



*****FLOOR ALERT*****

DATE: May 24, 2017

TO: Members of the Assembly

RE: **AB 975 (Friedman) Natural Resources. Wild and Scenic Rivers.**
(As Amended on May 4, 2017)
Notice of Opposition

The following groups wish to express our opposition to AB 975 unless amendments are taken to address the concerns below.

This bill would expand the areas that could be designated “Wild and Scenic” from immediately adjacent to the river to one-quarter mile on either side of the river and expand the types of areas that could be considered Wild and Scenic. Existing California law considers criteria to make a designation of Wild and Scenic rivers if they “possess extraordinary scenic, recreational, fishery, or wildlife values.” AB 975 would expand that criteria to include “historical, cultural, geological, ecological, hydrological, botanical, or other similar values.” As a result, this bill would increase the number of Wild and Scenic designations and ultimately expand the number of Special Treatment Areas.

Despite claims that this bill would align federal law with California’s Wild and Scenic System, major differences between the state and federal law are not addressed by this bill. First, federal law generally prohibits the sale of land

designated Wild and Scenic and requires a management plan, but has no bearing on private landowners, as it only applies to the U.S. Forest Service and public lands.

However, California law impacts both public and private landowners. California law requires that areas designated as Wild and Scenic also have a 200-foot "Special Treatment Area" regardless of whether the land is public or private. Such areas require a higher standard of care. In addition, existing law preserves local governments' ability to exercise their land use authority. AB 975 could usurp local land use planning activities.

AB 975, as drafted is inconsistent with federal law with which this bill is intended to align. AB 975 makes it much easier to designate Wild and Scenic areas, which will ultimately impact more than just public lands. As more designations occur, nearby landowners will be forced to use special treatment rules which do not exist under federal law. This bill would add additional land use restrictions in a state where stream and river protections already exceed those of most, if not all, states in the nation. With multiple state and federal agencies monitoring activities near stream and rivers (California Department of Fish and Wildlife, Regional Water Quality Control Boards, U.S. Fish and Wildlife Service, Cal Fire, California Geological Survey) the extraordinary scenic, recreational, fishery, wildlife, historical, cultural, geological, ecological, hydrological, botanical, and other similar values are protected without this bill. Finally, the sweeping nature of the bill has the potential to adversely impact future water operations, water supply development, water rights, and drought response.

The author may wish to consider a provision under existing law which requires the Natural Resources Agency to conduct studies funded by the Legislature relative to the condition of the system and may make recommendations to the Legislature for protection and enhancement of the system. We believe that current law has a process in place to accomplish the goal of the bill.

The author may wish to amend AB 975 to require the Natural Resources Agency to conduct a study on the consistency between the federal and California statutes as they relate to Wild and Scenic rivers and make recommendations to align those provisions. While the stated goal of the bill is to align California law with federal law, absent such a study, we believe that this bill goes far beyond that goal.

For the reasons listed above, we respectfully ask for your "no" vote.