

AMENDED IN ASSEMBLY APRIL 7, 2015

AMENDED IN ASSEMBLY MARCH 5, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 300

Introduced by Assembly Member Alejo
(Coauthor: Assembly Member Mark Stone)
(Coauthor: Senator Monning)

February 12, 2015

An act to add Chapter 10 (commencing with Section 31420) to Division 21 of the Public Resources Code, relating to coastal wildlife protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 300, as amended, Alejo. Safe Water and Wildlife Protection Act of 2015.

Existing law establishes the State Coastal Conservancy and prescribes the membership and functions and duties of the conservancy with respect to preservation of coastal resources in the state.

This bill would enact the Safe Water and Wildlife Protection Act of 2015, which would require the ~~conservancy~~ *State Water Resources Control Board* to establish and coordinate the Algal Bloom Task Force, *comprised of specified representatives of state agencies, including the conservancy*, in consultation with the Secretary of the ~~Natural Resources Agency~~ *Natural Resources Agency, for Environmental Protection*, and would prescribe the composition and functions and duties of the task force. The bill would require the task force to review the risks and negative impacts of toxic algal blooms and microcystin pollution and to submit a summary of its findings and recommendations to the *appropriate policy and fiscal*

committees of the Legislature, the Secretary of the Natural Resources Agency, and the secretary by January 1, 2017. The act would authorize the conservancy, the Department of Fish and Wildlife, the Wildlife Conservation Board, and the State Water Resources Control Board to enter into contracts and provide grants from specified bond funds available under the Water Quality, Supply, and Infrastructure Improvement Act of 2014 for applied research, projects, and programs, recommended by the task force, aimed at preventing or sustainably mitigating toxic blooms of cyanotoxins and microcystin pollution in the waters of the state.

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. The Legislature finds and declares all of the
2 following:
- 3 (a) Toxic blooms of cyanobacteria in the waters of the state,
4 including, but not limited to, coastal lakes, estuaries, rivers and
5 streams, wetlands, and inland lakes and reservoirs, represent a
6 threat to water supplies, human health, endangered wildlife, and
7 recreational activities.
- 8 (b) Cyanobacteria are widespread bacteria that are capable of
9 forming toxic blooms and super-blooms in the waters of the state.
- 10 (c) Degradation of watersheds, nutrient loading, increased water
11 diversions, and climate change have been linked to the global
12 expansion of cyanobacterial blooms, with high toxin production
13 noted regularly in lakes, rivers, and other waters of the state.
- 14 (d) The state's waters are especially prone to toxic
15 cyanobacterial blooms due to our warm climate, numerous water
16 diversions, and stressed waterways.
- 17 (e) Cyanobacteria produce potent hepatoxins and neurotoxins,
18 collectively referred to as cyanotoxins. Microcystins are the most
19 commonly found cyanotoxin in the state's impacted waters. Other
20 cyanotoxins, such as the neurotoxins anatoxin-a and saxitoxin, are
21 also present in California's waters, but, at present, little is known
22 about them.
- 23 (f) Cyanotoxins are poisonous to humans, pets, livestock, birds,
24 and other wildlife via ingestion, inhalation, or skin exposure. A

1 single dose of microcystin can cause prolonged toxicity by cycling
2 repeatedly between the liver and intestines.

3 (g) Blooms of microcystins and other toxic cyanobacteria are
4 occurring in waters throughout California, and are threatening our
5 water supply and health. Areas with recurrent and worsening
6 cyanotoxin pollution include the Klamath and Sacramento Rivers,
7 the Sacramento and San Joaquin Rivers (from the Sacramento
8 Delta to San Francisco Bay), and Clear Lake. Pinto Lake, Copco
9 Lake, Iron Gate Reservoir, and three segments of the Klamath
10 River have been listed as impaired due to cyanobacteria. Bird
11 deaths attributed to microcystins have also been reported from the
12 Salton Sea.

13 (h) The Pinto Lake watershed is being evaluated for total
14 maximum daily load (TMDL) regulation for microcystin, and was
15 considered for remediation as an Environmental Protection Agency
16 “superfund” site.

17 (i) California’s southern sea otters, a state and federally listed
18 threatened species, have died from microcystin poisoning. The
19 source of sea otter exposure appears to be
20 microcystin-contaminated freshwater runoff and possibly
21 contaminated prey species.

22 (j) Sea otters and humans eat some of the same marine foods
23 that can concentrate microcystin in body tissues; hence, food safety
24 is a public health concern. Freshwater and marine fish and shellfish
25 have not been routinely tested for cyanotoxins in California and
26 limited diagnostic testing is available.

27 ~~(k) A multidisciplinary “one-health” approach, that considers~~
28 ~~human, animal, and environmental health components, is~~
29 ~~appropriate to evaluate impacts and develop comprehensive~~
30 ~~strategies to prevent cyanotoxin pollution in the waters of the state.~~

31 ~~(l)~~

32 (k) The state needs a coordinated multiagency effort to develop
33 actions and projects that will prevent or mitigate toxic blooms and
34 associated cyanotoxin pollution.

35 SEC. 2. Chapter 10 (commencing with Section 31420) is added
36 to Division 21 of the Public Resources Code, to read:

1 CHAPTER 10. SAFE WATER AND WILDLIFE PROTECTION ACT
2 OF 2015
3

4 31420. This chapter shall be known, and may be cited, as the
5 Safe Water and Wildlife Protection Act of 2015.

6 31421. For purposes of this chapter, the following terms have
7 the following meanings:

8 ~~(a) “One-health approach” means a method of assessment that
9 considers the linked impacts of toxic algal blooms on humans,
10 animals, the ecosystem, and water quality.~~

11 (a) “Board” means the State Water Resources Control Board.

12 (b) “Task Force” means the Algal Bloom Task Force created
13 pursuant to Section 31422.

14 (c) “Waters of the state” means any surface waters in the state,
15 including, but not limited to, coastal lakes, lagoons and estuaries,
16 rivers, streams, inland lakes and reservoirs, and wetlands.

17 ~~31422. The conservancy board shall establish and coordinate
18 the Algal Bloom Task Force, comprised of a representative of each
19 of the State Department of Public Health, the Department of Fish
20 and Wildlife, the Department of Food and Agriculture, the State
21 Water Resources Control Board, conservancy, and other relevant
22 agency representatives, to be determined by the executive officer
23 of the conservancy chairperson of the board, in consultation with
24 the Secretary of the Natural Resources Agency for Environmental
25 Protection. The board may augment an existing taskforce or
26 network to accomplish the requirements of this chapter.~~

27 31423. The functions and duties of the task force include all
28 of the following:

29 (a) Assess and prioritize the actions and research necessary to
30 develop measures that prevent or sustainably mitigate toxic algal
31 blooms in the waters of the state. The assessment shall ~~apply a
32 one-health approach that considers~~ consider the linked impacts of
33 toxic algal blooms and cyanotoxins on human and animal health,
34 as well as in the context of ecosystem health and water quality.

35 (b) Solicit and review proposals from universities, local
36 governments, California Native American tribes, and nonprofit
37 organizations for applied research, projects, and programs that
38 accomplish both of the following:

1 (1) Contribute to development of strategies or implementation
2 of activities that prevent or sustainably mitigate toxic blooms of
3 cyanotoxins and microcystin pollution in the waters of the state.

4 (2) Establish cyanotoxin monitoring programs or develop
5 laboratory capacity for analyzing water samples for cyanotoxin
6 pollution.

7 (c) Provide funding recommendations to the ~~executive officer of~~
8 ~~the conservancy~~ *chairperson of the board* and to the Department
9 of Fish and Wildlife, the Wildlife Conservation Board, ~~and the~~
10 ~~State Water Resources Control Board~~ *the conservancy, other*
11 *members of the task force, and other relevant agency*
12 *representatives* for those proposals for applied research, projects,
13 and programs, described in subdivision (b), that the task force
14 determines will contribute to the development of prevention
15 strategies and sustainable mitigation actions to address toxic
16 blooms of cyanotoxins and microcystin pollution in waters of the
17 state.

18 (d) Review the risks and negative impacts of toxic algal blooms
19 and microcystin pollution on humans, wildlife, fisheries, livestock,
20 pets, and aquatic ecosystems, and develop recommendations for
21 prevention and long-term mitigation. The task force shall submit
22 a summary of its findings based on the review, including its
23 recommendations to the *appropriate policy and fiscal committees*
24 *of the Legislature, the Secretary for Environmental Protection,*
25 *and the Secretary of the Natural Resources Agency* on or before
26 January 1, 2017. The recommendations shall provide guidance on
27 what type of programs or state resources will be required to prevent
28 damaging toxic algal blooms and microcystin pollution in the
29 waters of the state over time.

30 (e) Organize meetings and workshops of experts and
31 stakeholders as needed to implement this section.

32 31424. The conservancy, the Department of Fish and Wildlife,
33 the Wildlife Conservation Board, and the ~~State Water Resources~~
34 ~~Control Board~~, *board*, or any of them, may enter into contracts
35 and provide grants from funds available pursuant to Section 79730
36 of the Water Code for applied research, projects, and programs
37 recommended by the task force pursuant to subdivision (c) of
38 Section 31423.

O