



COUNTY OF SISKIYOU

COUNTY ADMINISTRATIVE OFFICE

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April 05, 2017

Assembly Member Laura Friedman
California State Assembly
State Capitol, Room 2137
Sacramento, California 95814

Subject: AB 975 – Natural Resources, Wild and Scenic Rivers - Opposition

Dear Assembly Member Friedman:

Siskiyou County, through its Natural Resources Department, is writing to express our concerns and opposition to AB 975: Natural Resources, Wild and Scenic Rivers. Although it appears that the intent of AB 975 is to align state law with federal law regarding California's Wild and Scenic rivers, there would be real and lasting negative impacts if this Bill were to be enacted.

As outlined in the attached letter from a coalition of interested agencies and groups opposing the Bill, the federal Wild and Scenic Rivers Act designated certain river segments as Wild and Scenic, in order to preserve those rivers in their "free flowing condition." The State Wild and Scenic Rivers Act of 1972 generally mirrors that federal law in several aspects, but in the case of the State, the law also requires that designated rivers have a 200-foot "Special Treatment Area", regardless if the land is either private or public. Additionally, federal law includes a quarter mile protection buffer on either side of a designated river, and includes additional river values that must be preserved and protected, which do not currently exist in state law.

As drafted, AB 975 would broadly add additional river values and would make it much easier to designate Wild and Scenic areas; through the values it would add to the Act, which would ultimately impact more than just public lands. As more designations occur, neighboring landowners will be forced to use special treatment rules which do not exist under federal law, and would add additional restrictions in a state where water resource and waterway protections exceed those of most other states throughout the Country.

Examples of restrictions that should be of concern to all Californian's, is the prohibition of any new dams, diversions or other water impoundments that would affect the free flowing nature of designated rivers (and those that could be additionally designated through passage of the Bill). Although Siskiyou County appreciates and values the pristine condition of many of the rivers throughout California, we also realize that we will continue to experience an increasing need for water supply throughout the State, which requires reasonable water development, storage and management activities to occur. In a

state that already imposes burdensome water regulation, passage of AB 975 would enforce further restrictions and prohibitions in meeting California's water needs.

By expanding the boundary of wild and scenic designation to include up to a quarter mile of protections on either side of a designated river, the Bill could significantly restrict private land activities within designated areas. Water diversions for domestic water supplies, changes in diversion locations, or other activities already existing under water rights law could also be severely impacted by this Bill. In addition, this Bill could require that State agencies such as the Department of Fish and Wildlife and the State or Regional Water Quality Control Boards impose private land use regulations on those properties along designated rivers. Private property rights are of utmost importance to Siskiyou County, and protecting the rights of our private landowners is a priority within the County and among its citizen's.

As stated above, we have significant concerns and oppose AB 975, and strongly encourage you to reconsider passage of the Bill. If you have any questions or would like to discuss this matter further, please feel free to contact me at enielsen@co.siskiyou.ca.us or (530) 842-8012.

Sincerely,



Elizabeth Nielsen
Natural Resources Policy Specialist

cc: Governor Jerry Brown
Assembly Member Brian Dahle
Assembly Member Ted Gaines
Assembly Member Lorena Gonzalez Fletcher, Chair Assembly Appropriations Committee
Michael Jarred, Senior Consultant Assembly Natural Resources Committee
Rural County Representatives of California
California State Association of Counties



March 31, 2017

The Honorable Laura Friedman
 California State Assembly
 State Capitol, Room 2137
 Sacramento, California 95814

RE: **AB 975 (Friedman). Natural Resources. Wild and Scenic Rivers.** (As Amended on March 23, 2017)
OPPOSE

Dear Assembly Member Friedman:

The following groups wish to express their opposition to AB 975. While the goal of the bill may be to align California law with federal law regarding California's Wild and Scenic Rivers System, this bill would cherry-pick a few provisions in federal law and apply those to California's standards which are completely different than federal law. 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. As a result, this bill would increase the number of Wild and Scenic designations and ultimately expand the number of Special Treatment Areas.

The enactment of the Federal Wild and Scenic Rivers Act in 1968 designated certain segments of rivers as Wild and Scenic in order to preserve those rivers in their "free flowing condition". For example, this act prevents rivers from being dammed or used as reservoirs. For the purposes of the Federal Act, these segments have a boundary which is generally recognized as one-quarter mile in width from either side of the river. The Act generally prohibits the sale of federal lands to other entities and calls for certain selected river segments which possess "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values" to be preserved in the above mentioned free flowing condition. "They and their immediate environments shall be protected" for the public. The U.S. Forest Service uses the one-quarter mile zone for their management plans but this has no impact on private lands.

The State Wild and Scenic Rivers Act of 1972 generally mirrored the federal law in several respects in that 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." Both Acts contemplate a process by which rivers may be nominated or considered for designation. In the case of the State, the law requires that areas so designated 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 under California law than under the Federal Act and impact both public and private lands. 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 not consistent with federal law. 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.

Alternatively, existing law under Public Resources Code Section 5093.69 requires the 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. The recommendations are to include: the restoration of salmon and steelhead habitat in the system, enforcement requirements necessary to protect the system from fish or wildlife degradation, development of information or statistical data necessary to provide the most beneficial management of the fisheries included within the system, and legislative action deemed necessary to protect the fishery and wildlife values of the system. We believe that current law has a process in place to address any deficiencies. The author may wish to look at what studies have been done and see which recommendations have been addressed or still lack a sufficient solution.

For the reasons listed above, we have taken a position of oppose on AB 975. If you have any questions regarding this matter, please do not hesitate to contact any of the individuals listed below.

Sincerely,

African-American Farms of California
Agricultural Council of California
Association of California Water Agencies
Calforests
California Association of Realtors
California Association of Wine Grape Growers
California Business Properties Association
California Cattlemen's Association
California Chamber of Commerce
California Citrus Mutual
California Cotton Ginners and Growers Association

California Dairies, Inc.
California Fresh Fruit Association
California Farm Bureau Federation
Kings River Conservation District
Kings River Water Association
Nisei Farmers League
Rural County Representatives of California
Western Agricultural Processors Association
Western Growers Association
Western Plant Health Association

cc: Assembly Member Lorena Gonzalez Fletcher, Chair Assembly Appropriations Committee
Members, Assembly Appropriations Committee
Jennifer Galehouse, Deputy Chief Consultant Assembly Appropriations Committee
Michael Jarred, Senior Consultant Assembly Natural Resources Committee
John Kennedy, Policy Consultant Assembly Republican Caucus