



ASSEMBLY MEMBER

Laura Friedman

DISTRICT 43

AB 975 – Protecting California’s Wild and Scenic Rivers

Summary:

AB 975 brings the California Wild and Scenic Rivers System more in line with the federal Wild and Scenic Rivers system, improving state management of rivers that enjoy dual state-federal designation, and allowing for the protection of existing and future state rivers that possess additional values beyond those currently listed in the act.

Background:

The California Wild & Scenic Rivers Act (SB 107-Behr) (Public Resources Code § 5093.50 et seq.) was passed in 1972 to preserve designated rivers possessing extraordinary scenic, recreation, fishery, or wildlife values. There are 1,362 miles of state-designated rivers in the California Wild and Scenic Rivers System. About 1,235 miles of these state-designated rivers enjoy dual protection in the National Wild and Scenic Rivers, under a provision of the federal act where the state remains the manager of the dual designated rivers (16 USC 1273[a][iii]). Federal rivers encompass a river corridor that averages ¼ mile on each side of the river (16 USC Sec. 1274[a]). State river protection is limited to the first line of riparian vegetation (PRC 5093.52[c]). This means that state management of 1,235 miles of rivers with dual designation is not congruent with federal law.

Ecologists, biologists, and hydrologists agree that river ecosystems stretch beyond the river bed to include adjacent riparian habitat and upland areas. Areas adjacent to rivers protect water quality by filtering sediment and pollutants, provide critical habitat for fish and wildlife, shade and contribute important habitat structure to aquatic habitat, provide popular river-based recreation opportunities, and are typically rich in historical and cultural values. A river system where the area of protection ends at the first line of riparian vegetation, fails to protect the adjacent riparian and upland areas that are critical to the biological functions of the river and that possess important recreation, historical, and cultural values.

Free flowing rivers with extraordinary scenic, recreation, fish, and wildlife values are eligible for protection in the state system (PRC 5093.50). Federal eligibility includes these values but also additional historical, cultural, geologic, and other “similar” values (16 USC Sec. 1271), which federal agencies have commonly interpreted as including ecological, botanical, and hydrological. State eligibility studies of the East Carson and West Walker Rivers in 1988 found these eastern Sierra streams to possess extraordinary water (hydrological) values, even though this value is not one of the extraordinary values mentioned in the state act. The California Legislature subsequently added these rivers to the state system in 1989.

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Currently, state protection of rivers in the system is limited to the river up to the first line of riparian vegetation. AB 975 defines “immediate environments” to include the river and adjacent lands within ¼ mile on each side of the river. This is the federal standard for National Wild and Scenic Rivers.

AB 975 expands the extraordinary values recognized in the state system to include the additional values recognized in the federal system. These include historical, cultural, geologic, ecological, botanical, hydrological, and other “similar” values.

Support:

- Friends of the River (Sponsor)

Contact:

Jim Metropulos
Office of Assemblymember Laura Friedman
916.319.2043
jim.metropulos@asm.ca.gov