



ASSEMBLYMEMBER – DISTRICT 44

Nick Schultz

AB 43 – State Protection of Federal Wild & Scenic Rivers

Summary:

AB 43 removes the sunset provision in the California Wild and Scenic Rivers Act (PRC § 5093.71) that provides for the administrative inclusion of a federal wild and scenic river in California into the state wild and scenic rivers system if the federal government acts to eliminate federal protection for all or some of the federally protected river. Currently set to expire as of December 31, 2025, elimination of this sunset provision would continue in perpetuity the authority of the California Natural Resources Agency Secretary to add that river to the state system after holding a public hearing about the federal action.

Background:

There are more than 2,404 miles of rivers and streams in California protected in the federal and state wild and scenic rivers systems. The two systems provide similar protection – they prohibit new dams and major diversions on protected river segments, classify segments as wild, scenic, or recreational (based on the level of development at the time of designation), and federal and state agencies are required to protect the free-flowing character and river values of designated rivers and streams.

Since 2011, the House of Representatives has considered legislation to remove federal protection for part of the Merced Wild River to allow for expansion of McClure Reservoir. Not only would the expansion drown more than a mile of this free-flowing river, it would also wipe out most of the existing habitat for the state-protected Merced Canyon salamander. There could be similar proposals to raise dams that would drown portions of other existing National Wild and Scenic Rivers in California, particularly since the Trump Administration has demonstrated a willingness to ignore or weaken environmental laws and regulations pertaining to federal public lands and rivers.

AB 2975 (Friedman 2018) set forth in law the process for the inclusion of a federal wild and scenic river in California into the state wild and scenic rivers system if the federal government acts to eliminate federal protection for all or some of the federally protected river.

Public Resources Code § 5093.71 directs the California Natural Resources Agency Secretary hold a public hearing on the federal action, determine whether to add the river or river segment threatened by the federal action to the state wild and scenic rivers system, and if the river is added to the state system, classify as wild, scenic, or recreational the appropriate river segments. This process sunsets on December 31, 2025.

There are about 819 miles of federally protected wild and scenic rivers in California that are preserved in their free-flowing condition for the benefit and enjoyment of present and future generations. Current law as modified by AB 43 applies to federally protected rivers if Congress or the Trump Administration were to pass legislation or enact an Executive Order to eliminate federal protection from all or a portion of a federal river, or exempt a federally protected river from the provision in the federal act that prohibits new dams and major diversions from designated river segments.

AB 43:

- removes the current sunset provision of Dec. 31, 2025 in PRC 5093.71 and makes permanent the authority of the Secretary to provide state protection for a federally protected wild and scenic river if the federal government acts to eliminate protection for all or part of a federally protected river or acts to exempt the river from the federal provision that prohibits dams or major diversions on protected river segments.

Support:

Friends of the River (sponsor)
CalWILD

Contact:

Jim Metropulos
Office of Assemblymember Nick Schultz
916.319.2044
jim.metropulos@asm.ca.gov