



**FRIENDS
OF THE
RIVER**

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To: Assemblyman Nick Schultz

Re: Sponsorship of AB-43

Friends of the River is a fifty-two-year-old California river conservation group. Since its founding, we have worked to expand awareness of and the reach of the national and state wild & river systems.¹ It has been an honor to work to recognize and protect rivers cherished by so many in this state, the nation, and even the world.

This state's national wild & scenic rivers include some of the state's most iconic rivers, including two rivers that arise within and flow through and out of Yosemite National Park. Presidents Ronald Reagan and George Herbert Walker Bush signed these bills into law to permanently protect these rivers.²

The durability of this protection began to be questioned in 2011–2014 when four bills were introduced in the U.S. House of Representatives to either remove protections from or remove a segment of the Merced national wild and scenic river. Three of those bills passed the House.³ The 2016 election brought into Washington DC an administration whose rhetoric prompted many to question whether federal agencies would continue to discharge their responsibilities under the National Wild & Scenic Rivers Act.

In 2018, in response to these concerns, the California legislature passed and the Governor Jerry Brown signed AB-2570 (Friedman).⁴ This measure empowered the California Natural Resources Secretary to administratively designate national wild & scenic rivers into the state wild & rivers system⁵ if by law or executive order such rivers were no longer being protected from the adverse effects of certain water resources projects covered by the federal statute.

This 2018 precautionary provision of the California Wild & Scenic Rivers Act within the Public Resources Code (PRC §5093.71) has so far never been needed to be implemented. It can be argued that the presence of this code section may have discouraged federal actions that might have triggered its use.

Less fortunately, PRC§5093.71 sunsets at the end of this calendar year. With the results of the 2024 elections, the need for the full reach of this precautionary provision of current law now and in the future has become even more apparent than it was in 2018. Thus, need for the removal of the existing sunset clause. This is accomplished by AB-43. The reasons for this should be obvious to most. Here are some:

- (1) The California Congressional delegation may no longer be in a position to influence Congressional actions affecting California's national wild & scenic rivers.
- (2) On January 24, 2025, the federal Administration released an executive order that, in part, required federal agencies to identify proposed major storage projects in California and "identify any regulatory hurdles that unduly burden each respective water project" and "develop a proposed plan, for review by the Secretaries, to appropriately suspend, revise, or rescind any regulations or procedures that unduly burden such projects..." The order defined "unduly burden" as "to unnecessarily obstruct, delay, curtail, impede or otherwise impose significant costs on the permitting, utilization, transmission, delivery, or supply of water resources and water infrastructure."⁶

At this writing, the scope and resulting implementation plan has yet to emerge, but this is the type of executive order for which the legislature crafted PRC§5093.71.

- (3) There are large uncertainties about whether the federal workforce will be able to carry out the responsibilities assigned to them by the National Wild & Scenic Rivers Act. It is becoming apparent that the Administration hopes to dramatically cut the federal workforce. Firings and reductions in force are already underway. The Administration is also closing federal offices, including those of federal wild & scenic river managers, while at the same time federal staff is being told to no longer work remotely. Chaos reigns.

The state legislature and the Governor can and must rise to the challenge of defending these waterways that are so much part of the country and California's natural heritage. These federal threats are proving to be repetitive and long-lasting. The tools that the state uses to defend these important natural treasures and amenities for Californians need to be durable as well.

Thus, California needs to make the tools that it has fashioned in PRC§5093.71 permanent. We are pleased to sponsor AB 43 to do just that.



Jann Dorman
Executive Director
Friends of the River

¹ <https://www.friendsoftheriver.org/wp-content/uploads/2025/02/2025-2-7-FOR-CAWSRs-ws-river-referenced-memo.pdf>.

² Since the creation of the National Wild & Scenic Rivers Act in 1968, every U.S. President has signed acts of Congress designating national wild & scenic rivers. Every U.S. President or their Secretary of the Interior, with the exception of Richard Nixon, has added one or more California rivers to the national wild & scenic rivers system.

³ <https://www.friendsoftheriver.org/wp-content/uploads/2018/09/Merced-R-ws-threat-fact-sheet-5-9-15-2018.pdf>.

⁴ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2975.

⁵ The California Wild & Scenic Rivers Act was authored by State Senator Peter Behr (R-Marin) and signed into law by California Governor Ronald Reagan.

⁶ <https://www.friendsoftheriver.org/wp-content/uploads/2025/01/2025-1-24-CA-water-fire-presidential-EO.pdf>.