | |
| 40 | | T17N R5E | Wild |

1	(3)	Middle Fork Smith River from the middle	
2		of Section 7 T17N R5E to the middle of	
3		Section 6 T17N R5E	Scenic
4	(4)	Middle Fork Smith River from middle of	
5		Section 6 T17N R5E to one-half mile	
6		upstream from the confluence with Knopki	
7		Creek	Wild
8	(5)	Middle Fork Smith River from one-half	
9		mile upstream from the confluence with	
10		Knopki Creek to the confluence with South	
11		Fork Smith River	Recreational
12	(6)	Myrtle Creek from its source in Section 9	
13		T17N R1E as depicted on 1952 USGS 15'	
14		"Crescent City" topographic map to the	
15		middle of Section 28 T17N R1E	Recreational
16	(7)	Myrtle Creek from the middle of Section 28	
17		T17N R1E to the confluence with the	
18		Middle Fork Smith River	Recreational
19	(8)	Shelly Creek from its source in Section 1	
20		T18N R3E as depicted on 1951 USGS 15'	
21		"Gasquet" topographic map to the	
22		confluence with Patrick Creek	Recreational
23	(9)	Kelly Creek from its source in Section 32	
24		T17N R3E as depicted on 1951 USGS 15'	
25		"Gasquet" topographic map to the	
26		confluence with the Middle Fork Smith	
27		River	Recreational
28	(10)	Packsaddle Creek from its source about 0.8	
29		miles southwest of Broken Rib Mountain as	
30		depicted on 1956 USGS 15' "Preston Peak"	
31		topographic map to the eastern boundary of	
32		Section 3 T17N R1E	Recreational
33	(11)	Packsaddle Creek from the eastern	
34		boundary of Section 3 T17N R4E to the	
35		northern boundary of Section 3 T17N R4E	Recreational
36	(12)	Packsaddle Creek from the northern	
37		boundary of Section 3 T17N R4E to the	
38		confluence with the Middle Fork of Smith	
39		River	Recreational

1	(13)	East Fork Patrick Creek from its source in	
2		Section 10 T18N R3E as depicted on 1951	
3		USGS 15' "Gasquet" topographic map to	
4		the confluence with the West Fork Patrick	
5		Creek	Recreational
6	(14)	West Fork Patrick Creek from its source in	
7		Section 18 T18N R3E as depicted on 1951	
8		USGS 15' "Gasquet" topographic map to	
9		the confluence with the East Fork Patrick	
10		Creek	Recreational
11	(15)	Griffin Creek from its source about 0.2	
12		miles southwest of Hazel View Summit as	
13		depicted on 1956 USGS 15' "Preston Peak"	
14		topographic map to the confluence with the	
15		Middle Fork Smith River	Recreational
16	(16)	Knopki Creek from its source about 0.4	
17		miles west of Sanger Peak as depicted on	
18		1956 USGS 15' "Preston Peak" topographic	
19		map to the confluence with the Middle Fork	
20		Smith River	Recreational
21	(17)	Monkey Creek from its source in the	
22		northeast quadrant of Section 12 T18N R3E	
23		as depicted on 1951 USGS 15' "Gasquet"	
24		topographic map to the northern boundary	
25		of Section 26 T18N R3E	Recreational
26	(18)	Monkey Creek from the northern boundary	
27		of Section 26 T18N R3E to the confluence	
28		with the Middle Fork of Smith River	Recreational
29	(19)	Patrick Creek from the junction of East and	
30		West Forks of Patrick Creek to the	
31		confluence with the Middle Fork Smith	
32		River	Recreational
33	(20)	North Fork Smith River from the	
34		California-Oregon boundary to the	
35		confluence with an unnamed tributary in the	
36		northern quarter Section 5 T18N R2E as	
37		depicted on 1951 USGS 15' "Gasquet"	
38		topographic map	Wild

1	(21)	North Fork Smith River from the	
2		confluence with an unnamed tributary in the	
3		northern quarter of Section 5 T18N R2E to	
4		the southernmost intersection of the	
5		eastern boundary of Section 5 T18N R2E	
6		as depicted on 1951 USGS 15' "Gasquet"	
7		topographic map	Scenic
8	(22)	North Fork Smith River from the	
9		southernmost intersection of the eastern	
10		boundary Section 5 T18N R2E as depicted	
11		on 1951 USGS 15' "Gasquet" topographic	
12		map to the confluence with Stony Creek	Wild
13	(23)	North Fork Smith River from the	
14		confluence with Stony Creek to the	
15		confluence with the Middle Fork of the	
16		Smith River	Recreational
17	(24)	Diamond Creek from the California-Oregon	
18		state boundary to the confluence with High	
19		Plateau Creek	Recreational
20	(25)	Diamond Creek from the confluence with	
21		High Plateau Creek to the confluence with	
22		the North Fork Smith River	Recreational
23	(26)	Bear Creek from its source in Section 24	
24		T18N R2E as depicted on 1951 USGS 15'	
25		"Gasquet" topographic map to the	
26		confluence with Diamond Creek	Recreational
27	(27)	Still Creek from its source in Section 11	
28		T18N R1E as depicted on 1952 USGS 15'	
29		"Crescent City" topographic map to the	
30		confluence with the North Fork Smith River	Recreational
31	(28)	North Fork Diamond Creek from the	
32		California-Oregon state boundary to the	
33		confluence with Diamond Creek	Recreational
34	(29)	High Plateau Creek from its source in	
35		Section 26 T18N R2E as depicted on 1951	
36		USGS 15' "Gasquet" topographic map to	
37		the northern boundary Section 23 T18N	
38		R2E	Recreational

1	(30)	High Plateau Creek from the northern	
2		boundary Section 23 T18N R2E to the	
3		confluence with Diamond Creek	Recreational
4	(31)	Siskiyou Fork of Smith River from its	
5		source about 0.7 miles southeast of Broken	
6		Rib Mountain as depicted on 1956 USGS	
7		15' "Preston Peak" topographic map to the	
8		confluence with the South Siskiyou Fork of	
9		the Smith River	Wild
10	(32)	Siskiyou Fork of the Smith River from the	
11		confluence with the South Siskiyou Fork of	
12		the Smith River to the confluence with the	
13		Middle Fork of the Smith River	Recreational
14	(33)	South Siskiyou Fork of the Smith River	
15		from its source about 0.6 miles southwest of	
16		Buck Lake as depicted on 1956 USGS 15'	
17		"Preston Peak" topographic map to the	
18		confluence with the Siskiyou Fork of the	
19		Smith River	Wild
20	(34)	South Fork Smith River from its source	
21		about 0.5 miles southwest of Bear Mountain	
22		as depicted on 1956 USGS 15' "Preston	
23		Peak" topographic map to Blackhawk Bar	Wild
24	(35)	South Fork Smith River from Blackhawk	
25		Bar to the confluence with the Middle Fork	
26		Smith River	Recreational
27	(36)	Williams Creek from its source in Section	
28		31 T14N R4E as depicted on 1952 USGS	
29		15' "Ship Mountain" topographic map to	
30		the confluence with Eight Mile Creek	Recreational
31	(37)	Eight Mile Creek from its source in Section	
32		29 T14N R4E as depicted on 1955 USGS	
33		15' "Dillon Mtn." topographic map to the	
34		confluence with the South Fork Smith River	Recreational
35	(38)	Prescott Fork of the Smith River from its	
36		source about 0.5 miles southeast of Island	
37		Lake as depicted on 1955 USGS 15'	
38		"Dillon Mtn." topographic map to the	
39		confluence with the South Fork Smith River	Recreational

1	(39)	Quartz Creek from its source in Section 31	
2		T16N R4E as depicted on 1952 USGS 15'	
3		"Ship Mountain" topographic map to the	
4		confluence with the South Fork Smith River	Recreational
5	(40)	Jones Creek from its source in Section 36	
6		T16N R3E as depicted on 1952 USGS 15'	
7		"Ship Mountain" topographic map to the	
8		middle of Section 5 T15N R3E	Recreational
9	(41)	Jones Creek from the middle of Section 5	
10		T15N R3E to the confluence with the South	
11		Fork of the Smith River	Recreational
12	(42)	Hurdygurdy Creek from its source about 0.4	
13		miles southwest of Bear Basin Butte as	
14		depicted on 1956 USGS 15' "Preston Peak"	
15		topographic map to the confluence with the	
16		South Fork Smith River	Recreational
17	(43)	Gordon Creek from its source in Section 18	
18		T16N R3E as depicted on 1951 USGS 15'	
19		"Gasquet" topographic map to the	
20		confluence with the South Fork Smith River	Recreational
21	(44)	Coon Creek from the junction of the two	
22		source tributaries in the southwest quadrant	
23		of Section 31 T17N R3E as depicted on	
24		1951 USGS 15' "Gasquet" topographic	
25		map to the western boundary of Section 14	
26		T16N R2E	Recreational
27	(45)	Coon Creek from the western boundary of	
28		Section 14 T16N R2E to the confluence	
29		with the South Fork Smith River	Recreational
30	(46)	Craigs Creek from its source in Section 36	
31		T17N R2E as depicted on 1951 USGS 15'	
32		"Gasquet" topographic map to the	
33		confluence with the South Fork Smith River	Recreational
34	(47)	Buck Creek from its source at Cedar Camp	
35		Spring as depicted on 1952 USGS 15'	
36		"Ship Mountain" topographic map to the	
37		confluence with the South Fork Smith River	Recreational

- 1 (48) Muzzleloader Creek from its source in
- 2 Section 2 T15N R3E as depicted on 1952
- 3 USGS 15' "Ship Mountain" topographic
- 4 map to the confluence with Jones Creek Recreational
- 5 (49) Canthook Creek from its source in Section 2
- 6 T15N R2E as depicted on 1952 USGS 15'
- 7 "Ship Mountain" topographic map to the
- 8 confluence with the South Fork Smith River Recreational
- 9 (f) Eel River:
- 10 (1) The Eel River from 100 yards below ~~Van~~
- 11 ~~Arsdale~~ Cape Horn Dam to the confluence with
- 12 Tomki
- 13 Creek Recreational
- 14 (2) The Eel River from the confluence with
- 15 Tomki Creek to the middle of Section 22
- 16 T19N R12W Scenic
- 17 (3) The Eel River from the middle of Section
- 18 22 T19N R12W to the boundary between
- 19 Sections 7 and 8 T19N R12W Recreational
- 20 (4) The Eel River from the boundary between
- 21 Sections 7 and 8 T19N R12W to the
- 22 confluence with Outlet Creek Wild
- 23 (5) The Eel River from the confluence with
- 24 Outlet Creek to the mouth at the Pacific
- 25 Ocean Recreational
- 26 (6) The South Fork of the Eel River from the
- 27 mouth of Section Four Creek near
- 28 Branscomb Recreational
- 29 (7) The South Fork of the Eel River from
- 30 Horseshoe Bend to the middle of Section 29
- 31 T23N R16W Wild
- 32 (8) The South Fork of the Eel River from the
- 33 middle of Section 29 T23N R16W to the
- 34 confluence with the main Eel near Weott Recreational
- 35 (9) Middle Fork of the Eel River from the
- 36 intersection of the river with the southern
- 37 boundary of the Middle Eel-Yolla Bolly
- 38 Wilderness Area to the Eel River Ranger
- 39 Station Wild

1	(10)	The Middle Fork of the Eel River from Eel	
2		River Ranger Station to Williams Creek	Recreational
3	(11)	The Middle Fork of the Eel River from	
4		Williams Creek to the southern boundary of	
5		the northern quarter of Section 25 T22N	
6		R12W	Scenic
7	(12)	The Middle Fork of the Eel River from the	
8		southern boundary of the northern quarter of	
9		Section 25 T22N R12W to the boundary	
10		between Sections 4 and 5 T21N R13W	Wild
11	(13)	The Middle Fork of the Eel River from the	
12		boundary between Sections 4 and 5 T21N	
13		R13W to the confluence with main Eel at	
14		Dos Rios	Recreational
15	(14)	The North Fork of the Eel River from the	
16		Old Gilman Ranch to the middle of Section	
17		8 T24N R13W	Wild
18	(15)	The North Fork of the Eel River from the	
19		middle of Section 8 T24N R13W to the	
20		boundary between Sections 12 and 13 T24N	
21		R14W	Recreational
22	(16)	The North Fork of the Eel River from the	
23		boundary between Sections 12 and 13 T24N	
24		R14W to the confluence with main Eel	Wild
25	(g)	Van Duzen River:	
26	(1)	The Van Duzen River from the	
27		Dinsmore Bridge to the powerline crossing	
28		above Little Larabee Creek	Scenic
29	(2)	The Van Duzen River from the powerline	
30		crossing above Little Larabee Creek to the	
31		confluence with Eel River	Recreational
32	(h)	Lower American River: The Lower Ameri-	
33		can River from Nimbus Dam to its junction	
34		with the Sacramento River	Recreational
35	(i)	North Fork American River:	
36	(1)	The North Fork from the source of the	
37		North Fork American River to two and	
38		one-half miles above the Forest Hill-Soda	
39		Springs Road	Wild

1	(2)	The North Fork from two and one-half	
2		miles above the Forest Hill-Soda Springs	
3		Road to one-half mile below the Forest	
4		Hill-Soda Springs Road	Scenic
5	(3)	The North Fork from one-half mile below	
6		the Forest Hill-Soda Springs Road to	
7		one-quarter mile above the Iowa Hill	
8		Bridge	Wild
9	(4)	The North Fork from one-quarter mile	
10		above the Iowa Hill Bridge to the Iowa Hill	
11		Bridge	Scenic
12	(j)	West Walker River:	
13	(1)	West Walker River from Tower Lake to	
14		northern boundary of Section 10 (T5N,	
15		R22E)	Wild
16	(2)	West Walker River From northern boundary	
17		of Section 10 (T5N, R22E) to the eastern	
18		boundary of Section 23 (T6N, R22E)	Scenic
19	(3)	West Walker River from the eastern	
20		boundary of Section 23 (T6N, R22E) to the	
21		eastern boundary of Section 24 (T6N,	
22		R22E)	Recreational
23	(4)	West Walker River from the eastern	
24		boundary of Section 24 (T6N, R22E) to the	
25		confluence with Little Walker River	Scenic
26	(5)	West Walker River from the confluence	
27		with Little Walker River to the confluence	
28		with Rock Creek	Recreational
29	(6)	Leavitt Creek from Leavitt Falls to the	
30		confluence with West Walker River	Scenic
31	(k)	East Fork Carson River: East Fork	
32		Carson River from Hangman's Bridge	
33		crossing of state Highway 89 to the	
34		California-Nevada border	Scenic
35	(l)	(1) The South Yuba River:	
36		(A) The South Yuba River from Lang	
37		Crossing to the confluence with	
38		Fall Creek	Scenic

1	(B) The South Yuba River from the	
2	confluence with Fall Creek to the	
3	confluence with Jefferson Creek	
4	below the Town of Washington	Recreational
5	(C) The South Yuba River from the	
6	confluence with Jefferson Creek	
7	to Edwards Crossing	Scenic
8	(D) The South Yuba River from	
9	Edwards Crossing to its	
10	confluence with Kentucky Creek	
11	below Bridgeport	Scenic
12	(2) This subdivision shall become operative	
13	January 1, 2001.	
14	(m) Albion River: The Albion River from one-fourth	
15	mile upstream of its confluence with	
16	Deadman Gulch downstream to its mouth at	
17	the Pacific Ocean	Recreational
18	(n) Gualala River: The main stem Gualala	
19	River from the confluence of the North and	
20	South Forks to the Pacific Ocean	Recreational
21	(o) Cache Creek:	
22	(1) North Fork Section:	
23	From Highway 20 two miles downstream to	
24	the confluence of Cache Creek and the North	
25	Fork Cache Creek	Scenic
26	(2) Mainstem Section:	
27	(A) ¼ mile downstream of Cache Creek	
28	Dam to the confluence with Davis Creek	Wild
29	(B) Davis Creek confluence to 1 mile	
30	downstream of Davis Creek confluence	Scenic
31	(C) 1 mile downstream of Davis Creek	
32	confluence to western boundary of	
33	Section 6 T12N R4W	Wild
34	(D) Western boundary of Section 6	
35	to the confluence with Bear Creek	Scenic
36	(E) Bear Creek confluence to Camp	
37	Haswell	Recreational
38	(p) Mokelumne River:	

- 1 (1) Segment A1: North Fork Mokelumne River from
2 0.50 miles downstream of the Salt Springs Dam
3 to Bear River confluence Recreational
- 4 (2) Segment A2: North Fork Mokelumne River from
5 the Bear River confluence to 0.50 miles
6 upstream of the Tiger Creek Powerhouse Wild
- 7 (3) Segment B: North Fork Mokelumne River from
8 1,000 feet downstream of the Tiger Creek
9 Afterbay Dam to State Highway Route 26
10 (SR-26) Scenic
- 11 (4) Segment C1: North Fork Mokelumne River from
12 400 feet downstream of the small reregulating
13 dam at the outlet of the West Point Powerhouse
14 to the southern boundary of Section 12, T6N
15 R12E Wild
- 16 (5) Segment C2: Section 12 boundary to confluence
17 of the North and Middle Forks Mokelumne
18 River Recreational
- 19 (6) Segment D: Mokelumne River from the
20 confluence of the North and Middle Forks to
21 300 feet upstream of the Electra Powerhouse Scenic
- 22 (7) Segment E: Mokelumne River from 300 feet
23 downstream of the small reregulating dam
24 downstream of the Electra Powerhouse to the
25 Pardee Reservoir flood surcharge pool at 580
26 feet elevation above mean sea level Recreational

27
28 *SEC. 11. Section 10005 of the Public Resources Code is*
29 *amended to read:*

30 10005. (a) The Department of Fish and ~~Game~~ *Wildlife* shall
31 impose and collect a filing fee of eight hundred fifty dollars (\$850)
32 to defray the costs of identifying streams and providing studies
33 pursuant to ~~Division 10 (commencing with Section 10000) of the~~
34 ~~Public Resources Code; this division.~~

35 (b) The filing fee shall be proportional to the cost incurred by
36 the Department of Fish and ~~Game~~ *Wildlife* and shall be annually
37 reviewed and adjustments recommended to the Legislature in an
38 amount necessary to pay the costs of the Department of Fish and
39 ~~Game~~ *Wildlife* as specified in subdivision (a).

(c) Any user of water, including a person or entity holding riparian or appropriative rights, shall pay the filing fee to the Department of Fish and ~~Game~~ *Wildlife* upon application to the State Water Resources Control Board for any permit, transfer, extension, or change of point of diversion, place of use, or purpose of use, if there is a diversion of water from any waterway where fish reside. No permit, or other entitlement identified in this ~~section~~ *section*, is effective until the filing fee is paid. The State Water Resources Control Board shall, every six months, forward all fees collected to the ~~department~~ *Department of Fish and Wildlife* and provide the location for each entitlement for which a filing fee has been collected.

(d) The fee imposed by this section shall not be imposed on the following applications filed with the State Water Resources Control Board:

(1) ~~Small domestic use registrations and livestock stockpond certificates~~ *Registrations* submitted pursuant to Article 2.7 (commencing with Section 1228) of Chapter 1 of Part 2 of Division 2 of the Water Code.

(2) The first application for an extension of time for an individual permit if no change in point of diversion, place of use, or purpose of use is included in the application.

(3) Water applications ~~which~~, *that*, in the opinion of the Department of Fish and ~~Game~~, *Wildlife*, are filed for administrative and technical clarification purposes only.

(4) Water applications or petitions, the primary purpose of which is to benefit fish and wildlife resources. The determination of the benefit to fish and wildlife shall be made, in writing, by the Department of Fish and ~~Game~~ *Wildlife* in order to be exempt from the fee.

(e) If an applicant or petitioner files multiple applications or petitions for the same appropriation, transfer, extension, or change, and the State Water Resources Control Board reviews and considers the applications or petitions together, only one filing fee is required for those applications or petitions.

SEC. 12. Section 1112 of the Water Code is amended to read:

1112. (a) Except as provided in subdivision (b), a hearing officer from the Administrative Hearings Office shall preside over a hearing in any of the following matters:

(1) A complaint issued under Section 1055.

1 (2) A notice of a proposed cease and desist order issued under
2 Section 1834.

3 (3) A notice of a revocation of a permit issued under Section
4 1410 or revocation of a license issued under Section 1675.

5 (b) Subdivision (a) does not apply if the hearing notice includes,
6 in addition to a proceeding under subdivision (a), consideration
7 of a decision or order on a matter not subject to subdivision (a).

8 (c) In an adjudicative hearing presided over by the board or a
9 board member, all of the following shall apply:

10 (1) Upon request by the board, a hearing officer from the
11 Administrative Hearings Office shall assist the board or board
12 member in conducting the hearing.

13 (2) The board may assign an adjudicative hearing, in whole or
14 in part, to the Administrative Hearings Office.

15 ~~(3)~~

16 (d) A hearing officer may perform additional work requested
17 by the board, including, but not limited to, presiding over hearings
18 on nonadjudicative matters, mediations, and overseeing
19 investigations.

20 ~~(d)~~

21 (e) A hearing officer may only perform the work specified in
22 ~~subdivision~~ subdivisions (c) and (d) if the additional work does
23 not conflict with the officer's primary responsibility to serve as a
24 hearing officer for matters listed in subdivision (a) and to resolve
25 those matters in a timely manner.

26 *SEC. 13. Section 1228.5 of the Water Code is amended to read:*

27 1228.5. (a) Registration of a small domestic, small irrigation,
28 or livestock stockpond use pursuant to this article shall be renewed
29 prior to the expiration of each five-year period following completed
30 registration.

31 ~~(b) Renewal of registration shall be made upon a form prescribed~~
32 ~~by the board and shall contain a report of water use made pursuant~~
33 ~~to the registration as may be required by the board.~~

34 *(b) Registrations for which all annual fees have been timely*
35 *paid and all annual reports have been timely submitted at the*
36 *expiration of the five-year registration shall be renewed by*
37 *operation of law.*

38 (c) The conditions established by the board pursuant to Section
39 1228.6 that are in effect at the time of renewal of registration shall

1 supersede the conditions that were applicable to the original
2 completed registration.

3 ~~(d) Failure to renew registration in substantial compliance with~~
4 ~~the reporting requirements prescribed by the board within the time~~
5 ~~period specified in subdivision (a), or to pay the renewal fee~~
6 ~~specified in Section 1525, shall result by operation of law in the~~
7 ~~revocation of any right acquired pursuant to this article.~~

8 *(d) A registration for which fees or water use reports remain*
9 *outstanding at the expiration of the five-year registration period*
10 *shall be revoked by operation of law.*

11 *SEC. 14. Section 1535 of the Water Code is amended to read:*

12 1535. (a) Any fee subject to this chapter that is required in
13 connection with the filing of an application, registration, request,
14 statement, or proof of claim, other than an annual fee required after
15 the period covered by the initial filing fee, shall be paid to the
16 board.

17 (b) If a fee established under subdivision (b) of Section 1525,
18 Section 1528, or Section 13160.1 is not paid when due, the board
19 may cancel the application, registration, petition, request, statement,
20 or claim, or may refer the matter to the ~~State Board of Equalization~~
21 *California Department of Tax and Fee Administration* for
22 collection of the unpaid fee.

23 *SEC. 15. Section 1536 of the Water Code is amended to read:*

24 1536. All annual fees, other than the initial filing fee required
25 in connection with the filing of an application, registration, petition,
26 or request, or proof of claim, and all unpaid fees and expenses
27 referred to the ~~State Board of Equalization~~ *California Department*
28 *of Tax and Fee Administration* for collection pursuant to
29 subdivision (b) of Section 1535 or Section 2868, shall be paid to
30 the ~~State Board of Equalization~~. *California Department of Tax*
31 *and Fee Administration.*

32 *SEC. 16. Section 1537 of the Water Code is amended to read:*

33 1537. (a) ~~The State Board of Equalization~~ *California*
34 *Department of Tax and Fee Administration* shall collect any fee
35 or expense required to be paid to the ~~State Board of Equalization~~
36 *California Department of Tax and Fee Administration* under this
37 chapter.

38 (b) (1) ~~The State Board of Equalization~~ *California Department*
39 *of Tax and Fee Administration* shall collect the fees pursuant to

1 the Fee Collection Procedures Law (Part 30 (commencing with
2 Section 55001) of Division 2 of the Revenue and Taxation Code).

3 (2) Notwithstanding the appeal provisions in the Fee Collection
4 Procedures Law, a determination by the board that a person or
5 entity is required to pay a fee, or a determination by the board
6 regarding the amount of that fee, is subject to review under Chapter
7 4 (commencing with Section 1120) of Part 1 and is not subject to
8 a petition for redetermination by the ~~State Board of Equalization~~.
9 *California Department of Tax and Fee Administration*.

10 (3) Notwithstanding the refund provisions in the Fee Collection
11 Procedures Law, the ~~State Board of Equalization~~ *California*
12 *Department of Tax and Fee Administration* shall not accept any
13 claim for refund that is based on the assertion that a determination
14 by the board improperly or erroneously calculated the amount of
15 a fee, or incorrectly determined that the person or entity is subject
16 to the fee, unless that determination has been set aside by the board
17 or a court reviewing the determination of the board.

18 (4) This subdivision shall not be construed to apply Chapter 4
19 (commencing with Section 1120) of Part 1 to the adoption of
20 regulations under this chapter or to a determination of expenses
21 under Part 3 (commencing with Section 2000).

22 (c) The board shall provide to the ~~State Board of Equalization~~
23 *California Department of Tax and Fee Administration* the name
24 and address of each person or entity who is liable for a fee or
25 expense, the amount of the fee or expense, and the due date.

26 *SEC. 17. Section 1551 of the Water Code is amended to read:*
27 1551. All of the following shall be deposited in the Water
28 Rights Fund:

29 (a) All fees, expenses, and penalties collected by the board or
30 the ~~State Board of Equalization~~ *California Department of Tax and*
31 *Fee Administration* under this chapter and Part 3 (commencing
32 with Section 2000).

33 (b) All funds collected ~~under~~ pursuant to Section 1052, Article
34 4 (commencing with Section 1845) of Chapter 12, or Section 5107.

35 (c) All fees and penalties collected ~~under~~ pursuant to
36 Sections 13160.1 and 13385 in connection with certificates for
37 activities involving *an appropriation of water subject to this part*,
38 hydroelectric power projects subject to licensing by the Federal
39 Energy Regulatory ~~Commission~~. *Commission, or other diversions*
40 *of water for beneficial use*.

1 *SEC. 18. Section 1701 of the Water Code is amended and*
2 *renumbered to read:*

3 ~~1701.~~

4 1700.2. At any time after notice of an application is given, an
5 applicant, permittee, or licensee may change the point of diversion,
6 place of use, ~~or purpose of use~~ *use, or any other provision or*
7 *condition* from that specified in the application, permit, or license;
8 ~~but such~~ *that* change may be made only upon permission of the
9 board.

10 *SEC. 19. Section 5205 of the Water Code is amended to read:*

11 5205. A report submitted under this part or a determination of
12 facts by the board pursuant to Section ~~5104~~ 5105 shall not establish
13 or constitute evidence of a right to divert or use water.

14 *SEC. 20. Part 8 (commencing with Section 5975) of Division*
15 *2 of the Water Code is repealed.*

16 *SEC. 21. Section 10004 of the Water Code is amended to read:*

17 10004. (a) The plan for the orderly and coordinated control,
18 protection, conservation, development, and utilization of the water
19 resources of the state ~~which~~ *that* is set forth and described in
20 Bulletin No. 1 of the State Water Resources ~~Control~~ Board entitled
21 “Water Resources of California,” Bulletin No. 2 of the State Water
22 Resources ~~Control~~ Board entitled, “Water Utilization and
23 Requirements of California,” and Bulletin No. 3 of the department
24 entitled, “The California Water Plan,” with any necessary
25 amendments, supplements, and additions to the plan, shall be
26 known as “The California Water Plan.”

27 (b) (1) The department shall update The California Water Plan
28 on or before December 31, 2003, and every five years thereafter.
29 The department shall report the amendments, supplements, and
30 additions included in the updates of The California Water Plan,
31 together with a summary of the department’s conclusions and
32 recommendations, to the Legislature in the session in which the
33 updated plan is issued.

34 (2) (A) The department shall establish an advisory committee,
35 comprised of representatives of agricultural and urban water
36 suppliers, local government, business, production agriculture, and
37 environmental interests, and other interested parties, to assist the
38 department in the updating of The California Water Plan. The
39 department shall consult with the advisory committee in carrying
40 out this section. The department shall provide written notice of

1 meetings of the advisory committee to any interested person or
2 entity that request the notice. The meetings shall be open to the
3 public.

4 (B) The department may add members to the advisory committee
5 to carry out the purposes of Section 10004.7. Additional advisory
6 committee members may include those from environmental justice
7 sectors, local water supply agencies, and researchers and experts
8 on climate science, climate science solutions, water storage, water
9 conveyance, and environmental protection.

10 (3) The department shall release a preliminary draft of The
11 California Water Plan, as updated, upon request, to interested
12 persons and entities throughout the state for their review and
13 comments. The department shall provide these persons and entities
14 an opportunity to present written or oral comments on the
15 preliminary draft. The department shall consider these comments
16 in the preparation of the final publication of The California Water
17 Plan, as updated.

18 ~~SEC. 5.~~

19 *SEC. 22.* Section 12949.6 of the Water Code is repealed.

20 ~~SEC. 6.~~

21 *SEC. 23.* Section 13418 of the Water Code is repealed.

22 ~~SEC. 7.~~

23 *SEC. 24.* Section 75507 of the Water Code is amended to read:

24 75507. (a) "Water year" means the period beginning October
25 1 of one calendar year and ending September 30 of the following
26 calendar year.

27 (b) "Current water year" means the water year in which the
28 investigation and report on the ground water conditions of the
29 district is made, the hearing thereon held, and the determination
30 is made by the board as to whether a zone or zones should be
31 established and a ground water charge levied therein.

32 (c) "Preceding water year" means the water year immediately
33 preceding the current water year.

34 (d) "Ensuing water year" means the water year immediately
35 following the current water year.