

Assembly Bill No. 2975

CHAPTER 221

An act to add Section 5093.71 to the Public Resources Code, relating to wild and scenic rivers.

[Approved by Governor August 27, 2018. Filed with Secretary of State August 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2975, Friedman. Wild and scenic rivers.

Existing law establishes that it is the policy of the state that certain rivers that possess extraordinary scenic, recreational, fishery, or wildlife values shall be preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the state. Existing law provides that the classification or reclassification of rivers or segments of rivers within the state as wild, scenic, or recreational within the state wild and scenic rivers system shall be by statute, but authorizes the Secretary of the Natural Resources Agency to recommend legislation to classify or reclassify rivers or segments of rivers within the system, and include specific land use restrictions relative to each particular classification in those recommendations. Existing law, with respect to potential additions to the state wild and scenic rivers system, requires the secretary to study and submit to the Governor and the Legislature specified reports on the suitability or unsuitability for addition to the system of rivers or segments thereof that are designated by the Legislature as potential additions, and to report his or her recommendations in that regard.

This bill would, if (1) the federal government takes action to enact a statute that, upon enactment, would require the removal or delisting of any river or segment of a river in California that is included in the national wild and scenic rivers system and not in the state wild and scenic rivers system; or (2) the secretary determines that the federal government by enactment of a statute or by executive order has exempted a river or segment of a river in California that is not in the state wild and scenic rivers system from the protection of certain federal provisions governing restrictions on water resources projects, require the secretary, after holding a public hearing on the issue, based on the information obtained through the public hearing, to determine whether the provision of state protection for the river or segment of the river that has been removed, delisted, or exempted from the federal wild and scenic rivers system is in the best interest of the state and, if so, to take specified actions, until December 31, 2025, to add the river or segment of a river to the state wild and scenic rivers system and to classify that river or segment of a river, as prescribed.

The people of the State of California do enact as follows:

SECTION 1. Section 5093.71 is added to the Public Resources Code, to read:

5093.71. (a) Notwithstanding Sections 5093.546 and 5093.547, if (1) the federal government enacts a statute that, upon enactment, would require the removal or delisting of any river or segment of a river in California that is included in the national wild and scenic rivers system and not in the state wild and scenic rivers system, or (2) the secretary determines that the federal government by enactment of a statute or by executive order has exempted a river or segment of a river in California that is included in the national wild and scenic rivers system and not in the state wild and scenic rivers system from the provisions of subdivision (a) of Section 1278 of Title 16 of the United States Code governing restrictions on water resources projects, as that section read on January 1, 2018, that protect rivers, segments of rivers, or values for which those rivers were established as part of the national system, the secretary shall take both of the following actions:

(1) Hold a public hearing to provide information and an opportunity for public comment on any proposed addition to the state wild and scenic rivers system resulting from federal action to remove, delist, or exempt that river or segment of a river from those protective provisions of the national wild and scenic rivers system.

(2) (A) Based on the information obtained through the public hearing, determine whether the provision of state protection for the river or segments of the river removed, delisted, or exempted from the national wild and scenic rivers system is in the best interest of the state and, if so, add the river or segment of the river that is removed, delisted, or exempted from those federal protective provisions to the state wild and scenic rivers system, and classify the river or segment of the river as wild, scenic, or recreational. A river added to the state wild and scenic rivers system under this paragraph shall be considered to be a component of the system as if designated pursuant to Section 5093.54 and classified pursuant to Section 5093.545.

(B) If the secretary makes a determination to add a river or segment of a river to the state wild and scenic rivers system under this paragraph, he or she shall take all actions necessary to ensure the addition of the river or segment of the river to the state wild and scenic rivers system, and to classify the river or segment of the river to be added as wild, scenic, or recreational.

(C) Any action taken by the secretary under this section to designate a river or segment of a river as wild, scenic, or recreational under the state wild and scenic rivers system pursuant to this paragraph shall not exceed the geographic length of any federal designation specifying the size or boundaries of a river or segment of a river included in the national wild and scenic rivers system, as prescribed by the federal government.

(D) Notwithstanding any other provision in this chapter, an action taken by the secretary under this paragraph to add and classify an addition to the state wild and scenic rivers system shall not do any of the following:

(i) Provide protective provisions that exceed the scope of the prior federal designation as wild, scenic, or recreational of that river or segment of the river.

(ii) Conflict with any provisions of the prior federal designation of that river or segment of the river as wild, scenic, or recreational.

(iii) Conflict with a Comprehensive River Management Plan prepared for that river or segment of the river.

(b) Any action taken under this section to add and designate a river or segment of the river as wild, scenic, or recreational under the state wild and scenic rivers system shall take effect immediately upon the date of that designation, and shall remain in effect until December 31, 2025, or until the effective date of any statute enacted to remove or modify a river or segment of a river that was added to the state wild and scenic rivers system as described in subdivision (c), whichever comes first.

(c) The Legislature may enact a statute to remove, modify, or reclassify a designation of a river or segment of a river added to the state wild and scenic rivers system by the action of the secretary pursuant to this section.

(d) Nothing in this section shall be construed to provide any protections beyond the scope of those provided in the national wild and scenic rivers system that applied to that river or segment of the river before the river or segment of the river was removed, delisted, or exempted from the national wild and scenic rivers system.

(e) The secretary may only take action to add a river or segment of a river to the state wild and scenic rivers system pursuant to this section until December 31, 2025.