

An act to amend Sections 5093.54 and 5093.545 of the Public Resources Code, relating to rivers.

Wild and scenic rivers: North Fork Cache Creek.

The Wild and Scenic Rivers Act includes specified rivers and segments thereof within the California Wild and Scenic River system, which are subject to various protections under the act.

This bill would include within the system the the North Fork of Cache Creek from one-quarter mile below Indian Valley Dam to its junction with the existing Wild and Scenic portion of the North Fork at the Highway 20 bridge, and would designate various segments as wild, scenic, or recreational.

This bill would require the Secretary of the Resources Agency, on or before January 1, 2011, to evaluate and report to the Legislature on the inclusion of Cache Creek within the system.

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) North Fork Cache Creek contains extraordinary scenic, recreational, fishery, and wildlife values of statewide significance that deserve to be preserved in their free-flowing state for the benefit and enjoyment of the people of this state.

(b) In designating North Fork Cache Creek as a component of the California Wild and Scenic River system, it is the intent of the Legislature that this act will accomplish the preservation of those values without the necessity of having the North Fork of Cache Creek added to the national wild and scenic rivers system (16 U.S.C. Sec. 1271 et seq.).

(c) The designation of North Fork Cache Creek under paragraphs (a) and (b) shall not prejudice, alter, delay, interfere with, or affect in any way, the existing water rights of the Yolo County Flood Control and Water Conservation District, or public water agencies within the North Fork Cache Creek watershed lying in the County of Lake, including the range of operations permitted under these existing water rights; any historic water use practices within existing water rights; or the replacement, maintenance, repair, or future expansion within existing water rights of existing diversion, storage, powerhouse, or conveyance facilities or other works by the Yolo County Flood Control and Water Conservation District or public water agencies within the North Fork Cache Creek watershed lying in the County of Lake.

(d) The designation of Cache Creek under paragraphs (a) and (b) shall not prejudice, alter, delay, interfere with, or affect any changes to the existing water rights of the Yolo County Flood Control and Water Conservation District, including changes to the purpose of use, place of use, points of diversion, quantity of water diverted, or ownership, or applications by the district for new water rights; provided, that the changes or applications do not involve the construction of a dam, reservoir, diversion, or other water impoundment facility within the segments of North Fork Cache Creek designated in paragraphs (a) and (b). Any such change or application shall be subject to all applicable constitutional, statutory, and judicial requirements, including the public trust doctrine.

(e) As the waters of the Cache Creek watershed are the sole source of supply within that watershed for the County of Lake, the designation of North Fork Cache Creek under paragraphs (a) and (b) shall not prejudice, alter, delay, interfere with, or affect any changes to the existing water rights of the public water agencies within the Cache Creek watershed lying in the County of Lake, including changes to the purpose of use, place of use, points of diversion, quantity of water diverted, or ownership, or applications by these agencies for new water rights; provided, that the changes or applications do not involve the construction of a dam, reservoir, diversion, or other water impoundment facility within the segments of North Fork Cache Creek designated in paragraphs (a) and (b). Any such change or application shall be subject to all applicable constitutional, statutory, and judicial requirements, including the public trust doctrine.

(f) (1) The designation of North Fork Cache Creek under paragraphs (a) and (b) shall not impair or affect in any way activities to manage or remove invasive or nonnative plants and animal species.

(2) The designation of North Fork Cache Creek under paragraphs (a) and (b) shall not impair or affect in any way activities to remediate mercury pollution; provided, that this activity does not involve the construction of a dam, reservoir, diversion, or other water impoundment facility within the segments of North Fork Cache Creek designated in paragraphs (a) and (b).

(3) The designation of North Fork Cache Creek under paragraphs (a) and (b) shall not impair or affect in any way activities to protect public health and safety by any means of response whatsoever to either an impending or an actual emergency situation such as a landslide in the North Fork Cache Creek channel..

(g) (1) Neither the Governor nor an employee of a state agency or department shall apply to a secretary, department, agency, or other entity of the federal government for the designation of any portion of North Fork Cache Creek as a component of the national wild and scenic rivers system under the federal Wild and Scenic Rivers Act (16 U.S.C. Sec. 1271 et seq.).

(2) Neither the Governor nor an employee of a state agency or department shall expend funds preparing, filing, or otherwise submitting an application to a secretary, department, or other entity of the federal government for the designation of any portion of North Fork Cache Creek as a component of the national wild and scenic rivers system under the federal Wild and Scenic Rivers Act (16 U.S.C. Sec. 1271 et seq.).