FLOOR ALERT

Amendments Taken on May 4, 2017

Do Not Address Any of the Opponents Concerns

VOTE NO ON AB 975

The factsheet states that the intent of the bill is to bring "the California Wild and Scenic Rivers System more in line with federal Wild and Scenic Rivers System." **However…**

- The most recent amendments simply deleted values that were added in the previous version of the bill that are not referenced in existing federal law, but they do not address ANY of the concerns raised by opposition which are that this bill fails to make California law consistent with federal law despite the sponsor's claim and instead makes it easier for areas to be eligible as Wild and Scenic.

- The sponsors have yet to identify a problem or deficiency with current law. Both California law and federal law provide for the designation of Wild and Scenic Rivers. There are many similarities in both including the intent to preserve rivers with special values in their free-flowing state for the benefit and enjoyment of the people. Both systems classify rivers for purposes of designation as "wild", "scenic" or

"recreational". Both require a report on the suitability of designations as well as action by the legislative body. Since enactment, the California Legislature has adopted 15 different rivers with at least 120 separate designations among those rivers. In addition, California adopted its Wild and Scenic statute in 1972, four years AFTER the federal government, so deviation from federal law was intentional, not accidental.

- The sponsors "cherry-picked" two provisions (expanding the values considered for possible designation to include "historical, cultural, geological, or *other similar values*," and dramatically increasing the area protected from immediately adjacent to the river to ¼ mile on either side) from among the pages of federal law relating to the Wild and Scenic Rivers System and then they want to apply them to California standards, which are very different than federal standards.

- Federal law applies to only public lands. The federal government cannot sell designated lands and their management plans apply only to public lands, unless private landowners enter into voluntary agreements. California law, on the other hand vastly differs in that it authorizes eminent domain, requires state agencies and departments to prohibit uses that might impact the free-flowing state of the protected area, and applies a special 200 foot "special treatment area" for timberland owners.

- If this bill were merely about aligning California law with federal law then California's law would only apply to public, not private lands. It would not require special treatment areas for timberland owners, it would not authorize eminent domain, nor prohibit the planning or construction of a dam, reservoir, diversion, or other water impoundment facility.

- Because this bill would fail to mirror state law to federal law, the question remains what is the REAL intent of the law? This bill dramatically expands the values that are considered in California before a designation can be made. Existing law states that a river must possess "extraordinary scenic, recreational, fishery or wildlife values". AB 975 would expand this to "extraordinary scenic, recreational, fishery, wildlife, historical, cultural, geological, or OTHER SIMILAR values." "Other similar values" is so broad anything could be construed as a value worth designating as wild and scenic.

- The real intent of the bill is to try to designate every portion of every river because AB 975 would allow ANYTHING to be considered extraordinary. This bill would interrupt existing uses of the land up to ¼ mile on either side of the river and prevent most of us from being able to obtain water.

- Amendments have been offered by the opposition to require the Natural Resources Agency to conduct a study on the benefits of aligning California's statute to the federal government statute as it pertains to the Wild and Scenic Rivers System. Since existing law already authorizes the agency to conduct studies relative to the condition of the system, they seem particularly qualified to make recommendations as to which provisions California should adopt, if any, and what the benefits of the adoption would be.