

Assembly Bill No. 2063

Passed the Assembly August 23, 2010

Chief Clerk of the Assembly

Passed the Senate August 19, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 6902.5 to the Fish and Game Code, and to add Section 425.11 to the Government Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 2063, Huffman. Fish: Chinook and Coho salmon.

Existing law establishes the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act to protect and increase the naturally spawning salmon, steelhead trout, and anadromous fishery resources of the state. Existing law defines anadromous fish as fish that spawn in fresh water and spend a portion of their lives in the ocean.

This bill would add legislative findings and declarations to the act. The bill would proclaim and reaffirm a legislative goal of restoring Chinook and Coho salmon populations to sustainable levels, sufficient to support viable recreational, commercial, and tribal fisheries, and to make substantial progress within the next decade toward meeting this goal. The bill would state the intent of the Legislature, in implementing this goal, that the department utilize the best available science in determining where to focus and prioritize conservation planning efforts for recovery of Chinook salmon and other salmonid species. The bill would also designate the Chinook salmon as the official state anadromous fish.

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

SECTION 1. Section 6902.5 is added to the Fish and Game Code, to read:

6902.5. (a) The Legislature finds and declares all of the following:

(1) The Chinook salmon (*Oncorhynchus tshawytscha*), a fish native to many California streams for thousands of years, is an extremely important ecological, economic, and cultural resource to all the people of California.

(2) Chinook salmon are anadromous fish that are born in fresh cold water streams, migrate hundreds of miles to the ocean where

they spend most of their adult life, and then return to spawn and lay their eggs in the stream of their birth.

(3) Salmonids have a long history of interactions with humans, appearing as images in Cro-Magnon cave art of 10,000 or more years ago, and have been an important food source for indigenous peoples throughout the salmonids' geographic range, including Native American tribes in California. The first commercial harvest of Chinook salmon began in the Sacramento River in the 1850s when it provided food for the gold rush.

(4) Chinook salmon and other salmonids have managed to survive and evolve over hundreds of years in California, showing extraordinary resilience in the face of tremendous change, including, but not limited to, the damming and diversion of most major California rivers, hydraulic mining during the gold rush, past timber harvesting and overfishing practices, loss of cold water and riparian habitat, competing demands for water, and changing ocean conditions.

(5) Despite their resilience and cultural, historical, aesthetic, and economic importance, salmonid fishes, including Chinook and coastal Coho salmon species, are in severe decline in most of their native habitats and many populations have been extirpated.

(6) All Chinook salmon runs in California have declined dramatically. Of the four separate Central Valley Chinook salmon runs, two are listed under the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) and the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3) and are currently threatened with extinction.

(7) The Central Valley fall run, the strongest of the four Central Valley Chinook salmon runs, has been the backbone of the recreational and commercial salmon fishing industry in California. However, the salmon fishing season was closed in 2008 and 2009, due to a dramatic drop in the number of returning fish, which dropped 95 percent from 769,868 in 2002, to 87,940 in 2007, 64,456 in 2008, and 39,530 in 2009, an all-time low, and the third consecutive year that the number of returning fish has fallen below the 122,000 minimum escapement criteria necessary for long-term sustainable fishing. In 2004, the National Marine Fisheries Service placed the Chinook salmon from the Central Valley fall run on their "Species of Special Concern" list.

(8) Estimates of the economic impact of the closure of the salmon season in 2008 and 2009 range from over five hundred million dollars (\$500,000,000) to two billion dollars (\$2,000,000,000), with as many as 23,000 jobs lost. The California salmon industry supports thousands of recreational fishers, over 1,000 licensed commercial boats (down from a high of over 8,000 boats in the 1970s), and hundreds of related businesses. Many of these businesses were forced to shut down in 2008 and 2009, while others managed to stay open through receiving federal disaster assistance. The extremely limited duration of the 2010 commercial and recreational salmon seasons may be inadequate to support all of the remaining businesses.

(9) It is estimated that recovery of the Central Valley fall run could potentially produce over one billion dollars (\$1,000,000,000) in economic benefits for the state, including thousands in increased jobs. Restoration of the Central Valley fall run could also avoid future costs the state might otherwise incur if the population were to continue to decline and it became necessary for the run to be listed as threatened or endangered under the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) and the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3).

(10) California's salmon populations need freshwater habitat that includes cold, clean water; appropriate water depth, quantity, and flow velocities; upland and riparian vegetation to stabilize soil and provide shade; clean gravel for spawning and egg-rearing; large woody debris to provide resting and hiding places; adequate food; and varied channel forms.

(11) Previously enacted state and federal laws established a policy to double natural salmon production, stated legislative intent to restore salmon to historic levels where possible, and required salmon and other marine fisheries to be managed for sustainability.

(12) Recovery of California's salmon populations will not be easy, but it is possible, thanks to the inherent adaptability of California's salmonids to changing conditions. However, accomplishing this task will require renewed commitment and coordination on the part of the Legislature, state and federal fishery agencies, the fishing community, and other interested parties.

(b) The Legislature proclaims and reaffirms the goal of restoring Chinook and Coho salmon populations to sustainable levels,

sufficient to support viable recreational, commercial, and tribal fisheries, and to make substantial progress within the next decade toward meeting this goal. To accomplish this goal, it is the intent of the Legislature that the Department of Fish and Game and the Fish and Game Commission work together collaboratively with other public and private partners, including, but not limited to, the Ocean Protection Council, the National Marine Fisheries Service (NOAA Fisheries), the United States Fish and Wildlife Service, the Pacific Fisheries Management Council, fishing men and women, fishing businesses, local fishing communities, and other interested parties to restore thriving and sustainable populations of Chinook and Coho salmon in California. In implementing this goal, it is the intent of the Legislature that the department utilize the best available science in determining where to focus and prioritize conservation planning efforts for recovery of Chinook salmon and other salmonid species. This includes, but is not limited to, an integrated management approach to ensure the health of the ecosystems the salmonids depend upon, a life cycle analysis, conservation of salmonid genetic diversity to promote population resilience, and sufficient data collection efforts to support and adaptively manage scientifically defensible hatchery operations.

SEC. 2. Section 425.11 is added to the Government Code, to read:

425.11. The Chinook salmon (*Oncorhynchus tshawytscha*) is the official state anadromous fish.

Approved _____, 2010

Governor