AMENDED IN SENATE JUNE 25, 2015

AMENDED IN SENATE JUNE 11, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

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
(Coauthors: Assembly Members Dodd and Mark Stone)
(Coauthor: Senator Monning)

February 12, 2015

An act to add Chapter 10 (commencing with Section 31420) to Division 21 of, and to repeal Sections 31422 and 31423 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 2016.

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 2016, which would require the 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 for Environmental Protection, and

would prescribe the 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 on or before January 1, 2017. The act would require the task force, before providing funding recommendations or submitting a summary of findings, to notify the public about ongoing activities and provide opportunities for public review and comment on applied research, projects, and programs. 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, upon appropriation, from specified bond funds available under the Water Quality, Supply, and Infrastructure Improvement Act of 2014 or from other appropriate funds 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:

SECTION 1. The Legislature finds and declares all of the following:

(a) Toxic blooms of cyanobacteria in the waters of the state, including, but not limited to, coastal lakes, estuaries, rivers and streams, wetlands, and inland lakes and reservoirs, represent a threat to water supplies, human health, endangered wildlife, and recreational activities.

(b) Cyanobacteria are widespread bacteria that are capable of forming toxic blooms and super-blooms in the waters of the state.

(c) Degradation of watersheds, nutrient loading, increased water diversions, and climate change have been linked to the global expansion of cyanobacterial blooms, with high toxin production noted regularly in lakes, rivers, and other waters of the state.

(d) The state’s waters are especially prone to toxic cyanobacterial blooms due to our warm climate, numerous water diversions, and stressed waterways.

(e) Cyanobacteria produce potent hepatotoxins and neurotoxins, collectively referred to as cyanotoxins. Microcystins are the most commonly found cyanotoxin in the state's impacted waters. Other cyanotoxins, such as the neurotoxins anatoxin-a and saxitoxin, are also present in California's waters, but, at present, little is known about them.

(f) Cyanotoxins are poisonous to humans, pets, livestock, birds, and other wildlife via ingestion, inhalation, or skin exposure. A single dose of microcystin can cause prolonged toxicity by cycling repeatedly between the liver and intestines.

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

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

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

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

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

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

CHAPTER 10. SAFE WATER AND WILDLIFE PROTECTION ACT OF 2016

31420. This chapter shall be known, and may be cited, as the Safe Water and Wildlife Protection Act of 2016.

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

(a) "Board" means the State Water Resources Control Board.

(b) "Task force" means the Algal Bloom Task Force created pursuant to Section 31422.

(c) "Waters of the state" means any surface waters in the state, including, but not limited to, coastal lakes, lagoons and estuaries, rivers, streams, inland lakes and reservoirs, ~~and wetlands.~~ *wetlands, and marine waters.*

31422. (a) The board shall establish and coordinate the Algal Bloom Task Force, comprised of a representative of each of the State Department of Public Health, the Department of Fish and Wildlife, the Department of Food and Agriculture, the conservancy, and other relevant agency representatives, to be determined by the chairperson of the board, in consultation with the Secretary for Environmental Protection. The board may augment an existing task force or network to accomplish the requirements of this chapter.

(b) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

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

(a) Assess and prioritize the actions and research necessary to develop measures that prevent or sustainably mitigate toxic algal blooms in the waters of the state. The assessment shall consider the linked impacts of toxic algal blooms and cyanotoxins on human and animal health, as well as in the context of ecosystem health and water quality.

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

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

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

(c) Provide funding recommendations to the chairperson of the board and to the Department of Fish and Wildlife, the Wildlife Conservation Board, the conservancy, other members of the task force, and other relevant agency representatives for those proposals for applied research, projects, and programs, described in subdivision (b), that the task force determines will contribute to the development of prevention strategies and sustainable mitigation actions to address toxic blooms of cyanotoxins and microcystin pollution in waters of the state.

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

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

(f) Before providing funding recommendations pursuant to subdivision (c), or submitting a summary of findings pursuant to subdivision (d), the task force shall establish a notification procedure and publish notices to inform the public about ongoing activities, and provide opportunities for public review and comment on applied research, projects, and programs solicited pursuant to subdivision (b).

(g) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

31424. The conservancy, the Department of Fish and Wildlife, the Wildlife Conservation Board, and the board, or any of them, may enter into contracts and provide grants, upon appropriation, from funds available pursuant to Section 79730 of the Water Code or from other appropriate funds accessible by any of these departments and agencies for applied research, projects, and programs recommended by the task force pursuant to subdivision (c) of Section 31423.

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