

AMENDED IN ASSEMBLY APRIL 19, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2336

**Introduced by Assembly Member Fuller
(Coauthor: Assembly Member Gilmore)**

February 19, 2010

An act to add Section 85308.5 to the Water Code, relating to the Delta.

LEGISLATIVE COUNSEL'S DIGEST

AB 2336, as amended, Fuller. Delta Stewardship Council.

The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council as an independent agency of the state. The act requires the council, on or before January 1, 2012, to develop, adopt, and commence implementation of a comprehensive management plan for the Sacramento-San Joaquin Delta (Delta Plan), meeting specified requirements. *The act establishes the Delta Independent Science Board to provide oversight of the scientific research, monitoring, and assessment programs that support adaptive management of the Delta through periodic reviews.*

This bill would require the council, in the course of developing and adopting the Delta Plan, to ~~assess the adverse impacts of invasive species predation on native species, evaluate predator suppression options in areas of the Delta that evidence the highest levels of predation, and recommend changes in law and actions by state agencies to remedy the situation in as timely a manner as is practicable~~ *direct the board to conduct an assessment of certain stressors on populations of native fish species in the Delta, the Sacramento and San Joaquin rivers, and the tributaries to those rivers below the rim dams of the central valley, and*

recommend changes in statute and actions by state agencies to remedy the situation in as timely a manner as possible.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 *SECTION 1. In order to protect and preserve the existing*
2 *populations of native fish species that live and migrate through*
3 *the San Francisco Bay and the Sacramento-San Joaquin River*
4 *Delta, it is the intent of the Legislature that the Delta Stewardship*
5 *Council consider for inclusion in its final Delta Plan, in addition*
6 *to measures addressing the impacts of the State Water Resources*
7 *Development System (State Water Project) and federal Central*
8 *Valley Project operations, the identification of effective and*
9 *scientifically justified measures to reduce or eliminate the impact*
10 *of other significant stressors on California's native fish*
11 *populations.*

12 *SEC. 2. Section 85308.5 is added to the Water Code, to read:*
13 *85308.5. The council, in the course of developing and adopting*
14 *the Delta Plan, shall direct the Delta Independent Science Board*
15 *to conduct an assessment of stressors, other than the operations*
16 *of the State Water Resources Development System and the federal*
17 *Central Valley Project, on populations of native fish species in the*
18 *Delta, the Sacramento and San Joaquin rivers, and the tributaries*
19 *to those rivers below the rim dams of the central valley, and*
20 *recommend changes in statute and actions by state agencies to*
21 *remedy the situation in as timely a manner as possible. The*
22 *assessment shall include, but is not necessarily limited to, those*
23 *stressors identified in the Delta Vision Strategic Plan, including*
24 *the impacts of invasive species and nonnative species, water quality*
25 *impairments, and predation on native species.*

26 ~~*SECTION 1. The Legislature finds and declares all of the*~~
27 ~~*following:*~~

28 ~~*(a) Fish of the genus Morone (striped bass) are a harmful and*~~
29 ~~*highly invasive species that is not native to this state.*~~

30 ~~*(b) Striped bass, including hybrid species commonly referred*~~
31 ~~*to as sunshine bass, palmetto bass, wiper, Virginia bass, Maryland*~~
32 ~~*bass, and paradise bass, are native to the eastern coast of the United*~~
33 ~~*States, and are typically found from Florida to the St. Lawrence*~~

1 Seaway. Striped bass were intentionally introduced to California
2 in 1879 from the Navesink River in New Jersey.

3 ~~(e) Striped bass are common in the San Francisco~~
4 ~~Bay/Sacramento-San Joaquin River Delta, and are estimated to~~
5 ~~have a population that has fluctuated from a low of 600,000 to a~~
6 ~~high of 600,000 to 1,000,000 in Clifton Court Forebay alone.~~

7 ~~(d) Striped bass are known to prey upon and consume a variety~~
8 ~~of native fish species valued by the people of this state that are~~
9 ~~protected under the federal Endangered Species Act of 1973 (16~~
10 ~~U.S.C. Sec. 1531 et seq.) and the California Endangered Species~~
11 ~~Act (Chapter 1.5 (commencing with Section 2050) of Division 3~~
12 ~~of the Fish and Game Code), including winter run, spring run, and~~
13 ~~fall run Chinook salmon, and Delta smelt.~~

14 ~~(e) The predation habits and diet of striped bass are contributing~~
15 ~~to the decline and extirpation of native fish species populations in~~
16 ~~and from the San Francisco Bay/Sacramento-San Joaquin River~~
17 ~~Delta.~~

18 ~~(f) In order to protect and preserve the existing populations of~~
19 ~~native fish species that live in and migrate through the San~~
20 ~~Francisco Bay and the Sacramento-San Joaquin River Delta, it is~~
21 ~~the intent of the Legislature that the Delta Stewardship Council~~
22 ~~include in its final Delta Plan the identification of effective~~
23 ~~programs to discourage the promotion of the San Francisco~~
24 ~~Bay/Sacramento-San Joaquin River Delta as a striped bass sport~~
25 ~~fishery, to immediately end any existing program for the~~
26 ~~enhancement, expansion, or improvement of striped bass~~
27 ~~populations and their habitat, and to eliminate any and all legal~~
28 ~~restrictions regarding the size or number of striped bass that may~~
29 ~~be taken, and the season or location in which striped bass may be~~
30 ~~taken in the San Francisco Bay and the Sacramento-San-Joaquin~~
31 ~~Delta pursuant to a valid California fishing license.~~

32 ~~SEC. 2.— Section 85308.5 is added to the Water Code, to read:~~

33 ~~85308.5. The council, in the course of developing and adopting~~
34 ~~the Delta Plan, shall assess the adverse impacts of invasive species~~
35 ~~predation on native species, evaluate predator suppression options~~
36 ~~in areas of the Delta that evidence the highest levels of predation,~~
37 ~~and recommend changes in law and actions by state agencies to~~
38 ~~remedy the situation in as timely a manner as is practicable.~~

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